

R E P O R T

FROM

SELECT COMMITTEE

ON THE

SUPPRESSION

OF THE

CALCUTTA JOURNAL;

WITH

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
4 August 1834.*

Mercurii, 4^o die Junii, 1834.

Ordered, THAT a Select Committee be appointed to take into consideration circumstances connected with the Suppression of the *Calcutta Journal*, in the year 1826 and the Loss of Property entailed on Mr. Buckingham in consequence of that measure and to report their Opinion to The House, as to whether any and what Amount of Compensation ought to be awarded to Mr. Buckingham for his Losses on account.

And a Committee is appointed, of—

Mr. Hume.	Colonel Torrens.
Mr. Charles Grant.	Mr. Bernal.
Mr. Williams Wynn.	Mr. Robert Gordon.
Lord John Russell.	Mr. Alderman Thompson.
Lord Granville Somerset.	Mr. Guest.
Lord Viscount Althorp.	Mr. Maxfield.
Mr. Charles Ross.	Mr. Walter.
Mr. Cutlar Fergusson.	Mr. Lambton.
Mr. Abercromby.	Mr. William Gladstone.
Mr. Hughes Hughes.	Mr. Pendarves.
Mr. John Smith.	Mr. Hesketh Fleetwood.
Mr. Keppel.	Mr. Langdale.
Sir Thomas Fremantle.	Mr. Wilks.
Mr. Baines.	Mr. Alexander Baring.
Lord Ashley.	Sir Robert Peel.
Mr. Blake.	Mr. Walker (of Wexford).
Mr. Shaw (of Dublin).	Mr. Stewart Mackenzie.
Sir William Trelawney.	

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 5^o die Junii, 1834.

Ordered, THAT the Petition of James Silk Buckingham, respecting the Liberty of the Press in India, which was presented upon the 9th day of May 1826, together with the Evidence taken before the Committee on the said Petition, be referred to the Select Committee on *Calcutta Journal*.

Veneris, 13^o die Junii, 1834.

Ordered, THAT Mr. Robert Clive and Major Beauclerk be added to the Committee.

Lunæ, 30^o die Junii, 1834.

Ordered, THAT Mr. Abercromby be added to the Committee.

Lunæ, 4^o die Augustii, 1834.

Ordered, THAT the Committee have power to report the Minutes of the Evidence taken before them.

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R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the circumstances connected with the Suppression of the CALCUTTA JOURNAL, in the year 1823, and the Loss of Property entailed on Mr. *Buckingham* in consequence of that measure; and to report their Opinion to The House, as to whether any and what Amount of Compensation ought to be awarded to Mr. *Buckingham* for his Losses on that account; and to whom the Petition of *James Silk Buckingham*, which was presented on the 9th day of May 1826, together with the Minutes of Evidence taken before the Committee on the said Petition, were referred; and who were empowered to report the MINUTES of the EVIDENCE taken before them;—HAVE considered the Matters to them referred, and agreed to the following RESOLUTIONS:

1. *Resolved,*

THAT it appeared to Your Committee, that Mr. *Buckingham* resided in Bengal from the year 1818 to 1823, under a Licence of the East India Company, and was engaged as principal Proprietor and Editor of the *Calcutta Journal*, which was then a highly profitable concern, yielding to himself and the other Proprietors a large annual Income.

2. *Resolved,*

THAT it appeared to Your Committee, that in the year 1823, in the exercise of the discretion vested in the Governor-General, Mr. *Buckingham* was, by the acting Governor-General, ordered to quit India within two months.

3. *Resolved,*

THAT it appeared to Your Committee, that after the departure of Mr. *Buckingham* from India, the *Calcutta Journal* was, by order of the Governor-General, altogether suppressed.

4. *Resolved,*

THAT Your Committee, without impugning the motives which actuated the measures of the Government, feel that those measures have, in their consequences, proved to Mr. *Buckingham* and his family penal to a degree which could not have been contemplated at the time of their adoption.

5. *Resolved,*

THAT Your Committee are therefore of opinion that Compensation ought to be made to Mr. *Buckingham*.

6. *Resolved,*

THAT Your Committee abstain from expressing any opinion as to the Amount of Compensation, in the hope that that subject will be taken into the favourable consideration of the East India Company, and thus the interposition of Parliament, in the next Session, to fix such amount, be rendered unnecessary.

4 August 1834.

A PETITION from *James Silk Buckingham*, respecting LIBERTY of the PRESS.
[Presented 9 May 1826.]

TO the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in
Parliament assembled,

The humble Petition of *James Silk Buckingham* respectfully sheweth,

1. THAT during the greater portion of a life passed in visiting different regions of the world, your petitioner has constantly had the satisfaction to find that the mere circumstance of his being an Englishman gave him a powerful claim to hospitality and protection wherever the British name was known.

2. That the course of events having led your petitioner into Egypt, he was induced, by the earnest entreaties of several British and other European merchants residing in that country, to make a maritime survey of the Red Sea, and proceed, by way of Arabia, to India, for the purpose of encouraging the British merchants there to revive the lucrative commerce which heretofore existed by that ancient route, and supply the shores of the Mediterranean with the inexhaustible productions of the British possessions in the East.

3. That your petitioner having, in the year 1814, arrived at Bombay, and received the most flattering and welcome reception from his countrymen of all ranks and conditions, there for the first time found that his being an Englishman (which had every where else been to him a source of pride and benefit) was now the cause of humiliation and disadvantage; for while individuals of every other nation were permitted, without any express licence, to reside and enjoy security of person and property under the British flag, no Englishman could lawfully set his foot on the soil of this quarter of the British empire without permission first obtained from the East India Directors in England.

4. That your petitioner, not having left England with any intention of visiting India, was unprovided with such licence, and did not therefore attempt to settle and reside in the country; but in the prosecution of his commercial pursuits, your petitioner accepted the command of a large ship trading from Bombay to China, under the authorized protection of the British flag, belonging to the Imaum of Muscat, an independent Arab prince in amity with the British, and then having in his commercial employment several Americans, besides French and other European subjects, who were unmolested in their trading occupations; while your petitioner, being by birth an Englishman, was for this and no other reason, real or alleged, prevented from holding this command, and not merely removed from his ship, but ordered instantly to quit the country.

5. That if your petitioner had suffered this calamity, severely as it has affected all his future prospects in life, in consequence of any misconduct, he should not now have adverted to it as a part of his unhappy history; but at the very moment when this sentence was carrying into execution, the governor, the late Sir Evan Nepean, bore the highest testimony to your petitioner's character, and not only professed himself entirely satisfied with the publicly beneficial nature of your petitioner's pursuits, but, in a correspondence which passed between himself and his chief secretary on this occasion, expressed a hope that your petitioner might, on these grounds, obtain the necessary licence of the East India Company for his return and future residence in their territories.

6. That your petitioner, in consequence of this peremptory order given him to quit India, returned again by way of Arabia to Egypt, and, after a very considerable loss of time and money, succeeded in obtaining the requisite licence of the East India Company to visit their dominions, the only conditions of such licence being, that he should conform himself to all the laws, and regulations having the force and sanction of laws, under such presidencies as he might from time to time reside.

7. That being at length in possession of this licence, your petitioner returned to India, and after relinquishing the command of the ship in which he was reinstated, rather than go on a slave-voyage for her owners, ultimately settled at Calcutta in the year 1818, under the open countenance and protection of the government of the Marquis of Hastings, where he vested progressively a capital of more than 20,000 *l.* sterling in the establishment of a public journal, acknowledged to be lawfully formed and conducted, and permitted, as such, to pay annually a sum equal to more than 4,000 *l.* sterling in postage to the revenue of Bengal.

8. That your petitioner conducted this public journal for a period of five years, without being convicted of any libel, private or public, having been only once prosecuted by indictment of the six Secretaries to Government, for an alleged imputation on their impartiality, and on that occasion unhesitatingly acquitted by a jury composed principally of government dependants, every individual of whom being of British birth, was not merely liable to lose his place, but to be banished without a hearing from the country, for any act that might be displeasing to his superiors; and never having had to pay a farthing of damages either to individuals or to public bodies, though in all actions brought before the Indian courts there are no juries of any kind to protect defendants, the verdict and amount of damages being left entirely to the discretion often of a single judge, who, from his station and habits, may be regarded as one of the members of the government itself, and therefore deeply interested in repressing and punishing even a tendency to undue freedom of discussion.

9. That

9. That besides having the good fortune never to have once incurred the censure of the laws during this long period, in which nearly two million copies of your petitioner's journal were issued and circulated among a community, where almost every reader is a member of the governing body—there not being, probably, ten native Indians in all Bengal who read or understand an English paper—and under so peculiar a state of legal administration, where the bench, the bar and the juries are all so closely interwoven with the Government, as to afford the strongest security for their continual bias towards the support of its interests, your petitioner had also the happiness of enjoying, during the whole of this period, the esteem and confidence of his fellow-countrymen of all classes in India to such a degree, that one hundred of them, including British merchants of the greatest wealth and most unsullied integrity, as well as civil and military functionaries of the highest rank and most unquestionable loyalty, and others having the deepest stake, both as to wealth and reputation, in the security of the established government, evinced their entire approbation of your petitioner's mode of conducting his journal, by consenting, after it had been four years before the Indian public, and its character therefore minutely watched and accurately known, to hold shares in its property to the amount of 10,000 *l.* sterling, in the full confidence of its being safely invested in a legal, an honourable, and a useful undertaking.

10. That in the month of February 1823, soon after the resignation of the Marquis of Hastings, and during the brief interregnum between that resignation and the arrival of his lordship's successor as Governor-general of India, your petitioner received a letter from the chief secretary to government, informing him, that in consequence of his having expressed an opinion on the inappropriateness of a certain appointment of a Presbyterian minister, who was not in the Company's regular service, to an office wholly foreign to his existing pursuits and derogatory to his holy calling, your petitioner had forfeited all claim to the countenance and protection of the government under which he lived, in consequence of which his licence to reside in India was from that moment withdrawn, and he was thence ordered, without a trial or a hearing, to quit the country within a few weeks only from the date of this order, on pain of being seized and transported as a felon in such ship as the Governor-general might choose, although your petitioner had, in the act complained of, disregarded no specific warning, touched no privileged functionary, disobeyed no law, infringed no regulation having the sanction of law, or committed any act of either an illegal, dangerous, or immoral tendency.

11. That your petitioner, untried and innocent as he was, being thus expelled and outlawed by a decree which admitted neither hearing nor appeal, hastened to quit a country in which the mildest exercise of his legal birthright was deemed a crime that unfitted him for further residence among his fellow-countrymen in the east, and embarked with his afflicted family for England.

12. That your petitioner firmly believing, in common with all those who had invested their property with him in this joint undertaking, that he would be permitted to return again to India, when the severe punishment already inflicted on him by this act of banishment should have expiated his supposed offence, was induced to leave behind him the whole of his large and valuable property, the accumulated earnings of years of anxious labour, and the only source on which he could rely for the future subsistence of himself and children, in the confident assurance, that although he being an Englishman, had been thus suddenly removed from the superintendence of his own affairs, the individuals in whose charge he left them not being liable to this sudden removal, would be amenable for their conduct to a court of justice only, and his property in their hands be safe from violation and destruction.

13. That in this hope, however, your petitioner was grievously disappointed; for, notwithstanding the unanimous concurrence of the public authorities in England in the justness of the objections urged by him to the appointment of the Presbyterian minister in India, and their immediate orders to remove the individual from his office, which have since been put into execution, your petitioner was still punished with the most unrelenting severity, for merely presuming to anticipate their decision, and every application made by him for leave to return to his property, his friends, and his pursuits in India, was invariably rejected, without any reason being assigned for these repeated denials of so humble and reasonable a request.

14. That your petitioner further found, to his extreme sorrow and dismay, that the Indian government, not content with banishing him from the country, had taken advantage of their great power, first to pass and register the regulation for a pretended disregard of which your petitioner was banished *before* it had the force or sanction of law: next, to make another regulation, placing every press in India under a licence revocable at pleasure: and lastly, notwithstanding the solemn assurance of the chief justice of the King's Court, Sir Francis Macnaghten, that the property vested in existing journals should be respected, and that without a guarantee from the Indian government to this effect he would not have given their regulation the force of law by registering it in the Supreme Court, proceeding in utter disregard of this solemn and public pledge, to carry into effect a series of consecutive measures, by which the whole of the property left by your petitioner in India, in this supposed security, has been swept away.

15. That the most valuable portion of this, the copyright of the "Calcutta Journal" was actually taken from your petitioner and his co-proprietors, without any consideration being tendered for the same, and then presented as a free gift to the son-in-law of one of the members of the very government under which this extraordinary transfer of property

took place: the government having previously decreed, that so long as any portion of the property thus transferred should belong to your petitioner, though he was absent at the distance of thousands of miles, and could not possibly influence its management, or indeed, so long as he or any of the 100 English gentlemen of wealth and character who held shares in his journal had any property whatever, even in the types, presses, or other materials of printing, no licence should be granted for their use, and no benefit be received from them by their lawful owners, though they were subsequently permitted to be used by the favoured individual adverted to, for his own sole and exclusive advantage.

16. That in consequence of these measures, the ruin of your petitioner has been so completely and entirely effected, that instead of being possessed of an income of 8,000 *l.* sterling per annum, from a property of the saleable value of 40,000 *l.*, which he enjoyed at the period of his banishment from India, he has been utterly deprived of both income and capital, and is moreover now involved in debts to the extent of at least 10,000 *l.* more, from the measures pursued towards his property in his absence, and against which no foresight on his part could possibly have provided.

17. That on hearing of this dreadful calamity, which threatened to plunge your petitioner and his family into irretrievable misery, he again solicited the Court of Directors for leave to return to India, for ever so short a period, to be named by themselves, merely to gather up the wreck of his scattered and ruined property, and to prevent the further accumulation of debts which it might take him a whole life to repay; when this permission was also denied, without any reason being assigned for so unexpected a rejection of this last hope of saving himself from inevitable destruction.

18. That your petitioner, desiring to pursue only the fair and legal modes of remedy which were supposed to be open to him, has never once resorted to clamour or to factious proceedings of any kind, in all the attempts he has made to obtain redress; that though goaded to the very brink of despair, he has never written any but the most humble and respectful memorials to the Indian authorities, and has submitted the public discussion of his case to the advocacy of others, rather than trust his own feelings in the expression or delivery of his appeal to those from whom he had hoped for sympathy and relief. But that all this caution and consideration has availed him nothing, as he now finds himself more severely punished for the exercise of an universally acknowledged virtue than he could possibly have been by any law for the commission of the greater offences; for that even a sentence of solitary imprisonment for seven years, heavy as such a punishment may seem, for merely venturing to question the propriety of an appointment, no sooner heard of in England than it was annulled, would have been to him a less grievous infliction of evil, as he might have survived such an incarceration, and passed the remainder of his life in enjoyment and repose; and had he even expired in a dungeon, he might have died with the consolation of knowing that his family and children would have enjoyed the property he had so hardly earned; whereas he has now the additional agony of having his existence prolonged, to witness not only his own destitution, but the total destruction of all their infant hopes, doomed, as they now are, to be made sufferers through life, for the supposed errors of their parent, and on his account to be cast upon the world in a condition which he can never contemplate without horror.

19. That all other means of redress having been tried in vain, his prayers rejected, and his hopes continually ending in bitter disappointment, your petitioner now approaches your Honourable House, imploring them to take his unhappy case into their earliest consideration, and to afford him such relief as to their wisdom may seem meet; in the humble but earnest hope, that they cannot behold with indifference the utter ruin of an innocent fellow-subject, without that protection of trial before punishment, which is not denied to the most abandoned criminals in this and every other civilized country of the earth.

And your petitioner, as in duty bound, will ever pray.

MINUTES OF EVIDENCE.

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A P P E N D I X.

I.

COPY of the LICENCE under which *James Silk Buckingham* was residing at *Calcutta* in the Year 1818.

Recital of the party's application for leave to go India as a free-mariner.

He covenants.

To submit himself to the regulation of the Local Government there.

Not to trade contrary to law.

To make satisfaction to natives or foreigners, and native states, for oppression, wrong and offences.

Not to quit India without leave, and to satisfy all debts to the Company, natives and foreigners, before departure.

THIS INDENTURE, made the 19th day of October 1818, between the United Company of Merchants of England trading to the East Indies of the one part, and James S. Buckingham of the other part, Witnesseth, that, at the request of James S. Buckingham, the said United Company have given and granted, and by these presents do give and grant, full and free licence, power and authority unto the said James S. Buckingham, during the pleasure of the said Company, and until this licence shall be revoked by the said Company, or their Court of Directors, or the Governor-general, or Governor or other chief officers of the said Company at any of their presidencies, settlements or factories, having lawful authority for that purpose, to proceed to the East Indies and parts within the limits of the said Company's charter, as a free mariner, there to continue and provide for himself in the seafaring way, subject to all such provisions and restrictions as are now or hereafter may be in force with regard to persons residing in India, and also subject to the covenants and agreements of the said James S. Buckingham hereinafter mentioned. Provided always, and these presents are upon this express condition, that in case of breach or non-observance of any of the provisions, restrictions, covenants or agreements subject to which this licence is granted, on the part of the said James S. Buckingham to be observed and performed, then and from thenceforth the licence hereby granted shall be and become absolutely null and void and of no force or effect whatsoever, and the said James S. Buckingham shall be deemed and taken to be a person and being in the East Indies without any licence or authority for that purpose. And the said James S. Buckingham for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree with and to the said United Company, in manner and form following, that is to say: First, That he the said James S. Buckingham, from the time of his arrival at either of the presidencies of the said United Company in the East Indies, shall and will behave and conduct himself, from time to time and in all respects, conformably to all such rules and regulations as now are or hereafter may be in force at such presidency, or at any other presidency in the East Indies where he the said James S. Buckingham may happen to be, and which shall be applicable to him or his conduct, and which he ought to obey, observe and conform to. Secondly, That he the said James S. Buckingham shall not nor will, by himself, or in partnership with any other person or persons, or by the agency of any other person or persons, either as principal, factor or agent, directly or indirectly engage, carry on or be concerned in any trade, bank, dealings or transactions whatsoever, contrary to law. Thirdly, And that in case the said James S. Buckingham shall be guilty of any violence, oppression or wrong to any person or persons not being an European born subject, or European born subjects of His Majesty, his heirs or successors, or shall commit any offence against any king, prince, government, state or nation within the limits of the said Company's charter, or shall be charged with any such violence, oppression, wrong or offence, then and in such case the said James S. Buckingham shall and will submit himself therein, in all things, to the decision of the said United Company, or their Court of Directors, or of the Governor-general, or Governor in Council, or chief officers of any of the presidencies, settlements or factories of the said Company, if they or any of them shall see fit to interfere therein; and that he the said James S. Buckingham, his executors or administrators, shall and will pay and make good all such sum and sums of money, and do and perform all such acts, matters and things whatsoever, as a reparation of the injury which he shall have occasioned, or the offence he shall have given, as he shall be required by any such decision to pay, make good, do or perform; and in failure thereof, it shall be lawful to and for the said Company, or their Court of Directors, or any of their agents, to pay, or cause the same to be paid, made good, done and performed, and thereupon the said James S. Buckingham, his executors or administrators, shall and will reimburse to the said Company, their successors or assigns, all such sum or sums of money as shall be so paid, and all costs, charges and expenses which may be incurred thereby. Fourthly, And that before he, the said James S. Buckingham, shall return to Europe, or remove from, quit or leave the East Indies, he, the said James S. Buckingham, shall and will pay and satisfy and perform all such debts, sums of money, duties and engagements, as he shall owe or be liable to perform to the said Company, or any person or persons not being an European born subject, or European born subjects of His Majesty, his heirs or successors, or for any injury or offence he may have done or committed, as hereinbefore mentioned; and that in case of any breach of this covenant, he, the said James S. Buckingham, shall and will pay unto the said Company and their successors, for the damages in respect of the breach thereof, such sum of money as he shall have owed, and which he shall have omitted to pay, as hereinbefore mentioned, or such sum of money as shall be equal to the damage actually sustained by any person or persons, by breach or non-performance of any duty or engagement which, under the

covenant

covenant hereinbefore contained, he ought to have satisfied or performed, before such return or removal, to the end that the said Company, if they shall see fit, may pay over such damages to the creditor or creditors, or injured party or parties, for his, her or their own benefit, or may apply them for any other purpose, or keep them for the use of the said Company, their successors or assigns. In witness whereof, to one part of these indentures the said United Company have caused their common seal to be affixed, and to the other part thereof the said James S. Buckingham has set his hand and seal, the day and year above written.

(signed) *James S. Buckingham.*

Sealed and delivered at Calcutta, in Bengal, in the presence of

(signed) *H. W. Poe,*
Attorney to the Honourable Company.

II.

COPY of all CORRESPONDENCE which took place between the Government of *Bengal* and Mr. *Buckingham*, relating to the Conduct of the *Calcutta Journal*, and to the Revocation of Mr. *Buckingham's* LICENCE.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 2d October 1818.

No. 1.—Mr. *J. S. Buckingham* to *John Adam*, Esq., Chief Secretary to Government.

Sir,

BEING about to establish a new Journal, the extensive circulation of which will, I presume to hope, be productive of public convenience and utility, and being desirous of submitting a prospectus of the same to the heads of the different departments in the principal stations throughout India, I have to beg that you will solicit for me from the Governor-general in Council the privilege of being allowed to transmit this prospectus, free of postage, to such stations.

My claim is made on no other foundation than the known disposition of the Government to afford every facility to useful undertakings; and the belief that this will deserve to be so classed, I indulge the hope that an exemption from postage will be granted to me for the first number only, which, being to be submitted as a specimen, will be distributed gratis.

26 Sept. 1818.

I have, &c.
(signed) *J. S. Buckingham.*

No. 2.—To Mr. *Buckingham*.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and to inform you that the Governor-general in Council has been pleased to comply with your application, that the first number of the new Journal which you are about to establish at this presidency may be passed to the principal stations throughout India, subject to the Honourable Company's authority, free of postage.

The necessary orders will accordingly be issued to the postmaster-general.

Council-chamber, }
26 Sept. 1818. }

I have, &c.
(signed) *C. Lushington,*
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 25th June 1819.

No. 4.—To Mr. *Buckingham*, Editor of the *Calcutta Journal*.

Sir,

THE attention of Government having been drawn by certain paragraphs published in the *Calcutta Journal* of Wednesday, the 26th ultimo, I am directed by his Excellency the most noble the Governor-general in Council to communicate to you the following remarks regarding them.

2. The paragraphs in question are as follows:

“ Madras. We have received a letter from Madras of the 10th instant, written on deep black-edged mourning post of considerable breadth, and apparently made for the occasion, communicating, as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliott's being confirmed in the government of that presidency for three years longer.

“ It is regarded at Madras as a public calamity, and we fear that it will be viewed in no other light throughout India generally. An anecdote is mentioned in the same letter, regarding the exercise of the censorship of the press, which is worthy of being recorded, as a fact illustrative of the callosity to which the human heart may arrive; and it may be useful, humiliating as it is to the pride of our species, to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at.

“ It will be in the recollection of our readers, that a very beautiful and pathetic letter from

from the late lamented Princess Charlotte to her mother, written just previous to her death, was printed in the Calcutta Journal about a month ago. This was as much admired at Madras as it had been here; and the editors of the public prints there, very laudably desiring to add every possible interest to their columns, had inserted this letter, but it was struck out by the pen of the censor (whom the public of course exonerate, since it is known to all by whom it is necessarily directed), and the only reason that could be assigned for its suppression, was that it placed the character of the Princess Charlotte, and her attachment to her mother, in too amiable a light, and tended to criminate by inference those who were accessory to their unnatural separation, of which party the friends of the director of the censor of the press unfortunately were."

3. The Governor-general in Council observes, that this publication is a wanton attack upon the Governor of the presidency of Fort St. George, in which his continuance in office is represented as a public calamity, and his conduct in administration asserted to be governed by despotic principles and influenced by unworthy motives.

4. The Governor-general in Council refrains from enlarging upon the injurious effects which publications of such a nature are calculated to produce in the due administration of the affairs of this country. It is sufficient to inform you, that he considers the paragraphs above quoted to be highly offensive and objectionable in themselves, and to amount to a violation of the obvious spirit of the instructions communicated to the editors of newspapers at the period when this Government was pleased to permit the publication of newspapers, without subjecting them to the previous revision of the officers of Government.

5. The Governor-general in Council regrets to observe that this is not the only instance in which the Calcutta Journal has contained publications at variance with the spirit of the instructions above referred to. On the present occasion, the Governor-general in Council does not propose to exercise the powers vested in him by law; but I am directed to acquaint you, that by any repetition of a similar offence you will be considered to have forfeited all claim to the countenance and protection of this Government, and will subject yourself to be proceeded against under the 36th section of the 53d Geo. 3, c. 155.

I am, &c.

Council-chamber, }
18 June 1819. }

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 6.—Mr. *J. S. Buckingham* to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant, expressing the displeasure of the Governor-general in Council at the publication of certain paragraphs in the Calcutta Journal of the 26th ultimo, reflecting on the character of Mr. Elliot in his public capacity as governor of Madras.

I shall not presume to intrude on the notice of his Lordship in Council any observations tending to the extenuation of my conduct in this or in any previous instance, as departing from the spirit of the instructions issued to the editors of the public journals in India at the period they were exempted from the necessity of previously submitting their publications to the revision of the Secretary to Government.

I shall rather confine myself to observing, that I sincerely regret my having given cause to his Lordship in Council to express his displeasure, and the more so, as there is not an individual among the numerous subjects under his benign government, who is more sensible than myself of the unprecedented liberality which has marked his Lordship's administration in general, and the immense obligation which all the friends of the press owe to the measure of the revised regulation in particular.

The very marked indulgence which his Lordship in Council is pleased to exercise towards me, in remitting on this occasion the exercise of the powers vested in him by law, will operate as an additional incentive to my future observance of the spirit of the instructions issued before the commencement of the Calcutta Journal to the editors of the public prints of India in August 1818, of which I am now fully informed, and which I shall henceforth make my guide.

I have, &c.

Calcutta, 22 June 1819.

(signed) *James S. Buckingham.*

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th February 1820.

THE following Correspondence with Mr. Buckingham, the editor of the Calcutta Journal, and the Minute of Mr. Adam on the subject, having been received from the chief secretary's office, are ordered to be here recorded.

No. 1.—To Mr. *Buckingham*, Editor of the Calcutta Journal.

Sir,

THE tenor of certain observations contained in the Calcutta Journal of yesterday's date, under the head of a notice "To Subscribers under the Madras Presidency," has appeared to his Excellency the most noble the Governor-general in Council to be so highly improper as to call for immediate notice from this Government.

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2. The observations alluded to are clearly intended to convey the impression that the government of Fort St. George had taken measures to impede the circulation of the Calcutta Journal, which measures were unjust in themselves and originated in improper motives.

3. The measures of the Madras government to which you allude, appear to be those adopted for the purpose of levying the usual postage to which the Calcutta Journal as well as other newspapers are subjected within the territories immediately subordinate to that presidency.

4. Under the arrangement sanctioned by Government on the 27th of August last, the Calcutta Journal was allowed to circulate to all stations to which the post-office regulations of this presidency extend, free of nominal postage, and you were distinctly apprized by Mr. Secretary Lushington's letter of the 26th November, that the engagements into which you had entered at the post-office at this presidency did not apply beyond the limits in question, and that this Government could not interfere with respect to any charges on the transmission of your papers beyond those limits.

5. Your remarks on the proceedings of the government of Fort St. George are obviously in violation of the spirit of those rules to which your particular attention, as the editor of the Calcutta Journal, has been before called, and the unfounded insinuations conveyed in those remarks greatly aggravate the impropriety of your conduct on this occasion.

6. The Governor-general in Council has perceived with regret the little impression made on you by the indulgence you have already experienced, and I am directed to warn you of the certain consequence of your again incurring the displeasure of Government. In the present instance his Lordship will content himself with requiring that a distinct acknowledgment of the impropriety of your conduct, and a full and sufficient apology to the government of Fort St. George, for the injurious insinuations inserted in your paper of yesterday, with regard to the conduct of that government, be published in the Calcutta Journal.

7. You are further required to transmit the draft of such acknowledgment and apology to the chief secretary's office, within the period of three days from the receipt of this letter.

8. If it should be considered sufficiently satisfactory, it will be returned to you for publication, but if not, such further communication will be made to you on the subject as the Governor-general in Council may be pleased to direct.

General Department, }
12 January 1820. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

No. 2.—Mr. J. S. Buckingham, Office of the Calcutta Journal, 16th January 1820,
to W. B. Bayley, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, communicating to me the displeasure of his Excellency the most noble the Governor-general in Council, at the tenor of certain observations contained in the Calcutta Journal of the preceding day, under the head of a notice to subscribers under the Madras presidency.

2. In reply to this communication, I have first to express my sincere and deep regret, that any act of mine should appear to his Excellency to require the notice of this Government, and still more so, that such an act should have arisen from the exercise of my labours as director of a public press, inasmuch as I can safely and solemnly aver, that no man can feel more grateful to his Excellency for the indulgent liberality which he has always shown to the exercise of those privileges given to us by his removal of the restrictions which formerly bound it, than myself, and that no man would feel more sorrow at any undue infringement of that liberality, or any real abuse of the powers thus vested in the editors of public journals, than I should do.

3. I have too firm a reliance on his Lordship's impartiality and too great a confidence in his justice, not to hope, however, that he will condescend to hear what I have to offer in explanation, however tedious the detail into which it may lead me; and I shall await the issue of his Excellency's decision with that obedience to his authority which all men ought cheerfully to pay to a power so equitably exercised.

4. When on a former occasion my attention was called to the restrictions or regulations of August 1818, which were issued for the guidance of the editors of newspapers here, I promised a compliance with them in my future labours, and as long as I considered them to be in force, I did accordingly make the spirit of them the rule of my conduct. On the subsequent occasion, however, of an address being presented to his Excellency the Governor-general, from the inhabitants of Madras, I heard with pleasure the explanation which his Lordship then offered to the world for the removal of the restrictions from the Indian press, and as this was an avowal of the motives by which an act of his Lordship in Council had been guided, as it emanated from the illustrious head of the Government himself, and as it was long subsequent in date to the restrictions of 1818, I conceived that by this solemn and public declaration, the letter of those restrictions was virtually abrogated, as it appeared to my erring judgment, in common with many others, that the sentiments there expressed and the prohibitions which were formerly in force, were wholly incompatible and could not simultaneously exist.

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5. This conviction was strengthened when I saw around me every day a constant violation of those very restrictions of 1818, in the Gazette of the Government itself, in which were re-published from the English papers—

1st. Animadversions on the conduct of the Court of Directors and other public authorities in England, connected with the government of India;

2dly. Discussions on the religious opinions and observances of the natives of India, originating in this country, as well as reports of the measures taken in England for the dissemination of Christianity among the subjects of our Indian empire; and,

3dly. Personal remarks on individuals not only tending to but actually creating great dissension in society, which include all the points expressly prohibited by the restrictions of August 1818, and which were repeated, week after week, without interruption.

6. I accordingly published the remarks of others, and frequently added my own, on the measures of Government in all its departments, civil, military and marine, the result of which was to extend the admiration of its policy to every corner of the British empire in India; and never was the maxim which the Governor-general had pronounced, of "governments which had nothing to disguise, wielding the most powerful instrument that can appertain to sovereign rule, and carrying with them the united reliance and effort of the whole mass of the governed," more fully evinced than in the general sense and feeling of the whole community of India, on those parts of his Lordship's administration thus made the subject of that public scrutiny which we had so magnanimously invited.

7. Every thing tended to confirm me in my opinion, that I had right interpreted the wishes and sentiments of the Governor-general on this important subject, and scarcely a day passed without my breaking the letter of those regulations, which I conceived to have no longer an existence. I contended openly and honestly that the press was free; and when the restrictions of August 1818 were pointed out by the editors of some other papers of the presidency, I opposed to them the more recent and equally high authority of the manifesto of July 1819; I gave publicity to the opinion of one of the first lawyers of the settlement, that the restrictions were illegal. I repeated the sentiments of Englishmen from the very heart of the interior of India, and the sentiments of public writers in England, that Lord Hastings had, by his emancipation of the press, conferred a boon on his fellow-subjects here, which surpassed in value all that had before been granted to them by any ruler in whose hands their destinies had hitherto been placed. And as all this stood uncontradicted, I conceived for myself, in common apparently with Mr. Fergusson and many others, that the press of India was subject only to those laws which regulate it in England, and that it was amenable only to the local authority, inasmuch as that was the executive of the British laws in India.

8. In the exercise of this freedom, I ventured to call in question the policy and the liberality of the Court of Directors in some of its former, and still more of its recent acts, as applied to the immediate administration of Lord Hastings himself. I hesitated not to speak, as Englishmen would do at home, on all the passing events of the times, from whatever source they emanated, with that freedom which had only truth for its limits, and the honest intention of public good for its end. The conduct of the Bombay government, or of its public officers, on the occasion of its first expedition to the Persian Gulf; the defects of the equipment of its second and now pending armament; the publication of the entire report of the meeting at Madras convened to consider of the address to Lord Hastings, which was not suffered to be published at that presidency, but which was reprinted afterwards by the Government Gazette here; and, in short, topics that would be too numerous and too tedious for me to detail, but which must be in the recollection of all persons by whom the Calcutta Journal has been read, were all touched on with freedom.

9. This, however, is a topic which it may be improper for me to enlarge on; and when I proceed to an explanation of the immediate cause of the remarks published in the Calcutta Journal, which have occasioned your present demand for a retraction and apology, I have only to beg that you will entreat the patient attention of his Lordship in Council to what I have to offer on that head. I regret the length of the detail into which it may lead me; but when the ends of justice are to be promoted, I confidently rely on his Lordship's indulgence and impartiality for a hearing.

10. On the 27th of August 1819, his Lordship in Council was pleased to sanction an arrangement for my payment into the post-office of this presidency a monthly sum, in consideration of which the Calcutta Journal was to be guaranteed to pass free to all the stations to which the post-office regulations of this presidency extended, the amount of which sum was to be computed according to the actual postage due on the numbers of the Calcutta Journal that had been dispatched from the general post-office here within the same month, namely, August 1819.

11. Mr. Hall, the late postmaster-general, was instructed to carry this arrangement into effect, and in the first interview which I had with him on this subject, he himself gave me the option of two modes of forming the computation of the monthly sum to be paid. One of these was to have the postage calculated from Calcutta to certain limits where the post-offices of the other presidencies commenced, and to have the papers marked paid to those limits only, leaving the postage beyond them to be paid by the persons to whom they were addressed; the other mode was, to have the computation made according to the amount of the whole postage due on the papers from Calcutta to their separate ultimate destinations, and on payment of this sum to have them stamped "Full Post paid," which would ensure their free passage without further impost all the way.

12. As the great object that I wished to accomplish was an equalization of price, and a uniformity of system for the transmission of the journal all over India, I preferred the latter mode, though to me by far the most expensive. I distinctly asked, however, whether the post-office regulations of this presidency, which was marked in the contract as the limit of my privilege, did extend to the receiving postage for letters to any part of India, and guaranteeing them free and without charge to wherever they might be addressed, and Mr. Hall satisfied me that they did, by showing me the post-office registers, in which letters and papers were entered for places under the respective governments of Bombay, Madras and Ceylon, the postage of which being paid here guaranteed their free passage all the way, to whatever places they might be addressed; and these same registers proved also that a reciprocity of system existed under those governments with regard to the transmission of letters to places under this presidency; as every dawk brought letters from Ceylon, Madras and Bombay, the postage of which was paid at those respective places, and they reached the post-office here, marked "post paid," without having borne any additional impost at any intermediate station, or without being subject to any additional charge on their delivery here. It was clear therefore to us both, that as far as the receipt of postage on the papers, and their free transmission to their ultimate destination was concerned, the post-office regulations of this presidency extended all over the British possessions in India, either by law or by custom, and mutual convenience, for this at least was the practice, and it seemed so clear both to the postmaster-general and myself, that we did not deem a reference to the Government necessary, but fixed the computation of the monthly sum on this principle, and executed the bond for the amount conjointly in this belief and impression.

13. The full postage on the papers was then actually paid by me in this contract, and they were marked as all letters and papers so paid are marked, with the post-office stamp, "full post paid," and dispatched accordingly. At first, for a period of about a month, as nearly as I can collect from the letters of different correspondents under the Madras presidency, they were allowed to pass free to Madras, but postage from Madras to stations beyond it under that presidency was charged to the persons to whom they were addressed. Even in this, however, there was a distinct acknowledgment of the principle and practice that the mark of "full post paid" should guarantee any letter or paper to its ultimate destination, for in a letter of Mr. Sherson, the postmaster-general at Madras, addressed to John Babington, Esq. Calicut, dated 6th December 1819 (attested copies of which I have been furnished with), the charge of postage from Madras to places beyond it is thus explained: Mr. Sherson says, "In reply to your letter of the 28th ultimo, I beg to state, that the Calcutta Journals from the 1st September last, although marked on the envelope 'full post paid,' are inserted in the lists which accompany the mails from Calcutta, as paid to Madras only, consequently the additional postage from Madras to their destination was charged agreeably to the regulations until the 21st of October."

14. Here, then, was a distinct acknowledgment, that but for the manner of registry in a list, of which of course I could know nothing, the papers would have gone all the way free, on the same authority as they reached Madras free, namely, that they were marked "full post paid." Through whose mistake this entry was made in the post-office list, differing from the stamp on the envelope, and thus subjecting my subscribers to such loss as this distinction created, I did not inquire; but having learnt that this was the case from private letters long before the copies of Mr. Sherson's correspondence reached me, I had applied to Mr. Hall, to represent the irregularity of such a step as charging postage within the Madras territory, when I had already paid the full postage here. Mr. Hall saw and confessed the injustice of this charge, and immediately dispatched a letter to Mr. Sherson, saying that the full postage had been paid on all the Calcutta Journals sent from hence, and adding, that the regulations of the post-office of this presidency empowered him to guarantee for this equivalent their free passage all the way.

15. This letter reached the postmaster-general at Madras on the 21st October, the date which he fixed in his letter to Mr. Babington, up to which period the postage from Madras to Calicut had been paid; and in the same letter he says, "but in consequence of a recent communication from the postmaster-general at Calcutta, the charging of inland postage on the Calcutta Journals transmitted from this office to out-stations ceased on the 26th of October." This was a still more distinct acknowledgment of the principle that the post-office regulations of this presidency did extend to all places under the British government, as far as the receipt of money and free transmission was concerned, and it was thought so by the government of Madras, as well as by the postmasters of that presidency, since this practice of suffering it to go free, because marked "full post paid," continued with the consent of the Madras government, for a period of a month, at the end of which, on the 26th of November, an impost was ordered to be put on it, not from Madras to the stations beyond it, in consequence of any difference between the post-office lists and the stamps on the covers as before, but from Ganjam to Madras and onward, although the full postage continued to be paid monthly by me here, and the same post-office stamp was affixed as usual.

16. At the same time that these charges were made on the transmission of the Calcutta Journal, other papers and letters, marked exactly in the same way, were suffered to go free, both from Calcutta to Madras, and from stations under that presidency to Calcutta. It was impossible for me not to regard this apparently partial application of a rule to my papers which did not apply to other covers going in the same way, otherwise than as a marked distinction; and as I had the strongest reason to know that the Calcutta Journal

had become particularly obnoxious to that government from my publication of the report of the Madras meeting to address Lord Hastings on courts-martial, in which officers arrested on certain charges had been honourably acquitted, and many other documents which had not been allowed publication at Madras, while private letters, which I could not be permitted to cite in evidence, confirmed me in that opinion; I could not otherwise account for the application of an impediment to the passage of the Calcutta Journal through the Madras territories, which was not applied to any other description of correspondence transmitted by the same dawk.

17. On my application to Mr. Hall, the late postmaster-general, to understand distinctly how these apparent inconsistencies were to be explained, he stated to me, that Mr. Secretary Lushington had communicated to him, that he had misconceived the intentions of the Government, which were, that the papers should go free to Ganjam only, and be paid for by me thus far. As I had no wish to oppose the authority of Government, and no reason to dispute its intentions, I readily assented to this (to me) new interpretation of the contract, as far as it applied to the future transmission of the Journal, and the Government in justice as readily granted me a proportionate deduction of the sum that had been entered in the monthly computation for postage to all places beyond it, while the papers were to be marked in future "Free to Ganjam only." But as this could take no retrospective effect, I became subjected to a heavy loss, in being obliged to refund to my subscribers all the sums they had paid for postage beyond Ganjam, as I had guaranteed the free postage of the journal to them for a certain sum; besides which, many of the papers were refused to be taken in by the persons to whom they were addressed, in consequence of this additional charge of postage; so that they were returned to me, bearing double postage, from Madras and elsewhere, by which I was compelled to pay the postage on them three distinct times; first, in the estimate of the contract; secondly, in the passage from Ganjam to their original destination; and, thirdly, the whole of the way from thence back again to Calcutta, without my being able to demand any thing from the subscriber who had declined taking it in, and without the paper being of any value to me when returned.

18. All this was unquestionably an aggravation of evils to which I alone was subject, and, as it appeared to me, without just cause; for although the last and most decided interpretation of the Government here had fixed that the paper should go free to Ganjam only, and be so marked, yet the Madras government or postmaster, who would be justified in exacting a postage on it when marked free only to that place, were not so justified, as it appeared to me, in making this exaction when it was marked "full post paid," and when other covers bearing the same mark were not subject to the same rule. To add to these heavy losses, the application of the rule as it now stands, namely, the payment of a postage beyond Ganjam by the subscribers, has already lost me many, and will probably occasion me the loss of many more subscribers to the paper beyond that place, and thus subject me to a still further monthly loss during all the time that the contract may continue in force; as whether I dispatch my usual number of papers, or only one to a station under that presidency, the full amount of the monthly contract, including the postage from hence to Ganjam, must be paid by me. The loss has perhaps already equalled 5,000 rupees; but the far greater evil is, its breaking up and destroying entirely a system of uniformity, from which I had counted on certain permanent results in extending the circulation of the paper all over India, and in being thus enabled to obtain a remuneration at some future time for the risk and expense incurred to effect that object, the hope of which, if the Government still continue to give the contract its present interpretation, is thus entirely destroyed.

19. I am aware that governments cannot enter into the feelings of individuals, or take their private sufferings into account in their decisions on their public rights or wrongs; but when it is considered that by an unaccountably varying application of a rule from a certain branch of the Madras government towards myself, all the hopes that I had founded on what I had good grounds for conceiving a just interpretation of my contract with the Government here, namely, the extension of its authority to guarantee the free postage of letters or papers paid for here all over India, are overturned in that quarter, I shall, I hope, be forgiven at least for having felt very sensibly, however indiscreet I might have been in giving publicity to the expression of those feelings.

20. In communicating these changes, and the steps that had been taken by the Madras government to demand from my subscribers the postage on the journal from Ganjam, as well as the arrangement made by me to render it less inconvenient to them, by taking on my own hands all the present, and a still greater future loss, I simply stated that measures had been taken by the Madras government to impede its circulation, by which I meant the levying the postage on it while marked "full post paid;" and added my belief, that they would, no doubt, have formed a correct opinion as to the motives in which these measures had originated, leaving that entirely to their own construction. Neither in the statement of this fact, nor in the expression which follows it, can I therefore see anything which I could honestly express a sense of impropriety in having used.

21. In stating that my desire to extend the circulation of my paper rose in proportion to the obstacles opposed to it, I only gave utterance to a feeling which has actuated me from the first hour of my public labours up to the present; and in saying that discussions were to be met with in this paper on topics that were seldom touched on in other Indian prints, I mentioned a fact so notorious, that it would be the grossest violation of truth to deny it.

22. The next paragraph of my "Notice to Subscribers under the Madras Presidency," which speaks of the sacrifice I had determined to make, and calls the postage from Ganjam to Madras "a tax levied by order of the Madras government," contains nothing which in my estimation could offend, without a great misconstruction of its meaning. Of my own sacrifices, of course I may be at all times permitted to speak or to be silent; but when I spoke of "a tax," I meant simply the postage, and in saying it was "levied by order of the Madras government," I meant that it was actually charged on the Calcutta Journals by some branch of that government, whether subordinate or otherwise, it was impossible for me to say, although the full postage of those papers had already been paid here. This is also a fact, which, as I could substantiate, it would be a dereliction of my duty to deny.

23. In saying that I was willing to incur a further voluntary sacrifice, or to give the paper gratis to the subscribers under the Madras presidency, for their patronage of free discussion, I acted only in conformity with the principles by which I have been constantly guided in my public labours; and in saying I hoped to see that free discussion made subservient to the great end of public good, for which alone it was granted to us, I think that I can have said nothing which this Government could ever wish me to retract.

24. The next paragraph in this "Notice" stated, that the measures of the Madras government (by which I wish to be distinctly understood as meaning that branch of it under whose cognizance this act came), in refusing to let the paper pass free beyond Ganjam, though marked "full post paid" here, had already occasioned me a considerable loss. This I could, if necessary, prove.

25. The close of the "Notice" says, "We trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by these means; but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may originate."

26. In this I am free to declare, upon my honour, that by "these means," I mean simply by the check which the circulation of my paper had suffered by the levy of the additional postage; and I was vain enough to consider that sound principles and free inquiry were disseminated and encouraged by the circulation of that paper, which I could hardly be expected to express my contrition for having said. By the "triumph of liberality over its opposite quality," I meant the use of these terms as applied to principles as well as actions. I considered Lord Hastings' removal of the restrictions from the press to evince liberal principles; and I hoped that this would triumph over its opposite at Madras, as it has done recently at Bombay. I considered the consent of the Government here to an arrangement granting me the free circulation of my paper for a given sum, to be a liberal act; and I hoped that this would supersede an opposite practice at Madras, as it does in Bengal and at Bombay. Now, when I added a hope that this triumph would be "full and complete, in whatever quarter an opposition to it might originate," I meant no more than the words literally import, as I supposed that such opposition might as well arise in a subordinate as in a supreme authority. In all, therefore, I have advanced nothing that I did not honestly believe, and which does not still appear to me unobjectionable.

27. Thus far, however, I am free to confess, that no language of mine can sufficiently express either the depth or sincerity of my regret: first, that any act of mine, more particularly one which could be thought an abuse of the indulgence that his Excellency the Governor-general has extended towards the Indian press, should have incurred his displeasure; secondly, that so many misconceptions should have arisen with regard to the regulation of the postage between this place and Madras, and that anything which I should have said on this subject should have given offence to the Government here; and, lastly, that from the short period prescribed me for the preparation of the long details which I have felt myself bound to offer in explanation, I have not possessed time either calmly to review, soften, correct or alter anything that I have written, but must send it up immediately to the Government, with all its faults, fresh from the warm feelings which have dictated what my pen has thus hastily traced.

28. I may be permitted to add also, that those feelings have been considerably irritated and wounded by my learning, that short as the period is that has elapsed since the transmission of your letter to me, the news of the pointed displeasure of the Government having been officially notified to me, together with all the circumstances of the style and tone, so painful to the feelings even of an humble individual like myself, has been made generally known, and industriously circulated throughout Calcutta; and that, in addition to the injury which the report of my disgrace and anticipated ruin is of itself calculated to attach to my character and fortune, the aggravated misrepresentations respecting my offence, and your manner of noticing it, by those who are my enemies from mere difference of opinion on public grounds only, have already produced an effect from which I may not easily recover.

I have, &c.

(signed) *J. S. Buckingham.*

No. 3.—To *W. B. Bayley, Esq.*, Chief Secretary to Government, &c. &c.

Sir,

Office of the Calcutta Journal, 22d January 1820.

CONCEIVING that the letter which I had the honour to forward you yesterday, and which was intended principally as an explanation to the Supreme Government of the remarks contained in the "Notice to Madras Subscribers" in the Calcutta Journal of the 11th instant, which had incurred their displeasure, might be too voluminous and too tedious in its details to forward to the government of Fort St. George, I have taken the liberty to hand you this more brief explanation, confining myself wholly to that portion of the notice which might be supposed to attract the immediate attention of the government of Madras.

2. From attested copies of an official correspondence between Mr. Sherson, the postmaster-general at Madras, and Mr. John Babington, collector at Calicut, who had applied for information on the subject of the postage of the Calcutta Journal from Madras to his station, I learn, first, that from the 1st September to the 25th of October 1819, the Calcutta Journal was allowed to go free from Calcutta to Madras, being marked "full post paid," without being subject to any postage whatever from Ganjam to that presidency; secondly, that from the 26th of October to the 26th of November, the Calcutta Journal was allowed to go free all over the territories subject to the government of Fort St. George, without any charge of postage whatever, either beyond Ganjam, Madras, or elsewhere, being still marked "full post paid;" and lastly, that from and after the 26th of November, the passage of the Calcutta Journal through the Madras territories was made subject to a postage from Ganjam onwards, though still marked "full post paid" as before, and without any variation in the terms of my contract with the Supreme Government here, or, in short, any other alteration which could seemingly warrant a deviation from the established practice that had been applied to my own paper for a period of two months, and is still applied to all other covers all over India, namely, the suffering them to pass free to their destinations when the postage is paid into the office in which they were first deposited and when marked "full post paid," by the stamp of the post-office from which they are first dispatched.

3. In consequence of these changes from a system acknowledged and acted upon for a certain period, by all the postmasters in the Madras territory, I have been subjected to a very heavy loss in the following manner: first, by the payment of the contract sum here, which included the full postage of my papers to their ultimate places of address; secondly, by being called on to refund to my subscribers the sums they had paid for postage from Ganjam to their stations, amounting, in many cases, to much more than the charge for the paper itself, thereby occasioning me to pay a large balance to my subscribers, instead of receiving money from them; thirdly, by the return of all the papers so charged with extra postage, from those who declined taking them on that account, subjecting me to the additional postage all the way back also; and lastly, by the entire destruction of a system of uniform price all over India, from which I was beginning to be remunerated for the great risk and expense at which I had been to effect this arrangement, on the faith of the Government here, and the interpretation of its contract with me by the late postmaster-general of this presidency, which this new levy of postage has entirely destroyed, by having lost me many, and threatening the loss of all the remainder of my subscribers throughout the whole of the southern provinces of India. The actual loss from all these causes had been already about 5,000 rupees, and the prospective loss of what might reasonably have been expected from that quarter, where the paper was every day gaining new subscribers, may without exaggeration be thought equal to 20,000 rupees a year.

4. In communicating these changes, and adverting to the losses that I had sustained thereby, I deemed it my duty to make known to my subscribers in the Madras territories, that such changes had been occasioned by the Madras government, but I indicated this only inasmuch as I considered the details of its subordinate branches subject to its authority, as I naturally supposed that of the post-office to be. In using these terms, therefore, I meant to be distinctly understood as speaking of that particular branch of it under whose immediate cognizance this act came; my object in stating this was, in order to exonerate myself from the charge of a breach of faith, as I had publicly pledged myself to guarantee the supply of the paper at 20 rupees per month, all charges included; and on the faith of the postmaster-general's agreement with me here, and his receipt of the actual postage on them from my hands, had as publicly stated for a period of three months at the head of every paper published, that the Calcutta Journal would pass free of postage throughout all the British territories in India, which this demand of a postage in the Madras territories alone prevented my fulfilling.

5. I beg to repeat here the expression of my regret at the many apparent misconceptions in the post-office departments of both these presidencies, which have occasioned me such serious and irreparable loss, and which rendered a public explanation of them necessary, as well as a still greater regret that anything I should have said on this subject should have given pain to his Excellency the Governor-general in Council, or to any branch of the Honourable Company's Government in India; my principal object in the notice to subscribers under the Madras presidency having been to apprise them of the arrangements which I had made to counteract an evil from which we had both experienced very serious loss and inconvenience.

I have, &c.

(signed) *J. S. Buckingham.*

No. 4.—To Mr. J. S. Buckingham.

Sir,

General Department, 27th January 1820.

1. I AM directed by his Excellency the most noble the Governor-general in Council to acknowledge the receipt of two letters from you, dated the 16th* and 22d instant.

* Received on the 18th.

2. His Lordship in Council does not consider it to be necessary to enter into any detailed examination of the remarks which you have submitted to Government; but with reference to the observations contained in paragraphs 9 to 19 of your letter of the 16th instant, inclusive, he directs me to state that many of the supposed grounds of grievance adverted to in those paragraphs appear to rest on no solid foundation.

Ditto on the 25th.

3. The conveyance of the Calcutta Journal free of nominal postage as far as Madras, was indeed contemplated in the calculations which formed the basis of your contract with Mr. Hall; in sanctioning that course of procedure, however, Mr. Hall did not sufficiently attend to the spirit of the instructions issued for his guidance.

4. The Governor-general in Council is aware that letters and packets have been and are occasionally conveyed to Madras (free of further demand) on the payment at the post-offices under this presidency of the full postage to that place, and that in like manner letters and packets on which full postage has been paid at the post-offices under the Madras presidency have been and are occasionally conveyed to Calcutta, without any further demand for postage being made at this place.

5. The general rule, however, was to charge the postage on letters and packets destined to Madras, as far as Ganjam only; and the knowledge of this circumstance should have restricted Mr. Hall from admitting into a formal contract any provision by which the post-office revenues of another presidency were liable to be materially affected.

6. On the receipt of your letter of the 13th ultimo, addressed to the acting postmaster-general, complaining of the pecuniary loss to which you were subjected under the intimation communicated to you in Mr. Secretary Lushington's letter of the 26th November last, measures were immediately adopted by this Government to amend the terms of the engagement; and the following orders, founded on your own application, were issued to the acting postmaster-general on the 17th ultimo:

"The engagement concluded with Mr. Buckingham having been framed at the general post-office, under a misconstruction of the orders of Government, I am directed to desire that that portion of the agreement which included the dispatch of his papers to the stations under the authority of the governments of Fort St. George, Bombay and Ceylon may be rescinded, and that a new agreement, limiting the contract to the stations to which the post-office regulations of this presidency only extend, may be taken from that gentleman: a proportionate deduction will of course be made from the estimate on which the engagement was originally founded."

7. The Governor-general in Council concludes that a retrospective effect has been given to this arrangement, so as to include the whole period during which the postage payable for the conveyance of your journals from Ganjam to Madras was levied at the latter place.

8. So far, therefore, the injury which you had sustained from the misconstruction by Mr. Hall of the orders of this Government was duly remedied; and with regard to the collection of postage on the Calcutta Journals destined to stations beyond Madras, and subordinate to that presidency, it appears to the Governor-general in Council that you have no just cause whatever of complaint.

9. It is understood that full postage has never been received at the post-office here for the conveyance of letters or packages to stations beyond Madras, subordinate to that presidency, and that in like manner full postage is not receivable at Madras for the conveyance of letters and packets to stations beyond Calcutta, subordinate to this presidency; the rates of postage from presidency to presidency are known; but the post-office here (and *vice versa*) has no means of ascertaining what should be charged to detached stations within the territories of other presidencies.

10. The amount of the postage leviable on packets dispatched to subordinate stations under the presidency of Madras, does not appear to have been adverted to in the estimates forming the basis of the calculation on which your contract was framed, nor did any usage exist by which the post-office here would have been justified in receiving full postage for packets destined to stations beyond Madras. It is obvious also, that if the regular postage ordinarily payable on packets destined to stations subordinate to that presidency had not been levied on the Calcutta Journals, the post-office there would have been subjected to a loss of revenue, which it was the evident duty of the Madras government to prevent, and for which no equivalent had been provided in the calculations forming the basis of the contract entered into with you at this presidency.

11. But even if the circumstances alleged in your letters, and the inferences drawn from them, were admitted to their full extent, they would furnish no justification for the publication of the remarks contained in the Calcutta Journal of the 11th instant.

12. Those remarks would still be in obvious violation of the spirit of the rules issued in August 1818, for the guidance of the editors of newspapers, which rules, as you must be well aware, have not been rescinded or modified.

13. That your attention to those rules has not been more strictly enforced may be a subject of just blame to the officer whose duty it more especially was to bring to the notice of Government any flagrant violations of those rules; but with every allowance which can be made in your favour, from a consideration whether of this circumstance or of the misconstruction which the late postmaster-general was led to put on the orders of Government, or of the disappointment which you may have experienced, and of the consequent irritation of feeling towards the supposed authors of that disappointment, his Lordship in Council thinks it indispensably requisite that a public acknowledgment should be made in the manner pointed out in my letter of the 12th instant. It is not his Lordship's desire that the acknowledgment should be worded in the terms which he would have judged necessary previously to the consideration of your letters, but he expects from you an early expression in the Calcutta Journal of your regret at having published observations so carelessly worded as to bear the appearance of disrespectful animadversion on the government of Madras. His Lordship in Council is led to infer that you had no real intention of offering such disrespect, from the perusal of an article in your paper of the 14th instant, recently brought to his notice, and that persuasion has principally influenced the tenor of the present communication. The date of that publication, which was anterior to my first letter, proves the sincerity of the explanation given in your second letter to me.

14. It is with regret that his Lordship in Council has felt it necessary, on public grounds, to take any official notice of the observations in question.

15. The rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable and so obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed.

16. Independently of other injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers may lead, it has a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions which common prudence on the part of the editors would render altogether unnecessary.

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government,

EXTRACT BENGAL PUBLIC CONSULTATIONS, 5th May 1820.

No. 2.—To the Editor of the Calcutta Journal.

Sir,

21st April 1820.

I AM directed by his Excellency the most noble the Governor-general in Council, to require you to state, for the information of Government, the name and address of the writer of a letter which was published in the Calcutta Journal of the 29th February last, on the subject of the pay of the troops on the Madras establishment, it appearing that he had furnished you with those particulars, to answer any eventual call.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 3.—Editor Calcutta Journal to *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 21st instant, and, in reply thereto, beg to say, that having been furnished by the writer of the letter on military pay therein alluded to, with his name and address, for the purpose publicly stated of meeting any inquiries to which it might lead, and having every reason to hope that benefit to the State may thus be produced, without detriment to the interests of any individual, I have great pleasure in complying with the requisition of Government, and stating to you for their information, that the writer of the letter on military pay, published in the Calcutta Journal of the 29th February last, is Lieutenant J. Smith, of the 2d Madras Light Cavalry, Jaulnah.

I have, &c.
(signed) *J. S. Buckingham.*

Calcutta, }
24 April 1820. }

EXTRACT BENGAL CONSULTATIONS, 17th November 1820.

No. 5.—From Mr. J. S. Buckingham, Editor of the Calcutta Journal.

My Lord,

Calcutta, 16th November 1820.

I FEEL embarrassment in addressing you on the subject of my present intrusion, but your Lordship's constant readiness to listen to those who feel themselves hardly used, and the pleasure you experience in redressing grievances, encourage me.

In the course of yesterday I received intimation, through Mr. Poe, that a motion was made in the Supreme Court, by Mr. Spankie, for a rule to show cause why a criminal information should not be filed against me, as editor of the Calcutta Journal, for the publication of a letter on "Merit and Interest," signed "Amulæs," and inserted in the paper of the 6th instant.

I had so fully explained the grounds on which this letter was published, and had myself taken such pains to expose its utter groundlessness as well as absurdity, in the paper of the very next day but one (the 8th instant), and had followed up the confutation of the sentiments it advocated in the papers of the 8th, 9th, 13th and 15th (all of which were published before I had the slightest intimation of its being likely to excite either displeasure or inquiry, and were therefore spontaneous and uncalled-for), that my surprise at being served with this notice was extreme, and I could only account for it by supposing the prosecution to originate in an incomplete and hurried view of the *first part* of the subject, without reference to, or even knowledge of, what had so very immediately succeeded. The manner in which the notice was worded did not make it appear that the Government were the prosecutors in the case; so that I yielded the more readily to my first impressions of its being done at the instigation of persons interested in concealing from your Lordship the whole truth.

On consulting with my legal adviser, Mr. Fergusson, and putting these subsequent papers into his hands, he gave me to understand that although Government were not named in court as prosecutors, yet from its being undertaken by their Advocate-general, there was no doubt but that he acted under authority. On reading the subsequent papers referred to, however, and particularly that of the 8th instant, Mr. Fergusson's view of the case was much altered, and he conceived it highly probable that the *whole* of the case, including these subsequent explanations, had not been brought distinctly to the notice of your Lordship in Council. I readily indulged that hope, from the conviction that had the *whole* of the papers been laid before you, it would have convinced your Lordship how utterly powerless, and incapable of producing the slightest ill effect, was the letter of Amulæs, which now forms the subject of prosecution, and which, without any other aid, had through the press itself, and mainly too by my own exertions, in the space of only two days, brought shame and confusion on its author, and given a triumph of the proudest kind to those principles and that distribution of favour by which your Lordship's administration has been felt to be distinguished, and so acknowledged by none more disinterestedly, warmly or frequently, than by the Calcutta Journal.

Should this information be filed (as it will be almost impossible to escape coming within the strict legal definition of libel, though nothing could have been more remote from my meaning), I may be subjected to a fine of 500*l.* and 12 months' imprisonment for a crime in which, if it be one, I am so far from participating, that I have been the most active agent in endeavouring to counteract and expose the miserable calumny which I am accused of propagating with seditious intent.

In a case like this, I do not wish to touch the ready chord of your Lordship's benevolence, I rather appeal to those clear conceptions of equity which distinguish your decisions in revising those of other tribunals; and I feel confident that the result of your Lordship's consideration of the *whole bearings* of the case (the prosecution for which must be surely founded on a hasty and partial view), will be a conviction of the cruelty and hardship of my being exposed to the scorn of the envious and illiberal, and suffering fine, imprisonment, and probably ruin, for the *imprudence*, at most, of publishing the sentiments of another, needing only to be seen to be confuted; which sentiments, at the very moment of their publication, I can aver, were intended to be written down by me, as I have a hundred times written them down before, which were almost immediately shown to be utterly untenable, and which have drawn forth one of the most striking confirmations that has yet occurred in India of those sentiments, as true as they are beautiful, which your Lordship proudly avowed to the world on the subject of a free press. "It is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment; on the contrary, it acquires incalculable addition of force." I may venture, without fear of contradiction, to affirm, that since the utterance of those lofty sentiments, which could emanate only from conscious integrity and strength, no instance has occurred to illustrate their truth so strikingly as the *whole bearings* of this correspondence; for the publication of which I have imprisonment, penury,

and the scoffs and scorn of the multitude hanging over my head, unless your Lordship in Council shall please to call for the whole correspondence to which this obnoxious letter gave rise, and to direct further proceedings to be stayed.

Had I arrayed my Journal habitually and systematically against the measures of your Lordship's administration, I should feel myself degraded and humbled in thus appealing to your Lordship to withhold the powerful arm of Government from crushing or involving me, at the least, in unequal and ruinous expense. But there is not a member of your Lordship's Government who does not know that my sentiments have been invariably those of admiration and praise, and that I have never failed, because I have thought the praise honestly merited, to hold up its system of administering this great empire to public view as an example of purity and excellence, without a parallel perhaps in any country of the globe. I feel, therefore, that I may, without disgrace or degradation, appeal for my past efforts and to the whole tenor of my writings for the proof of my entire innocence of the malicious and seditious motives imputed to me; and that on this ground I may, with some hope, claim the forbearance, or at least the consideration of Government as to the probable infliction of a disproportionately severe punishment for a mere imprudence, the evil of which had been more than averted and atoned for by the subsequent efforts made to counteract it.

I rely on the impartial justice of your Lordship and the members of Council to review the case divested of its technical liabilities, and on the score of its moral turpitude and political consequences rather than its literal guilt. If my representation be unavailing, I shall still consider it my bounden duty to show the court and jury, from the general tenor of my labours, and the independent character of my Journal, that there was not, and could not have been, on this occasion, that *malus animus* which is the characteristic of a malignant and seditious libeller.

I have, &c.
(signed) *J. S. Buckingham*

No. 6.—From Mr. Chief Secretary *Bayley* to Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir, 17th November 1820.
Your letter of yesterday's date, to the address of his Excellency the most noble the Marquis of Hastings, having been brought under the consideration of Government, I have been directed to apprise you that his Lordship in Council sees no reason for staying the proceedings which have been commenced against you in the Supreme Court.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

Council-chamber, }
17 November 1820. }

EXTRACT BENGAL PUBLIC CONSULTATIONS, 8th December 1820.

THE following Correspondence between the Chief Secretary and the Editor of the Journal is ordered to be recorded.

No. 1.—To Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir,
His Excellency the most noble the Governor-general in Council has observed in the *Calcutta Journal* of this day's date, a letter under the head of "Military Monopoly," and signed "A Young Officer;" his Lordship in Council considers the tenor of that letter to be highly objectionable; and he has in consequence directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

Council-chamber, }
3 November 1820. }

No. 2.—Mr. *J. S. Buckingham*, Editor *Calcutta Journal*, to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I REGRET my inability to comply with the demand made on me in your letter of the 3d instant, by direction of his Excellency the most noble the Governor-general in Council, to state for the information of Government the name of the writer who communicated the letter signed "A Young Officer," and published in the *Calcutta Journal* of that date.

Notwithstanding my present inability to comply with your demand, I have every wish to be enabled to do so, and have accordingly taken steps to obtain the name of the writer, when I hope I shall have no difficulty in obtaining his permission to deliver it up to you, and when I shall accordingly have the honour of addressing you again on this subject.

I have, &c.

Calcutta,
6 November 1820.

(signed) *J. S. Buckingham.*

No. 3.—To *W. B. Bayley*, Esq., Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to inform you, for the information of his Excellency the most noble the Governor-general in Council, that I have this day received a letter from Lieutenant Edward Fell, of the 2d battalion 10th regiment, native infantry, Benares, authorizing me to communicate his name as the author of the letter on "Military Monopoly," published in the *Calcutta Journal* of the 3d of November, and noticed by his Excellency in your letter to me of the same date.

I have, &c.

Calcutta, 4 December 1820.

(signed) *J. S. Buckingham.*

EXTRACT BENGAL CONSULTATIONS, 13th January 1821.

THE following Correspondence received from the Chief Secretary's office is ordered to be here recorded.

No. 16.—To Mr. *J. S. Buckingham*.

Sir,

THE Council having had the honour to receive from Lord Hastings a communication of your letter to his Lordship upon the subject of a prosecution for a libel instituted against you by the Government, and of his Lordship's sentiments upon your said letter, I am authorized to inform you that the prosecution will be waived upon the following conditions:

1st. That you instruct your counsel to let the motion which has been made in the Supreme Court by the Advocate-general for an information against you, pass without opposition.

2d. That you address to the most noble the Governor-general in Council an apology, comprehending in distinct and unequivocal terms the professions contained in your said letter to his Lordship, for the purpose of the same being read in court by the Advocate-general, as the ground of the instructions to that officer to drop the prosecution.

I am, &c.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

2 January 1821.

No. 17.—Mr. *J. S. Buckingham* to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 2d instant, and in reply to its contents beg to enclose a letter addressed to the most noble the Governor-general in Council, comprehending distinctly the professions expressed in my letter to the Marquess of Hastings, to be laid before the Supreme Council, in conformity to the tenor of your letter addressed to me.

I have, &c.

Calcutta, 4 January 1821.

(signed) *J. S. Buckingham.*

No. 18.—To the Most Noble the Governor-general in Council, &c. &c.

My Lord,

IN addressing your Lordship in Council on the subject of the pending prosecution instituted against me for the publication of a letter signed "Amulæus," in the Calcutta Journal of the 6th November 1820, it can hardly be necessary for me to state how foreign to my own sentiments are those entertained by the writer of the letter in question. The opinions I have maintained on the subject of your Lordship's administration, and on the high character of the present Government of India for integrity and justice, must be fresh in the recollection of all its members, and their sincerity, I would hope, cannot be doubted.

In giving insertion to the letter signed "Amulæus," I am free to confess that I did not attach the importance to it which subsequent consideration has shown me I should have done, and that in suffering it to appear in my paper, I became legally responsible for all the consequences which might have arisen therefrom. Of my freedom, however, from all malicious intentions in this act, I hope your Lordship in Council can have no doubt. I do not offer this as a justification, but as a ground of hope, that your Lordship in Council will regard it in its true light, not as an act done with any evil intent, but inadvertently and without due deliberation.

Under these circumstances, I indulge a hope that the legal proceedings about to be instituted against me for the publication of a letter, the sentiments of which were as obnoxious to me as to any individual of your Lordship's Council, may be waived; and that I may be spared the pain of being represented as a libeller of that Government of which I have so warmly and so frequently expressed my admiration, since I have had to participate in the common happiness of those who live under its protection.

Calcutta, 4 January 1821.

I have, &c.
(signed) *J. S. Buckingham.*

EXTRACT BENGAL PUBLIC CONSULTATIONS, 3d August 1821.

To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

THE letter which was inserted in the Calcutta Journal of the 10th instant, under the signature of "A Churchman, and the Friend of a Lady on her Death-bed," appearing to contain insinuations extremely disrespectful to the public character of the Lord Bishop of Calcutta, the most noble the Governor-general in Council has directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

Council-chamber, }
14 July 1821. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

No. 5.—Editor of the Calcutta Journal to *W. B. Bayley*, Esq., Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 14th instant, and to state, that the author of the letter therein named being unknown to me, I am unable to furnish the information you require. At the same time I beg leave respectfully to submit, for the consideration of the most noble the Governor-general in Council, that I published the letter in question under a conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control, in certain points, over military chaplains, might be productive of public benefit, without infringing on the respect due to the public character of the Lord Bishop of Calcutta.

Calcutta, 16 July 1821.

I have, &c.
(signed) *J. S. Buckingham.*

No. 6.—To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

YOUR answer of the 16th instant to the letter which you received from me, respecting a complaint made to Government by the Lord Bishop of Calcutta, has been laid before his Excellency in Council, and I am directed to communicate to you the light in which your explanation is viewed.

2. It was to have been hoped that, when your attention was called to the nature of the publication in question, you would have felt regret at not having perceived its tendency, and that you would have expressed concern at having unwarily given circulation to a statement which advanced the invidious supposition that the Bishop might have allowed to the chaplains a latitude for deserting their clerical duties, and disregarding the claims of humanity.

3. Instead of manifesting any such sentiment, you defend your procedure by professing that you "published the letter under the conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control, in certain points, over military chaplains, might be productive of public benefit."

4. It is a gross prostitution of terms to represent as a temperate and modest discussion an anonymous crimination of an individual, involving at the same time an insinuated charge, not the less offensive for being hypothetically put, that his superior might have countenanced the delinquency.

5. On mere presumption, if not with intentional disguise of a known fact, the statement would give it to be understood, that the misconduct alluded to was unchecked; whereas serious notice of the transgression was instantly taken: therefore, there is not only a groundless imputation on the Bishop, but the culpable inattention of Government is falsely implied.

6. Had the object of the writer of the letter been to remedy an inconvenience, his addressing himself to the proper department was the ready and legitimate course for procuring an immediate correction of the evil. An accuser's concealment of his name has an obvious meanness in it, which ought to throw doubt upon the motives of his representation; when to that circumstance was added the peculiarity of the signature, "A Friend to a Lady on her Death-bed," adopted visibly to suggest to the minds of the public some brutal slight, the malignity of the disposition was unquestionable.

7. With those particulars before your eyes, and in contempt of former warnings, you did not hesitate to insert in your journal such a statement from a person of whom you declare yourself to be utterly ignorant, and of whose veracity you consequently could form no opinion. Your defence for so doing is not rested on the merits of the special case. But as your agreement must embrace all publications of a corresponding nature, you insist on your right of making your journal the channel for that species of indirect attack upon character in all instances of a parallel nature.

8. When certain irksome restraints, which had long existed upon the press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extensively useful to all classes of our countrymen in public employment. A paper conducted with temper and ability on the principles professed by you at the outset of your undertaking, was eminently calculated to forward this view. The just expectations of Government have not been answered. Whatsoever advantages have been attained, they have been overbalanced by the mischief of acrimonious dissensions spread through the medium of your journal. Complaint upon complaint is constantly harassing Government regarding the impeachment which your loose publications cause to be inferred against individuals. As far as could be reconciled with duty, Government has endeavoured to shut its eyes on what it wished to consider thoughtless aberrations, though perfectly sensible of the practicable objection which attends those irregular appeals to the public. Even if the matter submitted be correct, the public can afford no relief, while a communication to the constituted authorities would effect sure redress; yet the idleness of a recurrence to a wrong quarter is not all that is reprehensible, for that recurrence is to furnish the dishonest conclusion of sloth or indifference in those bound to watch over such points of the general interest. Still, the Government wished to overlook minor editorial inaccuracies. The subject has a different complexion when you, Sir, stand forth to vindicate the principle of such appeals, whatsoever slander upon individuals they may involve, and when you maintain the privilege of lending yourself to be the instrument of any unknown calumniator. Government will not tolerate so mischievous an abuse. It would be with undissembled regret that the Governor-general in Council should find himself constrained to exercise the chastening power vested in him; nevertheless he will not shrink from its exertion where he may be conscientiously satisfied that the preservation of decency and the comfort of society require it to be applied. I am, thence, Sir, instructed to give you this intimation: Should Government observe that you persevere in acting on the principle which you have now asserted, there will be no previous discussion of any case in which you may be judged to have violated those laws of moral candour and essential justice which are equally binding on all descriptions in the community; you will at once be apprized that your licence to reside in India is annulled; and you will be required to furnish security for your quitting the country by the earliest convenient opportunity.

I am, &c.

Council-chamber, }
17 July 1821. }

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 10th August 1821.

No. 37.—Editor of the Calcutta Journal to *W. B. Bayley, Esq.*, Chief Secretary to Government, &c. &c.

Sir,

1. I SHOULD have acknowledged at an earlier period the receipt of your public letter which you did me the honour to address to me on the 17th instant, but without intending to depart from the respect due to the sentiments of Government, I have waited until the first impression of extreme pain, which their displeasure has created, had in some degree subsided, before I ventured on the task of disavowing at least in the most earnest manner, the highly reprehensible and almost criminal motives which your letter imputes to me, though I might fail in the attempt to convince you that such charges are undeserved.

2. I cannot but perceive from the whole tenor of your letter, that the most unfavourable impressions have been excited against me, on the ground of my being supposed to maintain the privilege of lending myself as the instrument of any unknown calumniator. Such a right or privilege I must beg of you to assure the Governor-general in Council I most strongly disown and disavow, and I must add, with every respect, that it was with the utmost surprise and pain that I found such an idea strained from the short letter I addressed to you on the 16th. Feeling, however, as I now do, the difficulties by which I am surrounded, I am induced to take the only opportunity which may ever be allowed me, to lay before the Government my defence against these heavy and general accusations. My respect for that Government has been too frequently testified to render any repetition of that feeling necessary at the present moment. I venture to hope, however, that it will not be deemed a departure from that respect for me to put in my defence before that high tribunal, any more than a defendant would be considered wanting in respect or humility by temperately supporting his plea before the judges of the Supreme Court; and though my appeal may seem tedious, yet I shall rely on the well known justice of the Government for a patient attention to what I may have to urge on my behalf.

3. As your first letter spoke of the publication of the 10th as *appearing* to convey insinuations of disrespect towards the Lord Bishop, I hoped that such an appearance would be effectually removed by my disavowing such intention. The writer indeed expressly states, that he believed the rumour of the Lord Bishop's lending chaplains, independent of local control, to have been erroneous; and however the letter might have been intended to convey a censure on the chaplain alluded to, I was then of opinion, and after a most careful re-perusal of the letter, still continue to believe, that the writer meant no disrespect whatever to the character or authority of the Lord Bishop, by alluding to a rumour which he deemed erroneous, chiefly because he thought the power said to have been given by his Lordship to chaplains would be misplaced, and therefore not likely to be granted by him. I may be pardoned, I hope, for adding, that a disrespect towards the Lord Bishop is not the natural or obvious inference from the publication in question; for not one of those watchful censors on my conduct, who are always ready to assail me for any error or unguarded step through the press, and to magnify my faults, have attributed to it such a meaning. Had I indeed been made acquainted by your first letter with the fact of the Lord Bishop having actually complained of the publication in question, as conveying to his mind a want of proper respect for his public character, my reply to it would certainly have contained an expression of regret at having given pain to his Lordship, and an endeavour also to convince you that such an impression was not warranted by the tenor of the publication, nor meant to be conveyed by me, who have certainly never yet had any reason to be wanting in respect either to his Lordship's public or private character. I may on an occasion like this state, as an illustration of my sincerity in this profession, and in defence also of the much abused Calcutta Journal, that in it, and I believe in it only, will be found a full reply to some very severe and illiberal remarks on the college which his Lordship has lately founded here; and which remarks, being published in the Asiatic Journal, by the Honourable Company's booksellers, had a very wide circulation among persons connected with India, both here and at home. But as your letter spoke only of the publication appearing to contain insinuations of disrespect, I thought it would be sufficient to explain my real motives in publishing it, as having no such tendency; and it was not so much to defend my doing so, as to explain the views with which I was actuated, and to endeavour to remove the unfavourable impression which it appeared to me had been hastily drawn, that my first reply was written.

4. It is with much pain that I perceive what I considered to be a temperate and modest discussion of a question of expediency viewed in so harsh and unfavourable a light by the Government; and that the very language in which that is expressed is objected to as "a gross prostitution of terms." As, however, the fact of the chaplain's absence from his duties, and of his absence without necessity, is admitted, the publication could not be considered an unfounded crimination of an individual; and so far was it from involving an insinuated charge of a superior having countenanced the delinquency, that the very rumour of its being with the Bishop's permission that the chaplain absented himself, was expressly stated to be erroneous in the writer's belief; while the expediency of some control, the only question agitated, appears to be acquiesced in by the Lord Bishop and the Government; thereby confirming the propriety of the suggestion which the writer made. The transgression being admitted to have been such as to have called forth the serious and instant notice of the Bishop, is at once a proof of its being founded on something more than

than mere presumption, and highly reprehensible. But there is no part of the publication in which I can perceive the most distant allusion to any supposed inattention or indifference to the delinquency either on the part of the Lord Bishop or of the Government: though published here on the 10th of July, it was written by its author on the 10th of June, at which time, probably, the notice of his superior had not been drawn to the transgression, though his displeasure at it has been subsequently conveyed. Of this, however, until communicated in your letter to me, I was certainly ignorant, and the writer was no doubt equally so. His sole object appeared to me to be a hope of remedying or preventing the future recurrence of the evil of which he complained, which he might conceive would be most effectually done by drawing to it the attention of the proper authorities, in discussing the question of its expediency through the medium of a public journal. The utmost inference which, I conceive, could with justice be drawn from such a discussion against the Lord Bishop of Calcutta would be this, that even if his Lordship were believed to have urged the removal of an old and salutary restraint, which left the military chaplains in some degree under the control of the local authorities (which, however, the writer thought erroneously reported), still it would only follow that it had not been foreseen by his Lordship, that in practice serious injury and distress to individuals might arise from the want of this check, and that such distress had in fact actually arisen therefrom. But this is only stating, that in estimating the result of a certain regulation, his Lordship, with all his benevolent disposition and all his foresight, is not infallible; an opinion which, I presume, might be safely expressed of any individual, however exalted his rank or station, and of any government, however pure and excellent, without at all conveying insinuations of disrespect towards the high character of either.

5. With regard to what is said of the inference arising from the signature attached to the publication, I regret that I am obliged still to dissent respectfully from the conclusion you have drawn. To my mind, and to the minds of many other persons who read it, the signature conveyed an impression that the writer stated himself to be "A Churchman," expressly to prevent the reader entertaining any idea of his meaning being a disrespect either to religion or to religious authority, by his questioning the expediency of a certain measure emanating from that source. His adding that he was "the friend of a lady on her death-bed," was interpreted by me and others in the same favourable manner, as at once a pledge for the purity of the motive and the accuracy of the statement; as no man placed in that tender yet awful relationship to another, could be supposed to be imbued with malignity of disposition, nor indeed with any other feelings than those of extreme grief. Under the affliction with which the writer may have watched the last moments of a beloved and expiring friend, he might well be supposed to regret deeply the neglect which had led to her being deprived of those consolations that the religious mind values so highly; and so far from any malignity of disposition urging him to address me, I have no doubt but that his attention was wholly occupied by a concern for the fate of the lady in question, and a desire to secure to others those consolations of which she had been unhappily deprived. My keeping this communication a whole month in my possession before it was published, is a sufficient proof of my not having any particular propensity to gratify by giving it to the world; and my having announced it for publication ten days before its appearance in the Journal of the 10th, may be thought a further corroboration of my not deeming it in the slightest degree objectionable. As it did not convey any specific fact, applying distinctly to time, place or person, in such a way as to affix an imputation on any individual, unless, indeed, the facts were true, I did not demand the author's name; and his motives for its concealment are easily conceived, when, as in the present instance, where the facts are apparently admitted to be accurate, and the object of the writer's censure is said to have been reproved for his transgression, yet the person who first brings the subject to notice is exposed to blame.

6. The concluding portion of your letter, involving the whole question of the footing on which the Indian press is to remain, has given me, and will give, I am sure, all the friends of its freedom considerable pain, because it apparently reduces the freedom of opinion to a more perilous, inasmuch as it is a more uncertain, state than it was under the existence of the censorship. It might be thought irrelevant, perhaps, for me to refer to your former correspondence with me on this subject; but as great stress is laid on my having acted in contempt of repeated warnings, I may be permitted, I hope, briefly to advert to these. The first complaint urged against me was for intemperate observations on the Governor of Madras, as being in violation of the rules issued to editors when the censorship of the press was removed. My attention having been thus for the first time called to these regulations, which were issued before I arrived in Bengal, and were never communicated to me officially, I readily promised a compliance with them, and up to the period of Lord Hastings' reply to the address from Madras, I may safely say that I made them my principal guide. The liberal views taken of the nature and importance of the Indian press by his Lordship on that occasion, induced me, with many others, to believe the restrictions of 1818 were abrogated and removed, and to consider the press here as subject only to the restraints of law, as at home. In consequence of this error of judgment, I was induced to express myself more freely than I should otherwise have done on the conduct of the Madras government, in interrupting the free passage of my paper through its territories, though guaranteed by the postmaster-general here; but the explanations which I had then the honour to address through you to the Governor-general in Council were sufficient to induce his Lordship to waive the apology at first demanded of me. As my alleged offence,

however, on that occasion was not noticed as a breach of law, but of the restrictions still in force on the press, the impression left by this proceeding was, that the Indian press was henceforth to be subject to the joint control of the law of libel, in itself sufficiently severe, and the specific regulations in question, which supplied certain prohibitions that the law of libel was supposed inadequate to embrace. This joint control was supposed to be the utmost extent of the power intended to be exercised over the Indian press; and any publication that was neither contrary to the laws of England nor to any of the restrictions on the Indian press prescribed to supply their deficiencies, it was fair to presume would pass unnoticed. The very act of my being proceeded against in the Supreme Court by a criminal information, in the month of January last, confirmed me in my opinion that the law was to be, however, the chief guardian against any future abuse of the press; and the conversation which is stated to have passed between Mr. Lambton and Mr. Bathurst on the freedom of the press in India, convinced me that the views entertained by the Board of Control and Government at home corresponded to those professed and acted upon here. My surprise and regret were therefore extreme, on learning, that for a publication which I conscientiously believed to be neither contrary to the laws nor in violation of regulations issued to supply the deficiencies, I was again accused of having given such grave and serious offence to the Government, as to induce them to convey through you the strongest expressions of their displeasure. I must now, I fear, consider your letter of the 17th as establishing a new criterion, in lieu of the former more safe, because more clearly defined, guides for publication.

7. In this letter it is stated that when certain irksome restraints, which had long existed on the Indian press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, would be extremely useful to all classes of our countrymen in public employment. The utmost latitude of discussion on subjects of literature and science, or even of English and foreign politics, could have effected nothing, however, towards fulfilling this desirable end. The only subjects of discussion, from the free exercise of which men in public employment in India might hope to be informed and assisted in the correct discharge of the public duties, must be those relating to the civil, military, and judicial administration of this country. In no other sense, indeed, can the freedom of the press be more desirable than the censorship for which it was substituted as an improvement, except that the former admits of the beneficial exercise of that public scrutiny, to the control of which his Lordship has so truly stated it is salutary for Government to look even when its motives of action are most pure. The letter on the duties of chaplains, and the proposal of the question as to the expediency of their being subject to local control, appeared to me to be exactly one of those cases contemplated by the Government, from the comments on which public men might be benefited, a case in which the facts were well founded, but which, from a reluctance even in the aggrieved parties to incur the odium of standing forth as a complainant, the Government might not, for a long while at least, if ever, hear of through the formal channels of authority; while its being brought to their immediate notice through the press, the remedy might be promptly and effectually applied, without any one individual being rendered obnoxious to the friends of the censured party as an informer.

8. Your letter admits, that a paper conducted with temper and ability, on the principles professed by me at the outset of my undertaking, was eminently calculated to forward the views entertained by the Government when the censorship was removed. It is with regret, however, that I observe you add, "the just expectations of Government have not been answered." Of the *ability* and *temper* with which my labours have been conducted, it does not become me to venture an opinion: but to show that they have been generally approved by the highest classes of my countrymen in India (for the large price and heavy postage of a daily paper necessarily confine its circulation to the upper ranks of society), I may mention the simple fact of my paper having gradually increased in its circulation from the commencement of its establishment, and of its having maintained steadily for two years and upwards a higher character and a greater demand, under every disadvantage of price and every opposition that could be brought against it, than any paper in India; while its receipts, from regular subscription alone, of more than 10,000 rupees per month, are greater than were ever before realized from the same source in this country. Such an indication of the utility and general estimation of my labours is not appealed to from ostentation, but to show, by the simplest and best means in my power, what the community at large think of the temper and ability with which they are conducted, and that in their view of them I have not departed from the professions with which I first set out. With regard to the *principles* by which they have been regulated, I may be permitted, I hope, to speak with more confidence, and to assert, without presumption or disrespect, my firm conviction that *these* at least have never been departed from; and that if those professed by me at the outset were, in the opinion of Government, eminently calculated to forward their views, those professed by me and acted on at the present moment must be equally so, if these views continue the same, for my principles have never changed. I appeal with all humility, but still fearless of the result, in confirmation of this opinion, to all who have watched the progress of my journal from its commencement up to the present hour, whether the only difference of character between the volumes of it, of which 15 are now before the world, for 1818, 1819, 1820 and 1821, is not that they have become more and more cautious, guarded and select, and at the same time more rich, various and respectable in the discussions of which it has been almost the only medium, on topics connected with the interests

of this country : and while I remember with satisfaction, that from the first number to the last the Government of India has never been spoken of by me but in those terms of just and honest praise which I was ever ready in all sincerity of heart to bestow on it, it is equally a subject of congratulation to me to find that from year to year the character of the paper rises with the increasing range and improving quality of the correspondence submitted by it to the world : in *this* walk it has no rival.

9. Whether any or what advantages have arisen from such discussions, I am not qualified to pronounce, neither can I determine on the exact proportion which the mischief said to be occasioned by them bears to the good ; but I hope and believe that whatever acrimonious discussions may have agitated the community, a very small portion of them can justly be laid to my charge. In any such dissensions in which I have been a party, my innocence or guilt depends on whether I maintained the right or the wrong side of the question in dispute. Until these are specified, therefore, I cannot tell what share of them is to be fairly attributed to me ; but I hope I may say with a safe conscience, that in the dissensions which have agitated the society here, I have been more frequently the defender than the accuser, and have been far more sinned against than sinning. But if the Government sincerely approve of comments on the acts of its public servants (and no other species of comment could be useful to men in public employment), differences of opinion, and even warm discussions, will necessarily arise. Our senate at home furnishes a striking example that this may exist, however, even in verbal controversy, so much more liable to warmth and intemperance than written, and especially anonymous discussions, without invading the rights or disturbing the happiness of private life, or without the necessary existence of private enmities between those who hold and openly maintain very opposite opinions on political and public affairs. In this country, it may be presumed, as in all others, the indolent may be roused to activity, the indifferent quickened in zeal, and the partially informed be made acquainted with much useful knowledge, through the medium of a free and active press. But the indolent, and the careless, and the indifferent, and the uninformed, cannot become otherwise but by a great and painful effort to shake off habits which, by long indulgence, it has become agreeable to them to retain. The State may be benefited by such changes, and the individuals themselves become ultimately more useful and honourable men. But for some time at least they will be angry at the watchfulness and vigilance of those who exercise a scrutiny over their public duties, and still more angry with the press, that by its very publicity accelerates their reluctant reformation ; and as the conductor of that press is the only person known to them as the medium of such inconvenience as they are made to feel, in passing from a state of ease and indolence to the more active discharge of their public duties, they will regard him, though unjustly, as the cause of all the little vexations they experience in such a change, while they will be joined in their denunciations against the press by all who sympathize with them in the hardship of being obliged to attend with more than ordinary exactness to the faithful discharge of their functions. The labours of a public writer who attempts to direct his efforts to the higher duties of a free press are thus sufficiently discouraged by the abundant return of evil for good, which he is sure to receive from the angry and disappointed feelings of those to whom his animadversions or those of his correspondents may apply. These persons affecting to regard every inquiry or remark connected with their functions as a grave impeachment of their public and private character, they would put down every thing like free discussion, if it were in their power ; and I apprehend it is from persons of this description chiefly that Government is harassed with complaint upon complaint against the Calcutta Journal. But if there be just and serious grounds for complaint, is not the channel for redress open ? If the State or any of its high officers be libelled, the tribunal before which I was once summoned as the publisher of a letter which gave offence to Government, is fully adequate to inflict the penalties. If individuals are injured and aggrieved, that same tribunal gives to them every just ground of hope for redress. Those, therefore, who harass Government with complaints, can only do so because they doubt whether the grounds of the complaint are sufficient to obtain them redress at law ; yet the same reason, if duly adverted to, would render them undeserving the attention of a just government, who must perceive the ungenerous advantage which such persons seek, when they ask from the Government particular immunities in their own behalf to which the object of their complaint can lay no claim, and when they call down upon me the censure of the ruling power, instead of meeting me on equal terms before the common tribunal of our country, or explaining or repelling the statements of which they complain, through the medium of the press. I may be allowed to add, that in appealing to the public, they may be sure of a fair if not a partial hearing by addressing themselves to those editors who would gladly expose the slightest error I could commit.

10. I regret to learn from you that the Government apparently founds its objection to any appeals to the public, on the incapacity of the public to afford redress ; but if this were the chief objection, it existed with equal force in 1818, when the censorship was taken off for the avowed purpose of admitting such discussions and appeals, and was then indeed perhaps stronger than now, when an increasing community of Englishmen, bringing with them all their feelings fresh from home, is giving a more decided tone to public sentiment, and more value to public opinion, and assimilating it more and more to that of England ; such appeals, however, from which the Government justly hoped their servants would derive considerable benefit, cannot, I hope, be seriously thought to furnish the dishonest conclusion of sloth or indifference in those bound to watch over the general interest.

On the contrary, they are generally made, first, through the press for the express purpose of drawing the attention of men in authority to subjects that had not been brought to their notice; and among the many hundreds of letters published in the Calcutta Journal on subjects connected with the Government of India, though I remember with pleasure many that praised its vigilance, its watchfulness, and its solicitude for the welfare and happiness of every class of the immense population committed to its charge, I cannot recollect to my recollection any that warranted the conclusion of sloth or indifference, which is here made to follow every appeal to the public, substituted for a direct communication to the constituted authorities.

11. It is made deep and serious matter of accusation against me, that I stand forth to vindicate the principle of such appeals, whatsoever slander upon individuals they may involve, and that I maintain the privilege of lending myself to be the instrument of any unknown calumniator. I cannot merely repeat such language addressed from a powerful Government to an individual like myself, without considerable pain, even at this distance of time, after the first impressions of my surprise at such an accusation had subsided. In the short letter which I had the honour to address you, in reply to your demand of the author's name, I simply explained the hope of public benefit as actuating me in the publication of his letter; I neither meant to assert nor stand forth to vindicate any principle whatever, still less the odious and abandoned defiance of all principle, which I am here supposed capable of evincing. It is painful to me to use stronger expressions of dissent than may be deemed becoming; but in the present instance, without intending the slightest disrespect to the opinion or the authority of Government, I must say, if they were the last words I had to write, that I owe it to the regard which in common with every honest man I entertain for my reputation,—I owe it to my children, to whom probably I may have nothing but that reputation to leave,—I owe it to the many distinguished supporters of my principles in the three presidencies of India, from whose approbation I derive my all, to enter my most solemn protest against an accusation, the nature of which is such as every feeling of my heart utterly contemns and abhors. If I have been more forward than others to vindicate the principle of appeals to the public through the medium of the press, it is because I estimated more highly so magnificent and valuable a gift as its freedom; and if it be not again taken from us, or so fettered and curtailed as to differ in nothing but in risk from the censorship of former days, I believe that the administration of India, under his Lordship's rule, will never be spoken of by posterity without their eulogium on this great act, as characterising at once a Government that had nothing to conceal, and consequently nothing to fear; for if knowledge is power, integrity and justice are the pillars of strength.

12. That his Excellency the Governor-general in Council is vested with the exercise of a chastening power, by virtue of which he may deport any man to England from hence, without condescending to assign a reason for such an act, it is not for me to dispute; but of this I am perfectly assured, that it would be indeed with "undissembled regret" that the Governor-general would be prevailed on to exercise a right that violated the very spirit and essence of British legislation, a right, the principle of which, if once admitted, would justify the transportation of an individual while suing even the Government itself for his legal right in a court of law, or the removal of a man against whom no charge could be brought, but whose banishment might ruin him and his family for ever. That state exigencies might possibly arise to render this as justifiable as the suspension of the *habeas corpus* at home, may readily be imagined; but the mere propounding of the question, whether a chaplain ought to be subject or not to the exercise of local control, could hardly be deemed so to endanger the State as to furnish the exigency required; nor could I imagine that so unconstitutional a power would ever be exercised by the Government until the Supreme Court had been found inadequate to meet the delinquency of the offending individual with a sufficient punishment. The preservation of decency and the comfort of society, one would hope, could never demand such a remedy. These are indeed terms, regarding the exact import of which no two individuals will entirely agree. I am unwilling myself to offend or disturb either; but in the sincere and zealous discharge of my duty, and in endeavouring to fulfil the just expectations of Government, by the encouragement of such comments on public questions as shall benefit those in public employment, it will be difficult always to avoid it. Every such comment will probably disturb the comfort of the individual to whose duties it is applied; and this would be in proportion to their truth, and to his consciousness of their application; the two strongest reasons for their use, and the surest pledges of their utility as affecting a beneficial change; while the upright and faithful servant of Government would remain undisturbed. It is not surely for being thus instrumental in promoting the public good at an occasional sacrifice of private comfort, that Government would visit me with its extreme displeasure. If, on the other hand, offences against decency, and aspersions on individual character, public or private, be deemed within the peculiar province of Government to watch over and avenge, I may safely say that there is not an individual in India who would have larger claims on its interference and protection as an unjustly calumniated person than myself; but I would not insult its dignity, nor so far evince my want of confidence in the tribunal open to all, as to ask the Government to extend the shield of its protecting and avenging power to me.

13. The close of your letter, which apprizes me that I shall be ordered to quit the country if I persevere in acting on the principle avowed in my first short reply to you, is indeed most painful for me to advert to; but I trust I shall not be thought wanting in respect to
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the Government if I doubt, in the present instance, whether they have clearly apprehended my meaning. My reply did not professedly avow any principle, but went simply to explain the views with which I published the communication in question. But if it be said to involve any principle, the only one that can possibly be inferred from it is the belief, that when a discussion is temperate and modest, and when it is likely to be productive of public benefit without infringing on the respect due to men in public authority, that then it may be safely indulged in. This, I humbly submit, is the very extent of the admission that can be drawn from my reply; and as such a principle is not only unobjectionable in a legal view, but is in strict conformity with the restrictions that superseded the censorship, and with the motives ascribed by you to Government in removing this last, I cannot comprehend why my perseverance in it should subject me to banishment and ruin. If there is to be no previous discussion of any case in which I may be supposed to violate the laws of moral candour and essential justice, it will be in vain for me to hope to escape. The standard of those laws may vary so much in different minds, that what is done with conscious innocence by one person, may be thought to transgress the proper bounds by others, especially by those whose feelings are irritated; and upon their angry complaints, the persons in whose hands the administration lies may apply their own standard to the case, and without previous discussion, without examination, without a hearing and without a defence, sentence to banishment and ruin one who had offended no prescribed rule, who was conscious of no crime, but who could yet neither defend nor even assert his innocence.

14. I may be forgiven here, I hope, for a momentary digression, to show wherein I have already suffered grievous and irreparable injury from this infliction of punishment without crime. In the year 1813, on the very day that Lord Moira left Portsmouth for India, I left that port for the Mediterranean. A series of disappointments and the loss of a fortune acquired in those countries, occasioned my going to Egypt, and from thence to Bombay. I had there the good fortune to be appointed to the command of one of the largest China ships of the port, from which, however, I was suddenly removed, without even an alleged fault, by order of the Government, requiring me to furnish securities for my immediate embarkation for England, because I was not provided with the Honourable Company's licence to settle in India. It was in vain that I stated the reason of my not having such licence to be, because I had no idea when I left England of ever visiting India: it was in vain that I explained my having even then no intention to settle here, but after performing my voyage to China, and opening there a channel of intercourse as well as in Bombay, for a trade with Egypt, should return to that country where all my affairs lay: it was in vain that I solicited the common favour of a special licence to remain even in Bombay (relinquishing a voyage that promised the highest advantages), until the pleasure of the Honourable Court could be known, or to visit Bengal to lay my case before the Supreme Government, securities being offered for my appearance whenever called for. Each and every request was refused; and it was peremptorily determined that I should be sent to England, a measure as ruinous to all my prospects as if I had been transported to Botany Bay, since all my ultimate views and affairs were in Egypt. It was at length, however, granted me as an especial favour to return from whence I came, though there was such an entire absence of all offence on my part, that the governor, Sir Evan Nepean, in a note, of which I was furnished with an official copy, expressed himself in these terms on my case: "I can have no objection to Mr. Buckingham returning to England by the way of Mocha. He came hither, I understand, by that route. To the individual himself I have not the slightest degree of objection, and shall by no means be sorry to see him return with the Company's licence, believing, as I do, that he would be of use to the mercantile interests in opening the trade of the Red Sea." I was thus subjected to the loss of nearly two years in time, the entire defeat of very brilliant prospects, and the positive loss of several thousand pounds, when so far from any fault being imputed to me, I had public testimony of my character being unobjectionable, and my pursuits deemed honourable and beneficial to the community. This testimony, and the view taken of the hardship of my case by the Court of Directors at home, obtained for me, however, what I understood to be the special favour of a licence being sent to me in India, without my personal appearance with securities before the court.

15. Since my return to India a second time with this licence, I have endeavoured to repair my losses, as well as zeal and industry in an honest pursuit would admit, first at sea, in the command of the ship to which I was originally appointed, and which was reserved for my return, and subsequently in my present occupation on shore. Upon the faith and understanding of my being subject to the same laws and regulations as those which are binding on my fellow-countrymen of all classes in India, I have studied to understand and endeavoured to obey them, in order to avoid all cause of just offence, though the very nature of my present avocations presents daily risk of offending the pride or the prejudices, or the self-love of many, a risk from which almost all other professions are exempt, and to which my own is more and more subject, in proportion to the conscientious discharge of its painful and arduous, but I hope useful and honourable, duties. In the belief that as long as I obeyed the laws I should not be deprived of the means of pursuing my avocations undisturbed, I have embarked the whole of my fortune and my hopes in my present undertaking. I have pledged my credit also for extensive arrangements in England connected with the permanence of my concern, and moreover I have sent to England for my family, from whom I have now been painfully and unwillingly separated for a period of more than eight years, never having before been sufficiently fixed in any one spot to admit

of their joining me, and from successive losses and disappointments never having before possessed the means of defraying the charge of their removal from home. The prospect opened for me here by the very extensive and unshaken support given to my humble labours; the secure footing on which the Indian press seemed to rest, and the improving value of the Calcutta Journal in every respect, as it seemed to those most competent to form an unbiassed judgment in the case; all seemed to warrant such arrangements as those into which I have entered. But these are all placed in jeopardy, and threatened with interruption, if not entire destruction, by the tenor of the letter which the Government have instructed you to address to me on the 17th instant.

In reverting to the main points of this long letter, which I have in vain endeavoured to shorten, I beg you will assure the Governor-general in Council, that in publishing the communication which appeared in the Journal of the 10th instant, I had not the most distant idea that any thing contained in it could be even construed into a want of respect for the public character of the Lord Bishop of Calcutta; that in the short reply which I had the honour to address to your first demand of the author's name, I meant not to advocate any right whatever, nor to vindicate any principle, though I humbly conceive the principle, if any, there implied, namely, that when discussions are temperate and modest, and may be productive of public benefit without infringing on the respect due to men in public authority, they may be safely indulged, will be deemed by his Lordship unobjectionable; and that your last communication of the 17th instant has given me considerable pain at finding I had unintentionally given such grave and serious offence to a government that I have every desire to honour, respect and obey. I beg also that you will further assure his Lordship in Council, that if the laws of my country are to be my future guide, I shall bow to the decisions of its tribunal with all due respect. If the written and defined restrictions issued on the removal of the censorship be made my rule of action, I will endeavour as faithfully to adhere to them. Even if the censorship be restored, I shall still acquiesce in the common submission exacted from all, by a power which, whether legally or illegally exercised, no individual like myself could hope successfully to resist. But if so severe a punishment as banishment and ruin is to be inflicted on a supposed violation of the laws of moral candour and essential justice, of which I know not where to look for any definite standard, I fear that my best determinations will be of no avail. My path will be so beset with dangers, that I know of no way in which I can escape the risk of such supposed violations, when those who are at once to be both judges of the law and the fact, may at the same moment make the accusation, pronounce the sentence, and carry it into execution, except by relinquishing entirely an occupation thus environed with perils from which no human prudence could ensure an escape.

I have, &c.

(signed) *J. S. Buckingham.*

Calcutta, 27 July 1821.

No. 38.—To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

I AM directed by his Excellency the most noble the Governor-general in Council to acknowledge the receipt of your letter of the 27th ultimo, and to inform you that the letter in question has produced no change in the sentiments and resolutions of Government, already communicated to you on the 17th ultimo.

Council-chamber, }
10 August 1821. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 22d April 1822.

No. 1.—To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

WITH reference to the extracts from Sir John Malcolm's Report on Malwa, which appeared in the Calcutta Journal of this day, and your intention announced to publish further portions of that work in your paper, I am directed to intimate to you that the Report in question is an official document on which the orders of the Court of Directors have not yet been received, and not at present destined for general publication. The Governor-general in Council desires, therefore, that you will refrain from inserting any further extracts from Sir John Malcolm's Report on Malwa in the Calcutta Journal, without the sanction of Government, since it might awkwardly involve the person who had imparted to you a document received by him as for the present confidential.

2. A communication, similar in substance to the above, has been addressed to the editors of the other newspapers.

Council-chamber, }
22 April 1822. }

I am, &c.
(signed) *C. Lushington*,
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 3d May 1822.

No. 1.—Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*, to *C. Lushington*, Esq.
Acting Chief Secretary to Government, &c. &c.

Sir,

NOT having received your letter of this day's date until 5 o'clock, and not opening it until nearly an hour afterwards, in consequence of my being just then particularly engaged, I regret to say that the paper was so far prepared for the press as to render it impossible for me to substitute other matter in lieu of the extract prepared from the Report on Malwa, and leaves me without the power of suppressing it without suspending the publication of the paper altogether for to-morrow, which would so materially affect my interests that I trust the Government will pardon the necessary evil, if it be one. As I have no desire, however, to oppose their wishes in this matter, I shall readily refrain from further publication from the Report without their consent; though, having made free use of the honourable Mr. Elphinstone's Report on the Dekhan, I had not the most distant idea that this could be subject to any restrictions to which that was not equally liable.

Monday Evening, 22 April 1822, }
½ past 6 o'clock. }

I have, &c.

(signed) *James S. Buckingham*.

The accompanying proof-sheets will show the preparation of which I have spoken.

The Acting Chief Secretary reports that the foregoing letter was received by him at too late an hour (on the 22d ultimo) to enable him to take the orders of the Governor-general and the members of council in circulation; and as the emergency of the occasion required that a reply should be sent without delay, the Acting Chief Secretary, from his knowledge of the sentiments of Government, addressed an answer to Mr. Buckingham, the draft of which he submits to the Board. The Governor-general in Council is pleased to approve and confirm Mr. Lushington's letter to the editor of the *Calcutta Journal*, written under the above circumstances. Ordered, that it be here recorded.

No. 2.—To Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir,

YOUR letter of to-day's date was delivered to me at a quarter before nine o'clock this evening. I lose no time in informing you, that from my knowledge of the sentiments of Government, I am enabled to state, that the reasons assigned by you for refusing to conform to the orders of the Governor-general in Council, conveyed to you in my letter of this morning, will be entirely unsatisfactory, as you received it, according to your own statement, at 5 o'clock, an hour sufficiently early to render the excuse which you have adduced unavailing.

The proof-sheets are returned enclosed.

Garden Reach, 22 April 1822, }
½ past 9, P.M. }

I have, &c.

(signed) *C. Lushington*,
Acting Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 27th June 1822.

No. 39.—To Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir,

HIS Excellency the most noble the Governor-general in Council has observed, in the *Calcutta Journal* of this day's date, a letter under the head of "A Free Press, Brevet and Local Rank," and signed "A Military Friend, neither a Mull nor a Gull." His Excellency in Council considers the tenor of that letter to be highly objectionable; and he has in consequence directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

I am, &c.,

Council-chamber, }
17 May 1822. }

(signed) *C. Lushington*,
Acting Chief Secretary to Government.

No. 40.—Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*, to *C. Lushington*, Esq.
Acting Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and being in confidential possession of the address of the writer therein adverted to, who is in the Central Provinces, I beg respectfully to solicit the permission of Government to communicate to him their wishes, with which it would be desirable for me to possess his authority to comply, and which I pledge myself to use my immediate efforts to obtain, as well as to communicate the result of my application with the least possible delay.

I have, &c.

Calcutta, 17 May 1822.

(signed) *J. S. Buckingham*.

No. 41.—To Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir,

IN reply to your letter of yesterday's date, I am directed to state that Government cannot compound with you on the occasion which has led to the present correspondence, and that you must either at once give up the author of the obnoxious letter in question, or be held responsible in your own person.

I am, &c.

Council-chamber, }
18 May 1822. }

(signed) *C. Lushington*,
Acting Chief Secretary to Government.

No. 42.—Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*, to *C. Lushington*, Esq.
Acting Chief Secretary to Government, &c.

Sir,

IT was from no wish on my part to conceal from Government the information sought, or to defeat the ultimate accomplishment of their wishes, that I requested their permission to communicate with the author of the letter which appears to them objectionable, but to perform an act of courtesy, if not of duty, to my correspondent, in advising a direct communication from that individual himself to Government of whatever information or explanation they might require; and which I have no reason to doubt that individual's perfect readiness to grant, particularly as he states publicly his being prepared to substantiate, by examples, to those who might doubt their accuracy, the truth of his observations.

Since, however, the Government desire to possess themselves of the required information with as little delay as possible, and feeling myself at liberty, in consequence of the publicly expressed readiness of the author to substantiate his observations by proof, to communicate his name, designation and residence, I beg to state, for the information of Government, that the author of the letter in question is Lieutenant-colonel Robinson, of His Majesty's 24th regiment of foot, now at Nagpoor.

I have, &c.

18 May 1822.

(signed) *J. S. Buckingham*.

No. 49.—Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

My Lord,

27th May 1822.

I HAVE learnt, with much pain and regret, that the publication of the letter of which the name of the author was demanded by Government, and communicated by me, has incurred the marked displeasure of his Excellency the Commander-in-chief, and that the writer of it has been ordered to quit the country.

From the great importance that is thus attached to the consequences of such a publication, I am naturally led to apprehend that I myself may have also appeared to Government to participate in the offence, by being the instrument of giving it to the world.

I have so frequently professed my sincere and unfeigned desire to make the press the instrument of all possible good, with the least possible mixture of evil, that I can only repeat my undisguised and deep regret at any event or occurrence which could tend to impress the Government with a contrary opinion.

With regard to the particular letter in question, I solemnly protest that I had not the most distant apprehension of its being otherwise than agreeable or acceptable to Government, as showing the extensive benefits already derived from a measure of your Lordship's administration, that had to all appearance their full concurrence; and expressing a hope that a period would arrive when its benefits would be still more widely extended. My surprise could be only equalled by my regret at finding that the Government entertained so unfavourable an opinion of what I deemed not merely inoffensive, but useful; and it is impossible for me to view the punishment with which I learn the writer is visited, without apprehending the most serious consequences to myself.

With this impression deeply fixed on my mind, I feel it my duty to address your Lordship, first, to protest most solemnly against any inference that may be drawn of my having, by the admission of such a letter into the paper under my management, intended to insult the feelings or to show any disrespect to the lawful authorities of the country; and secondly, to affirm, with all the solemnity that can attach to the most serious affirmation, that it has ever been, it still is, and I hope it always will be, my first and last desire to make the press a vehicle only for advancing the true interests of the British government in India, for attaching all classes of its subjects by the strongest moral ties to the established authorities of the land, for promoting the spread of useful knowledge, strengthening the permanence of our present political tranquillity, and increasing the extension of all that characterizes the blessings of civilization.

If in the performance of this duty unintentional errors may be committed, or opinions not in accordance with those entertained by the Government be hazarded, it can hardly be possible that they should visit a deficiency of judgment with a punishment that the law reserves only for the highest degree of moral turpitude. It would be confounding all distinctions of moral right, and all proportion between the offence and penalty, to consign to ruin an individual who had endeavoured to do good to all, but more particularly to advance their interests and to serve their cause, merely because, in the ardour of his zeal, he had appeared to them to have mistaken his path.

If the laws of England, and the decisions of its tribunals, were to be made the rule of action, he who offended those laws would justly incur the punishment which their guardians and depositaries would pronounce and inflict. If clearly defined and distinct Regulations, issued by competent authority, were superadded to these laws, in order to suit the peculiar circumstances of the country in which we live, any plain and wilful infringement of such Regulations would also justly subject the offender to some proportionate penalty. But when neither the one nor the other are disobeyed; and, instead of some clearly defined rule or code, the judgment of Government is made the criterion of offence, it is impossible but that unintentional error shall at least risk being construed in their estimation as deliberate crime; and to a statesman and legislator of your Lordship's penetration and experience, it must be quite unnecessary to say, that such a risk might as frequently involve the innocent as the guilty, and could not but be attended with the most serious evils, if not tending to undermine entirely those sure and certain foundations, on which it is the boast of every free and enlightened government to have its code of justice at least reposed.

Not to engage your Lordship's time or attention unnecessarily, I must end as I began, by protesting most solemnly against any inference of wilful disrespect to Government that may be drawn from the publication of the letter in question, or of my being influenced at any time by a desire to oppose their known wishes, or to contemn their authority.

I have, &c.
(signed) J. S. Buckingham.

No. 50.—Mr. J. S. Buckingham, Editor of Calcutta Journal, to J. M. Macnabb, Esq.
Acting Private Secretary, &c.

Sir,

Monday evening, 29th May 1822.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and lose not a moment in requesting you to convey to the most noble the Governor-general my high sense of his just though still indulgent construction of my professions, the sincerity of which I trust he will never have occasion to call in question.

My defence of the letter to which my attention had been called by Government was not intended by me to impugn *their* view of its tendency, but to show that it was at least not liable to the exaggerated character given of it by a writer in another newspaper, whose construction of it appeared to me at once so groundless and so mischievous, as to render it necessary, in justice to my own character, to republish his strictures for the purpose of showing, by an argumentative comment on them, how full of misconception and misstatement they were; and I can add, with great truth, that if no such letter had appeared in the newspaper alluded to, casting great odium on my character as its publisher, I should not have ventured, while the originally offensive article was under the notice of Government, to have publicly dwelt on it further.

His Lordship will however, I am sure, distinguish between the patient submission to established authority, and the remaining silent under the accusations of a contemporary newspaper, which could ungenerously thus strive, while the matter was *sub judice*, to widen the existing breach between the Government and myself, by giving to my indiscretion, or want of perception of the alleged evil tendency of the letter, an air of studied and deliberate crime, as if it were the chief end and aim of all my labours to insult the Government of the country, and bring the established authorities into contempt. From such an imputation, which if unanswered would be construed as admitted by my silence to be just, I hope his Lordship will at least think it was a pardonable failing for me to be impatient to defend myself; and the object of my comment had this intent, no more.

It gives me great pain to learn that his Lordship considers a disrespectful feeling likely to be engendered in the army by the publications, such as have appeared on military questions, and he has rightly conceived my being entirely ignorant of such an effect. Aware as I am, however, from a portion of my own life being passed in a service in which discipline is essential, how important it is to avoid all that may tend unnecessarily to relax it, I can have no hesitation in distinctly pledging myself to exercise the greatest caution in the admission of articles which may have the slightest tendency to produce such an evil, as well as all those which may appear dictated by personal feelings rather than a disinterested regard to the promotion of the public good.

My often declared, and I may add, unaltered principles, have always led me to desire that my paper should be confined to subjects of decided utility, and that whatever might tend to weaken the political or moral ties which should unite rulers and subjects as well as the various classes of society together, might be carefully avoided. If I have erred (and I am not vain enough to claim exemption from error) in the pursuit of those objects, it may be attributed wholly to indiscretion or incapacity, and perhaps also to something of a too ardent zeal in the execution of whatever my peculiar duties may require me to undertake. Without a dereliction of principle, therefore (which I am sure indeed Lord Hastings could neither require nor approve), and without the sacrifice of any important sentiment, I can with safety, and I do with sincerity, pledge myself to exercise that additional scrutiny and caution which his Lordship requires; and having so pledged myself, I shall, I trust, be conscientiously zealous to fulfil his expressed expectations.

I beg, therefore, that you will do me the favour to assure his Excellency the Governor-general, that he may repose himself on my attention to these points; and with a renewal of my deep sense of his Lordship's justice as well as benevolence,

I have, &c.
(signed) J. S. Buckingham.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 18th July 1822.

No. 7.—To Mr. *J. S. Buckingham*, Editor of the *Calcutta Journal*.

Sir,

It appearing that you issue from your press a Supplement to the *Calcutta Journal*, called the *New Weekly Register and General Advertiser*, and that you have not furnished copies of that supplemental paper to the Chief Secretary's office, in conformity to the Regulations of Government, which have been communicated to you for your guidance, I am directed by the Governor-general in Council to desire that you will transmit to the Chief Secretary's office, copies of all the numbers of the *New Weekly Register* which have been already published, and furnish to the same office regularly copies of all future numbers of the paper in question.

I am, &c.
(signed) *C. Lushington*,
Acting Chief Secretary to Government.

Council-chamber, 18 July 1822.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 25th July 1822.

Editor of the *Calcutta Journal* to *C. Lushington*, Esq. Chief Secretary to Government, &c. &c. &c.

Sir,

THE supplementary paper issued from the press of the *Calcutta Journal* weekly being intended chiefly as a country advertiser for the convenience of houses of business, and a single page of it kept open only for any heads of intelligence that might arrive on the day preceding that of publication, I thought I should have been attaching too much importance to such a mere collection of advertisements, and be unnecessarily occupying your attention with a matter wholly beneath it (in my apprehension), by sending a copy of each paper to the office of the Chief Secretary to Government, not conceiving it to be within the meaning of the Regulations, any more than the various advertisers published in *Calcutta*.

Finding, however, that I have erroneously assumed the indifference of Government towards publications of this nature; I lose no time in complying with your desire, and have now the honour to send, for the records of the Chief Secretary's office, a copy of the *New Weekly Register and General Advertiser*, for the stations of the interior, published as a supplement to the *Calcutta Journal*, and have given directions to the printer to deliver regularly, on every day of publication, a copy of the advertiser in question.

I have, &c.
Calcutta, 19 July 1822. (signed) *J. S. Buckingham*.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 27th August 1822.

A letter of an objectionable tendency, signed "A New Observer," having appeared in the *Indian Gazette* of yesterday, the Governor-general in Council directs that the following letter be written.

No. 12.—To the Editor of the *Calcutta Journal*.

Sir,

A LETTER, signed "A New Observer," having appeared in the *India Gazette* of yesterday, which is considered by Government to be of a description highly offensive to the feelings of his Majesty the King of Oude, I am directed to communicate to you the desire of the most noble the Governor-general in Council, that you will refrain from inserting in your paper any of these strictures for which the information must at best be loose, but probably insidious, while their purport is wantonly insulting to a sovereign who has shown the warmest attachment to the British interests.

I am, &c.
Council-chamber, } (signed) *C. Lushington*,
27 August 1822. } Acting Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 26th September 1822.

No. 69.—Mr. *J. S. Buckingham* to *C. Lushington*, Esq., Acting Chief Secretary to the Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 19th instant (delivered this day), and agreeably to the request therein made, beg to forward to the General Department all the numbers of the *Calcutta Journal* published since the 1st of August last up to the present date, and shall direct this to be continued regularly.

A similar file of the *Journal* for the same period shall also be furnished to the Post-master-general without delay, and succeeding numbers delivered in continuation as published.

I have, &c.
Calcutta, 26 Sept. 1822. (signed) *J. S. Buckingham*.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 17th October 1822.

No. 5.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

THE attention of the Governor-general in Council has been called to a discussion in the Calcutta Journal of the 31st ultimo, respecting the power of Government to forbid the further continuance within the British territories in India of any European not being a covenanted servant of the Honourable Company.

2. With a suppression of fact most mischievous, as tending to betray others into penal error, you have put out of view the circumstance, that the residence alluded to, if it be without a licence, is criminal by the law of England, while, if the residence be sanctioned by licence, it is upon the special recorded condition, not simply of obedience to what the local government may see cause to enjoin, but to the holding a conduct which that government shall deem to merit its countenance and protection, a breach of which condition forfeits the indulgence, and renders it liable to extinction.

3. This provision, which the Legislature of your country has thought proper to enact, (53 Geo. 3, c. 155, s. 36,) you have daringly endeavoured to discredit and nullify, by asserting that "transmission for offences through the press is a power wholly unknown to the law; that no regulation exists in the statute book for restraining the press in India;" and that "the more the monstrous doctrine of transmission is examined, the more it must excite the abhorrence of all just minds."

4. No comment is requisite on the gross disingenuousness of describing as a tyrannous authority, that power, the legality and justice of which you had acknowledged by your voluntary acceptance of a leave granted on terms involving your express recognition to that effect. Neither is it necessary to particularize the many minor indecencies in the paper observed upon since you have brought the matter to one decisive point.

5. Whether the act of the British Legislature, or the opinion of an individual shall be predominant, is now at issue. It is thence imperative on the duty of the local government to put the subject at rest. The long-tried forbearance of the Governor-general in Council will fully prove the extreme reluctance with which he adopts a measure of harshness; and even now his Excellency in Council is pleased to give you the advantage of one more warning. You are now finally apprised, that if you shall again venture to impeach the validity of the statute quoted, and the legitimacy of the power vested by it in the chief authority here, or shall treat with disregard any official injunction, past or future, from Government, whether communicated in terms of command, or in the gentle language of intimation, your licence will be immediately cancelled, and you will be ordered to depart forthwith from India.

Council-chamber, }
5 Sept. 1822. }

I am, &c.
(signed) C. Lushington,
Acting Chief Secretary to Government.

No. 10.—Editor of the Calcutta Journal to C. Lushington, Esq., Acting Chief Secretary to Government.

Sir,

I SHOULD have acknowledged the receipt of your letter of the 5th instant at an earlier period, but that I have been confined for the last six days to my bed by illness: I now seize, however, the earliest moment of a temporary release from that confinement, to reply to its contents.

2. I regret that the attention of the Governor-general in Council should have been drawn to one portion only of a long protracted discussion between myself and the editor of another paper, without apparently having been made acquainted with the origin of that dispute, or presented with the various articles that had been written on both sides the question at issue, before the article of the 31st ultimo, which closed the discussion, appeared. Had this not been the case, it is difficult to conceive that his Excellency in Council should consider the disputed point to be, whether the Government had the power to forbid the further continuance within the British territories in India of any European not being a covenanted servant of the Honourable Company. This power was never doubted, much less denied; and the only question between my opponent and myself respecting the exercise of such a power (which both acknowledged to be legally given), was, whether like all other legally delegated power, it was intended to be exercised under a responsibility for its use or abuse, or whether, like illegal and absolute power, it was to be subject to no responsibility whatever. My opponent contended that it had no limit, but the mere will and pleasure of the high individual exercising it; I maintained on the contrary, that the power itself, originating in a lawful source, was necessarily to be confined within lawful limits; and that irresponsible power was nowhere to be found acknowledged in the laws or constitution of England.

3. Had his Lordship in Council been made acquainted with the rise and progress of this discussion, so as to have seen the spirit and intention of the part I have borne in it from its commencement to its close, I should have reposed my case on his judgment for any decision he might have thought fit; but this appearing to me not to be the case, I confide in his Lordship's sense of justice to yield me a patient hearing while I recapitulate, which I shall do as briefly as possible, the heads of the discussion in question, to show that so far

far from setting the authority of the Legislature at defiance, my whole aim and end has been to rescue that supreme power from the contempt with which others appeared to me to treat it.

4. In the John Bull of the 21st of August some sneers were thrown out against a free press, which the editor of that paper endeavours by every possible means to bring into discredit, sometimes by attempting to represent it as dangerous, at others to make it appear ridiculous; and it appearing to me, that independently of the error of such a course, which deserved to be exposed, it betrayed a great want of judgment in any Indian paper professing admiration for the character and principles of the Marquis of Hastings, to attempt to *degrade* that which his Lordship had described on a great public occasion to be the most powerful instrument that could appertain to human rule, and fraught with equal blessings to the governors and governed, I ventured to defend both the press and its noble eulogist from this double-edged weapon of ridicule and calumny, by publishing in my journal of the next day (August 22d) the following paragraph:—"Every one must be aware that the freedom of the Indian press is a subject in which the Marquis of Hastings took a sincere, a well-grounded and a commendable interest. He gladly saw it numbered among the most useful and honourable acts of his administration; he gladly received from all quarters the eulogiums to which such an act fully and justly entitled him; and with all the frankness that belongs to a noble heart and an elevated mind, he opened the inmost recesses of his bosom to the world, to explain to them the motive by which he was actuated in bestowing on his countrymen in India this splendid and invaluable gift. Whatever may have since occurred, we are firmly persuaded that Lord Hastings will not look back upon a single act of his long and eventful life with higher approbation than on this. It is one of those deeds which not only wear well, but improve in estimated value by the lapse of time. There is not one of his Lordship's children who, in reviewing the bright portion of their beloved and venerated parent's history, will not love to dwell on this act of their father's as one combining the lofty views of the philosopher and statesman, with the conscious innocence and bold integrity of the pure patriot and the honest man. There is not one of his Lordship's historians who will not dilate on this portion of his Indian life, as one leading in the end to more important results than all the orders which gained him victories in the field; or all the regulations which have obtained his sanction in the council. We speak deliberately and advisedly when we add, that we have the strongest reasons for believing that his Lordship is at this moment as warm a friend to the freedom of the Indian press as at the period of his first breaking its shackles; and whatever false impressions, groundless alarms, expedient concessions, or any other causes may have given rise to, in the long interval between that period and the one at which we write, we do believe sincerely,—and if they were the last words we had to utter we should again repeat them,—we do believe, that at heart Lord Hastings was sincere in all that he said and did on that great and interesting question, and that he is now as desirous as any individual in India that the press should remain unfettered by any other restraint than the laws made for all, satisfied, as he must be now, that the danger apprehended from it by shallower and weaker minds than his own, and the outcry raised against the exercise of a salutary and honest expression of opinion, were without the slightest rational foundation."

5. Further, the editor of the John Bull having gratuitously inserted in his paper of the 19th of August an isolated passage from an English journal, describing the conduct of the government of India towards the press, as "displaying the caprice of a barbarian despot, who engages eagerly in a scheme of which he does not foresee the consequences, and tires of it before it comes fairly into operation;"—in reference to this unfair and offensive quotation, and with a view chiefly to show that my object was to defend both the press and its patrons here from imputations with which my opponent so zealously strove to stigmatize all that belonged to freedom of opinion, I added to the former paragraph the following remark: "If John Bull be thus allowed to handle such subjects with impunity, and to connect the name of Lord Hastings with what he holds to be either pernicious or ridiculous, or both, it shall be our duty to rescue the name of that Nobleman from a connection it so ill deserves, and to place it in association with that which Milton eulogized, which Blackstone praised, which Pitt and Fox and Burke and Sheridan, and a hundred other names with which those of Hastings and Canning may be ranged without losing any of their lustre, have all lauded, as it deserves, a free press, the great engine of nearly all the blessings that have been showered upon mankind since its first discovery, and the means to which, under Heaven, religion, science, art, knowledge, morality, virtue and happiness are more indebted for the progress they have made among nations, than to any other cause that can be named."

6. On the 26th of August the editor of John Bull published an article of some length, the chief purport of which was to show, that notwithstanding all that had been said about the press in India, it never was *intended* that it should enjoy that freedom of publication which Lord Hastings considered to be the natural right of his countrymen, and which he said he was as much guided by a well-weighed policy as by a sense of justice in freeing from the shackles that formerly bound it. With the most wilful blindness to all that had been passing for the last four years in India, the editor of John Bull opened his dissertation with the following singular confession: "In the first place, then, we must begin by acknowledging candidly that till Thursday last, when the matter was announced in the Calcutta Journal, we had not the most remote idea that a free press was established in India;" and he then goes on to insinuate, that the professions of the Governor-general were of no value whatever, and that freedom of the press, for which he had so justly re-

ceived

ceived the thanks and admiration of his countrymen from all quarters of India, not only did not exist now, but never had, and never was intended to have, any force or meaning whatever.

7. On the following day (August 27th), I noticed these ungenerous, and, as they appeared to me, unwarranted assertions of my opponent, by saying that I believed the wish of the Governor-general was in unison with his professions; that the press should be held amenable to the courts of law for its offences (that being the process observed by his Lordship in the majority of the cases in which he had thought proper to interfere, and in the most recent instances also); and that if this was the case the press must be considered free, for all that was ever meant by me in using that term was, free from any other restraint or control than that imposed by a court of law and a jury. On this same occasion, in reference to John Bull's insinuations of Lord Hastings's professions, in reply to the Madras Address, having no force or meaning, I said, "Believing the opinions of the Governor-general delivered to all the world to be good and valid, we very naturally concluded, that all that dropped from his lips was true and sincere; and that the press, which he had received thanks for relieving from its shackles, was free indeed." I added, "We believed so still; and there is no writer that can suppose otherwise, without imputing hypocrisy and wickedness to acts that sprung from the frank disclosures of a noble and benevolent heart. That writer is, however, John Bull, and he shows practically how little he regards those restrictions as in force, by making a greater breach of them than has ever been done before; by declaring in effect that a solemn act of the Governor-general, done in the face of all the world, had no meaning whatever, and should be regarded as utterly null and void. If this be the way in which John Bull thinks to excite respect for authority, he will certainly fail in his object; for such a construction (which happily will nowhere be received) is directly calculated to bring the highest authority of the land into contempt."

8. On the following day (August 28th), the editor of John Bull noticed the remarks made by me as given above; and after speaking of the censorship of Lord Wellesley's government, and the restrictions of 1818 substituted in its stead, says, in the most contemptuous manner, "In answer to these arguments, the Calcutta Journal brings forward certain words said to be spoken by the Governor-general at the Government House in 1819;" and after endeavouring to raise a doubt as to whether such words were ever actually spoken or not, he goes on to show, that even if they were, they could deserve no attention and possess no weight whatever; for even if they professed to remove restrictions, to grant freedom of publication, and to permit public scrutiny, they professed what the Governor-general could not grant; "for," says he, "that would be monstrous doctrine in law; a resolution of the Governor-general in Council to be cancelled *ex ore* by the Governor whenever he should think proper! The Governor-general cannot (he continues), even if he would, make any rule for emancipating the press from restrictions already imposed on it. Here then (he concludes) is dissolved into thin air the gorgeous palace of press-liberty, as raised by the lamp of Aladdin, out of a few winged words in the Government House."

9. It appeared to me impossible that any one entertaining the least particle of regard for consistency of conduct could interpret this in any other light than as a most deliberate charge of inconsistency and insincerity on the conduct of the Governor-general, on the occasion of his Lordship's reply to the Madras Address, to which these remarks applied. Accordingly on the following day (August 29th) I published an article, headed "Defence of the Marquis of Hastings against the attacks of John Bull." To this article it will be only necessary for me to call the attention of the Governor-general in Council to one or two paragraphs; first, to show what were the grounds on which I contended that the press was still practically free; and, secondly, to show that so far from doubting the power of Government to send Englishmen out of the country, whether they had licence or not, I admitted it in its full force, contending only that such a power must have been given to be exercised under the same responsibility that attaches to all power and even prerogative under the British rule and dominion either at home or abroad. The paragraphs alluded to are as follows: "Perhaps the very best illustration that we could give of this actual freedom of the press being such as we have here described, is to ask the reader whether at any period since the removal of the censorship, a paper has ventured to place the conduct of the Governor-general in so invidious a light as this very John Bull has done; by making it appear, that while Lord Hastings was receiving from every part of India, and even England, praises the most enthusiastic, for his giving to India the freedom of the press; while he was professing to the whole world, in his reply to the Madras Address, why he had given this 'freedom of publication' to his fellow-subjects, his words were mere winged words uttered in the Government House, without any meaning whatever, and such as no man of ordinary understanding could suppose really to imply what the words fairly purported! Is it possible that a person professing respect for the government of the country can thus slander its supreme head! It is indeed monstrous. The power of restraining the press, and enforcing the observance of any restriction that the Governor-general in Council thinks fit to impose, is an indirect one. There is no statute of English law, and no regulation of Indian law, by which any editor can be punished with banishment for offences through the press; but there is a power vested in the Governor-general only of sending to England any British subject who is found residing in India without a licence, or who came to this country without this legal warrant of entry. This power then of sending any man out of the country who has no licence to remain in it, though given for one purpose, may be certainly used for another; and this is the only restraint which can be used over the English press. A person suing the Government in court for damages

might be easily removed, no doubt, or silenced by the threat, that if he persisted in opposing its wishes, his licence to remain in India would be withdrawn, and immediate embarkation would follow; but as the Government have too high a sense of justice to do this, why should we suppose that they would require any other channel than the law for enforcing the assent of others to their opinions in any other case? or why imagine that they would use means to compel a man to abandon his right of publication, which they would not use to compel him to abandon his right of trading? for both are in one sense actual property legally sanctioned by a licence to remain in the country, and ought to be regulated by the same standard."

10. To this article the editor of the John Bull replied on the following day, by fastening on some of the minor points of the question in dispute, and making various quotations from official letters that had passed at different periods between the chief secretary to Government and myself, with a view to charge me with prevarication and inconsistency.

11. The article in the Calcutta Journal of the 31st of August, to which your letter of the 5th instant particularly alludes as the one brought to the notice of his Lordship in Council, was a reply to that of the John Bull on the preceding day; and the main object of this recapitulation has been to show—

12. First, That the discussion did not originate with me.

13. Secondly, That it was not founded on a question of the power of Government to transmit without trial, but on a mere question of act and evidence, whether the press was free or enslaved.

14. Thirdly, That my share in it was not to deny, but to uphold the authority of the laws.

15. Fourthly, That my object was to defend the Marquis of Hastings individually from accusations of insincerity, which I thought unfounded; and the Government collectively, from a charge of entertaining intentions hostile to the fair and legal exercise of a common right, which I was as unwilling to admit.

16. Fifthly, That the whole substance of the dispute ultimately resolved itself, not into a doubt of the power of an Act of Parliament; but into a doubt of the construction given to certain clauses in that Act, on which men might differ widely without losing any respect whatever for its authority.

17. This brings me therefore to the immediate subject of your letter, to the chief points of which I shall endeavour, as well as my feeble state of health will admit, to reply as briefly and as clearly as I can.

18. With reference to the first paragraph of your letter, as to the subject of the discussion being the power of Government to send Englishmen out of India, what I have before said will be sufficient, I hope, to satisfy the Governor-general in Council that this power was never questioned by me, and that it formed only a collateral argument to the main dispute, which was, whether the press was free or enslaved; and, if restraints were to be placed on it, what was the legal mode in which such restraints could be imposed?

19. With reference to the second paragraph of your letter, I beg distinctly to state, that so far from having suppressed the fact of its being unlawful for Englishmen to reside in India without a licence, I have admitted and reiterated that fact times beyond number, always making it the ground of my argument for saying, that the fear of having his licence withdrawn, and being therefore sent to England as a person unauthorized to remain in India, is the most powerful as well as the only legal restraint even now exercised over the Indian press; because, although ostensibly the law does not specifically warrant transmission for offences through the press, any more than for any other class of offences, yet, as it warrants it for whatever the Governor-general may think good cause, be that what it may, his Excellency can exercise that power on British-born individuals whenever he thinks proper, without assigning any reason whatever, subject however to that responsibility under which all power, even that of the courts of law, must necessarily be exercised, since irresponsible power is a doctrine wholly unknown to the law and constitution of our country.

20. With reference to the third paragraph of your letter, I beg leave to say, that I have never attempted to discredit or nullify any Act passed by the Legislature of our country, for that would be to deny the authority of King, Lords and Commons; but it appeared to me as to many others, that the construction of an Act of Parliament containing many more clauses than one, must always admit of a wide latitude of opinion. Throughout that Act, no specific mention is made of any punishment peculiar to offences through the press, and which it may therefore be presumed was intended to be dealt with according to the common course of law; and neither on the statute book of England, nor the statute book of India, by which I mean the printed and published Regulations of Government issued and passed in the usual forms, am I aware of any law for restraining the Indian press. I am of course aware that the Government may issue any order that it may see fit to Englishmen residing in India, and among these, at least, prohibit printing altogether; and that any refusal to comply with such order must be at the peril of the individual refusing, who may have his licence withdrawn, and be then sent out of the country for being without that document: but in *common parlance*, it is no denial of this power to say, that no law exists for restricting the Indian press, because this power applies no more to the press than it does to anything else; and if the power of placing restraints on the press be inferred from the mere existence of a legal power to transmit, then a power to place restraints on any other enjoyment may be equally inferred from the same source; and yet it would surely be admissible to say, that there was no law on the statute book of India for preventing the publication of political tracts, although any one who should publish one that contained

offensive matter might have his licence withdrawn, and then be transmitted for a misdemeanor, as residing in India without proper authority. The laws on the statute book apply, however, with equal force to all classes of British subjects in India, whether British-born or otherwise, and infringements of them may be punished through the regular channel of a court of law; they are, in this respect, essentially different from orders not so passed in the shape of Regulations, though such orders may be equally binding to those over whom the power of transmission extends; and I am sure his Excellency in Council will see clearly, that this distinction is sufficient to explain the full meaning of my expression.

21. The fourth paragraph of your letter attributes to me what I feel conscious I do not deserve. I hope I am as incapable of "gross disingenuousness" as I am of remaining silent under so unwarranted a reproof; I do not call it a stigma, because it could only become so by being deservedly attached to my character: I have the consolation, however, to know, that if repeated a thousand times it would still fail to be felt by me as deserved, and obtain no credit with those to whom the frankness of my whole conduct is known. When I accepted of a licence to remain in India, which was sent to me from England without my knowledge of what were the conditions it might impose, I was glad to find that there were express and positive conditions laid down in it, to which I could honestly subscribe, and that as long as I conformed to these conditions the licence would be held valid; though the moment I made a breach of any of them, I was liable to have it withdrawn. The first of these conditions stated, that I was to conform to all such *Rules and Regulations* as might be in force at the presidency at which I might reside; secondly, that I should engage in no trade, bank, dealings or transactions, *contrary to law*; thirdly, that I be guilty of no violence, wrong or oppression towards the natives, or any foreign king or state within the limits of the Company's charter; and fourthly, that I should not quit the country without paying all my just debts. Hitherto, I hope and believe that I have fulfilled my portion of the conditions enjoined; and as there can be no contracts without reciprocal engagements, I have always indulged the hope, that as long as my stipulated duties were fulfilled, the stipulated protection of the Government would not be denied me. In accepting this licence, I did not certainly conceive that it involved an express recognition of the legality or justice of a power that should subject me to banishment and ruin, for daring to entertain an opinion of the meaning of any Act of Parliament contrary to that held by the chief authority of the State. My opinion of that meaning may be wrong, I had never asked for any other means than open argument to show that it was right: but that the opinion entertained by Government of the power granted them by an Act of Parliament may be also wrong, the history of our own times will furnish proof; for it is within the recollection of many residents of Calcutta, that in the case of certain duties imposed on articles of trade by an authority which the Government, no doubt, thought legal at the time, a reference to England showed that such duties were illegally imposed, and it was the opinion of the best lawyers in India, that the Government might have been sued for the full amount of the duties so levied. The memorable case of the Despatch cutter is another striking instance of the difference of opinion that may be honestly entertained by the most upright and well-intentioned persons as to the construction of an Act of Parliament; and indeed every case that is tried before a British court, if it depend on a question defined by statute law, furnishes proof upon proof of the main fact for which I am contending, namely, that without at all doubting the validity of any Act of the Legislature, there is nothing of more frequent occurrence than the maintenance of the most opposite opinions as to the intent and meaning of such Acts. It is scarcely a year ago since the power of the Supreme Court to file criminal informations for libel was disputed through a long and tedious day, in which the judges, barristers, and other officers of court, all differed from each other in the construction of the Act of Parliament relating to this power, for no two speakers gave exactly the same view. But the learned Judges of that court did not think it any *disrespect to their authority* to question its legal extent; on the contrary, they heard with as much patience and attention those who opposed the exercise of such a power as *unlawful*, and never contemplated by the Act, as they did those who contended for its *legality*; and even among themselves, one of their own number, the present sole judge on the bench, contended against the jurisdiction which his brother judges wished to maintain. No disrespect to the general authority of the court was, however, meant by this; nor has that authority been lessened by that discussion in the slightest degree. The object of *all* was to ascertain, by *careful and patient inquiry*, and the fullest and most impartial hearing of all parties, what the exact *limit* of their authority was; and this being ascertained, obedience to it followed in the natural order of things.

22. The fifth paragraph of your letter, therefore, which supposes that the question is reduced to this point, whether the Act of the British Legislature, or the opinion of the individual, shall prevail, gives, I fear, too much importance both to me and to my sentiments. The Act of the British Legislature must prevail; whatever may be my individual opinion of its meaning, it is only the collective opinion of a court of law that could set aside any decision to which a misinterpretation of it might lead; and only the collective opinion of King, Lords, and Commons, that could increase its powers, if too limited, or retrench them, if too extended. In all this my individual opinion would avail no more than the opinion of the Governor-general in Council: we might each entertain and act upon very opposite ones; but in a British court, or before a British Parliament, there would be other commentators, the collective weight of whose opinions would of course decide the meaning of all doubtful points.

23. Of the forbearance of the Governor-general I have myself spoken often and warmly;

and to show that I entertain no mean opinion of what we owe to this, I must take the liberty to subjoin one more short extract from the late discussion which has given rise to this letter. At the close of this discussion I said, "We hope we shall be pardoned for the unexpected length into which we have been led; but much as we have suffered from the measures pursued at one time and another against the British press of India, we have yet a sense of deep and sincere gratitude towards the illustrious Nobleman whom we shall always call its liberator, and who, we are persuaded, is still its friend. He is about to leave us shortly, and we can now have no suspicion even of the motives for flattering him: we know, however, that he has maintained the cause of the press in secret with as much energy and eloquence as he has defended it in public; we know, that if he has sometimes yielded to the importunity of those who harassed him with complaint upon complaint, he has more frequently resisted the torrent that threatened to divert him from his noble and benevolent purposes; and we are convinced that all the liberty which the Indian press has enjoyed for the last four years, let it be curtailed when it may, has been the gift of his magnanimity and forbearance. For this we are grateful, and he will carry with him our ardent wishes for his happiness, to whatever land his footsteps may be next directed."

24. I had certainly hoped that the virtue of this forbearance would have shone brighter and brighter, as the close of the Governor-general's career approached; but I should indeed be guilty of that "disingenuousness" of which I have been, I hope, unjustly accused, if I were to conceal my regret at finding that the mere act, repeating *once more* what had been said months and years ago, of transportation without trial for offences through the press, and this too not addressed to Government, but in the warmth of controversy with an opponent, to whom all liberties of language and argument are permitted, should have led to a communication of his Lordship's final warning in the terms you have couched it. From this I am compelled to conclude, that the press is no longer free to touch on any subject whatever that the Government may think proper to interdict; and more, that my permission to remain in India is dependent on implicit obedience to any and every official injunction, past, present or to come, of whatever nature, kind or description it may be.

25. As to the nature or extent of that freedom of the press about which such various and conflicting opinions have been entertained, it is now clear that for English-born editors, who may be transmitted for maintaining abstract opinions as to its existence or total annihilation, no such freedom can be any longer supposed to exist; and as far as I am concerned, by being included in that class, it is likely that his Lordship in Council will never more be troubled with dissertations upon a question now so entirely set at rest. Of the merits or demerits of the several systems of censorship, restrictions or freedom, as by law established, whatever may be my opinion, it must be unavailing to offer it now. I have before often desired to know, only distinctly and unequivocally, what the system intended to be maintained actually was, and expressed my readiness to conform to it; for the justice or injustice, policy or impolicy of any system must rest with those who establish, and not with those who are called on merely to observe it, and who have no share in its formation. Every apparent departure that I have yet made from such conformity to the established system of the moment has arisen from the ambiguity of the terms in which its conditions appeared to me to be involved, and from the inferences fairly warranted by the various modes of proceeding adopted against offences through the press, sometimes through the channel of official correspondence, but more frequently and in the most important cases through the regular channel of proceedings in the courts of law. To this last appeal I have never once objected; and so far from my ever attempting to set any Act of the Legislature of my country at defiance, my never-ceasing cry and prayer has been, that the dominion of the law should be upheld and maintained, as the only dominion under which we all ought to live. Whatever is lawfully established, it will be always my duty to obey; and even under the system here laid down by the Governor-general in Council, as that framed by the Legislature for the government of British India, however it may fall short of that standard of excellence which ardent minds might wish to see attained, it will be my aim to live as usefully and honourably as I can. If I fail in effecting all the good I wish, I must strive to be content with doing that which is safely practicable, and endeavour to balance the sacrifices of the present by indulging hopes for the future.

26. I hasten to conclude, as well as my exhausted state will admit, by simply stating, therefore, that under all these considerations, I shall conform to such official injunctions as may be issued for my guidance, as long as I retain my present occupation and pursuits, which, however, both duty and inclination will equally prompt me to relinquish or transfer to other hands, whenever circumstances may lead me to conclude that my perseverance in them is likely to be detrimental to my own peace of mind, injurious to the welfare of the State, or incompatible with the interests and happiness of others.

Calcutta, 9 Sept. 1822.

(signed)

I have, &c.

J. S. Buckingham.

P. S.—That I may not again incur the imputation of a "mischievous suppression of fact, as tending to betray others into penal error," I shall rely on his Lordship's justice to permit the publication of the official correspondence in which I have been involved on the subject of the press, in order that no persons may henceforth plead ignorance as their excuse for not conforming to the wishes now so clearly and finally expressed by Government. It is not only granted to my opponent, the Indian John Bull, to publish such portions of the letters of Government to me as may suit his purpose of bringing my writings and character into disrepute, but access is given him to all such documents sufficiently early to make them a subject of comment in his pages almost before they reach my hands,

hands, and certainly before I have been able to reply to them. Those who remember the avowed purpose for which that paper was established, to crush and annihilate the Calcutta Journal; those who know the manner in which it has been supplied with every mark of official countenance and protection, being made indeed the channel of information formerly confined to the Government Gazette, as well as the vehicle of the most angry denunciations of myself and my opinions, in letters written for its columns, and generally believed to have been penned by some among the highest functionaries of the state; those to whom all this is notorious (and they include nearly the whole of the British community of India,) will not wonder at the ungenerous exultation which the habitual contributors to that paper have already displayed, at what they no doubt deem the immediate harbinger of my irrecoverable ruin. In the John Bull of the 9th instant is a letter signed F. G., which must have been written within a few days after that on which your official letter to me is dated, communicating to the world the intelligence of my having incurred the displeasure of Government, almost as soon as I knew of that event myself, for, in fact, being ill in bed when your letter of that date reached me, late in the evening of the 5th, I was only able to read it on the next day, and this ungenerous exultation at my anticipated ruin was thus spread forth to the world by some person who could only have known the circumstance through official channels, before I had strength to rise from my bed of sickness to offer a single observation on it, either in extenuation or reply. In this letter of the John Bull, the initials of the Governor-general are used, and it is then contemptuously asked, "whether the G— G— L— may not mean the Great Great Lama? After which it goes on to insinuate, that this G— G— L— had written a letter to the editor of the Journal, which it was desirable to keep secret, as its getting abroad might defeat the speculation into which he had entered, &c. &c., in terms that leave no doubt as to its aim and object, being to degrade me in the estimation of the world; and by insidiously describing my prospects as insecure, to deter others from placing that confidence in my pecuniary credit, which it must be as much my interest as that of any other person in business to protect from unjust suspicion, and to preserve unsullied from reproach. The property which my industry has accumulated, it will now be my duty to secure as well as I can from premature destruction; and the fair fame which my labours have obtained for me, it will be equally my duty to protect to the best of my abilities from being blasted by unjust aspersions. To accomplish the one, I shall take the most effectual measures within my power, even at the hazard of rendering it less valuable, to secure it from the jeopardy of that sudden dissolution which may be said to threaten it every hour that it remains dependant on my individual charge; and to effect the other, I only ask the common justice of being permitted to publish the correspondence and final decision of Government regarding the press, not only to satisfy the Indian public as to the impossibility of my future continuing to maintain the sentiments I so lately held, and as I thought justly, regarding the freedom of the Indian press, but also, to escape the imputation of that "gross disingenuousness" and mischievous suppression of fact, tending to betray others "into penal error," with which I should be justly chargeable, if I concealed from others that which it is important for all men to know who desire to conform to the wishes of those in authority, and who seek for explicit information as to what those wishes are, in order that they may more fully and effectually obey them. The Government, feeling that their decision is just, must be honoured by making it known; and the most effectual way of closing for ever all plea of excuse from those who may in future pretend to doubt their intentions, will be to place clearly and unequivocally before the world the explicit and final declaration of their expectations and commands.

Trusting that no sentiments which I have expressed throughout the foregoing letter, written at broken intervals, and amid the anxiety and suffering of a bed of sickness, will be construed, either from its matter or manner, into disrespect or disobedience towards the Supreme Authority (which I am far from intending, and which I wholly disavow), I rely on the high character and impartial justice of his Excellency in Council for a due consideration of all that I have ventured to offer in explanation of my conduct, and for his equally ready attention to my closing, and I hope just and reasonable request.

I have, &c.

Calcutta, 10 Sept. 1822.

(signed) *J. S. Buckingham.*

EXTRACT BENGAL PUBLIC CONSULTATIONS, 20th February 1823.

No. 7.—To Mr. *J. S. Buckingham.*

Sir,

REFERRING to the editorial remarks contained in the Calcutta Journal of the 8th inst., page 541, and to the communications officially made to you on former occasions, I am directed to apprise you, that in the judgment of the Governor-general in Council, you have forfeited your claim to the countenance and protection of the Supreme Government.

2. I am further directed to transmit to you the enclosed copy of an order passed by Government, on the present date, by which the licence of the Court of Directors, authorizing you to proceed to the East Indies, is declared to be void from and after the 15th day of April next.

3. You will be pleased to notice, that if you should be found in the East Indies from and after that date, you will be deemed and taken to be a person residing and being in the East Indies without licence or authority for that purpose, and will be sent forthwith to the United Kingdom.

Fort St. William, }
12 Feb. 1823. }

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 6th March 1823.

No. 5.—*Mr. J. S. Buckingham* to *W. B. Bayley, Esq.*, Chief Secretary to Government.

Sir,

I HAVE received your letter of the 12th instant, enclosing me the resolution of the Governor-general in Council of that date, informing me that my licence to remain in India will be void on the 15th of April next, in consequence of the remarks contained in the Calcutta Journal of the 8th instant, at page 541, to which an importance is attached which could only have arisen from the Governor-general mistaking a piece of mere pleasantry, at the incompatibility of such opposite duties as those of a doctor of divinity and a clerk of stationery, for a grave and portentous matter of treason against the State.

For the wisdom or accuracy of this decision, those who have acted on it are of course alone responsible. It is sufficient for me to advert in this place to the personal injury which I must sustain by such a measure of punishment as the Governor-general has thus chosen to direct against me, as the supposed author of the obnoxious remarks in question. This injury will be deeply felt, by my sudden banishment necessarily shaking the confidence of those with whom I am associated in the joint possession of actual property, by the effect it will produce in lessening the value of that property which it thus places in jeopardy and insecurity, and by the entire destruction which such a blow will give to all my future prospects, from its suddenly interrupting the lawful exercise of an honest profession. All these evils are inflicted on me by this measure, though I am entirely innocent of any crime for which the slightest measure of punishment could be legally inflicted; or at least if I am unconsciously guilty, I desire nothing more than an open trial before the tribunal of the law, and the visitation of whatever sentence the administrators of that law may pronounce.

After the resolution of the Governor-general which you have communicated to me, I can no longer hope to exercise, with any safety to myself or advantage to the public, my duties as editor of the Calcutta Journal; and as numerous other individuals are associated with me in the joint possession of the property of that paper, I am also bound by a regard to their interests no longer to retain my present dangerous office, a perseverance in which might, perhaps, render our property as insecure as the freedom of my person is now shown to be, under a system which leaves both subject to the mercy of a power exercised at the mere will and pleasure of an individual without the intervention of the law. I feel myself compelled, therefore, under all these considerations, to avail myself of such legal and honourable means as will most effectually secure the property from further injury than it has already sustained by the measure of my sudden removal from its superintendence.

With this view, I have already resigned the editorship of the Calcutta Journal, not nominally only but *actually*, into the hands of Mr. J. F. Sandys, a gentleman of Hindoo-British or Anglo-Indian birth (well known as a public writer and editor of an Indian newspaper some few years ago), to whose future management the Calcutta Journal will be entrusted from and after this date, and to whom you may therefore address yourself in all future cases in which you may desire a correspondence with the editor of that paper.

Retaining as I shall do my pecuniary interest in the concern in common with numerous other individuals of every rank and class in the community who have become joint shareholders with me in that establishment, I shall rely also in conjunction with them on the protection which the law will extend to that property, to save it from further injury by trespass or spoliation; and while the real editor of the Calcutta Journal, Mr. Sandys, will be alone responsible for the future conduct of that paper from this date, I shall lose no time in directing all my exertions, in another and a higher quarter, to obtain for my countrymen in India that freedom and independence of mind which is not denied to the most abject individual of *Indian* birth, but which, while the power of banishment without trial exists, no *Englishman* can hope to enjoy in the performance of his public duties, or the promulgation of his opinions in this quarter of the British empire, however sincerely those opinions may be entertained, however lawfully they may be expressed, or however zealously they may be directed to the improvement of the country or to the attainment of public good.

Calcutta, 17 Feb. 1823.

I am, &c.
(signed) *J. S. Buckingham.*

III.

COPY of the REGULATIONS under which the Press in *Bengal* was conducted at the time of the Revocation of Mr. *Buckingham's* LICENCE.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 28th August 1818.

The following circular Letter was written by the Chief Secretary to Government, on the 19th instant, to the Editors of the several Newspapers in Calcutta.

No. 9.—To the Editors of Newspapers.

Sir,

His Excellency the Governor-general in Council having been pleased to revise the existing Regulations regarding the control exercised by the Government over the newspapers, I am directed to communicate to you, for your information and guidance, the following Resolutions passed by his Lordship in Council:

The Editors of Newspapers are prohibited from publishing any matter coming under the following heads:

1st. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the Government of India, or disquisitions on political transactions of the local administration, or offensive remarks levelled at the public conduct of the members of the Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.

2d. Discussions having a tendency to create alarm or suspicion among the native population, of any intended interference with their religious opinions or observances.

3d. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

4th. Private scandal and personal remarks on individuals, tending to excite dissension in society.

Relying on the prudence and discretion of the Editors for the careful observance of these Rules, the Governor-general in Council is pleased to dispense with their submitting their papers to an officer of Government previous to publication. The Editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law as established in this country, and will be proceeded against, in such manner as the Governor-general in Council may deem applicable to the nature of the offence, for any deviation from them.

The Editors are further required to lodge in the Chief Secretary's office one copy of every newspaper, periodical, or extra, published by them respectively.

I have, &c.

Council-chamber, }
19 August 1818. }

(signed) *J. Adam,*
Chief Secretary to the Government.

IV.

Copy of DESPATCHES from the Government of *Bengal*, announcing the REVOCATION of Mr. *Buckingham's* Licence, and the other PROCEEDINGS of the said Government with respect to Mr. *Buckingham*.

EXTRACT PUBLIC LETTER from *Bengal*; dated 5th August 1819.

Para. 50. ON our proceedings of the 25th June, your Honourable Court will observe a minute recorded by the Governor-general, comprising a copy of certain paragraphs which had appeared in the 95th No. of the *Calcutta Journal*, of a highly offensive nature. The extract contained a wanton attack upon the Governor of Fort St. George, in which his continuance in office was represented as a public calamity, and his conduct in administration asserted to be governed by despotic principles, and influenced by unworthy motives.

51. The Governor-general accordingly suggested the expediency of ascertaining from the Advocate-general, whether the publication in question amounted to a libel, and in such case, whether in his judgment it would be advisable to institute any and what legal proceedings against the publisher. We entirely concurred in the measure proposed by the Governor-general, and the Chief Secretary was directed to call upon the Advocate-general for his opinion.

52. The report of that officer greatly discouraging the institution of legal proceedings against the editor of the *Calcutta Journal*, a strong objection presented itself to using on this occasion the extreme powers of Government, by depriving Mr. *Buckingham* of his licence to remain in the country. The exertion of such an unusual degree of rigour upon the first transgression which occurred after the previous censorship had been relinquished, would have appeared an act of unprecedented severity, and might have been considered a departure from the spirit of the terms announced to the editor. We thence deemed it sufficient in the instance to reprove Mr. *Buckingham*, the editor of the journal in question, very austere, and to warn him of the consequences which would inevitably attend a further violation of the spirit of the instructions communicated to the editors of newspapers, at the period when the Government dispensed with the obligation to which they had formerly been subjected, of submitting their papers, previously to publication, to the revision of an officer of Government.

53. Mr. *Buckingham*, in reply to this notification, expressed his contrition for the offence which he had committed, in the strongest terms, and pledged himself to avoid in future the insertion of such objectionable matter in his journal. Copies of the correspondence (recorded as per margin) were transmitted to the government of Fort St. George.

Consultations,
25 June, Nos. 1
and 7.

EXTRACT PUBLIC LETTER from *Bengal*; dated 6th January 1820.

Consultations,
20 August, Nos. 56
and 57; 27 Aug.
Nos. 19 and 21.

Para. 134. AT the request of Mr. *Buckingham*, the editor of the *Calcutta Journal*, we have sanctioned an arrangement for securing to the post-office the punctual payment of the actual sum received on account of the postage of the *Calcutta Journal*, for a period of twelve months, that paper (viz. the regular numbers only) being allowed in consequence to circulate to all stations to which the post-office regulations of this presidency extend, free of nominal postage or charge to the persons to whom it may be addressed, subject to the following conditions: The arrangement was to take effect from the 1st September last. The amount payable by the editor, on account of the postage in question, was to be calculated according to the average of the number of the *Calcutta Journal* which should have been daily dispatched from the post-office during the month of August, and Mr. *Buckingham* was to furnish such security as the postmaster-general might approve, for the payment into the post-office of the amount so computed, either by instalments, or by one aggregate payment within the year, as might suit Mr. *Buckingham's* convenience. It was also to be understood that each paper was not to exceed the weight, viz. three sicca weight, authorized by the existing regulations.

135. We reserved to ourselves the power of cancelling the agreement in question at any period, in the event of its being discovered that essential public inconvenience had resulted from its operation.

EXTRACT PUBLIC LETTER from *Bengal*; dated 31st July 1820.

Para. 152. THE tenor of certain observations contained in the *Calcutta Journal* of the 11th January last, under the head of a "Notice to Subscribers under the Madras Presidency,"

gency," having appeared to us to be so highly improper as to call for immediate notice from this Government, we directed our Chief Secretary to address a letter to Mr. Buckingham, the editor of that paper, on the subject. Consultations, 4 Feb., No. 1.

153. The observations alluded to were clearly intended to convey the impression, that the government of Fort St. George had taken measures to impede the circulation of the Calcutta Journal, which measures were unjust in themselves and originated in improper motives. Mr. Buckingham was accordingly informed that his remarks on the proceedings of the government of Fort St. George were obviously in violation of the spirit of those rules to which the particular attention of Mr. Buckingham, as the editor of the Calcutta Journal, had been before called, and that the unfounded insinuations conveyed in those remarks greatly aggravated the impropriety of his conduct on this occasion.

154. It was then intimated to Mr. Buckingham that the Governor-general in Council had perceived with regret the little impression made on him by the indulgence which he had already experienced, and the Chief Secretary was desired to warn him of the certain consequence of his again incurring the displeasure of Government. Mr. Buckingham was however required to make a distinct acknowledgment of the impropriety of his conduct, and a full and sufficient apology to the government of Fort St. George for the injurious insinuations inserted in his paper alluded to, with regard to the conduct of that government, to be published in the Calcutta Journal.

155. Finally, Mr. Buckingham was further required to transmit the draft of such acknowledgment and apology to the Chief Secretary's office within the period of three days from the receipt by him of that officer's letter. That if it should be considered sufficiently satisfactory it would be returned to him for publication, but if not, such further communication would be made to him as the Governor-general in Council should direct.

156. In reply to the foregoing requisition, Mr. Buckingham submitted two letters to Government, in which he entered at length into a justification of his conduct. The points discussed being connected with local regulations, and not being of that importance which would appear to call for an exposition of their details, we deem it unnecessary to prolong our report of the subject by abstracting Mr. Buckingham's reasonings in extenuation of his offence. Your Honourable Court will have access to the documents recorded on the occasion comprised in the Consultation of the date specified in the margin. It will be sufficient for us to add, that the explanations appeared to the majority of the Government to afford considerable ground for exculpation in favour of Mr. Buckingham. Mr. Buckingham was therefore apprized, that although the Governor-general in Council thought it indispensably requisite that a public acknowledgment should be made in the manner pointed out by the Chief Secretary, it was not the desire of the Government that the acknowledgment should be worded in the terms which would have been judged necessary previously to the consideration of Mr. Buckingham's letters, but that Government expected an early expression in the Calcutta Journal of his regret at having published observations so carelessly worded, as to bear the appearance of disrespectful animadversion on the government of Madras. Consultations, 4 Feb., No. 2 and 4.

157. In conclusion, it was observed to Mr. Buckingham, that the rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable, and so obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed. And that independently of the injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers might lead, it had a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions which common prudence on the part of the editors would render altogether unnecessary.

EXTRACT PUBLIC LETTER from Bengal; dated 2d April 1821.

Para. 139. In our despatch of the 31st of July last, we took occasion to bring under the notice of your Honourable Court the improper conduct of Mr. Buckingham, the editor of the newspaper called the Calcutta Journal, in inserting in that paper a paragraph highly disrespectful to the late governor of Fort St. George: we regret to remark, that we have in more recent instances had to animadvert on the exceptionable tendency of certain articles contained in subsequent numbers of that paper. Paragraphs 152 to 158.

140. A letter having appeared in the Calcutta Journal of the 6th of November last, headed "Merit and Interest," and signed "Æmulæ," we considered that production to be of so very offensive and mischievous a tendency, that we resolved to take the opinion of the advocate-general as to the probable issue of a prosecution for a libel vilifying the Government, and tending to excite discontent in the army. Consultations, 17 Nov., No. 1.

141. Mr. Spankie was at the same time furnished with a copy of a portion of the Calcutta Journal of the 8th of November, and desired to offer to Government such observations as the perusal of the "Note of the Editor," contained in pages 94 and 95, might suggest, as connected with the letter above adverted to.

142. The advocate-general, in reply, stated his opinion, that the publication in the Calcutta Journal of the 6th of November was a libel upon the Government and Administration of the country, Consultations, 17 Nov., No. 2.

country, and that it was a libel not only highly offensive in its terms, but mischievous in its tendency, and he encouraged the measure of prosecution. In the same letter, Mr. Spankie stated his observations on the further objectionable matter comprised in the paper of the 8th, which it is unnecessary for us to describe in this place.

Consultations,
17 Nov., No. 4.

143. On a full consideration of the sentiments expressed by Mr. Spankie, we resolved that a prosecution should be commenced against Mr. Buckingham for publishing the libel upon the Government and Administration of this country, which was contained in the letter signed "Æmulæus." A copy of the correspondence on the subject was accordingly forwarded to the Honourable Company's attorney, in order that the necessary measures might be adopted, under the advocate-general's guidance and instructions, for conducting the prosecution in such manner as might be judged most conducive to the public good. The advocate-general was at the same time apprized of the above intention.

Consultations,
17 Nov., No. 3.
Consultations,
17 Nov., No. 5.

144. On being informed of the resolution of Government, Mr. Buckingham addressed to us the letter recorded on the Consultation last noted. Mr. Buckingham stated, that the day after the obnoxious article had appeared, he had taken pains to expose its groundlessness and absurdity, before he was apprized of his having incurred the displeasure of Government. He alluded to the little chance that existed of his escaping conviction, the severity of the punishment which would probably be inflicted, and therefore implored the Government to spare him the cruelty and hardship of being exposed to the scorn of the envious and illiberal, and suffering fine, imprisonment, and probably ruin, for the imprudence, at most, of publishing the sentiments of another."

Consultations,
17 Nov., No. 6.

145. In reply to this address, Mr. Buckingham was informed, that we saw no reason for staying the proceedings which had been commenced against him in the Supreme Court.

Consultations,
13 Jan. 1821,
No. 16.

146. The Governor-general, however, having, when temporarily absent from the presidency, communicated to the Council a letter addressed by Mr. Buckingham to his Lordship upon the subject of the prosecution for libel instituted against him by the Government, and his Lordship's sentiments upon that letter, Mr. Buckingham was informed that the prosecution would be waived on the following conditions:

1st. That he should instruct his counsel to let the motion which has been made in the Supreme Court by the advocate-general for an information against him, pass without opposition.

2d. That he should address to the Government an apology, comprehending in distinct and unequivocal terms the professions contained in his letter to his Lordship, for the purpose of the same being read in court by the advocate-general, as the ground of the instructions to that officer to drop the prosecution.

Consultations,
13 Jan., Nos. 17
and 18.

147. The letter which Mr. Buckingham addressed to the Government, in consequence of the foregoing communication, having contained an intimation from that individual that the sentiments entertained by the writer under the name "Æmulæus" were foreign to his own, and that he did not at the time attach the importance to it which subsequent consideration had shown him he should have done; and Mr. Buckingham having also expressed his hope that the act which had excited the displeasure of Government could be received as the result of inadvertence, we desired the advocate-general to drop the prosecution, provided that the motion which had been made by him in the Supreme Court for an information against Mr. Buckingham should not be opposed by his counsel.

Consultations,
13 Jan., No. 19.

148. In November last, Mr. Buckingham was called upon to state the name of the writer of a letter under the head of "Military Monopoly," and signed, "A Young Officer," which appeared in the Calcutta Journal of the 3d of November, and the tenor of which was considered to be highly objectionable. In compliance with that requisition, Mr. Buckingham gave up the name of the writer of the letter in question, who was severely reprimanded by the Commander-in-chief. The correspondence on this subject is recorded, as per margin.

Consultations,
8 Dec. 1820,
No. 1 to 3; 13 Jan.
1821, No. 20.

Consultations,
5 May 1820,
Nos. 2 and 3.

149. The papers recorded, as noted in the margin, contain correspondence with Mr. Buckingham relative to an exceptionable letter which appeared in the Calcutta Journal of the 29th February 1820, on the subject of the pay of the troops of the Madras establishment, the name of the author of which letter Mr. Buckingham, on the requisition of the Government, gave up. The proceedings on this last occasion originated in the Political Department.

EXTRACT PUBLIC LETTER from Bengal; dated 1st October 1821.

Para. 110. We have already had occasion to report to your Honourable Court frequent instances of abuse on the part of the editor of the Calcutta Journal, Mr. J. S. Buckingham, of the indulgence of this Government in dispensing with the submission of newspapers published in this country to the previous inspection of the Chief Secretary to the Government. The lenity extended to Mr. Buckingham, however, appears to have had the effect only of encouraging him to new infractions of the rules prescribed for the regulation of the public press. In the case which we are about to describe, it appeared to us that Mr. Buckingham had exposed himself to legal penalties by the licentiousness of his pen, and we accordingly deemed it proper to address a reference to the advocate-general on the subject.

Consultations,
17 July, No. 1.

111. In the Calcutta Journals of the 2d and 3d of July last, were the following objectionable passages:

"We

"We have found champions, and able ones, flowing from every quarter of India which had yet received that infamous prospectus (circulated post-free by some authority other, no doubt, though we are far from believing it to be the highest,) or our own comments on it (circulated under the usual limitations of weight and postage, without favour or indulgence)."

"The prospectus of 'John Bull in the East,' we are informed, was sent post-free into the interior, with the permission of Government."

112. These extracts had evident allusion to the authority given by Government for the transmission, post-free, to the several stations in the interior, of the prospectus of a new paper, to be called "John Bull in the East," which indulgence had been expressly granted with reference to a similar exemption extended to the first number of the Calcutta Journal, comprising the prospectus of its editor. The attention of the advocate-general was requested to the passages above quoted; and he was desired to inform Government whether, in his judgment, the passage marked in the paper of the 2d of July, taken in connection with what preceded and followed it, was of a nature to subject the editor of the Calcutta Journal to legal penalties for the publication of a libel against the Government, or against any of the officers of Government.

113. The advocate-general, in reply, briefly stated his opinion, that the particular publication alluded to could not be considered as a libel upon the Government; and on the whole, with reference to the vagueness of the insinuation against some officer of Government, he did not think it a case to be selected for prosecution. Consultations, 17 July, No. 1.

114. On this occasion, Mr. Adam recorded a minute, stating that it appeared to him that Mr. Spankie had not directed his attention to what formed the material part of the question. Mr. Adam observed, that the expressions used in the Calcutta Journal of the 2d July, implied that a certain "infamous" paper had been circulated post-free by some authority, not, as the writer believed, the highest; and that this was done with a view to injure him, while his own writings were subjected to the charge of postage. In the publication of the 3d, the editor informed his readers that the publication in question was circulated by the authority of Government, leaving the charge of gross injustice unretreated, and thus transferring the obloquy from the supposed subordinate authority to the Governor-general in Council himself. Consultations, 17 July, No. 3.

115. To this part of the case, Mr. Adam remarked, Mr. Spankie appeared not to have adverted. Mr. Adam was led to infer, however, that the advocate-general would not recommend a prosecution were this brought to his notice, and it was not Mr. Adam's intention, therefore, to propose another reference.

116. Considering, however, the assertions and insinuations of the editor of the Calcutta Journal as a gross affront to Government, and a heavy aggravation of former offences which had been excused, Mr. Adam expressed his opinion that Mr. Buckingham ought to be required to make a public apology for the same; and Mr. Adam submitted that opinion for the consideration of the Board.

117. Scarcely, however, had the consideration of the above offence attained this stage, when we received a letter from the Lord Bishop of Calcutta, forwarding a portion of the Calcutta Journal of the 10th of July last, which his Lordship asserted contained a charge against the Bishop of encouraging and upholding the clergy in the neglect of their most solemn duties; that the chaplains, in consequence, were at perfect liberty on every idle pretence to leave their flocks, however numerous, without the ordinances or consolations of religion; that it spoke of a misplaced power vested in the chaplains by the Bishop, which ought to be checked by the local authorities. Consultations, 3 Aug. Nos. 1 & 2.

118. The Bishop observed, that he could not repel such accusations in any more public method, than by submitting them to the Government, and recording them with a declaration that they were in a high degree injurious to his public character, and consequently to the interests of religion in this diocese. To prove that they were unmerited, his Lordship enclosed an extract from the charge delivered by him at his last visitation of this archdeaconry, in February 1819.

119. We informed the Lord Bishop in reply, that we considered his Lordship had just ground to complain of the tenor of the letter alluded to, which contained insinuations, howsoever cautiously worded, unquestionably disrespectful to his Lordship's public character; that the editor of the Calcutta Journal would in the first instance be required to state the name of the author of the improper letter in question, and that his Lordship would hereafter be apprized of the further measures which Government might deem it expedient to adopt on the occasion. Consultations, 3 Aug. No. 3.

120. The editor of the Calcutta Journal was accordingly called upon to state, for the information of Government, the name, designation, and residence of the individual by whom the letter in question was communicated to him for publication. Consultations, 3 Aug., No. 4.

121. Mr. Buckingham, in reply, stated, that the author of the letter alluded to was unknown to him; at the same time he begged respectfully to submit for our consideration that he published the letter in question under a conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control in certain points over military chaplains might be productive of public benefit, without infringing on the respect due to the public character of the Lord Bishop of Calcutta. Consultations, 3 Aug., No. 5.

122. On receiving this answer, we were of opinion that the time was arrived when it became absolutely necessary to repress the unbridled licence of Mr. Buckingham's publications, of which such abundant proofs were already on our records; we therefore desired our chief secretary to explain to Mr. Buckingham the light in which his explanation had been

been viewed, and to warn him of the inevitable consequence of his persisting in a course of conduct so inconsistent with his duty to the Government under whose protection he has been permitted to reside.

123. As the subject may be considered to be of some importance, we shall introduce the substance of the Chief Secretary's address to Mr. Buckingham into the subsequent paragraphs.

Consultations,
3 Aug., No. 6.

124. It was observed to Mr. Buckingham, that it was to have been hoped, that when his attention was called to the nature of the publication in question, he would have felt regret at not having perceived its tendency, and that he would have expressed concern at having unwarily given circulation to a statement, which advanced the invidious supposition that the Bishop might have allowed to the chaplains a latitude for deserting their clerical duties, and disregarding the claims of humanity.

125. Instead of manifesting any such sentiments, Mr. Buckingham defended his procedure, by professing that he "published the letter under the conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control in certain points over military chaplains might be productive of public benefit."

126. But it was remarked to Mr. Buckingham, that it was a gross prostitution of terms to represent as a temperate and modest discussion an anonymous crimination of an individual, involving at the same time an insinuated charge, not the less offensive for being hypothetically put, that his superior might have countenanced the delinquency.

127. On mere presumption, if not with intentional disguise, of a known fact, the statement would give it to be understood that the misconduct alluded to was unchecked; whereas serious notice of the transgression was instantly taken. Therefore, there was not only a groundless imputation on the Bishop, but the culpable inattention of Government was falsely implied.

128. Had the object (the Chief Secretary continued,) of the writer of the letter been to remedy an inconvenience, his addressing himself to the proper department was the ready and legitimate course for procuring an immediate correction of the evil. An accuser's concealment of his name had an obvious meanness in it, which ought to throw doubt upon the motives of his representation. When to that circumstance was added the peculiarity of the signature, "A Friend to a Lady on her death-bed," adopted visibly to suggest to the minds of the public some brutal slight, the malignity of the disposition was unquestionable.

129. With these particulars before his eyes, and in contempt of former warnings, Mr. Buckingham did not hesitate to insert in his Journal such a statement from a person of whom he declared himself to be utterly ignorant, and of whose veracity he consequently could form no opinion. His defence for so doing was not rested on the merits of the special case; but as his argument must embrace all publications of a corresponding nature, Mr. Buckingham insisted on his right of making his Journal the channel for that species of indirect attack upon character, in all instances of a parallel nature.

130. It was then stated, that when certain irksome restraints which had long existed upon the press in Bengal were withdrawn, the prospect was indulged, that the diffusion of various information, with the able comments which it would call forth, might be extensively useful to all classes of our countrymen in public employment. A paper conducted with temper and ability on the principles professed by Mr. Buckingham at the outset of his undertaking was, it was remarked, eminently calculated to forward this view. The just expectations of Government had not been answered; whatsoever advantages had been attained, they had been over-balanced by the mischief of acrimonious dissensions spread through the medium of the Calcutta Journal; complaint upon complaint was constantly harassing Government, regarding the impeachment which Mr. Buckingham's loose publications caused to be inferred against individuals. As far as could be reconciled with duty, Government had endeavoured to shut its eyes on what it wished to consider thoughtless aberrations, though perfectly sensible of the practical objection which attended those irregular appeals to the public. Even if the matter submitted were correct, the public could afford no relief, while a communication to the constituted authorities would effect sure redress; yet the idleness of a recurrence to a wrong quarter was not all that was reprehensible, for that recurrence was to furnish the dishonest conclusion of sloth or indifference in those found to watch over such points of the general interest; still the Government wished to overlook minor editorial inaccuracies. But the Chief Secretary remarked, that the subject had a different complexion when an editor stood forth to vindicate the principle of such appeals, whatsoever slander upon individuals they might involve, and when he maintained the privilege of lending himself to be the instrument of any unknown calumniator. It was then declared the Government would not tolerate so mischievous an abuse. It would be with undissembled regret that the Government should find itself constrained to exercise the chastening power vested in it; nevertheless Mr. Buckingham was informed that the Governor-general in Council would not shrink from its exertion, where he might be conscientiously satisfied that the preservation of decency and the comfort of society required it to be applied. The Chief Secretary therefore ended with this intimation, that should Government observe that Mr. Buckingham persevered in acting on the principle which he had now asserted, there would be no previous discussion of any case in which he might be judged to have violated those laws of moral candour and essential justice, which are equally binding on all descriptions in the community; he would at once be apprized that his licence to reside in India was annulled; and he would

be required to furnish security for his quitting the country by the earliest convenient opportunity.

131. We then recorded the following resolutions: that under the opinion expressed by the advocate-general in his letter of the 9th July, the Governor-general in Council did not deem it expedient to direct that any legal measures should be adopted with a view to the punishment of Mr. Buckingham, the editor of the Calcutta Journal, for the publication of the offensive and highly improper remarks contained in the Calcutta Journal of the 2d and 3d July.

Consultations,
3 Aug., No. 7.

132. In the official communication which had been made to Mr. Buckingham by order of Government, he had been distinctly apprized of the serious displeasure felt by Government at his proceedings, and had been fully warned of the measure which Government would be compelled to pursue towards him, in the event of his persisting in a similar course of conduct.

133. With reference to the purport of that communication, it appeared to Government to be then unnecessary to require from Mr. Buckingham a public apology for the specific offence which had led to the correspondence above referred to.

134. A communication was addressed to the Lord Bishop, of the tenor of our proceedings with respect to Mr. Buckingham.

Consultations,
3 Aug., No. 8.

135. We must not omit to state, that Mr. Buckingham transmitted a reply to the letter above quoted, in which he employed a long detail of sophistry professedly in vindication of his conduct, but in reality intended to uphold and maintain the principle, that he was at liberty to utter what he pleased from his press, unshackled by any other responsibility or restraints than those imposed by the law on public writers in England.

Consultations,
10 Aug., No. 37.

136. Mr. Buckingham was informed, in answer, that his letter had produced no change in the sentiments of Government already communicated to him.

Consultations,
10 Aug., No. 38.

137. Your Honourable Court will find the correspondence to which the preceding observations relate recorded on the Consultations respectively noted in the margin of this address.

Consultations,
17 July, Nos. 1 to 3;
3 Aug., Nos. 1 to 8;
10 Aug., Nos. 37
and 38.

EXTRACT PUBLIC LETTER from *Bengal*; dated 1st January 1822.

53. In almost every letter which we have addressed to your Honourable Court from this department since Mr. Buckingham undertook the editorship of the newspaper called the Calcutta Journal, we have been compelled to notice some infringement on his part of the rules prescribed by Government for the regulation of the periodical press of this presidency. His offences in each succeeding instance have evinced an increasing resolution to disregard the orders of Government, and in the cases which we are now about to report, he has not scrupled to assume a tone of defiance of our authority, which, whatever may have been our past lenity towards his former acts of contumacy, we have found it impossible, without compromising the dignity of Government, to overlook.

54. We have first to request the attention of your Honourable Court to the extracts from the Calcutta Journal of the 1st, 2d and 3d of November last, recorded on the Consultation of the annexed date. Our limits not admitting of our introducing the above factitious productions at length into the body of this letter, we must beg leave to refer your Honourable Court to the Consultation just quoted. We conceive that the tenor and spirit of those publications displayed a deliberate design to obstruct the course of justice, first, by influencing those whose duty it might be as jurymen to try the indictment which had been found against the editor of the Calcutta Journal, and, secondly, by rendering odious both the grand jury who found the bill, and the prosecutors by whom the indictment was preferred. We stated these sentiments to the advocate-general, with an intimation, that if our opinion with regard to the object and spirit of the publications in question should appear to him to be correct; if the offence should be viewed by him as one of serious malignity, and capable of being legally established, we would deem it essentially requisite that early measures should be adopted for commencing a criminal prosecution, by information or otherwise, against the editor of the Calcutta Journal; and we authorized and desired the advocate-general to take such steps for that purpose as he might judge most expedient, provided his opinion on the question should correspond with that of Government.

Consultations,
9 Nov., No. 4.

Consultations,
5 Nov., No. 3.

55. The advocate-general, in reply, stated his opinion, that the matter contained in the passages referred to was in the highest degree illegal and mischievous, and that this was a proper case for an application to the Supreme Court for a criminal information, that such attempts to overawe and disturb the administration of justice in its ordinary channels, might be punished and restrained.

Consultations,
9 Nov., No. 5.

56. Mr. Spankie observed, that he could not entertain any doubt that the court would grant the application, and that a jury would convict the offender, as he conceived no lawyer could doubt the illegality of the publications in question; or any honest man doubt their criminal intention and their mischievous tendency.

57. Upon this occasion Mr. Spankie suggested the expediency of retaining the services of Mr. Smoult, both on account of the indisposition and absence of the Company's attorney, and Mr. Smoult's having been employed in the case out of which the present one originated, which would render his assistance in this matter very desirable. For the same reason, on account of the importance of some questions that might arise, should a prosecution by information be adopted, Mr. Spankie also suggests the expediency of retaining Mr. Compton as counsel for the prosecution.

Consultations,
9 Nov., No. 6.

58. In consequence of this most decided opinion of the advocate-general, we desired Mr. Spankie to proceed to apply to the Supreme Court for a criminal information against the editor of the Calcutta Journal for publishing the passages referred to. We also approved the suggestion of Mr. Spankie regarding Mr. Smoult and Mr. Compton.

Consultations,
7 Dec., No. 1.

59. The institution of these proceedings led to still greater outrages on the part of Mr. Buckingham, as your Honourable Court will perceive by a perusal of a minute written by Mr. Adam, and recorded on the 7th of December.

60. Mr. Adam stated, that he felt it his duty to bring to the notice of the Board the following passage in the Calcutta Journal of the 9th of November.

"It appears that very different scenes are acting, and very different opinions prevailing in England and India on the subject of the press, and the extent of patronage given to its freedom in this country. We hardly know whether we may make comments of our own, or whether we may even republish those of others. If the speech of Mr. Windham, so long numbered among the dead, be held libellous in India, because of its truth, we shall hardly be able to promise our readers their accustomed gratification, in presenting to them both sides of a question discussed in Parliament, or to publish anything probably but Government orders, births, deaths and marriages, and choice loyal effusions from John Bull and the Courier. Such is the boon of a free press in Asia, with which the world has rung for the last three years; and the praise of those who knew not what awaited it is not even yet at an end. Such is the salutary control of public opinion on supreme authority, and the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

61. The passage above quoted, Mr. Adam observed, was intended as a comment on the announcement of the motion made by the advocate-general in the Supreme Court on the preceding day, for a rule to show cause why a criminal information should not be filed against the editor of the Calcutta Journal, for certain passages in his papers of the 1st, 2d, 3d, and 6th of that month, namely, those to which the 54th and following paragraphs of this letter refer. It was followed by an article, headed "Freedom of the Indian Press," and containing an extract from a Glasgow paper, alluding to the popularity acquired by the Marquess of Hastings for having established the liberty of the press in India.

62. The words introduced as quotations in the passage above transcribed, were taken from the answer of the Governor-general to the address of the inhabitants of Madras in 1819; and it was to this part of the publication, Mr. Adam observed, that he was desirous of drawing the attention of the Board. Hitherto, whatever had been the offences of the editor of the Calcutta Journal against the authority and dignity of the Government, and the order and decorum of society, he had abstained from direct personal reflections on the Governor-general. Indeed, he had studiously distinguished between the Governor-general individually and the Government, ascribing all those measures which he chooses to characterize as tending to check the progress of free discussion, to the Civil Board collectively, in contradistinction to, and as he would have it implied, against what he assumed to be the personal feeling and disposition of the Governor-general. This policy on the part of the editor, Mr. Adam continued, was perhaps best met with the contempt which it had received; but the present attack was too grossly personal to the head of the Government to be treated in the same manner. Whatever general observations might have been thought suited to the occasion, it was at least to be expected that a sense of common propriety and of respect both for his Lordship's person and public station, would have restrained the editor from such an unprecedented licence. Everybody knew the passages quoted to have been taken from his Lordship's speech, not only from the publication of the document itself, but from Mr. Buckingham's repeated citations of those passages, when it was his object to give them a construction in favour of his assumption of a latitude they were never intended to convey. He of all men could least plead ignorance of their real meaning; for besides the clear purport of the speech itself, and the qualifications with which the sentiments regarding the advantage of public discussion of the acts of Government were accompanied, he had been repeatedly and authoritatively corrected for acts which he had attempted to defend on his own construction of that speech. His perversion of it on the present occasion, in a manner still more grossly and personally offensive, seemed to Mr. Adam to demand the most serious notice of the Board.

63. Mr. Adam then remarked, that it would be a waste of words to point out the evil consequences of such a procedure. He had no hesitation in avowing his belief, that Mr. Buckingham's object was to destroy, as much as was in his power, the deference and respect which had up to this time been uniformly shown towards the head of the Government, and consequently to weaken his authority, and bring his administration into contempt. That this single pitiful attempt would not have that effect, might be admitted; but if Mr. Buckingham was at liberty to bring the person of the Governor-general into discussion, every other man who might be dissatisfied with the decision of Government, was equally so, and would naturally follow an example so congenial to his disposition, sanctioned, as in his opinion it would be, by the impunity of the first offence. The mischief that must result from the extension of such a spirit throughout the service, and especially its baneful influence on the minds of the young and inconsiderate, who were most likely to be misled by it, were too manifest to be insisted on. That the seeds of much mischief had been already sown by the writings of the editor of the Calcutta Journal, and those who, to their own disgrace and to the signal failure of their duty to the Government and the Company, had combined to support him in his career of indolence and audacity, was, Mr. Adam feared, the case; and though he thought the evil had not spread so wide

as to be beyond correction, he could not contemplate its continued progress without serious alarm, and the strongest conviction that it was the duty of the Government to interfere to check it, by the application of the powers which the law had placed in its hands for its own security and the welfare of the community over which it presides.

64. Mr. Adam observed, that he would forbear from entering at present more fully into this most important branch of the general question; the most proper time for such discussion would be after the result of the present proceedings in the Supreme Court, and their effect in checking the excesses of the press should be known. Mr. Adam, for his own part, had never had any confidence in appeals to a court of law, as the means of effecting that object, and had invariably thought that the Government should protect itself by the means which the law had given it for that purpose; that the Government would in the end find it necessary to resort to those means under any issue of the pending trials. Mr. Adam felt intimately persuaded, whenever that period should arrive, the proceedings of Government could not be confined to the merely ostensible organ of the party which was arrayed against the Government and the peace of this community. That such a party existed was undoubted, though it was difficult to conceive the motives by which its members were influenced. Little would be effected if that combination was not broken, nor was it tolerable that the servants of the Government, and men living here under its licence and protection, should band themselves against it, and act in declared and systematic defiance of its authority. A more direct reference to the known leaders of this faction was not called for at the present moment; but should it become necessary hereafter, he would not shrink from the duty imposed on him.

65. Mr. Adam added, that it appeared to him, that there could not be a more proper case for interference than the outrage he had thus brought before the Board. Nothing could be more calculated to wound the authority of the Government, to revolt the feelings of the sober and sensible part of the community, and to give activity to the vicious spirit of the ill-disposed, than an insult to the head of the Government in the face of the world, by a person who openly professed to act in defiance of authority and law. The Government, Mr. Adam said, must carefully discriminate the effects of such a procedure in England, and in a society and under a Government so peculiarly constituted as those of India. It was too trite and obvious to require remark, that what might be wisely and safely treated with neglect and contempt there, might produce the most deplorable consequences here. In conclusion, Mr. Adam observed, that on a full view of the case, he should think it his duty to propose the severest measure of punishment which this Government could legally inflict, if he were not dissuaded from that course by the circumstance of the prosecution now pending against Mr. Buckingham in the Supreme Court. His removal from the country at this time would be too sure to be misrepresented and misunderstood, besides that it would operate as an obstruction to the course of justice. Till those trials were concluded, therefore, he should feel that nothing but some act more grossly outrageous than even the present, ill as he thought of it, would warrant a resort to that extremity. But though on this account he felt himself restrained from proposing the only adequate remedy for this serious and spreading evil, he was desirous that the offensive publication, together with his own sentiments and those of the Board collectively on it, should be placed on record, both to mark their reprobation of the act, and that they might have the power of recurring to the subject at such time and in such manner as circumstances might hereafter render expedient, as well as that Government might not be supposed by the authorities at home to have overlooked so flagrant an attempt to impair the just authority of the Government, and to wound its character and honour in the tenderest point, the good faith of the Governor-general.

66. The minute which the Governor-general recorded after the perusal of Mr. Adam's, Consultations, contains the following observations. That his Lordship saw, as distinctly as Mr. Adam did, 7 Dec., No. 2. the seriously hurtful effects which must be produced among the young officers of the Honourable Company's army, and even among many unexperienced civil servants, by continued instigation calculated to excite in them the notion that they, and not the legitimately established members of Government, were the competent and proper judges of what is expedient for the maintenance of the British interests in India. The regulation of European society in a country so peculiarly circumstanced as this is, his Lordship remarked, must be acknowledged by every one as of primary importance towards the security of our tenure. And his Lordship fully subscribed to the observation of Mr. Adam, that a class of observations which, though censurable, are attended with little inconvenience in England, might here cause most dangerous impressions. It was therefore not on the principle that his Lordship would differ from Mr. Adam, but as to the mode and moment for acting upon it; nor was there even in this respect, his Lordship remarked, so much discrepancy between their conceptions as might at first appear. No man could view with less tolerance than his Lordship did the practice of circulating anonymous insinuations against individuals in a newspaper. Whether the editor lends himself for pay as the instrument for private malice, or acts upon the speculation of extending the sale of his journal by making it a field for acrimonious controversy, was indifferent. The comfort of society was violated in the equal profligacy from either motive. Consequently, his Lordship could not be desirous to extend impunity to any one who should proceed on so vile a system.

67. Beyond the leaning of his own disposition, just expressed, his Lordship said, he felt pointedly the obligation attaching on him in his public capacity, to curb an evil so injurious to the peace and harmony of our limited community. But the transgression had not been unchecked. The interference of the Supreme Court had been claimed. Mr. Adam, doubting the sufficiency of that interposition, pointed at the more direct means possessed

by Government for punishing abuses of the description in question. His Lordship could have chastened the offence by a summary procedure, with the command of which the law has entrusted him. In reference to that provision, it might be said the putting forth the extreme of corrective strength was not desirable, unless in instances of palpable urgency. The authority to which his Lordship alluded, if executed, left no room for mitigation of sentence. The Governor-general could pronounce nothing but an annulment of the licence, accompanied by an order to quit India, and cases might readily be imagined in which the removal would be the total ruin of the individual. The call for the enforcement of such a penalty should therefore be broadly visible. This precaution was not stated, his Lordship remarked, as requisite for the credit of the Governor-general, but as expedient for the vindication of a power absolutely necessary towards the stability of our dominion in this country, yet invidiously contemplated at home. Hence recourse to so overwhelming a severity should be determined not only by the internal conviction of him who applies it, that it is rigidly demanded, but also by his persuasion that the pravity of the offender and the amount of the offence would be so generally recognized, as to make the rigour of the infliction appear fitly apportioned. His Lordship then observed, that the discussion about to take place in the Supreme Court would exhibit the true quality of Mr. Buckingham's conduct. Should he be acquitted, then the Government, by having resorted to a trial, had avoided the inconvenience of a harsh procedure in a disputable case. Should the verdict be against him, then the equity of a subsequent removal, which his Lordship, with Mr. Adam, anticipated, Mr. Buckingham's entailing by renewed improprieties would stand manifest on the foregone judicial decision.

68. In conclusion, his Lordship adverted to Mr. Adam's having identified the delinquency of Mr. Buckingham with an actively perverse spirit which had shown itself in a knot of persons residing in Calcutta. To a certain degree, there was connection, his Lordship allowed, still not so clear as to take away from Mr. Buckingham the right of being judged solely on the overt acts now arraigned in court. His Lordship admitted fully the mischievous effects which had been produced, and might be further extended, by the intemperance of the little confederacy; but he was willing to believe, that the gentlemen who composed that association were unconscious of the objectionable tendency of the ebullitions in which they indulged themselves, only seeking a factitious consequence and distinction by a course on which they had not justly reflected. That they should have devised any political object of pursuit seemed altogether unnatural; his Lordship, therefore, was not without hope that a sense of their incorrectness might be awakened in them by the judicial reprehension which it was likely to suffer in the person of their tool, and that they might thence slide back into more prudent habits. His Lordship added, that he should view the matter very differently were there, as was widely reported, a subscription entered into for the purpose of supporting Mr. Buckingham under the pending prosecutions. Howsoever positively he had had this information communicated, he doubted its accuracy, from the improbability that men in their stations would so commit themselves. Were the fact substantiated, his Lordship could not but hold such an avowed prejudication of the case in the light of a highly culpable attain to the administration of justice, and an indefeasible dis respect to this Government. With that sentiment regarding the measure, his Lordship should certainly feel himself bound to concur in visiting it with the most decisive castigation.

Consultations,
7 Dec., No. 3.

69. Mr. Fendall stated his concurrence in the sentiments expressed by Mr. Adam on the gross and offensive attack which the editor of the Calcutta Journal had made on the Governor-general, and expressed his opinion that Mr. Buckingham had forfeited his claim to the protection and countenance of this Government. Mr. Fendall remarked that, exclusive of the passage so properly animadverted upon by Mr. Adam, the general tenor of the editor's publications must have a very baneful effect upon the minds of the dissatisfied and the younger part of the service, and which must sooner or later be met by its proper punishment. Mr. Fendall remarked, that the repeated warnings which Mr. Buckingham had received from Government, and the lenity which was shown towards him on a late occasion, appeared to him to have had no other effect upon Mr. Buckingham than producing a more intemperate and offensive style of language in his journal; and Mr. Fendall stated that he saw no probability of lenient measures effecting a more temperate line of conduct. Under the present circumstances in which Mr. Buckingham was situated, Mr. Fendall admitted it would be improper to proceed to the extent of the punishment which was vested in the hands of the Governor-general; but whatever might be the result of the prosecutions now pending against the editor of the Calcutta Journal in the Supreme Court, Mr. Fendall felt it his duty to express his reprobation of the conduct of Mr. Buckingham for the offensive language he had used against the Governor-general in the publication before alluded to, and that he should cheerfully afford his support in maintaining the dignity and responsibility of the Governor-general, as well as in curbing the licentious spirit which the Calcutta Journal had afforded the means of disseminating through the country.

Consultations,
7 Dec., No. 4.

70. Mr. Stuart having perused the foregoing minutes relative to the offensive conduct of the editor of the Calcutta Journal, remarked, that as the recency of his return had made him imperfectly acquainted with the transactions which had called for the animadversions of the Governor-general and his colleagues, he should beg the Board's permission to reserve his sentiments until the question might be revived in a more definite shape.

71. The trial of Mr. Buckingham has not yet come on in the Supreme Court, and is expected to be postponed to a future sessions. No further proceeding has therefore been held on the subject of the preceding paragraphs.

EXTRACT PUBLIC LETTER from Bengal; dated 1st July 1822.

92. EXTRACTS from Sir J. Malcolm's Report on Malwa having appeared in the Calcutta Journal of the 22d of April last, and the editor having announced his intention to publish further portions of that work in his paper, we directed the acting chief secretary to intimate to Mr. Buckingham, that the report in question was an official document, on which the orders of your Honourable Court had not yet been received, and not at present destined for general publication, and to express the desire of Government that he would refrain from inserting any further extracts from that report in the Calcutta Journal without the sanction of Government, since it might awkwardly involve the person who had imparted to him a document received by him as, for the present, confidential. A similar communication was also addressed to the editors of the other newspapers. Consultations, 22 April, No. 1.

93. Mr. Buckingham, in reply, stated that he had not received the acting chief secretary's letter in time to substitute any other matter for a further portion of Sir J. Malcolm's Report destined for the next day's paper, and that he trusted Government would pardon the necessary evil, if it was one. Consultations, 3 May, No. 1.

94. The acting chief secretary reported to us that Mr. Buckingham's letter was received by him at too late an hour to enable him to take the orders of the Governor-general and the members of Council in circulation; and as the emergency of the occasion required that a reply should be sent without delay, the acting chief secretary, from his knowledge of the sentiments of Government, addressed an answer to Mr. Buckingham, the draft of which Mr. Lushington submitted to the Board. In that letter, the acting chief secretary informed Mr. Buckingham, that from his knowledge of the sentiments of Government, he was enabled to state that the reasons assigned by him for refusing to conform to the orders of the Governor-general in Council would be entirely unsatisfactory, as he received Mr. Lushington's letter, according to his own statement, at five o'clock, an hour sufficiently early to render the excuse which he had adduced unavailing. We approved and confirmed Mr. Lushington's letter written under the above circumstances, and ordered it to be recorded. Consultations, 3 May, No. 2.

96. We have discharged a bill for 2,587 l. 4s., received from Mr. Smoult, attorney-at-law, on account of law expenses incurred in the case of the Government against Mr. Buckingham, editor of the Calcutta Journal, for a libel. Consultations, 16 May, No. 38.

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

ON the 17th May last, Mr. Adam presented a minute to the Board, calling its attention to the publication in the Calcutta Journal of that day of a letter signed "A Military Friend," which seemed to him to contain matter which the Government could not pass over, with any regard to its own dignity or authority, or the interest of the public. Mr. Adam declined to dwell on the mischievous tendency and insulting tone of that letter, and abstained from making any specific proposition respecting it, his immediate object being only to engage the attention of the Board to a subject which was, Mr. Adam stated, every day assuming greater importance, and which sooner or later must be met by a decided resolution. Consultations, 27 June.

2. The Board, after considering this minute, resolved, that Mr. Buckingham, the editor of the Calcutta Journal, should be called upon to state, for the information of Government, the name, designation, and address of the writer of the obnoxious letter in question. Mr. Buckingham, after some hesitation, complied with the requisition of Government, and the author of the production in question proved to be Lieutenant-colonel W. Robison, commanding His Majesty's 24th regiment of foot.

3. On receiving this intelligence, we recorded a resolution, purporting that we deemed it inexpedient for the interests of the Honourable Company that the said Lieutenant-colonel Robison, unless he could disprove the charge above made against him by the editor of the Calcutta Journal, should be placed in any situation where an important trust might devolve upon him. Your Honourable Court will comprehend this as pointing at the principles which his language and example would be likely to instil into your officers, should he succeed to a command which brought numbers of them into contact with him. We furnished the Commander-in-chief with a copy of the resolution in question, and requested his Excellency to act in consonance to it. The measures which his Excellency accordingly adopted with regard to Lieutenant-colonel Robison, were communicated to the Government, and the report of them is recorded on our proceedings.

4. It is proper to state, that on a subsequent day Mr. Adam recorded another minute, bringing to the notice of the Board further publications of Mr. Buckingham, and proposed, after stating his opinion of the case at length, the following resolutions: Consultations, 27 June. See Calcutta Journal 20th & 21st May 1822.

1st. That Lieutenant-colonel Robison be removed from the command of his regiment, and directed to proceed to England, to await the final judgment of His Royal Highness the Commander-in-chief.

2d. That this resolution, and the causes of it, be published to the army, in general orders, with observations and injunctions to the effect stated in a former part of this minute.

3d. That Mr. Buckingham's licence to reside in India be withdrawn, and that he be desired to embark for Europe within a time to be specified.

5. Mr. Fendall and Mr. Bayley expressed their entire and cordial concurrence in Mr. Adam's proposition. Those propositions, as they related to Lieutenant-colonel Robison, were adopted in a modified form; but the Governor-general conceiving that the punishment proposed to be inflicted on Mr. Buckingham was too severe for the offence, when he had given up the author, and his Lordship having received two letters from Mr. Buckingham, which his Lordship considered to give a satisfactory assurance of his better behaviour in future, declined to assent to the proposition for withdrawing his licence.

6. Mr. Adam's proposition was accordingly negatived by the single dissentient vote of the Governor-general, under the powers vested in his Lordship by the provisions of 33 Geo. 3, c. 52, s. 47.

Consultations,
27 June.

7. Mr. Adam made a short written reply, which does not require particular notice in this place.

8. As soon as the material difference of opinion above adverted to was ascertained, we directed that such of the documents as immediately related to it should be recorded in the Secret Department, in pursuance of the provisions of the Act of Parliament quoted in the 6th paragraph of this letter.

Consultations,
27 June.

9. The length of the minutes in question, as well as the opposite views they contain of the question, precluding us from embodying their respective contents in this despatch, we take the liberty of referring your Honourable Court to the accompanying copies of them, which form enclosures in the packet, together with the other documents to which they relate.

Consultations,
27 June.

10. We beg leave also to call the attention of your Honourable Court to the enclosed transcript of a letter, dated the 9th ult., addressed to the Government by Lieutenant-colonel Robison, on the receipt of the resolutions of the Governor-general in Council above referred to, the letter in question being of a tendency highly offensive to the Government and the Commander-in-chief; the original of it, after having been perused by the members of Government, was in consequence of the determination of his Excellency the Commander-in-chief to bring Lieutenant-colonel Robison to a court-martial at Bombay, and according to the advice of the advocate-general, transferred to his Excellency for the purpose of being forwarded to that presidency, an attested copy having been retained for record.

Consultations,
12 July.

11. The Commander-in-chief having adopted such prompt and decisive measures with relation to Lieutenant-colonel Robison's letter, we did not deem it necessary to pass any orders on it on the part of the Government.

We have, &c.

(signed)

Hastings.
J. Adam.
John Fendall.
W. B. Bayley.

Fort William, }
19 July 1822. }

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

THE continued misconduct of Mr. Buckingham, the editor of the Calcutta Journal, having compelled us at length to adopt the decisive measure of withdrawing his licence to reside in India, and directing him to quit the country, we deem it proper to lose no time

Letter, dated

31 July 1820, par. 152 to 158;	in reporting the circumstance for the information of your Honourable Court.
2 Apr. 1821, par. 139 to 149;	Our several communications on the subject of Mr. Buckingham, and more especially the documents transmitted with our letter of the 17th October last,
1 Oct. - par. 110 to 137;	will have placed before your Honourable Court a full view of the conduct of
1 Jan. 1822, par. 53 to 71;	that person, as well as of the sentiments entertained by the members of the
1 July - par. 92 to 94;	Government respectively of that time, both with regard to the proceedings of
19 July -	Mr. Buckingham in particular, and to the general question of permitting an
17 Oct. -	unrestricted press in India.

2. The publication which has been the immediate occasion of the measure now reported, is enclosed as a number in the packet; it was laid before us by the Governor-general, who for the reasons stated in his minute (a copy of which, and of the minutes of the other members of the Government is also enclosed), proposed to the Board that Mr. Buckingham's licence should be withdrawn. The Commander-in-chief and Mr. Fendall having expressed their entire concurrence with the proposition, and Mr. Harrington having assented to it under the reservations stated in his minute, orders were issued for carrying it into effect in the terms of the enclosed papers.

3. It can scarcely be necessary to point out to your Honourable Court the mischievous tendency of the principles on which Mr. Buckingham has professed to conduct his paper, and of the unwarrantable licence he has on many occasions assumed of criticising and reflecting on particular measures of Government, and on other topics equally beyond his competence

competence. That principle is again brought forward, and supported by argument in the paper of the date following that in which the publication before referred to is contained. The sentiments of the majority of the late Government on the dangerous consequences of admitting the active operation of that principle in a community constituted like that of our Indian possessions, need not be insisted on in this place. The particular paragraph now under notice is no otherwise deserving of the slightest attention than from its being a practical assertion of the privilege claimed by Mr. Buckingham to pass his own judgment upon, and to hold up to the censure or ridicule of his readers, any public measure or proceeding which may not meet his approbation.

4. It is wholly unnecessary to warn your Honourable Court against Mr. Buckingham's sophistry, in representing his remarks on Dr. Bryce's appointment to be clerk to the committee of stationery, as the single cause of his expulsion from India. The whole tenor of his conduct and avowed principles, and the repeated warnings he has received of the consequences of persevering in the same course, must be taken into view in considering this question. With regard to the appointment of Dr. Bryce, the Governor-general, with whom it originated, and who is solely responsible for the measure, desires to state, that he did not resolve on proposing it till he had satisfied his own judgment that it might be held by Dr. Bryce without any derogation from his sacred functions, and that it was free from any well-founded objection, and he has in no respect changed his opinion. However this may be, the merits of the question as referring to Mr. Buckingham are not at all affected, since it was not for him to condemn in gross terms, and ascribe to impure motives, an appointment deliberately made by the highest authority.

5. To put an end to a practice fraught with such mischievous consequences, it has appeared to us a measure of indispensable duty, to take the step now reported. No course was indeed left to us, but to allow him to proceed in the unrestrained prosecution of his plans, or to remove him from the country, since his offences were of a character that could not easily be marked by the means of legal proceedings in a court of justice, though in their consequences infinitely more mischievous than many for which such a remedy ought to be resorted to. They are indeed, in our judgment, precisely of that class of offences against which it was one of the primary objects of the Legislature to protect the governments of India, by furnishing it with the powers conferred by the law under which we are now acting.

6. In order to afford Mr. Buckingham time for the adjustment of his affairs, we have fixed the 15th of April next, as the date beyond which his residence in India will not be permitted. In fixing that period we were naturally influenced, in some degree, by the tenor of the provision of the Act having reference to eventual legal proceedings against persons in the condition of Mr. Buckingham, and also by a desire to inflict no unnecessary hardships upon the offender, how little soever deserving of consideration. We have reason to regret our having been swayed by these or any other motives to show him any indulgence, as he appears, from the tenor of his subsequent* publications, determined to avail himself of the remaining period of his residence for the purpose of insulting and defying the Government. Copies of those publications are enclosed. We have under consideration, in communication with the advocate-general, the course of proceeding which it may be proper to pursue under these circumstances; but we are apprehensive that the early dispatch of the Marchioness of Ely may prevent our announcing to you by that conveyance the result of our deliberations. Your Honourable Court will observe also that Mr. Buckingham signifies his intention of placing the conduct of his paper, during what he terms his temporary absence, in hands which are not tangible except by the process of law. Some such expedient was to have been expected. We do not apprehend much inconvenience from the execution of this threat; and we shall immediately proceed to the adoption of such measures as may be calculated to meet the case.

7. The time to which we are limited does not admit of our entering more fully into this question at the present moment, but we shall at an early period make a further communication to your Honourable Court. It is unnecessary to press on your attention the deep importance of the subject. Mr. Buckingham has now more openly than ever arrayed himself and his cause in direct opposition to the Government of this country, and has declared his intention of endeavouring to effect the repeal of these laws with which the Legislature has thought fit to arm the local government of India for the public good. We entertain no apprehension of his success, whatever clamour he may succeed in exciting for a time among the ignorant and ill-affected, and we commit the cause confidently to the wisdom and judgment of your Honourable Court. It will be our duty to employ the means which the law has given us, to protect the local interests under our charge from the evils resulting from an unrestrained press in India, conducted on the principles professed and acted on by Mr. Buckingham and his abettors, and we rely on the support of the authorities at home, to which alone we are responsible.

Fort William, }
15 February 1823. }

We have, &c.

(signed) J. Adam.
Edward Paget.
John Fendall.
J. H. Harington.

* i. e. Papers of the
14th and 15th of
February.

TO the Honourable the Court of Directors for Affairs, of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

In our despatch of the 15th instant, we had the honour to report the measure we had adopted with regard to Mr. Buckingham, the editor of the *Calcutta Journal*, and we now proceed to submit a statement of our further proceedings and intentions in that case. We beg however, in the first place, to call the attention of your Honourable Court to the enclosed copy of a minute recorded by Mr. Harington, from which you will perceive that a careful and deliberate perusal and consideration of the former proceedings of Government relative to Mr. Buckingham, has induced him fully to concur in the resolution passed on the 12th instant, to which he had previously given a qualified assent only. The copy of a further minute recorded by the Governor-general is also enclosed.

2. In our despatch above referred to, we stated that Mr. Buckingham had abused the indulgence given to him of a period of two months to prepare for his departure, by publishing some violent and indecent articles in his paper, and that we had under consideration the measures which it might be proper to adopt to prevent a continuance of that line of conduct. We accordingly directed a communication to be made to the advocate-general, in the terms of the letter of which a copy is enclosed. It was with much concern and disappointment that we learned from Mr. Spankie's reply, a copy of which is enclosed, that the Government does not, in his opinion, possess under the Act of Parliament any power of annulling Mr. Buckingham's licence, and removing him from the country at an earlier period than that fixed in the original order, namely, the 15th of April next. That time was fixed in communication with the advocate-general, under a construction of the Act, according to which, the period of two months, within which legal proceedings against an individual found in the country after the annulment of his licence are inhibited, was held to apply equally to the removal of the party from the country. That construction is however now given up, and there is no doubt that we were competent to annul the licence, from the very day on which notice was given. Still Mr. Spankie is of opinion, that having once declared the date on which the licence was to become void, it cannot now be altered, even though a new and substantial offence be committed subsequent to that for which the original forfeiture was declared. We confess that we cannot concur in this construction; but as we should not be justified, except in circumstances threatening great and imminent political danger, in acting against the deliberate opinion of the advocate-general on a question of law, we had no option but to consider such other means as remained in our power of coercing the conductors of the *Calcutta Journal* into a line of conduct compatible with their duty to Government, and the maintenance of just and lawful authority. It is obvious however, that, while we are without the power of removing Mr. Buckingham from India, any measures directed to the former object would, in the event of his protracting his stay till the date assigned, involve us in a personal contest with him during the remainder of his residence here, which in the disadvantageous circumstances under which we are placed by the above construction of the Act, it is extremely desirable to avoid. It is further, in our judgment, expedient to keep distinct the question referring to Mr. Buckingham's individual offences and the matter immediately arising out of it, from the general measures to be taken for suppressing the licentiousness of the press in the hands of India-born or other editors, who cannot be summarily removed, and to suspend any measures for the latter purpose until the proceeding directed against Mr. Buckingham personally shall be completed, by his actual removal from India. Mr. Buckingham is understood to have made arrangements for returning to England in a ship which will leave the river in a few days, and under the circumstances stated, it is obviously undesirable to take any measure which might prevent his carrying this intention into effect.

3. It is painful to us to incur any delay, however short, in the adoption of measures for preventing the circulation of the scurrilous abuse against the Government, and the Governor-general personally, with which the *Calcutta Journal* has teemed since the promulgation of the order regarding Mr. Buckingham; but on a cool and dispassionate balance of the comparative evils, we have determined to submit to the latter, in the expectation that it will enable us more effectually to strike a decisive blow at the system. Did we not contemplate such a result, we should view with serious alarm the consequences of such publications going on unchecked; but with that prospect in view, we trust that the momentary ill effects of them will ultimately be overcome by the final suppression of the mischief.

4. We deem it proper to submit to your Honourable Court a copy of Mr. Buckingham's reply to our secretary's letter of the 12th instant, and copies of the *Calcutta Journal* from the 17th instant to the latest date, including a separate publication in Mr. Buckingham's own name. The perusal of these papers will show your Honourable Court, and every impartial and reflecting person under whose inspection they may come, the spirit in which an unrestricted press in India is likely to be conducted, and will, we feel satisfied, induce your Honourable Court to take measures for obtaining a legislative enactment for giving the local government the power of restraining it. We have already submitted to you the expediency of obtaining a licensing Act. Such an Act, we respectfully submit, ought to authorize the summary imposition and enforcement of heavy fines, to be repeated for each offence, or the actual suppression by force of a printing establishment offending against the regulations, and the seizure and confiscation of the materials of trade.

5. It remains for us to state to your Honourable Court the measures we have in view for maintaining a control over the Calcutta Journal, and other papers, conducted by persons not being British-born subjects, who may similarly offend.

6. Within the jurisdiction of the Supreme Court our powers are necessarily limited by the actual provisions of the law; but we are encouraged to hope, after consulting the advocate-general, and other legal authorities, that the concurrence of the Supreme Court may be obtained to a bye-law empowering Government to license printing offices within the town, and to punish by fine any violations of the rules which may be laid down. If this can be effected, we shall be able to keep the evil in check, till we shall be clothed with the more ample and efficient powers, which we trust, through the intervention of your Honourable Court, will be granted to us by the wisdom of Parliament; the necessary forms of proceedings required by the law will prevent this measure from coming into immediate activity, and earlier steps will probably be necessary for preventing the circulation of the paper throughout the provinces, and to the other presidencies where the principal proportion of the subscribers reside, and where the doctrines disseminated by the Calcutta Journal are most likely to be mischievous.

7. By interdicting the transmission of the Calcutta Journal by dawk, and taking suitable precautions to prevent any evasion of our orders, we feel confident that we shall succeed in confining its circulation beyond Calcutta within very narrow limits, and we shall be prepared to take this step, after due warning to the editor, if the paper be not conducted according to the spirit of the regulation prescribed by the Governor-general in Council. No just or well founded objection can be afforded to this measure, for it cannot reasonably be expected that Government shall lend the aid of its own establishments to circulate a paper published in defiance of its regulations, and conducted on principles directly subversive of its authority. We can have no wish, however, to continue the operation of this interdict beyond the period of absolute necessity; and if satisfactory assurance is afforded of the intention of the editor and proprietors to conduct the paper according to those principles of regularity and public decorum which we have a right to demand, we shall willingly re-admit it to the same privilege as the other public papers.

8. We have very few general observations to make on the subject of this letter, which will not readily suggest themselves to your Honourable Court. The important consequences of your decision to the future interests of this empire need not be insisted on. We cannot permit ourselves to doubt your confirmation of our procedure, and your prohibition of Mr. Buckingham's return to this country; and we entertain a confident hope that the specimens now laid before you, of what may be expected from the operations of a free press in India, will lead to a serious consideration of the question, and terminate in the grant of suitable powers for restraining the press, whether conducted by natives of the United Kingdom, or any other class of persons in this country.

9. With regard to the particular act of removing Mr. Buckingham from India, we may be permitted to repeat, that it has not been occasioned by one or two acts of contumacy, but has been forced upon us, after long forbearance, by his systematic disregard of the regulations of Government, and open defiance of its orders. It was quite evident that he was resolved to bring the matter to issue, and that further toleration would have been a virtual acknowledgment of the inability of Government to curb him. He has artfully endeavoured to make it appear, that the punishment was applied for the single publication of the 8th of February; but that perversion of the truth admits of easy exposure by a simple reference to facts. If the policy of the measure be questioned, as being calculated to take the conduct of the press out of the hands of Europeans, over whom the Government has a control, and to place it in those of India-born persons and others, who cannot be summarily dealt with, we beg leave to offer the following remarks. Mr. Buckingham has uniformly maintained of late (though he did not at first venture to do so) the right of Englishmen in this country, as well as others, to print and publish what they please, and has protested against the exercise of the power of transmission applied to offences committed through the press, as an abuse of a power given by the law for other and distinct purposes. While an European was left at liberty to act without restraint, and used it with so little discretion and forbearance as Mr. Buckingham, his superior responsibility was a mere nullity, and the transfer of the business from a person not held to his responsibility, to one supposed to be actually irresponsible, is more a change in appearance than in reality. In fact, however, there are means, though not so effectual, of controlling the press by whomsoever conducted, so far at least as to prevent the general circulation in the interior, and possibly within the limits of Calcutta; and to those means the Government can and will resort, when the circumstances of the case require it. It is to be remembered also, that the persons possessing a proprietary right in the paper in question are mostly Europeans, and are all equally responsible with their hired editor for whatever may appear in the paper in contravention of the regulations. All these circumstances combined will always enable Government to exercise a certain control over it, though not by any means in a degree to supply the want of those powers which we have applied to your Honourable Court to endeavour to obtain from the Legislature, and which alone can enable us at all times to act with dignity, promptitude and effect.

We have, &c.

(signed), *J. Adam.*
Edward Paget.
John Fendall.
J. H. Harington.

Fort William, }
28 February 1823. }

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

1. In continuation of the subject of our despatches from this Department, of the 15th and 28th of February last, we have now the honour to report our further proceedings connected with the removal from this country of Mr. Buckingham, the late editor of the *Calcutta Journal*, and with the measures which we have pursued with a view to maintain a due control over the newspapers and other periodical publications of this presidency.

The accompanying extract from our proceedings of the 10th instant contains all the documents and correspondence on those subjects which have been recorded since the despatch of our letter of the 28th February last.

2. Mr. Buckingham proceeded to England as a passenger on board the *Sir Edward Paget*, Captain Geary, whose ship left the pilot on the 7th ultimo.

3. Previously to his departure, Mr. Buckingham availed himself of the provisions contained in the 5th section of the Act of the 21 Geo. 3, c. 65, to file in the Supreme Court an affidavit, setting forth the injury sustained by him in consequence of the recal of his licence, and of his removal from India by order of Government, and notifying his intention to prosecute his remedy at law against the Governor-general, in some competent court in Great Britain. With this affidavit was filed a petition, praying that authenticated copies of the order cancelling his licence, and of all correspondence connected with the subject, might be obtained from Government by order of the Supreme Court.

4. Mr. Buckingham having executed a bond, and furnished security for effectually prosecuting his complaint in England, an order was granted by the Supreme Court, requiring the production of authenticated copies of the resolution passed by the Governor-general in Council, depriving Mr. Buckingham of his licence. The requisition was of course complied with, and an authenticated extract of our proceedings of the 20th February last was furnished to the attorney to the Honourable Company for the purpose of its being delivered into the Supreme Court.

5. We conceive that Mr. Buckingham has had no other object in this proceeding than that of attempting to weaken the authority of the Government, and that he has no serious intentions of commencing any prosecution in England against the Governor-general for an act strictly legal in itself, and rendered indispensably necessary by Mr. Buckingham's own continued misconduct.

6. The Governor-general has not thought it necessary to take any measures to meet such a prosecution; and we shall only further observe on this subject, that if the prosecution should not be instituted and effectually proceeded in within the period specified, it seems highly desirable that measures should be taken to enforce the penalty of the bond executed by Mr. Buckingham. In the opposite event, we presume that your Honourable Court will, if our proceedings should be honoured with your approbation, give the necessary directions to your law officers to defend the suit.

V.

COPIES of all CORRESPONDENCE which has passed between Mr. *Buckingham* and the COURT OF DIRECTORS of the *East India Company*, or the COMMISSIONERS for the AFFAIRS OF *India*, relative to his CASE.

To *Joseph Dart*, Esq.

Sir,

London, 3d September 1823.

You will confer a favour on me by causing the accompanying letter to the Honourable the Court of Directors to the *East India Company* to be laid before them with as little delay as practicable, and by doing me the honour to communicate to me, as speedily as may be convenient, the Honourable Court's reply.

No. 11, Cornwall Terrace, }
Regent's Park. }

I remain, Sir,
Your obedient servant,
(signed) *J. S. Buckingham*.

To the Honourable the Court of Directors of the *East India Company*.

Honourable Sirs,

London, 3d September 1823.

I was unwilling to intrude myself on the notice of your Honourable Court until sufficient time should have elapsed for all its members, collectively and individually, to become acquainted with the particulars of the alleged offence for which my licence to reside in India was annulled by Mr. Adam, the acting Governor-general, in February last. As I have reason to believe, however, that the period is now arrived when your Honourable Court is in full possession of the merits of the case, I think it proper to address you without further delay on the subject.

My

My ground of complaint is, that I have been made to suffer a most grievous punishment for a very slight offence; and that my banishment from India must have already produced to my affairs in that country more than sufficient evil, compared with what might be due to the fault laid to my charge.

My request is, that your Honourable Court will take this case into your earliest consideration, and grant me a licence to return to India, there to pursue my lawful occupation, as editor of the Calcutta Journal, without being again liable to banishment from the country at the mere will and pleasure of the Governor-general in Council, but guaranteed in the safety of my future residence in India, subject only to the laws as administered in the Supreme Court of Judicature established in Bengal for the express purpose of maintaining to the British inhabitants of that presidency the free enjoyment of their legal rights.

11, Cornwall Terrace,
Regent's Park. }

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

East India House, the 17th September 1823.

I HAVE laid before the Court of Directors of the East India Company your letter of the 3d instant, requesting a licence to return to and reside in India, and I am commanded to acquaint you that the Court do not think fit to comply with your request.

I am, Sir, &c.

(signed) J. Dart, Secretary.

To Joseph Dart, Esq., &c., &c., East India House.

Sir,

London, 21st December 1823.

HAVING mislaid the reply of the Court of Directors to my application for leave to proceed to India, I beg to request the favour of your furnishing me with a duplicate of copy, which will much oblige,

Sir, your most obedient humble servant,

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

East India House, the 24th December 1823.

I HAVE laid before the Court of Directors of the East India Company your letter of the 21st instant, and in compliance with the request therein contained, I have received their directions to transmit to you a copy of the letter which was addressed to you on the 17th September last.

I am, Sir, &c.,

(signed) J. Dart, Secretary.

To Joseph Dart, Esq., &c. &c.

Sir,

London, 3d August 1824.

I SHALL esteem it as a great favour if you will have the kindness to lay before the Honourable the Court of Directors of the East India Company, at the earliest possible opportunity, the accompanying letter to their address, marked with the letter (A.), and the papers accompanying it in a separate packet, marked (B.), for their immediate consideration. The additional favour of as early a reply as may be compatible with the pressure of other public business will also much oblige,

Sir, your most obedient humble servant,

J. S. Buckingham.

11, Cornwall Terrace,
Regent's Park. }

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 2d August 1824.

IT having been publicly intimated to the proprietors of East India stock, by the chairman of your Honourable Court, that frequently repeated discussions are productive of great inconvenience to the public business of the Company, which such discussions tend to interrupt; and having myself also observed with some regret that the specific questions brought before the Court on such occasions are frequently lost sight of by speakers, who either do not perceive or will not confine themselves to the essence of the matter in debate,

I have come to the resolution of addressing myself once more to your Honourable Court by letter; partly to avoid the inconveniences above alluded to, but more particularly to lay before you, without exaggeration or disguise, a faithful statement of my present condition, and to state the grounds of my claim for redress, in so distinct and unincumbered a manner as may enable your Honourable Court to come to a speedy and final decision thereon.

The facts of my case, as stated in the petition presented to the House of Commons on my behalf by Mr. Lambton in the last session of Parliament (a printed copy of which is enclosed), being acknowledged to be correct; and the production of the papers moved for by the Hon. Douglas Kinnaird, in the Court of Proprietors, on the 9th ultimo, being opposed on the plea that even those who were hostile to the motion admitted the facts on which it was grounded, it must be quite unnecessary for me to recapitulate them here. I shall content myself, therefore, with adverting to the striking changes which have taken place since I had the honour of addressing to you my first letter on the 3d of September 1823.

At that period, the only injury of which I had to complain was, the being transported, without trial, from my friends, connexions and lawful pursuits in India, without having broken any of the laws of England, without having infringed any local regulation having the force of law in the territories subject to the jurisdiction of the Honourable East India Company, and without even a breach of those private rules issued for the guidance of the press in India, which all parties now admit not to have been law, and which were accordingly made law after I had been punished for an alleged infringement of them. My only demand then was to be permitted to return to that property and those pursuits from which I had been so suddenly and unexpectedly banished, in order that I might repair as well as I could the losses and injuries I had sustained.

At the period of my removal from India, the Calcutta Journal produced under my superintendence a profit of about 600 *l.* sterling per month, besides allowing to me, as editor, a salary of more than 100 *l.* per month, and a house worth 50 *l.* per month as a residence. Three-fourths of the property of that paper were my own, the other fourth having been disposed of in shares to gentlemen in the civil and military service of the Honourable Company, merchants, bankers, &c., for which fourth I actually received the sum of 100,000 rupees, or 10,000 *l.* sterling (at the then rate of exchange), the whole property being estimated to be justly worth four lakhs of rupees, or 40,000 *l.* sterling; yielding even then a large interest, and being capable of still further improvement. The half of the sum for which this fourth of my paper was sold, namely, 5,000 *l.*, I brought with me to England for such uses as I might require to make of it here, leaving the remaining 5,000 *l.* in India, in the full and confident hope that I should be permitted to return. The sum brought home by me has been entirely consumed in expenses arising purely out of my banishment from India, leaving me only the 5,000 *l.*, since drawn from that country, which I can now call my own. Still, however, as the Calcutta Journal, even after my departure from Bengal, continued to yield a profit of 400 *l.* per month, and could never, as long as it continued to exist, have fallen below 300 *l.*, I considered the necessary expenditure, and I may say total loss of the sum brought with me from India, as of less importance than I now do, since I then thought that I might safely count on the permanent receipt of 2,000 *l.* a year at least from my property there, property which I, and all else who held shares in it, regarded as secure as land, houses, or the Government funds, subject only to those fluctuations in value which are common to all other kinds of property, but as safe as any of these from entire and total demolition, no power to effect this being in existence when we embarked in its purchase, nor until some time after I had been removed from its superintendence.

I shall say nothing of what ought to have been the duty of Mr. Adam when he succeeded to the temporary exercise of supreme rule, on the resignation of Lord Hastings, as all parties both in England and in India admit that it would have been more just, as well as more humane, if he had issued some orders, or intimated his determination as to the course which he intended to pursue towards the press, before he ventured, without warning, admonition or advice, to strike a death-blow on an individual who had laboured as hard, and meant as well, as he himself could have done in the conduct which he had hitherto pursued. It is difficult to recal to your recollection the simple fact, that Mr. Adam issued a decree to deprive me of my licence, and commanded me to depart from India, for venturing to remark on the impropriety of an appointment which 99 men out of every 100 in India thought a highly improper one; which *all* men in England, not excepting, I believe, a single member of your Honourable Court, or its warmest advocates, have condemned, and of which you have shown your own entire disapprobation by sending out immediate orders to cancel it without delay.

I shall not dwell on the great pecuniary loss which must be sustained by the sudden breaking up of a large private establishment like that which I had formed in India for the reception of my family, nor of the still greater loss which must have accrued from the cessation of a superintendence over my public business, which could not be replaced in that country: these are sufficiently obvious. The latter evil was in some degree lessened by the capacity and trust-worthiness of Mr. Arnot, in whom I was enabled to vest the actual stewardship of the property. As if, however, I had not been sufficiently injured by what had been already done to myself, Mr. Arnot was also banished, not for an act of his own, but for the deed of another; because the actual offender, Mr. Sandys, could not be so summarily dealt with; the chief secretary even admitting this under his own hand and seal. Mr. Arnot's banishment was attended with the most serious consequences to the proper management of my pecuniary affairs, which he alone had hitherto conducted: but in addition to this, his embarrassed circumstances obliged him to draw from my funds in India

a sufficient

a sufficient sum to pay his passage and other expenses of the outfit and voyage to England; and the unhappy sequel of his being burnt out of the Fauc, and thrown again, wretched and penniless, on the shores of Bencoolen, completes the picture of his misery. He will no doubt tell his own tale when he arrives: I therefore confine myself in this place to the statement of my losses arising from the measures pursued towards him.

Still, however, the great bulk of the property invested in the Calcutta Journal was considered to be secure from spoliation. The Chief Justice, Sir Francis Macnaghten, in registering the licensing regulation in the Supreme Court of Bengal, admitted the importance of securing the stability of the property, by saying, "If any one entertained an apprehension that his property in the Calcutta Journal would be destroyed by the Government refusing it a licence, he would assure him that it should be granted, nor would he register the regulation if he thought it would affect the security of that property." On the occasion of Mr. Arnot being banished, because Mr. Sandys could not, the sacredness of the property was again admitted by the chief secretary saying, "Mr. Sandys cannot be subjected to any direct mark of the displeasure of Government, suitable to the occasion and to the nature of the offence, which would not equally injure the interests of the sharers in the property;" this being an evident acknowledgment that it was the duty, as well as then the wish, of the Government to hold that property sacred, whatever measures might be necessary to punish those who made an improper use of it.

What was the result? Mr. Sandys republished in the Calcutta Journal an English pamphlet written by Colonel Stanhope, containing a sketch of the history and influence of the India press, the work being issued section by section, the Government looking quietly on during its progressive publication, and thereby tacitly encouraging its completion. The John Bull newspaper entered warmly into the discussion of the merits and defects of this pamphlet; and if a discussion of this subject were really a breach of the regulation (which, however, does not appear), it would have been at least as much a breach when made by one paper as by another. The Government, however, some time after the last section of the republished pamphlet had appeared, and the discussions of the rival papers were nearly at an end, suppressed the Calcutta Journal entirely, and permitted the John Bull still to continue, unmolested and even unreprieved.

It must be quite unnecessary for me to point out to your Honourable Court the obvious fact, that literary property ought to be, and indeed is, in every country except India, as sacred and secure as property of any other description. In the instance above detailed, however, the violation of this property reduced me from the certain receipt for many years, and probable receipt for life, of 2,000 *l.* sterling per annum to absolutely nothing! Supposing Mr. Sandys to have done wrong in republishing Colonel Stanhope's pamphlet (which I am far from admitting), can it be just that I, in England, should be utterly ruined, and my co-proprietors in India be also subjected to a total loss of their portion of the concern because of this? If the principal proprietor of the *Times* were to quit London for Paris, and its editor for Brighton, and even the most indiscreet individual were left in charge of the paper till their return, what would be said of the total breaking up of that productive property and the ruin of its proprietors, for any indiscretions of another? Could not the acting editor of the Calcutta Journal, whoever he was, have been tried, fined, imprisoned, or even removed from his post, if necessary, and the property still suffered to be used, under a censor or such other preventive checks as might have still rendered it productive and harmless, if it could no longer be free and useful? The absent proprietors were in no degree parties to that act; and though fairly responsible for all legally adjudged damages for convicted libels, yet they could not be considered deserving of ruin for an act neither against law nor justice, neither having their concurrence nor their aid. It may be truly said, therefore, that my banishment from India, for remarks since proved to be just, and Mr. Arnot's banishment for the writings of another, unreasonable and inconsistent as both these were, are nothing in cruelty and enormity to the complete ruin of myself in England, and the injury of 100 co-proprietors in India, for an act with which neither of us had the least to do in any sense or shape whatever.

The first consequence of this suppression was, that the subscribers to the Calcutta Journal, which it had taken five years of hard labour to collect, were in a moment dispersed, and thrown, without the slightest consideration for the transfer, on other papers; one of which, the Bengal Hurkara (a copy of which accompanies this), boasted in its own columns shortly afterwards, that in consequence of the suppression of the Calcutta Journal, its subscribers had been quadrupled, or in other words, that the clear profit of 4,000 *l.* a year, which rightfully belonged to the proprietors of one paper, had been by a stroke of the pen transferred to the proprietors of another paper, without the slightest consideration for the change thus affected. The Indian Government even appeared so sensible of this injury, after it had been inflicted and was past remedy, that it soon consented to renew the licence for its revival, on a pledge being given that its future editor should be an officer in their own service, an arrangement which might have saved the ruin of the property at least, if it had been made before. Even this promised renewal, however, though great additional expense was incurred to prepare for it, never took place; and after a series of broken pledges and disappointed hopes, with the recital of which I shall not now trouble your Honourable Court, it was at last determined by the government of Bengal, that so long as I had any property whatever in the Calcutta Journal, or was likely to derive any profit or benefit from its continuance, it should never be permitted to be revived or carried on. Much as I had suffered from the cruelty of men in power in the East, I was certainly sceptical as to this point when the appalling information first reached me in England; but the fact, unhappily for me, is placed beyond

Judgment of Sir F. Macnaghten in the Supreme Court of Bengal, delivered March 31, 1823.

Letter of W. B. Bayley, Esq. to J. Palmer and G. Ballard, dated Sept. 8, 1823.

Bengal Hurkara, 2 Feb 1823.

all question, having been formally communicated to me by my agents, Messrs. Alexander & Co., of Calcutta, by my friend Mr. John Palmer, and by a number of other respectable correspondents in India, all concurring in the same statement, and leaving no doubt of its accuracy to the letter.

I might ask your Honourable Court to pause here, and review for a moment the scene of ruin and devastation laid before you. I might ask you, not as men merely, but as the legislators of a great country, whether my censure of an appointment which you yourselves have since pronounced to be improper, almost indeed at the first moment of your hearing it named, and which you have subsequently annulled because of its impropriety, could possibly warrant this determined ruin of all my hopes; this destruction of what I had created for the subsistence of my family by the labours of the past; this blighting of all my well-founded prospects of repose and competence for the future; whether, in short, it could be in me a crime deserving impoverishment and degradation, merely to allude to that improper union of spiritual and mercenary views, which you have felt it your duty not only to reprove, but to unlink and destroy: but I must proceed.

My property, and that of my copartners in this establishment being thus placed under the bar of authority, it became necessary for my agents to think of some mode by which the wreck of it might be saved from utter destruction, and it has accordingly been hired out at a very trifling sum per month, sufficient perhaps to cover the rent of the premises, to Dr. Muston, the very individual whom the government in India would not allow to carry on the Calcutta Journal on a renewed licence, for the benefit of its lawful and undisputed proprietors, because the profits, if any, would come principally into my hands, but whom, nevertheless, they have since permitted to carry on a new paper printed with our materials, and containing the same sentiments from the same pen, on his own account, because the profit of such an undertaking will come principally into his hands. The cruelty and vindictiveness of such a proceeding as this is apparent on the very face of it, and will strike every one as without a parallel; but its partiality and injustice will be still more manifest, when it is stated, that this new paper is already put forth under the title of "The Scotsman in the East," as an avowed imitation of the late Calcutta Journal, the reason assigned for the choice of the name being the great similarity which existed between this last-named paper and the Scotsman, published in Edinburgh. In its prospectus (a copy of which I enclose) the Calcutta Journal is praised as superior to all its contemporaries; the "splendid success" of its original editor, who is said to have "raised the Calcutta Journal, as it were at once, to the highest standard of perfection," is adverted to with every appearance of sincerity, and on this fame so hardly, and I hope justly, won by my long and arduous labours. On these materials, the collection and arrangement of which cost five years in time, and an expenditure of more than 20,000 *l.* sterling in money, an officer in the service of your Honourable Company is permitted, by the favour of your servants abroad, to build up a fortune for himself, while I, who am the rightful owner both of the literary reputation and the collected materials of this very establishment, which he is thus licensed to use, am trampled to the dust, and reduced, if not to absolute beggary, at least to the necessity of giving up my present residence, where I had settled myself as soon as I was denied permission to return to India, in the belief that my property abroad would have been as much respected as at home; of descending into a humbler sphere than that in which I have for years past been accustomed to move, and of beginning the world under the greatest disadvantages a third time, to provide for my young and helpless children.

I persuade myself that such a series of injuries and indignities combined, as that which I shall now briefly recapitulate, cannot go unredressed.

By the conduct of Sir Evan Nepean, your late Governor of Bombay, who removed me from the command of a China ship, at the very moment that he confessed he had no fault to find with me beyond my not having a licence, but that, on the contrary, he honoured my character, and thought favourably of my pursuits, I lost an opportunity of making at least 10,000 *l.* in the voyages which the same ship subsequently performed. By the loss of time, maintenance of my family at home, shipwreck in the Red Sea, expenses in India, and other events connected with my endeavours to bring about a commercial intercourse between Bombay and Suez, in which I employed myself till my licence was procured, I became nearly 10,000 *l.* in debt. By my declining to go on a slave voyage to Madagascar from Bengal, and consequently resigning the command of the same ship from which Sir Evan Nepean had removed me, but which the owners reserved for my subsequent command, when my licence was obtained, I was thrown on the stream, about 5,000 *l.* in debt, and actually without the means of subsistence. By the kind suggestions and kinder aid of Mr. John Palmer, and other friends in Bengal, who thought highly of my qualifications for the task, I was furnished with a loan of 30,000 rupees for the establishment of the Calcutta Journal, out of the profits of which I gradually relieved myself from these distresses, paid all my debts in England and India, put from 3,000 *l.* to 4,000 *l.* a year into the Company's treasury by payments of postage on my paper, created wholly by its extensive circulation; besides employing advantageously upwards of 100 persons on its establishment and supporting many industrious families in Bengal. By the unjust construction of a contract with the postmaster-general in India, I was an actual loser of money to the amount of 1,000 *l.*, and was cut off from a prospective gain of 10,000 *l.* at least, from the mere operation of that contract alone. By the various prosecutions instituted against me by the Government and secretaries in Bengal, I was a loser of more than 2,000 *l.* in costs and charges of various descriptions, though never once convicted of libel or other offence.

By

Scotsman in the
East, No. 1,
March 1, 1824,
re-published in the
Bengal Hurkara of
2 March 1824.

By my sudden banishment from India, the breaking up of my private establishment, which I had just completed for the reception of my family, the passage home, forfeited passage-money of my children, who, on our arrival in England, we found just ready to embark for sea, and saved only by three days, I was a loser to the amount of 2,000*l.* more. By the banishment of Mr. Arnot, and my necessary payment of all his expenses (for he was unable to do this himself, I was a loser of 1,000*l.* at least; and lastly, by the suppression of the Calcutta Journal, and refusal of a licence to renew it on account of its lawful proprietors, I have been deprived of a certain income of from 2,000*l.* to 3,000*l.* a year, probably for life, or reckoning the capital at what it would fairly have brought, if sold into other hands before it was suppressed, I have been in a moment stripped of 30,000*l.* sterling at least, the fruit of lawful, unwearied, and I hope I may say useful, exertions for the good of others as well as of myself, to the accumulation of which no man contributed the smallest portion, without his full, entire and even unasked consent.

Putting the matter therefore on a mere footing of money actually taken from me by the conduct of the Indian Governments from 1816 to 1823, I should have in strict equity a better claim for a grant of 60,000*l.* from their public treasury than many who have received that sum, not because any portion had been taken from them, but because they assisted when required to take it from others. I am not weak enough however to indulge any such chimerical hope, as that *strict* justice will ever be done to an individual suffering under the undue exercise of power; yet still there is a limit even to injustice, and a sufficient sense of right and wrong still left, it is to be hoped, to perceive the policy of giving some slight redress for very flagrant wrongs. That mine are of this description, no impartial man in England who has ever yet heard their recital now entertains a doubt, however much the parties interested in making light of every grievance, may affect to treat these as unimportant. I therefore ask of your Honourable Court, composed as it is of legislators professing a desire to administer pure and unbought justice to all, and of men not wholly dead to those feelings which enable us to place ourselves in the situation of others, that we may do unto them as we would they should do unto us, to grant me either of the three modes of redress here proposed, leaving the choice entirely to yourselves, with a pledge on my part to receive as a final adjustment of all my personal injuries whichever mode of compensation you may decide on offering to my acceptance.

First, To grant me permission to return with my family to Bengal in some one of the Company's ships and at the Company's expense, with the orders of your Honourable Court, directing the Government of that presidency to issue a licence for the renewal or revival of the Calcutta Journal, with authority to claim from the treasury of Bengal the sum of 30,000 rupees, the mere amount embarked in its first establishment, on my consenting to conduct it on its original plan, subject to whatever laws may by your Honourable Court be here thought necessary for the press in India, whether fixed prohibitory restrictions, a previous censorship, subsequent responsibility, or any other restraint which you may here determine to be necessary; provided such restraint be equally imposed upon all, and that the person be free from liability to banishment, and the property from violation, at the mere will or caprice of the Government without the legal sentence of a court of law. By this mode of redress, if permitted to me, though I shall again descend to the very bottom of the ladder, I shall at least have a chance of working my way to some higher step, and may by this means recover a portion, however small, of what I have so unjustly lost.

Secondly, If my revival of the Calcutta Journal in India be deemed wholly inadmissible, and this mode of retrieving my ruined fortunes be denied to me, I still solicit your permission to return to Bengal furnished by your Honourable Court with a claim on the treasury of that presidency, in behalf of myself and my fellow-proprietors there, for a fair and equitable restitution of our property, as far as the actual value of it, at the period of my removal from its superintendence, can be proved, with authority to remain in India for such short period as your Honourable Court may deem sufficient for the purpose of winding up the accounts of my late concern, of receiving the sums due to me, paying my just debts, and making a final settlement with my co-proprietors in that country. By this means, I may be enabled to do justice to others, and gather up the scattered remains of our wrecked and ruined property for an equitable division among those to whom it rightly belongs.

Thirdly, In the event of its being considered dangerous to admit of my revisiting India at all, for any purpose whatever, I ask your Honourable Court to grant an order on the Company's public treasury in England for the payment to all the proprietors of the late Calcutta Journal, collectively or individually, as may be deemed best, of such fair and just compensation as a committee of your own proprietary body may, on evidence produced, conceive it equitable to award; not for the total destruction of all the prospective gains, in itself a severe and irremediable evil, but for such positive pecuniary loss as can be proved to have been sustained by them in consequence of the sudden suppression and subsequent refusal of a licence to revive that paper, after they had embarked their capital in it, under the full and confident assurance that whatever new restraints might have been placed on the freedom of discussion, the security of every man's property would at least have been respected, and guarded from all arbitrary violation by the protection of the law.

Either the one or the other of the causes indicated above will be equally acceptable to me, each of them forming only a nucleus on which to collect my scattered hopes, and each involving the necessity of much future labour on my part to regain the prospects of fortune which have been so suddenly and so cruelly annihilated for mere trifling censure, which the decision of your Honourable Court has since shown to be in perfect accordance with its own deliberate views. Some such means of redress as these here pointed out, appear also

to be no less essential to the honour and character of the East India Company than to the maintenance of that impartial justice which all profess a desire to uphold. They will be at the same time in strict accordance with the repeated declarations of the Government in India and the avowed conviction of your Honourable Court in England, that no personal injury was intended by the suppression of any one particular paper, while another legally convicted of libels pronounced by the judges as not to be thought of without horror, as well as breaches of rules and regulations without number, is permitted to continue undisturbed, and that no feelings of personal hostility were entertained towards me or my property after my removal from the country. If it be true that the governing authorities of India, at home and abroad, are really anxious to avoid as much as possible the infliction of individual suffering, in discharging what they conceive to be their duties for the public good, never could there be a more favourable opportunity than this for proving to the world the sincerity of those professions; since it is perfectly practicable in the present instance to relieve abundantly the private distress unnecessarily created, at the same time that the public measures from which this distress has sprung may be rigidly and inflexibly maintained.

I beg your Honourable Court to believe, however, that I do not solicit this redress as a favour or a boon. I claim it as a fair and equitable discharge of what my honour, my conscience, and my reason alike assure me is a just and honest debt. Neither would I have it to be understood as a compromise for the abandonment of those higher rights and duties which are inseparable from a devotion to the great interests of mankind. I can only say, that I shall be content to receive either of the three grants proposed, as a discharge in full of all the private and personal injuries and losses that I have sustained, though it will be seen upon the face of them, that all combined would fall far short of the real extent of those evils which they would only furnish me the means of remedying for myself hereafter. If I can obtain but this from your Honourable Court, my personal wrongs will be appeased; and I shall endeavour to pursue my public duties, wherever I may be called on to discharge them, in England or in India, without reference to the past. But as my expectations are moderate, so are my determinations firm, and not to be swayed by every breath that blows. I shall persevere as long as I have power to do so, in reiterating my demand of justice, for I ask no more. It therefore remains with your Honourable Court, if this mode of appeal by direct memorial to your body be more agreeable, to give my written statement the early and prompt decision which its importance (to me and to my family at least) would seem to deserve; or if public discussions be more welcome, to be prepared to meet the subject again and again, in every way and shape in which it can be presented to the public mind, till all England, supported by all India, become deeply interested, as mankind never fail to do in that which is made by time and repetition familiar to their view, and until the world at large shall be impanelled as the jury, which sooner or later will pass sentence on the private as well as public considerations involved in the great question which will shortly be at issue between the people of Great Britain of every class and yourselves, as stewards of that vast empire in the East, which the Legislature of your country has committed, for other ends than unredressed injustice and oppression, to your temporary care.

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

J. S. Buckingham.

P. S.—It is hoped that any imperfections which may appear in the writing of this letter will not cause it to be rejected, as I have no longer clerks, by whom it might be more fairly copied.

To *J. S. Buckingham, Esq.*

Sir,

East India House, 12 August 1824.

I AM commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 2d instant, in which, after various remarks, you submit for the adoption of the Court one of the three following modes of compensation for the injuries which you state you have suffered; viz.

First, That you be granted permission to return with your family to Bengal in some one of the Company's ships, and at the Company's expense, and that the Government of that presidency be directed to issue a licence for the renewal or revival of the Calcutta Journal, and to pay to you the sum of 30,000 rupees, the amount alleged to have been embarked in the first establishment of the journal.

Secondly, If your revival of the Calcutta Journal in India be deemed wholly inadmissible, that the Court grant you permission to return to Bengal, furnished with a claim on the treasury of that presidency, on behalf of yourself and your fellow-proprietors there, for a restitution of your property, as far as the actual value of it, at the period of your removal from its superintendence, can be proved, and with authority to remain in India for such period as the Court may deem sufficient for the purpose of enabling you to wind up your affairs; or,

Thirdly, That in the event of the Court declining to permit you to revisit India at all, they will direct payment in England to all the proprietors of the late Calcutta Journal, collectively

collectively or individually, as may be deemed best, of such compensation as a committee of proprietors of East India stock may on evidence produced conceive it equitable to award.

The Court instruct me to acquaint you, with reference to your request for permission to return to India, that they see no reason to depart from their decision which was communicated to you on the 17th September 1823, when you preferred an application for that purpose.

With regard to the other points alluded to in the propositions before-mentioned, I am to state, that the pecuniary loss and personal inconvenience you represent to have sustained are attributable solely to the line of conduct pursued by you, which induced the Bengal government to withdraw the permission under which you resided in India.

The Court of Directors have already expressed their decided approbation of the course adopted by their Government on that occasion, and the Court of Proprietors have fully concurred therein; and I am to add, that, under a review of all the circumstances of the case, the Court do not consider that either you, or the other parties on whose behalf you have appealed, have any just claim whatever on the East India Company.

I am, Sir, &c.

(signed) *J. Dart, Secretary.*

To *Joseph Dart, Esq., &c. &c.*

Sir,

London, 14 August 1824.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, conveying to me the sentiments of the Honourable the Court of Directors of the East India Company, and I have to request the favour of your taking the earliest opportunity to lay before them the enclosed letter, in reference to the communication adverted to.

I have the honour to be, Sir,

Your most obedient servant,

11, Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 14 August 1824.

I BEG to acknowledge the receipt of a letter signed by your secretary, dated the 12th instant, informing me of your refusal to accede to either of the three propositions contained in my letter of the 1st instant.

With regard to the first proposition, asking leave to return to India, as you are pleased to meet it with a simple refusal of my request, I can of course say nothing, except, perhaps, that it does not appear clear to me, how the grounds which led to such refusal in September 1823, should be deemed sufficient to justify the same course in August 1824, the circumstances of the case having in the interval undergone such great and essential changes as to make them no longer the same, either in nature or in degree.

With regard to the second proposition, a claim of compensation for losses actually sustained, you have been pleased to instruct your secretary to state that the pecuniary loss and personal inconvenience complained of were attributable solely to the conduct pursued by me while in India, and that, therefore, neither I, nor any of my fellow-sufferers, on whose behalf I appeal, can have any just claim whatever on the East India Company.

I beg respectfully to submit, that in so far as I have been made a sufferer, by being banished from the country for acts done by myself, I am content to waive all claim for remuneration, either for the personal inconvenience or pecuniary loss thereby sustained, however just and equitable I may have deemed my right of claiming such remuneration, had I been disposed to press it on the attention of the Legislature; but if your Honourable Court will again refer to my letter of the 1st instant (a printed copy of which I enclose for more convenient perusal), I feel convinced that you will see the misapprehensions which, either in the original framing of your instructions, or in the interpretation of them by your secretary, must have prevailed on this subject.

The pecuniary loss occasioned by my removal from India, the only punishment that has been inflicted, or personal inconvenience that has arisen, solely from the line of conduct pursued by me in that country, was in itself sufficiently severe, reducing my yearly income from nearly 8,000 *l.* to 4,000 *l.* from the mere deprivation of that personal superintendence which I had hitherto exercised over the establishment from which I was thus suddenly removed. But every member of your Honourable Court is no doubt fully aware, that since my quitting India there has been a total destruction of this even then, and still valuable property, and that after the income arising from it had been reduced from 8,000 *l.* to 4,000 *l.* per annum, for alleged indiscretions committed by me, it has since been reduced from 4,000 *l.* per annum to absolutely nothing for the alleged indiscretions of others, for conduct, in short, which instead of being solely mine, as your secretary has, perhaps inadvertently, been instructed to state, is in no degree whatever mine, not even receiving

the most remote participation or countenance from me, and, happening, indeed, not only without my consent or approbation, but absolutely without my knowledge, or even my suspicion.

The republication of Colonel Stanhope's pamphlet in India, which happened long after my leaving that country, but before any communication could possibly have reached me from England, and for which the Calcutta Journal was for the first time suppressed, was solely an act of Mr. Sandys'. By this first suppression, I was made a loser of about 4,000*l.* per annum, though the act alleged for its suppression was not in the slightest degree an act of mine, but solely the act of another.

The second suppression of the Calcutta Journal, after an expensive establishment had been kept up on the faith of the Governor-general's pledge that its licence should be renewed, notwithstanding which, the first impression of the revived paper was prohibited from being issued after it was printed, and the whole edition consequently destroyed, arose solely from some alleged indiscretion on the part of Mr. W. P. Muston, an editor approved and sanctioned by the Governor-general himself, and an officer in your own medical service, his offence being understood to have arisen from his venturing to make an allusion to the unfavourable influence of the late laws for restraining the Indian press, and attributing to them the increased difficulty of making a public journal as interesting as when the press was free. By this second suppression of the Calcutta Journal, at the moment of its revival, I lost a certainty of securing at least 3,000*l.* per annum of the 4,000*l.* lost by the first suppression, though the act which occasioned this loss was not in the slightest degree an act of mine, but *solely* the act of another.

By the subsequent promise of the Bengal government to grant a licence for a paper to be published at the same press, and in a new name, the keeping up of a large establishment by my agents to meet this, and the final refusal of the same government to grant a licence to any paper in which I might have a pecuniary interest, or from which I might derive any benefit, while they have since actually granted to Mr. W. P. Muston a licence to print a paper at my press, with my materials, and at my risk of great pecuniary loss, with a certainty of his sharing largely in whatever profits may eventually arise, I am reduced to worse than nothing, and after having lost all hope of regaining any portion of even the 2,000*l.* a year which this paper might have produced if renewed, not on Dr. Muston's, but my own account, I am involved in the risk of being called on for a participation at least in whatever debts this precarious undertaking may accumulate; though so far from this state of things arising solely from any conduct of mine, it is the result of certain determinations of the Indian Government on acts and events with which I neither have nor could have had anything whatever to do.

I venture to hope, therefore, that your Honourable Court will not fail to perceive the inaccuracy or inadvertence of attributing solely to my conduct, losses which have arisen *solely* from the conduct of others; and willing as I am to admit the principle of responsibility for my own deeds, and therefore to abide the loss of 4,000*l.* per annum, by the reduction of my yearly income from 8,000*l.* to 4,000*l.* in consequence of my banishment, for acts of *my own*, enormous and unprecedented as that punishment must be allowed by every one to be, particularly when inflicted for serving the true interests of your Government abroad, in pointing out abuses which your Honourable Court have since felt it your duty to reprove and correct; I must still indulge the persuasion that you cannot intend to reject entirely my claim of remuneration for pecuniary losses sustained by me, as a victim suffering solely for the acts of others, in which I could not by any possibility have had the least participation, and that your Honourable Court will accordingly reconsider the subject of my appeal, and instruct your secretary to give me an early intimation of your decision thereon.

I remain, Honourable Sirs,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

(signed) J. S. Buckingham.

To J. S. Buckingham, Esq.

Sir,

East India House, 25 August 1824.

HAVING laid before the Court of Directors of the East India Company your letter, remarking on the terms of the reply which I was instructed to transmit to your application of the 1st instant, and requesting that the Court will reconsider the subject; I am commanded to acquaint you, that it was on a view of all the circumstances of the case, as well since as up to the period of your quitting India, that the decision communicated to you in that reply was adopted by the Court, and that they see no reason whatever to depart therefrom.

I am, Sir, &c.

(signed) J. Dart, Secretary.

To *Joseph Dart, Esq., &c. &c.*

Sir,

London, 1 August 1825.

I HAVE to request that you will do me the favour to lay before the Honourable the Court of Directors of the East India Company, as early as may be practicable, the accompanying letter and printed papers enclosed, and to favour me with their reply as soon as any decision may be communicated to you for that purpose.

I have the honour to be, Sir,

Your most obedient humble servant,

11, Cornwall Terrace, }
Regent's Park. }

(signed)

J. S. Buckingham.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 1 August 1825.

By the late decision of His Majesty's Privy Council, the political part of the question as to the rights of Englishmen in India to that freedom of speech and discussion which is held to be their birthright here, is, for the present at least, set at rest. The civil part of the question (if it may so be termed), or that branch of it which relates to the security of property, has not yet been brought under their consideration; although few can entertain a doubt but that those who have sanctioned the appointment of British judges in India for the express purpose of protecting the property of British subjects in that country by British laws, would determine that such protection of property is as much the right of Englishmen in India as in their native land. Without waiting, however, for the expression of their opinion on this important subject, I shall pursue the same course in this great question of the security of private property, as I have done in the question of political right to the freedom of public discussion. I shall first represent to your Honourable Court the nature and extent of the injury I have sustained by the invasion or violation of my property in the country ruled by your servants and subject to your control, and then state to you frankly and explicitly the description and amount of the redress to which I consider myself fairly entitled. If my claims are rejected by you (which in this case I can hardly anticipate), I shall feel it my duty to carry them to the Board of Control, from thence, if necessary, to both Houses of Parliament, and lastly, to His Majesty's Privy Council, as a question of property only, and totally unconnected with any of those considerations of danger to the safety of the State, which no doubt influenced their decision on the late appeal against the laws for licensing the press in India.

Admitting that, by the letter of the statute, Mr. Adam was justified in banishing me from India, for anything or nothing, as it suited his pleasure; admitting that by the letter of Sir Francis M'Naghten's regulation, Lord Amherst was justified in suppressing the Calcutta Journal, and cutting me off by a stroke of the pen from an income of not less than 4,000 *l.* a year for life, for an act in which I could not by any possibility have had the least participation, as it was done in my absence and without either my knowledge or consent; admitting that all this was perfectly correct, there is surely no statute of Great Britain, no regulation of India, which gives to a Governor-general the right of saying, "This property may be turned to profitable account while it belongs to one individual, but the same property never shall be so used while it belongs to another individual." There is no law, no regulation which could justify the Indian Government in saying, "This estate shall never be cultivated with indigo while it belongs to Messrs. Alexander & Co., but it may be cultivated with the same material if they sell it to Messrs. Palmer & Co." There is no authority, legal or otherwise, by which a Governor-general could say, "This ship now in the river of Bengal shall never weigh anchor, or carry cargoes of any description so long as she is the property of Messrs. Forbes & Co., but she may be permitted to sail and bring profit to any other owners who may be found to buy her; and that too although navigated by the same crew, directed by the same commander, sailing to the same port, and carrying exactly the same articles on freight or sale." Any such decree as this would be thought the most monstrous that had ever before been heard of; and yet, as your Honourable Court will not fail to perceive by a perusal of the correspondence annexed, the decision of the Government of Bengal, with respect to my property in the Calcutta Journal, was of exactly the same character and description as this imaginary decree, which most men would consider to be too unjust to be tolerated even for a moment by persons calling themselves Englishmen.

By the conduct of the Bengal government, in preventing the property left behind me in India from being used for the benefit of myself, and its other legal and undoubted owners, and determining that it never should be so used as long as I had any interest whatever in the same, thus forcing me either to sell at a ruinously low rate, or to suffer the property to rot away in total unproductiveness, my co-proprietors have been deprived of 10,000 *l.* paid by them in lawful money for actual purchase of their shares, and I have been deprived of 30,000 *l.* in real value, 20,000 *l.* of which at least was paid out of my own pocket in sterling cash for the purchase of the copyright, interests and materials of which this property was composed. For this injury, I ask, in their names and in my own, that full pecuniary compensation to which the natural sense of honour and of justice, which more or less inhabits the bosom of every man, must admit that we are fairly entitled.

In England, if the continued existence of any noisome or pestilential district is considered inimical to the health, the peace, or the good order of a city, and it is determined to remove it on that account; if for instance, St. Giles's is to be pulled down to make room for a more commodious and healthy street across its site, the obvious and invariable course is for the Government, or the parties effecting the demolition and improvement, to obtain an estimate of the value of every house intended to be demolished, and the award of a jury directs the amount of compensation to be made to every individual whose private property must be destroyed to promote the public good. If a magazine of gunpowder (to which a newspaper in India has often been compared) had existed for several years near the India House, and the Proprietors or their Directors were to resolve that the safety of their property was endangered by its continued existence, they might perhaps obtain an order to have the powder removed and the building rased to the ground, but certainly not without compensating, to the uttermost farthing, the proprietors of such works for the property destroyed. This principle is admitted, and carried into practice even in India itself, and indeed in every other country where law is known, as there could be no security of property without it. The Lottery Committee for the improvement of Calcutta pull down houses and remove obstructions in order to make new streets and improve the general health and appearance of the city; but they never think of so doing without first compensating the parties whose property they destroy. The Indian Government take up ships bound on profitable voyages to England, and change their destination by sending them to Rangoon, but if they were to think it necessary to set fire to any number of these before the harbour's mouth, or to sink them at the entrance to the river, for the benefit of the public service, they would never attempt to do this without compensating the owners for this destruction of their private property to promote the public welfare. In England, not a rood of land can be traversed by a canal, not a foot of ground can be added to a turnpike-road, not an inch of wall can be taken from the corner of a private house to increase the width of a street, without compensation to the parties from whom this sacrifice of private wealth is demanded for the unequivocal promotion of the public good. And even in France, where despotism is familiar to all classes, and at a time when the strictest censorship on the press prevailed, the only mode in which the ministers of that country, under Louis 18, attempted to remove such newspapers as were obnoxious to them, by the freedom of their remarks, was, either by obtaining a suspension of the licence for a limited period, through the decision of a court of justice after a trial at law, or by purchasing the shares of the proprietors at their current value, and then disposing of the whole as their own lawful property.

On every principle, therefore, whether of law, of justice, of precedent, or the concurrent authority of experience and common sense, the proprietors of the late Calcutta Journal are fairly entitled to full indemnification for the sacrifice which the India Government thought it their duty to make of the private property of individuals for the promotion of what they deemed the public good, and that indemnification I freely ask, with a confident assurance that, as British merchants, as men of honour, as well as the rulers of a vast empire, you will readily order to be paid.

When the period shall arrive for considering the transfer of the Company's interest to the Crown of Great Britain, we shall no doubt hear, on the side of His Majesty's ministers, abundant arguments to prove that whenever private interests impede the public good, the former must give way; while on the side of your Honourable Court, there will not be wanting able advocates to answer, that although this, as an axiom of government, cannot be denied, yet that, wherever private property is necessarily sacrificed for the benefit of the commonwealth, *compensation* is fairly due. If the India House in London should be transformed into an office for a Ministerial Board; if the palaces at Calcutta and Barrackpore should be occupied by some royal personage, representing the Majesty of England in the East; if the forts of Bengal, Madras and Bombay, should be garrisoned by King's troops alone, and all the large Indiamen now employed in the trade to China be converted into ships of war, your Honourable Court would no doubt tender to His Majesty's Government an estimate of the *actual cost* of all these valuable edifices, forts and vessels; you would hardly be content with what they might produce at an auction, where there were no buyers, or only those who knew not whether the things to be bought could ever be made use of or not, and who would offer little or nothing for such unavailable materials; which was exactly the case when the wreck of the Calcutta Journal was brought to the hammer. There is not an East India proprietor who, in the event of his being called on to relinquish all his property in the Company's stock, and yield up his wealth, his power, his consideration to the ministers of the Crown, would not insist on the fullest compensation for the sacrifice of his property, at least, however necessary the destruction of the charter might be deemed by the nation at large. Even when paid the full amount of his shares in the joint stock capital of his trading associates, he would perhaps feel himself sufficiently aggrieved at being thus cut off from all the *future* enjoyment of that power, patronage, profit and consideration which his former situation yielded him, and which the total change in the nature of his property, and the loss of his station as a director or proprietor of East India stock, would leave him no hope of again recovering. He would yield up with no ordinary reluctance all the prospective advantages of the future, but he would demand the most ample indemnity and perfect security for the repayment of all property taken from him, as the amount of his present share in the property of the Company, or the result of accumulation in its funds of profit on transactions of the past. My situation is precisely this: I ask no more than every East
India

India proprietor or director would ask in a similar situation; and I only require therefore of your Honourable Court, as a body, to do unto me that which every individual member of your direction would in such case ask of others to do unto him; and when I seek but this, I feel an unconquerable assurance that I shall not be refused.

I was already sufficiently punished for the strange offence of having anticipated your own sentiments in disapproving an appointment of which you yourselves no sooner heard than you censured, and cancelled it in terms of far more serious import than any used by me. I was already more than sufficiently punished for thus assisting to promote your own just views, by being banished from a country where I enjoyed a high and envied reputation, and from a circle in which I could count a host of devoted friends among the most honoured and most worthy of the whole community; by being separated from an establishment over which I had presided for years, and been the means of making more than 100 families employed by it happy; by being torn from domestic enjoyments which it had taken me a long period and considerable expenditure to prepare, for the reception of a family who were made to participate in all the evils of this sudden removal within a few weeks after setting foot in the country; and lastly, by being cut off from the receipt of a splendid income, drawn from the voluntary contributions of my own countrymen for labours which enjoyed their approbation and appeared to them to deserve their reward; an income which, in the course of three or four years more, would have given me wealth enough to pass the remainder of my days in the security of competence, and see my children honourably established in the world.

It was not enough, however, that I should suffer all this for merely expressing disapprobation at an appointment on which you yourselves passed the severest of all possible censures, by ordering the holder of it to be dismissed; but even the wreck of property left behind me, when thus banished and impoverished for the exercise of a virtue which you yourselves almost immediately imitated, has been violated and invaded so as to fulfil literally the saying of "taking from him that had nothing even the little that remained."

I may with truth say, that on this question of compensation for the sacrifices made of my private property by the acts of your servants in Bengal, which I now submit to the decision of your Honourable Court in this country, hangs all the hope I now have left of passing the remainder of my days in the possession of those comforts which impaired health, increasing age, and a growing family, render necessary to a tranquil existence. I shall therefore await your reply with corresponding anxiety, and trust it will not be protracted beyond the period necessary for its due consideration. I entered my present habitation in the firm persuasion, that whatever changes might follow my removal from India, my private property in that country would at least be held sacred. My engagements of various kinds in this country were regulated by this just and reasonable expectation; and one of these, into which perhaps I should hardly otherwise have ventured, from the magnitude and uncertainty of its expense (I mean the commencement of actions at law against three wealthy and powerful individuals), has at length terminated by the most public and voluntary offer being made to me in a court of justice, of reparation for the injury sustained, of an ample apology from the party inflicting the injury, accompanied by an abandonment of all justification or defence, and the payment by the same individuals of all expenses incurred in bringing this proceeding to a close. The world will no doubt applaud this act of justice, tardy as it seems, and its example will, I trust, be followed by those who yet remain to account for their unfounded and unjustifiable aspersions. That these aspersions on my private character, false as they were, had a large share in promoting and apparently warranting the ruinous proceedings of your servants towards my person and property in India, no man acquainted with the history of those transactions can for a moment doubt; and as it has now been publicly admitted, even by my accusers, before the most solemn tribunal of the land, that I am innocent of the crimes imputed to me, justice demands that the evils which have been inflicted on me under the assumption of my guilt, should be instantly repaired.

If all the former reasons that I have endeavoured to submit to your judgment were inadequate to convince you of the necessity as well as justice of that reparation which I now seek at your hands, this single consideration would, I think, alone be sufficient to turn the balance. But it is neither my wish nor my intention to deprive your Honourable Court of the fair exercise of a voluntary determination to do an act of justice uninfluenced by any other considerations than those arising out of a calm and unbiassed view of the facts of the case. These I have here submitted to you without reserve or exaggeration; and I await with anxiety, but still with confident expectation and hope, your just and impartial award.

I have the honour to be, Honourable Sirs,

Your obedient humble servant;

11, Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

P. S.—As the correspondence recently transmitted to me from India, and referred to in the body of the preceding letter, will be more agreeable to read in the printed than in the written form, I have had the letters arranged in the order of their dates, and 24 copies only struck off, for the use of the Directors of your Honourable Court, preceded by a very brief statement, sufficient to make the letters intelligible without further comment. These printed copies I take the liberty to enclose. The originals and authenticated copies are now in my possession, to be produced in the event of their authenticity being questioned, or their inspection by a committee or other body deputed to inquire into the facts of this

case, being deemed necessary. I shall hold myself in readiness also to give any personal attendance that may be required of me, or to produce either oral testimony or written evidence of the facts stated in the letter now submitted to your attention, at any time or place which your Honourable Court may think proper to direct.

(signed) *J. S. Buckingham.*

To *Joseph Dart*, Secretary to the Honourable the East India Company.

Sir,

London, 6th Sept. 1825.

I SHALL feel greatly obliged by your submitting, on the earliest possible occasion, the accompanying letter to the Honourable the Court of Directors, and furnishing me, as soon as you may be enabled so to do, with their reply.

I have the honour to be, Sir,

Your most obedient humble servant,

Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 6th September 1825.

I HAVE just risen from a bed of sickness, to which I have been confined for the last month; and one of the first objects of my solicitude is to inquire what has been the fate of my letter addressed to your Honourable Court about five weeks ago.

The interruptions of my health have been so repeated and incessant, and my last illness so alarmingly severe, that my medical advisers gave me little or no hope of permanent relief, except by removing to a milder climate, and abstaining from the close application to which I have devoted myself during the two last years, so as to enjoy tranquillity of mind as well as bodily repose.

If I possessed the means of supporting myself from my private fortune in such a retirement as this, I should not hesitate a moment in seeking by such means a chance of restoration to permanent health. But desirable as this undoubtedly is, it will be utterly impossible for me to accomplish it, should your Honourable Court still continue to withhold from me the reparation so justly due for the total destruction of my private property by your servants in Bengal.

Should your Honourable Court, however, as an act of justice, grant me the reparation sought, in any manner that may render it speedily available to my use, I shall proceed without delay to embrace the only hope now left me of recovering that health, which up to the period of my quitting India I had the happiness to enjoy in a supereminent degree, and which it is no exaggeration to say has been chiefly undermined, if not entirely destroyed, by the vexations, anxieties, disappointments and embarrassments, arising out of my banishment from that country, and the subsequent proceedings of the Indian Government towards my property there.

No man that ever lived can have been made to feel more acutely than I have done, that "sickness of the heart" which is occasioned by "hope deferred." This hope, though often protracted and postponed, has never entirely deserted me. I have never yet been able to bring myself to doubt your granting me *ultimate* justice. I have continually dwelt on the assurance that, sooner or later, when the political objects of your Government in restraining the press in India should be completely attained, and my return to that country rendered impossible, the destruction of private property occasioned by that public measure would be fully and even willingly repaired; and I still feel convinced, that whether as legislators, as merchants, or as men, you cannot but think this reparation due by every rule of justice and equity. If it be done quickly, I shall endeavour to seek in retirement and repose that tranquillity of mind and health of body to which I have long been a stranger, and may hope to repair by these means the present shattered state of my health and constitution, a source of more pain and misery to my dependant family than even to myself. We have *all* indeed been made to suffer more than enough to satisfy the most vindictive of our enemies, and besides myself, other innocent and unoffending beings have been placed on the rack of torture and suspense for years, for the doubtful crime of *my* being too ardent in endeavouring to repress abuses in a country where all must know that some at least exist, and the last of which that I ventured to expose you have yourselves attempted to remedy, by ordering the removal of Dr. Bryce from an office and occupation now universally admitted to be in the highest degree objectionable.

Had I been guilty of any crime, either moral or political, or even any indiscretion by which your empire in India had been *really* endangered, I should indulge no hope of forgiveness, and but little of public sympathy; but I sincerely believe there is not one human being in existence who could conscientiously say that my sudden removal from the country, under all the aggravated circumstances of the case, and the cutting me off at one blow from a splendid income of 8,000*l.* a year, raised wholly by my own labours, was not of itself the severest punishment ever before heard of for so slight an offence as that of censuring an appointment which you yourselves have since publicly disapproved of and annulled. When, however, there has been superadded to this already severe and irreparable punishment, the total destruction of the property that I left behind me, in the confidence that whatever changes

changes might occur, *this* at least would be respected—a property which it cost me more than 20,000*l.* in sterling money, actually paid by me, to get into the state of perfection and efficiency in which I left it, besides five years of the most valuable portion of my life, and the incessant and almost unexampled labour, by which its productive and marketable value was made to exceed even double that sum;—when I reflect on all this, I feel persuaded that there is not a single member of your Honourable Court who could in his heart say that I deserve this ruin and destruction of all my hopes, this condemnation to perpetual poverty and suffering for the remainder of my days, because I had the misfortune to employ a large portion of them in thinking more of the welfare and happiness of others living under your dominions, than in providing, as I might with less pains as well as less virtue easily have done, for my own.

My strength will not permit me to write more. I have before placed my fortune, I may now truly say I place my future health, if not my existence, also in your hands: it rests with you to restore to me the one, for I ask only the restoration of property which your servants have destroyed, and this will afford me the means of supporting and prolonging the other, by relieving me from the necessity of those anxious cares to which all my present sufferings may be fairly attributed. I still rely on your sense of justice, and I have a strong internal conviction that this reliance will not be placed in vain.

I have the honour to be, Honourable Sirs,
Your most obedient humble servant,
Cornwall Terrace, Regent's Park. (signed) *J. S. Buckingham.*

To *James Silk Buckingham, Esq.*

Sir, East India House, 15th September 1825.
I HAVE laid before the Court of Directors of the East India Company your letters of the 1st ultimo and the 6th instant, and I am commanded to inform you that the Court see no reason to alter the opinion expressed to you in their secretary's letter of the 12th August 1824, that they do not consider that either yourself or the other parties on whose behalf you have appealed, have any just claim whatever on the East India Company.

I am, &c.
(signed) *P. Auber,*
Assistant Secretary.

To *Joseph Dart, Esq., &c. &c.*

Sir, London, 12th November 1825.
I BEG you will do me the favour to lay the accompanying letter before the Honourable the Court of Directors at your earliest convenience; and oblige me with the report of any decision that may be made thereon with as little delay as the nature of the case will admit,

I remain, Sir, your most obedient servant,
11, Cornwall Terrace, Regent's Park. (signed) *J. S. Buckingham.*

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs, London, November 12th 1825.
I HAD hoped that my letter of the 6th of September would have contained the last appeal that I should ever have occasion to make on the subject to which it related. Subsequent information from India compels me, however, to make one effort more before I entirely abandon all hope of relief. Letters recently received from Bengal convey to me the appalling intelligence that the *whole* of my property there (which was valued, at the period of my leaving it, at 40,000*l.*) has, by the measures of your Government alone, and notwithstanding all the exertions of my agents, Messrs. Alexander & Co., to avert the evil, been not only swallowed up entirely, but the very wreck of its materials encumbered with heavy debts, which I am now called upon to pay.

If, at the period of my being ordered to quit India, the Government had, by a direct act of power, deemed the total confiscation of my property, and proceeded to effect its immediate destruction on the spot, dreadful as such a punishment would then have seemed, it would have been an act of mercy compared with the measures which they have since pursued. Instead of leaving behind me a large and valuable establishment, in the confident assurance that its property would be as secure as in England, I should have done well if I had set fire to the whole: the devouring element could only have consumed my house and all the accumulated wealth which years of labour had there deposited as in a place of safety; but by the subsequent measures of your servants, I am not only ruined, but burthened with heavy debts, which I shall probably never be able to repay. Should any doubt be entertained of the accuracy of this statement, I beg to say that there is now in England one of the firm of Alexander & Co., to whom all the accounts connected with this unfortunate affair have been submitted, and will, therefore, be able to confirm the facts, whether they relate to the results, or to their immediate cause.

I have before preferred my claim to reparation as one of right, and made my appeal to your justice for redress. You have decided that my claim is not sufficiently established to

deserve your attention; and to this decision, painful as it is, I must submit. I approach you now, however, as a petitioner, earnestly entreating your consideration of my case, not as a political question between us, not even as a claim for restitution of rights, but merely as the case of an individual who left behind him in your territories a property of the actual saleable value of 40,000*l.*, and who is now reduced to absolute poverty and debt by the entire destruction of all he possessed, in consequence of measures pursued towards that property since the period at which he left it in supposed security in your dominions, and consequently without the possibility of his having done anything there which could justly draw down upon him so dreadful an infliction of punishment.

I might well entreat your consideration of this heavy and undeserved calamity on my own account alone; but I have others also dependant on me for protection and support. I have children to educate and to maintain; nor can I, without a pang which would embitter my whole existence, consign them silently to ignorance and indigence after they have passed their youth in well-founded expectation of respectability in life. If it were the determination of your Government to punish me for my supposed offences, it never could have been their intention to visit the sins of the father upon the children, or make them to feel, during the remainder of their lives, the weight of an evil which must have been designed for me alone: and yet, without the restoration of my property, this must be the inevitable result.

I will not tire the patience of your Honourable Court by a recapitulation of what has been so often repeated in my former letters; but you will, I hope, forgive me for reminding you, that soon after my arrival in England, and on receipt of intelligence that my establishment in India was breaking up, and my property there dissipating and wasting away under the charge of one of your own servants placed in my house, and made, by an act of your Government, controller of all I possessed, I asked your permission to return to Bengal for such short period as you might deem proper, merely to pay my just debts to others, to recover those due to myself, and to gather up the fragments of my wrecked and ruined property before it was altogether annihilated. This request was refused me; and the result has been, that not only has all that then remained been since entirely swallowed up, but heavy debts have been accumulated against me, which never could have taken place, had my return, for ever so short a period, been then permitted.

When I look around me, and see the fate of others who have been since placed in circumstances similar to my own, there appears to me something incomprehensible in my unhappy destiny. I see a printer in New South Wales, whose office was closed by some government functionary, reinstated in all his rights of property by an English judge. I observe an editor in the West Indies, whose journal was suppressed, allowed to resume it again within a short period on his own account. I remark, that two men of colour banished from Jamaica, in the supposition of their being foreigners, are to be restored to their property and their homes. I find Mr. Greig, the editor of the Cape Gazette, suppressed by Lord Charles Somerset, allowed by the King's Government to return and re-establish his press with a full restitution of all his property, and ample security against any similar violation of it in future. I learn, with even more pleasure still, that Mr. Arnot, although he never had any licence to reside in your territories, or made any large accumulation of property from years of labour in India, from which he was removed avowedly on the same grounds as myself, has nevertheless his actual losses repaired by the justice or generosity of your Honourable Court.

What inexpiable crime have I then committed, which should shut me out from all hope of redress, while others have their claims attended to, and injuries of not one-tenth the severity or extent compensated within a few months, though mine have now lain for years unrepaired? If it be, that instead of following the example of more fortunate appellants, and throwing myself on the mercy of those in whose hands the power of redress is placed, I have been induced to lay my claim before you as one of right, I can truly say that I adopted the latter course, in the conscientious belief that your Honourable Board would view the question of property, divested of all its political associations, in the same light as I had done. But in conceiving that my losses gave me a title to reparation as a matter of right, it appears that my views were erroneous; I therefore yield unresistingly to this decision, and abandon all claim of right accordingly. Notwithstanding this result, however, I still venture to hope that the door of your Court is not irrevocably closed against me; and in this hope I now place my prayer as a petitioner upon its threshold; and for my children's sake, I implore that it may yet be heard.

Your Chief Justice, Sir Francis Macnaghten, avowed his conviction in the most solemn manner from the bench, that the property vested in the Calcutta Journal ought to be respected: your Governor-general, Lord Amherst, as distinctly admitted the same principle, when it was pressed on his consideration. The late Mr. Adam also, in the pamphlet published by him soon after my departure from Bengal, disclaimed explicitly any intention of undue severity towards me personally, as he considered my removal from the country a sufficient punishment. In addition to all which, your Honourable Court itself, through its late chairman, publicly expressed a regret that I had not remained in India to accumulate a fortune by those talents which he was pleased to say I possessed, instead of appearing, as I then did, in the character of an individual appealing for redress to the Court over which he presided.

What need I say more? That fortune was acquired, at least to as great an extent as my most sanguine wishes reached, and this too under the sanction of your Honourable Court, whose licence to remain in India was sent out to me from England, and recognised by the authorities.

authorities there as sufficient to warrant my continuing to reside in Bengal, under the sanction of the Governor-general himself, and in strict conformity with every existing law. At the period of my leaving India; therefore, I was as honourably and as lawfully possessed of 8,000 *l.* a year in income, or 40,000 *l.* in value of tangible and saleable property, as any member of your extensive body who draws that amount of dividend, or holds that amount of capital in India stock. By the measures of your Government, enacted and carried into operation *since* that period, I have been as effectually and entirely deprived of that income and that property, as if it had set fire to the whole on the spot, leaving me at last incumbered with heavy debts, without my being permitted even to gather up the fragments of the wreck, which are now irrevocably scattered to the winds.

Surely, Honourable Sirs, if this question of the total destruction of my property for acts done by others, and since I quitted your territories, be but calmly considered, you can hardly fail to compassionate the unparalleled severity of my sufferings, and in this spirit, to receive my present appeal to your generosity for *some* consideration at least, in order to lessen the amount of those pecuniary embarrassments with which, in consequence of the measures of your servants in India, I now am, and must for a long period to come, be overwhelmed.

However great the magnitude of all that I have lost may appear to me, when I contrast the silent horrors of debt, and the dreary prospect of a prison now, with the brilliant pictures of affluence, and the scenes of wealth and enjoyment by which I was surrounded but a few brief months ago; yet to you, who are the stewards of so vast an estate, the mere *amount* of the injury cannot be a reason for its not being repaired. Your Treasury has already afforded to Mr. Arnot, my assistant, a full compensation for his losses; and all I ask is, that from the same source, and with the same feeling which awarded this, my children may also be rescued from that state into which the utter annihilation of their parent's fortune must otherwise inevitably plunge them. If the whole amount of this should seem too large, I shall be grateful for whatever portion may to your own breasts appear a reasonable and adequate compensation for the heavy and undoubted losses which I have sustained, in a pecuniary point of view alone, to say nothing of those severe and protracted bodily and mental sufferings that have already preyed upon my frame and spirits for so long a period, and which, though future competence may soothe, no wealth can uncreate or remove the remembrance of for ever.

Finally, as on this question I throw myself entirely on the moral sense of justice and right feeling in your Honourable Court, without at all adverting to legal claims of right, I will not venture to suppose the possibility of my prayer being utterly rejected. Let my children at least receive at your hands a restitution of those hopes so unexpectedly torn from them by the loss of all that would have cheered the prospects of their future life, for *their* innocence, as well as injury, must be beyond all doubt; and these considerations may, I trust, be permitted to plead for them, where my voice would intercede in vain.

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

Cornwall Terrace, Regent's Park.

(signed)

J. S. Buckingham.

To Joseph Dart, Esq., &c. &c.

Sir,

London, 14th November 1825.

As it is of the highest importance to me, that the accompanying supplementary letter to the Honourable Court of Directors should be presented and read at the same time with or immediately following that which I had the honour to forward to you on the 12th instant, I have to request the favour of your laying it before them accordingly, at to-morrow's Court, should my first letter be presented on that occasion.

I have the honour to be, Sir,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

(signed)

J. S. Buckingham.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 13th November 1825.

SINCE my letter of yesterday was sent in to the Secretary of your Honourable Court, it has been suggested to me that mention should be made of the specific acts of the Bengal government, to which the losses I have sustained may be clearly attributed. I beg permission therefore to enumerate them in this supplementary letter.

1. When the Regulation was passed for placing all the newspapers in Bengal under a licence, which was subsequent to my removal from India, the Chief Justice, Sir Francis Macnaghten, consented to its being registered in the Supreme Court, only on the express condition, and with a positive pledge, that the property vested in all the existing papers, and more especially that of the *Calcutta Journal*, which was mentioned by name, should be respected; adding, that if he had not received such an assurance from the Government itself, he would not have consented to give the Regulation the force of law, by registering it at all.* In the case of Mr. Arnot, who gave offence to the Bengal government by his allu-
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* Speech of the Chief Justice, 31 March 1825.

sion to Dr. Bryce as the cause of my removal from India, the Governor-general and Council distinctly admitted their intention to recognise and respect this pledge, when they assigned as their reason for ordering Mr. Arnot to quit the country, that there was no other mode of expressing their displeasure "without injuring the interests of the sharers in the property;"* thereby confirming the conviction that this property would not be destroyed. Soon after this Colonel Stanhope's pamphlet on the press of India was republished section by section in the Calcutta Journal, the absence of all intimation on the part of the Government as to the early portions being objectionable encouraging Mr. Sandys the editor to continue them through several weeks, until the whole series of the essays was concluded. It was not until some days after this had been entirely closed, that any indication was given of such publication being displeasing to the Governor-general in Council; and then, instead of removing Mr. Sandys, as Mr. Arnot had been removed, and insisting on some other editor being put in his place, by which the property of the shareholders in the paper might have been preserved, and the views of the Government, with respect to the control over all subjects of discussion as effectually secured, the licence for publishing the paper was entirely withdrawn.† By this act, the whole value of the property, which consisted in its continued employment and consequent productiveness, was at once destroyed, in violation of the pledge given by the Chief Justice, when the licensing regulation was passed and recognised and acted on by the Governor-general in Council when Mr. Arnot was removed.

2. On a representation made to the Government by the principal proprietors of the suppressed journal, setting forth the extent of the injury inflicted on their property by this act, the Governor-general, Lord Amherst, promised to renew the licence of the paper, in order to repair, as far as such renewal might effect it, the loss sustained by the shareholders from this suppression. On the faith of this promise, the whole establishment of the office was kept up for several weeks, in daily expectation of the promised licence being granted; which procrastination on the part of the Government was attended with a heavy loss in the continued expenditure maintained without receipts, and with still greater injury from the daily loss of the old subscribers to the paper, who, tired with waiting for its perpetually promised but still delayed appearance, went over to other papers, and particularly to the *Bengal Hurkarra*, then edited by Lord Amherst's own personal physician, Dr. Abel, on terms which made his emoluments increase with the number of his subscribers, giving him therefore a direct interest in the protracted suspension and ultimate ruin of the *Calcutta Journal*, whose loss was his gain.

3. After a long and ruinous expenditure had been thus maintained, on the pledge of a licence being granted for the renewal of the Calcutta Journal, under its original editor and proprietors, it was at length determined by the Governor-general in Council, that no such licence should be granted, except on condition of a new editor being appointed who should be a covenanted servant of the Government, in order that they might possess an entire control over his conduct, and regulate his proceedings according to their will and pleasure. This condition, unexpected and unacceptable as it was, was nevertheless complied with by the agents of the property, Messrs. Alexander & Co., rather than lose the only chance that now remained of repairing the ruin already created, by an endeavour to recover the loss of money, time, and subscribers, occasioned by the suppression and delay adverted to. The renewal of the "Calcutta Journal" was accordingly announced to take place on Monday the 1st of December 1823, under its original designation; but the Governor-general again changing his mind on this subject, a letter from the Chief Secretary was sent to the office late on Sunday evening, the day preceding its intended appearance, forbidding its publication under its original name; which obliged the printer to issue another announcement explaining the cause of the new delay, and postponing its appearance indefinitely till the Government should fix on the new appellation by which the paper might in future be known.

4. After this second suppression of the paper, for no other assigned cause than that its name was offensive to the Governor-general, who did not wish to see the words "Calcutta Journal" revived, the whole of the months of December and January were suffered to pass away, with all the establishment of the printing-office maintained as before, in the daily expectation of the Government settling the name of the paper, and permitting it to go forth to the public: when it was at last proposed to call it "*The British Lion*,"‡ a name of which Lord Amherst approved, and all difficulty on that head seemed now to be overcome, but not until after a great expenditure of money and further loss of subscribers going over to other papers had resulted from this second delay.

5. On the very eve, however, of recommencing the paper under this new designation, another fresh difficulty was started on the part of the Government: their own editor had been accepted, their own name adopted, and every condition exacted by them had been complied with to the utmost, both in the letter as well as the spirit of their commands. But it appearing that Dr. Muston was only to have a large salary and a commodious dwelling rent free, (with a necessary exemption from all his medical duties, though still receiving the Government pay,) while the profits of the paper, if any, were to go to the original owners of the property, of which I still held by far the largest share, the Government came to the further resolution that no licence should be granted to the paper at all, so long as I or any of the original

* Letter of Mr. Secretary Bayley to J. Palmer and G. Ballard, Esqrs., 3 September 1825.

† Letter of Mr. Secretary Bayley to Messrs. Sandys, Ballard and Rozario, dated 9 Nov. 1823.

‡ Letter of Dr. Muston to Mr. Secretary Bayley, 29 January 1824.

original proprietors of the Calcutta Journal, held any share whatever in its property.* They signified in the most distinct and explicit manner their firm determination not to be satisfied with anything short of the complete sale and transfer of the whole of the property from my hands to those of their own servant, Dr. Muston, the only editor to whom they would grant a licence for carrying it on; and to him only as *bond fide* proprietor of the property, to reap all the profit that might arise from its use, and not merely as an editor conducting it, on however large emoluments, for the benefit of those to whom the property of right belonged.

6. Nothing now remained but to abandon the property entirely and submit to a total loss, or to comply with the conditions imposed by Government on the renewal of the paper. But as Dr. Muston was a man already deeply embarrassed with debts for which he had been some months before imprisoned, till released, because of the entire hopelessness of his being able to pay them, and was therefore unable to raise a sum equal to that required for a money purchase, it was found necessary to make such a conveyance of the property to him as would satisfy the conditions exacted by the Government, guaranteeing to him the whole of whatever profits might accrue above a certain rate of interest to be paid to the original proprietors, but still retaining on the part of the latter the full responsibility for all debts contracted in carrying the paper on, as no one could be found ready to supply a man in Dr. Muston's known situation, with the current materials required, without that security for payment which the original proprietors could alone guarantee.

7. This being done, and the editor thus forced into the management of the property by the stipulations for that purpose which the Government thought proper to exact, being fairly seated in his office, he continued to conduct the new paper under the title of the "*Scotsman in the East*," (the intended name of "*The British Lion*" having been abandoned) for several months, until the close of 1824, in so destructive a manner, that instead of any interest accruing to the original proprietors, nothing was paid but his own and his assistants' emoluments. On the contrary, a number of heavy debts were contracted, which Dr. Muston was unable to pay, and which came therefore on the proprietors to add to their loss; while the materials of the office, perfect and complete as they were when left by me at my departure, were of necessity brought to the hammer as the only means of disposing of them, when there being no purchasers to compete with each other for materials which the Government would allow only one favoured man to use to advantage, the splendid collection of printing apparatus, which it had cost me upwards of 20,000 *l.* sterling in money to get together, was knocked down in lots for the mere value of the wood and metal of which the presses and types were composed, bringing altogether the sum of 18,237 rupees, or little more than 1 *s.* 6 *d.* in the pound of their prime cost!

8. By the first suppression of the paper, and the consequent loss of subscribers, who in consequence of this suppression only went over to other papers, there was sustained a positive loss of at least 20,000 *l.*, reckoning the copyright and goodwill of the concern as worth only five years' purchase, at which it would have sold at any time, if not suppressed by the Government, as the establishment was clearing, as a mere printing concern connected with the paper, upwards of 4,000 *l.* sterling per annum at the time of its first suppression,† when Mr. Sandys might have been removed, as Mr. Arnot had been, and the property still kept together under some other editor.

9. By the several months expenditure maintained on the faith of a licence being granted for the renewal of the paper, while not a shilling was receiving during the whole period, a loss occurred of more than 30,000 rupees, or 3,000 *l.* sterling, which would not have occurred had the Government given no hopes that it did not mean to fulfil.

10. By the destructive management of "*The Scotsman in the East*," in Dr. Muston's hands, not only was all the common interest of the capital employed entirely consumed, leaving the proprietors nothing whatever to receive, but a loss of 28,000 rupees, or 2,800 *l.* sterling was incurred in debts, which the proprietors, of whom I am the principal, are called upon to pay.

11. In consequence of the solemn assurances so publicly given by the Chief Justice and the Governor-general on two separate and distinct occasions, that the property of the Calcutta Journal would be respected, I continued long after my arrival in England to send out such supplies of printing paper, books and other materials as were likely to be required for current uses, on which account alone I have incurred a debt of 2,500 *l.* sterling, although the greater portion of these materials have been since consumed in the ruinous management of Dr. Muston while the establishment was under his direction, and in the still more ruinous sale, when it was found necessary to bring the wreck to the hammer as the only way of preventing further accumulation of debt thereon.

12. By these successive measures, all pursued by the government of your servants in Bengal, and without the possibility of any act of mine having deserved such punishment, as they have all transpired since I quitted the country, and have reference to the acts of others, I have suffered, at the lowest calculation, an actual loss of 40,000 *l.* in money value, and am, in addition to this calamity, made responsible for debts to the amount of nearly

* Letters of Mr. Secretary Bayley to Dr. Muston, 31 December 1823; January 16th and 30th, and February 10th, 1824; and Letter of Mr. Harrington to Dr. Muston, 13 January 1824.

† It produced 8,000 *l.* a year under my own management, and was worth, at five years' purchase, 40,000 *l.*; at which rate of value one fourth of the whole was actually sold.

nearly 10,000 \textsterling more! As therefore all the resources brought with me from India are now exhausted, and as I have entered into various pecuniary engagements since my arrival in England, on the faith of my property in India being available to enable me to fulfil these engagements at the appointed time, there remains no hope whatever of my escaping bankruptcy and a prison, but by a restitution of some portion at least of those heavy losses incurred by the measures of your servants abroad, and in my absence from the country now impossible to be recalled.

13. My punishment has been already so severe and unexampled, considering the nature of my alleged offence, that it is humbly hoped your Honourable Board will not add to my sentence of perpetual exclusion from one quarter of the globe, perpetual poverty and degradation in every other, or compel me to seek an asylum from the tempest in a painful and necessitous exile from the friends of my youth and the country of my birth, after being driven for a slight excess of well-meant zeal from the friends of my manhood and the country of my adoption by choice, where I was acquiring an honest fortune for my children, and an honourable renown for myself. If by your rejection of my present prayer, I am effectually banished from both, I can then have no hope of a resting-place but in the grave.

I have the honour to be, Honourable Sirs,
Your most obedient humble servant,
Cornwall Terrace, Regent's Park. (signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir, East India House, 23d November 1825.
I HAVE laid before the Court of Directors of the East India Company your letters of the 12th and 13th instant, and I am commanded to acquaint you that the Court can only repeat the intimation conveyed to you by their assistant-secretary's letter of the 15th September last.

I am, &c.
(signed) J. Dart, Secretary

To the President and Board of Commissioners for the Affairs of India.

Sirs, London, 3d September 1824.
SINCE I had last the honour of addressing you, in September 1823, so many and such important changes have taken place with respect to the measures pursued against my property in India, that I have felt myself compelled to appeal once more to the justice of the Court of Directors of the East India Company for redress. I regret to state, however, that my application has been without success. Under these circumstances, I venture again to avail myself of the privilege allowed by the Legislature to lay before your Honourable Board the enclosed copies of my recent correspondence with the Directors of the India Company.

I feel persuaded that there never yet has arisen a case in which the power vested by law in the Board of Control for the Affairs of India could be exercised with greater justice than in the present instance, and I therefore venture to hope, that after a perusal of the correspondence in question, your Honourable Board will order a restitution of our property to be made to myself and my copartners in the Calcutta Journal; and that you will also furnish me with a licence to return to India, there to resume and continue my lawful pursuits, in such manner as the state of my affairs, on my reaching that country, may admit, subject to whatever laws may be then or hereafter in force on all other persons residing in the presidency of Bengal, to which, if permitted, it is my wish to return.

I beg to add, that I shall be most happy to accept of either of the three modes of remuneration pointed out in my letter to the India Directors, and shall feel grateful for whatever mode you may recommend or direct them to adopt towards me: I cannot persuade myself, however, that all will be rejected.

Soliciting the favour of an early reply through the usual channel,

I have the honour to remain, Sirs,
Your most obedient humble servant,
(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir, India Board, 14th September 1824.
HAVING laid before the Commissioners for the Affairs of India your letter of the 3d instant, enclosing copies of your correspondence with the Court of Directors of the East India Company on several points connected with your removal from India, and your property there; I am directed by the Board to acquaint you, that they do not see any ground for interfering with the decision of the Court upon any of the points stated in your letters.

I am, &c.
(signed) T. P. Courtenay.

To the President and Board of Commissioners for the Affairs of *India*.

Sirs,

London, 20th September 1825.

I FEEL myself again compelled to appeal to the justice of your Honourable Board, against the unjust decision of the Court of Directors of the Honourable East India Company, who still continue to refuse me the slightest reparation for the entire destruction of my private property by their servants in Bengal.

The enclosed copies of letters addressed to that Body, accompanied by a printed collection of documents recently obtained from India, which I have now the honour to lay before you, will show, on evidence the most conclusive, that the Indian Government, not satisfied with banishing me without a trial from the country, were determined that even the property which I left behind me there, in the confidence of *that* at least being secure, should also be made as unproductive to me as possible, by decreeing that it should not be made any use of while it belonged to me, though they at the same time offered to permit its use, if it could be transferred to the possession of others. I have thus been made to suffer doubly; first, for my own alleged offences; and, secondly, still more deeply, for the alleged offences of others, after I had left the country, and when I could not therefore, by any possibility, have been a party to any acts committed in it.

The only reply that I have received to my reiterated demands of justice is, that the Directors of the East India Company do not consider that I, or any of my copartners in this destroyed property, have any just claim on them whatever. I feel persuaded, however, that on a perusal of the correspondence enclosed, your Honourable Board will not concur in that opinion; and I trust that the powers with which the Legislature has invested you, for the purpose of controlling the conduct of the Directors, and ordering them to pursue such measures as may be deemed most conducive to the ends of justice, will be exercised on this occasion, to direct that some restitution at least be made to myself and my copartners, for the destruction of that private property which all civilized governments hold sacred, and over which it never could have been the intention of Parliament to give the Government of India a power unknown to any other of the dependencies of Great Britain, and one which the highest authorities of this country never venture to assume; namely, that of interdicting at their mere will and pleasure, without any form of trial or process of law, the use of materials acquired by years of toil, anxiety and expense.

I beg to enclose under this cover the original of the last letter received by me from the India House, in reply to the correspondence adverted to, which will be found in an accompanying packet; and in the anxious hope that your Honourable Board will see justice done to those claims which I prefer on behalf of myself and others,

I have the honour to remain, Sirs,

Your most obedient humble servant,

(signed) *J. S. Buckingham,*

To *James Silk Buckingham, Esq.*

Sir,

India Board, 3d October 1825.

I AM directed by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 20th ultimo, together with the papers which accompanied it, and to acquaint you in reply, that the claim which you have preferred to the Court of Directors is one respecting which the Board do not feel themselves competent to interfere.

The letter addressed to you by the assistant-secretary of the East India Company is herewith returned.

I am, &c.

(signed) *Thos. Pearn, Courtenay.*

VI.

COPY of all CORRESPONDENCE between the Bengal Government and the Agents of the Proprietors of the *Calcutta Journal*, after Mr. Buckingham's departure from India, concerning the Conduct of the said Journal, and the Revocation of the LICENSE granted for the same.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 10th April 1823.

No. 8.—To Mr. J. F. Sandys, Editor of the *Calcutta Journal*.

Sir,

THE *Calcutta Journals* published since the charge of editing that paper has been transferred to your hands, have contained numerous articles, the character and tendency of which are in direct violation of the rules established by Government on the 19th of August 1818, for the guidance of editors of newspapers at this Presidency, a copy of which was officially transmitted to your predecessor, and is of course in your possession.

2. No change in this respect having taken place in the mode of conducting the *Calcutta Journal* since the removal of Mr. Buckingham from India, I am now directed to notify to you for your information and that of other individuals concerned in the *Calcutta Journal*, that if the rules in question, or any others which the Government may prescribe, be not duly attended to, immediate measures will be taken for enforcing the observance of them.

I am, &c.

15th March 1823.

(signed) C. Lushington,
Secretary to the Govt.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d April 1823.

THE following correspondence received from the Office of the Chief Secretary, originating in the appearance of a letter in the *Calcutta Journal* of 2d instant, signed "A young Officer," is ordered to be here recorded.

No. 1.—Adjutant-general of the Army to the Secretary to Government.

Sir,

Military Department.

I AM directed by the Commander-in-Chief to transmit to you the accompanying copy of a letter signed "A young Officer" which appeared in the *Calcutta Journal* on the 2d of this month, and to which his Excellency's attention has been particularly drawn, from its involving a very serious violation of a General Order (a copy of which is also enclosed) by the late Commander-in-Chief, under date the 8th June last, and the Commander-in-Chief recommends that Government may be pleased to adopt measures to ascertain the author of the letter in question, with a view to his being made to answer for so direct a disobedience of a positive General Order, which, under the nature and recent occurrence of the circumstance that occasioned its promulgation, must have been fresh in the recollection of, and ought to have been respected by every individual of the army at large.

Adjutant General's Office,
Presy of Fort William, 8th April 1823. }

I have, &c.
(signed) J. Nicol,
Adjt Genl of the Army.

No. 2.—From the *Calcutta Journal*, dated 2d April 1823.

APPLICATION FOR IMPORTANT INFORMATION.

To the Editor of the Journal.

Sir,

AMONG the General Orders published in your Journal of the 7th ultimo, there is a regulation under date 31st January, stating, that in conformity with instructions recently received from the Court of Directors, "no officer will henceforward be appointed to fill any situation in the General Staff of the Army, who shall not have served four years, three of which in the actual performance of Regimental or Staff Duty with a Corps." Of this very proper regulation no modification whatever has been publicly notified, but as the very first nomination to the General Staff since its promulgation is that of an officer (Lieutenant T. F.) who has never once joined his regiment, nor done duty with any other corps except for a few (eight or nine) months at Barrackpore, upon his first arrival in the country, it is obvious that, under particular circumstances at present not generally known, the qualification required by the regulation in question may be dispensed with.

Now,

Now, Sir, as some hundreds of your juvenile military friends have not performed regimental duty for so long a period as three years, a knowledge of the *particular circumstances* just adverted to, must be of very great importance to them. I therefore trust that some correspondent of the Journal who may be in possession of the secret, will kindly let them know how they may obtain a cocked hat, and the honours and emoluments attached thereto, without being subjected to the severities of regimental discipline, until they have had time to acquire a competent knowledge of the most essential duties of a soldier.

As it is probable that the worshippers of ignorance and folly will attribute improper motives to me, I beg leave to declare, that I have been induced to trouble you with this, solely with a desire to elicit information, which materially interests, and ought to be known by every aspiring

Young Officer.

GENERAL ORDERS by the Commander-in-Chief, Head Quarters,
Calcutta, 8th June 1822.

THE Commander-in-Chief has observed with great dissatisfaction a practice indulged by officers or by persons assuming that character, of addressing anonymous compliments to the public through the newspapers respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented through the inexperience, the miscomprehension, or the perverse views of the writer, consequently the appeal is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected, so that the purpose must be, to give a general impression of inattention, oppressiveness or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-Chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit however of an officer's thus casting off his just and requisite dependence on his military superiors, must not be permitted; the Commander-in-Chief therefore in the strictest manner prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer, and means will be taken to make the discovery almost inevitable, the Commander-in-Chief will immediately submit to the Governor-general in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service.

True copies.

(signed) J. Nicol,
Adj't Genl of the Army

No. 3.—To the Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council to desire that you will without delay, communicate to me for the information of Government, the name of the author of the letter, signed "A young Officer," which was published in the Calcutta Journal of the 2d instant.

10th April 1823.

I am, &c.
(signed) W. B. Bayley,
Chief Secy to Govt.

No. 4.—Editor of the Calcutta Journal to W. B. Bayley, Esq.,
Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter under yesterday's date, stating that you are directed by the Honourable the Governor-general in Council, to desire that I will without delay communicate to you for the information of the Government, the name of the author of the letter, signed "A young Officer," which was published in the Calcutta Journal of the 2d instant.

In reply I beg leave to acquaint you, for the information of the Government, that I never was in possession of the name of the author of the letter referred to. It was received through the letter box in my unavoidable absence from the office, and I am informed it bore no post mark, and that it appeared to be written in a feigned hand. I myself never saw the manuscript. I solicit permission to state that some time previous, and subsequent to the receipt of the letter in question, I was labouring under a serious inflammation of the eyes, and that had I seen the letter, I should not have allowed it to appear in the columns of the Calcutta Journal. I cannot sufficiently regret my bodily indisposition at a time when it was essentially necessary to watch over the Paper with the strictest vigilance.

Calcutta, }
11th April 1823. }

I have, &c.
(signed) John Frs. Sandys.

No. 5.—To Mr. John Francis Sandys, Editor of the Calcutta Journal.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and to apprise you that unless the information required in my letter of the 10th instant is furnished before 12 o'clock to-morrow, the Postmaster-general will be instructed not to permit the circulation of

of the Calcutta Journal, by means of the Public Establishments maintained for the conveyance of the Dawk or Dawk Baugies, and that the prohibition will remain in force until the requisition is complied with.

11th April 1823.

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Govt.

No. 6.—Editor of the Calcutta Journal to *W. B. Bayley, Esq.,*
Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, and cannot but sincerely regret the determination of Government, not to permit the circulation of the Calcutta Journal by means of the Public Establishments maintained for the conveyance of the Dawk or Dawk Baugies, for I beg leave to make my asseveration, that I am not in possession of the name of the author of the letter signed "A young Officer;" should the Government however still entertain any doubts on the subject, I shall, if required, feel no hesitation to make my Affidavit as to the correctness of what I have already stated.

Calcutta,
12th April 1823. }

I have, &c.
(signed) *J. F. Sandys.*

No. 7.—To Mr. *J. F. Sandys,* Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter of this day's date, in which you have repeated the assurance that you are not acquainted with the name of the author of the letter signed "A young Officer," and have expressed your readiness to make an Affidavit of the truth of that assertion, and of the other facts specified in your letter to my address of the 11th instant.

You have already expressed your regret that the letter in question was published in the Calcutta Journal, and have stated that if it came under your observation, you would not have allowed it to be published.

In consideration of the foregoing circumstances, the resolution of Government to prohibit the conveyance of the Calcutta Journal, by means of the Post Office Establishments, has not yet been carried into effect; and I am now directed to require that you will forward to my office, in the course of Monday next, an Affidavit declaring that you are entirely ignorant of the name of the author of the letter above noticed, and verifying the other facts specified in your letter to me of the 11th instant.

The Governor-general in Council has further directed me to state that he expects you to use every exertion in your power to discover the author of the letter in question, and that if it should become known to you, you will immediately report it for the information of Government; should any ground of doubt arise with regard to the correctness and sincerity of your exertions for this purpose, the Governor-general in Council will be reluctantly compelled to have recourse to the measure of prohibiting the circulation of the Calcutta Journal, through the channel of the Post Office Establishment.

April 12th, 1823.

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 8.—Editor of the Calcutta Journal.

Sir,

I AM sorry that indisposition has prevented my leaving home to-day, and in consequence I have not been able to forward the Affidavit to your office as required in your letter received yesterday.

Calcutta,
14 April 1823. }

I have, &c.
(signed) *Jno. Frs. Sandys.*

No. 9.—To *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I NOW beg leave to transmit herewith to your office the Affidavit required in your letter to my address of the 12th instant.

Calcutta,
15 April 1823. }

I have, &c.
(signed) *J. F. Sandys.*

No. 10.

JOHN Francis Sandys, of Calcutta, in Bengal, gentleman, Editor of the Calcutta Journal, maketh oath and saith, That the original of a letter in the printed Paper hereunto annexed, marked with the letter A., headed "Application for important Information," and subscribed "Young Officer," was received from the letter box of the said Journal, on or about the first

first day of April instant; and this deponent further saith, that the original of the said letter appeared to be written in a feigned or disguised hand; and that this deponent doth not know, nor hath he any ground to form any judgment or belief by whom the said letter was composed, written, or sent; and that he this deponent is therefore unable to discover or declare the name of the writer or author thereof.

(signed) *Jno. Frs. Sandys.*

Sworn this 15th day of April 1823, before me,

(signed) *W. C. Blaquiére,*
Magistrate.

No. 11.—To *J. F. Sandys, Esq.,* Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council to acknowledge the receipt of your letter of the 15th instant, with the Affidavit which accompanied it.

2. I am now directed to require that you will forward to my office the original manuscript letter signed "Young Officer," and that you will also obtain and forward to Government, as early as practicable, an Affidavit from the person who may have acted for you in conducting the duties of the Editor of the Calcutta Journal, during your indisposition on the 1st and 2d April, and from the person by whom the letter in question was taken from the letter box of the Calcutta Journal, to the same effect as that forwarded with your letter of the 15th instant.

17th April 1823.

I have, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 12.—Editor of the Calcutta Journal to *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt, at 4 o'clock, p. m., of your letter dated yesterday, and beg to say that the Affidavits therein required will be duly transmitted to your office.

The manuscript of a letter signed "A young Officer," was destroyed previous to the receipt of your letter under date the 10th instant. An Affidavit from the person who destroyed it will also be forwarded if required. I beg leave at the same time to submit my belief that the letter in question was not penned by any military gentleman, but by some person inimical to the Calcutta Journal, and resident in Calcutta.

I request permission to embrace the opportunity to solicit you will be pleased to inform me in reply to my letter of to-day's date, which accompanied the Affidavit required by the regulation for licensing the Press, whether I may continue to issue the Calcutta Journal as usual, confining myself to the rules published in a Government Gazette Extraordinary, under date the 5th instant.

Calcutta,
18th April 1823.}

I have, &c.
(signed) *J. F. Sandys.*

No. 13.—To *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

WITH reference to my letter of the 18th, in acknowledgment of your communication to me of the 17th instant, I now beg leave to transmit therewith to your office the Affidavits relative to the letter signed "A young Officer."

Calcutta,
23d April 1823.}

I have, &c.
(signed) *Jno. Frs. Sandys.*

No. 14.

PETER Stone D'Rozario, of Calcutta, in Bengal, printer in the office of the Calcutta Journal, maketh oath and saith, That the original of a letter signed "A young Officer," did not contain the name of the writer of it, and that it appeared to be written in a feigned hand; and that he, this deponent, doth not know, or hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *P. S. D'Rozario.*

Sworn this 23d day of April 1823, before me, at the Calcutta Police Office,

(signed) *P. Andrew,* Magistrate.

No. 15.

THOMAS Heckford, of Calcutta, in Bengal, book-keeper in the office of the Calcutta Journal, maketh oath and saith, That the original of a letter signed "A young Officer," was received by him on or about the 1st instant, from Luckeynarain Chatterjee, a writer in the said office, and who has charge of the keys of the letter box; and this deponent further saith, that the original of the said letter did not contain the name of the writer of it,

it, and that it did appear to be written in a feigned hand ; and that he, this deponent, doth not know, or hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *Thomas Heckford.*

Sworn the 23d day of April 1823, before me, at the Calcutta Police Office,

(signed) *P. Andrew, Magistrate.*

No. 16.

FREDERICK Blacker, of Calcutta, in Bengal, librarian in the office of the Calcutta Journal, maketh oath and saith, That he is the person who destroyed the original of a letter, signed "A young Officer," that it did not contain the name of the writer of it, and that it appeared to be written in a feigned hand ; and that he, this deponent, doth not know, nor hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *Fred. Blacker.*

Sworn this 23d day of April 1823, before me, at the Calcutta Police Office,

(signed) *P. Andrew, Magistrate.*

Ordered, That a copy of the preceding correspondence with the Editor of the Calcutta Journal be transmitted to the Adjutant-general of the army for the information of his Excellency the Commander-in-Chief, with reference to Lieutenant-colonel Nicol's address of the 8th instant, with the following letter.

No. 17.—To Colonel *Jámes Nicol*, Adjutant-general of the Army.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter, dated the 8th instant, with its enclosures, and in réply to transmit to you, for the purpose of being laid before the Commander-in-Chief, a copy of the under-mentioned correspondence which has taken place between the Chief Secretary to the Government and Mr. John Francis Sandys, editor of the Calcutta Journal, on the subject of a letter alluded to by you, signed "A young Officer," which appeared in that paper.

Letter to Mr. John Francis Sandys, dated 10th April 1823.

Ditto from ditto, dated 11th April.

Ditto to ditto, dated 11th April.

Ditto from ditto, dated 12th April.

Ditto to ditto, dated 12th April.

Ditto from ditto, dated 14th April.

Ditto from ditto, dated 15th April, with an affidavit taken by him before a magistrate of Calcutta.

Letter to Mr. J. F. Sandys, dated 17th April.

Ditto from ditto, dated 18th April.

Ditto from ditto, dated 23d April, with three affidavits.

Under all the circumstances of the case, it appears to Government to be useless to continue the correspondence further.

I have, &c.

(signed) *C. Lushington,*
Secretary to Government.

Council-chamber, 23 April 1823.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 8th May 1823.

No. 9.—Mr. *J. F. Sandys* to *W. B. Bayley*, Esq. Chief Secretary to Government.

Sir,

I BEG leave to transmit herewith the affidavit required by the Regulation for licensing the Press, and to solicit that the Honourable the Governor-general in Council will be pleased to sanction the publication of the Calcutta Journal, and its supplement, as specified in the above affidavit, conformably to the Rules laid down for the future guidance of the periodical press.

Calcutta, 18 April 1823.

I have, &c.

(signed) *J. F. Sandys.*

No. 10.

JOHN Francis Sandys, of Meredith's-lane, in the town of Calcutta, gentleman ; John Palmer, of Loll Bazar, in the town of Calcutta, merchant and agent ; George Ballard, of Mission-row, in Calcutta aforesaid, merchant and agent ; and Peter Stone D'Rozario, of Bankshall-street, in the town of Calcutta aforesaid, printer, jointly and severally make oath and say, That John Francis Sandys and Peter Stone D'Rozario, two of these deponents, now are and are intended to be the printers and publishers of a certain newspaper, called "The Calcutta Journal of Politics and General Literature," and also of a certain Supplement thereto issued on Sundays, entitled, "New Weekly Register and General Advertiser, for the station of the interior, with heads of the latest intelligence, published as a Supplement to the

the country edition of the Calcutta Journal;" and that no person or persons is or are employed or engaged, or intended to be employed or engaged in the printing and publishing of the same newspapers, save and except these deponents, John Francis Sandys and Peter Stone D'Rozario; and these deponents further say, that the number of the proprietors of the said newspapers exceeds four, and that no person or persons resident within the said Presidency of Fort William, or places subordinate thereto, hold, to the knowledge or belief of these deponents, larger shares in the said newspapers and supplement than these deponents; and George Ballard and these deponents lastly say, that the name of the said newspaper now is, and is intended to be "The Calcutta Journal of Politics and General Literature," and that the name of the said supplement thereto now is, and is intended to be "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the said Calcutta Journal;" and that the said newspaper and supplement now are, and are intended to be printed and published in the lower apartments of a certain dwelling-house, numbered 4, situated in Bankshall-street, in the town of Calcutta aforesaid.

(signed) J. F. Sandys, J. Palmer,
G. Ballard, P. S. D'Rozario.

Sworn this 18th day of April 1823, before me,

(signed) H. W. Hobhouse, Magistrate,

No. 11.—LICENSE.

JOHN Francis Sandys having applied to the Honourable the Governor-general in Council for a License to print and publish in Calcutta a Newspaper entitled and called "The Calcutta Journal of Politics and General Literature," and a Supplement thereto issued on Sundays, entitled and called "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the Calcutta Journal," and having delivered to the Chief Secretary to Government the requisite affidavit, subscribed and sworn by him the said John Francis Sandys, and by John Palmer, George Ballard and Peter Stone D'Rozario: the Governor-general in Council does hereby authorize and empower the said John Francis Sandys and Peter Stone D'Rozario, to print and publish in Calcutta, at No. 4, in Bankshall-street, (being the house or place in the said affidavit specified) and not elsewhere, a newspaper to be called "The Calcutta Journal of Politics and General Literature," with a Supplement thereto to be called "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the said Calcutta Journal," and not otherwise, whereof the said John Francis Sandys and Peter Stone D'Rozario (and no other person or persons) are to be the printers and publishers, and whereof the said John Palmer and George Ballard are the two proprietors resident within the Presidency of Fort William, who hold the largest shares in the said newspaper and supplement.

By order of the Honourable the Governor-general in Council, this 18th day of April 1823.

(signed) W. B. Bayley,
Chief Secretary to Government.

No. 12.—To Mr. J. F. Sandys.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter of the present date, with its enclosure, and to transmit to you the accompanying license, authorizing you and Mr. Peter Stone D'Rozario, to print and publish in the English language a newspaper called "The Calcutta Journal of Politics and General Literature," and also a certain Supplement to be issued on Sundays, entitled "New Weekly Register and General Advertiser, &c." as requested by you.

18th April 1823.

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 15th May 1823.

No. 6.—To the Editor of the Calcutta Journal.

Sir,

THE tenor of the article headed "Notorious Reviewer dissected," and signed "A Christian," in the Calcutta Journal of the 10th instant, being in direct violation of the 7th article of the Rules published under the authority of Government on the 5th ultimo, I have been directed by the Honourable the Governor-general in Council, to warn your assistant the consequences of any repetition of the offence or any infringement of the rules.

Council-chamber, }
May 12, 1823. }

I have, &c.
(signed) W. B. Bayley,
Chief Secretary to the Government.

CIRCULARS to the Editors of English Newspapers at the Presidency.

No. 7.—Circular to the Editors of the several newspapers, viz. John Bull, India Gazette, Bengal Hurkurra, Government Gazette.

Sir,

I AM directed by the Honourable the Governor-general in Council to transmit to you, for your information, the accompanying copy of a letter, which has this day been addressed to the Editor of the Calcutta Journal.

Council-chamber, }
12 May 1823. }

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to the Government.

NOTORIOUS REVIEWER DISSECTED.

To the Editor of the Journal.

Sir,

A CORRESPONDENT in your Journal, (the channel through which the injured naturally expect redress), formerly complained most justly of the gross and wanton insult offered by the Editor of the Oriental Magazine to a whole race of men intimately connected with all classes of Indian society, and not for any sin of their own, which a christian preacher might have rebuked, but because they happen to be descended partly from European and partly from Asiatic parents. It may be difficult for your English readers to form an adequate notion of the offensiveness of the language employed by this writer, for epithets of vituperation have a peculiar force, known only in the circle where they are current. Thieves and pickpockets coin phrases for themselves, the true import of which is understood only by members of the gang; or if more extensively known, the infamy connected with them prevents their rising into use among the honest and sound part of society. The orators of Billingsgate have also their peculiar phraseology, which those however who have any pretensions to respectability are precluded from using; and even if their habits of life have made them familiar with such slang, they would guard against making the discovery by allowing it to pass their lips.

It would be needless to inquire how the term "half-caste," one of this class of vocables, came to be so familiar to the Editor of the Oriental Magazine. As regards him and his associations, and the language he is accustomed to use, it is enough to observe, that it is the first that occurs to him, even in literary composition. To meet with it in his conversation would have been less surprising, for there the readiest word usually comes out first; but in composition intended for the public eye, where we had not only personal respectability but a character to support, as a literary man, he must be steeped to the eyes in low vulgarity before he would allow such an expression to escape his pen.

Lest I should be suspected of judging too harshly of the reviewer, I shall, with your permission, quote the passage to which I allude. It is contained in his attack on Mr. Buckingham, issued after that gentleman was removed from the scene, and had consequently no opportunity of defending himself from the aspersions of his enemies.

"The power of Government," says the reviewer, "over European editors had been always admitted, but it was doubted how far it extended to half-casts, or country-borns, as they are generally called, or Indo-Britons, as it has become of late more fashionable to term them. When Mr. Buckingham was about to leave Calcutta, he transferred the editorship of his journal to an Hindoo-Briton or half-cast," &c.

Thus were the most offensive terms ranged forth in front, and printed also in a different type to catch the eye, and the most vituperative repeated in a very few lines afterwards, lest its use only once should not attract sufficient notice. Nothing could more plainly indicate than this the deliberate intention to insult and wound the feelings of the persons to whom they were applied. It cannot surely be for a moment dispatched, that those who see the language of Billingsgate raked up from the kennel and wantonly dashed in their teeth, by however sanctified hands, have a right to demand a sufficient apology, and it is equally manifest, that the individual who can descend to such low and disgraceful terms of abuse, can only wipe off the stain of having his mind contaminated with the basest feelings by showing his unfeigned contrition for the act he has committed.

I would desire no better picture of the mind of the individual who is the acknowledged conductor of the Oriental Magazine, than his "Notice to Correspondents," in exculpation of the above conduct. It will be difficult for me to trace him through all the serpentine turnings of this shuffling apology, but I shall easily show that the main grounds on which he excuses himself are deceitful, and consequently more disgraceful than the act itself.

"Two days (says he) after the appearance of our last number, our publisher handed to us a couple of letters, addressed to him; and complaining of our having applied a reproachful appellation to the class of people to which the writers belong. We requested the publisher to assure the writers that nothing was farther from our mind than giving them or any of the body to which they belong any offence. We stated our ignorance of the light in which it seems the epithet is regarded, and we regret our not having so qualified its employment as to have removed from the mind of every candid and reasonable man every thing like an idea that we meant either reproach or offence."

• Will any man of plain understanding credit that epithets repeated in the flippant and offensive manner above exhibited were not intended to give offence? that nothing, in fact, (not even perpetual motion, or the squaring of the circle) was farther from the writer's mind?

mind? Those who can believe this, may probably also swallow the following: "We stated our ignorance of the light in which it seems the epithet is regarded."

Here is an assertion which ought to be recorded as a warning to all literary firebrands how far to sport with public credulity. A person who has many years ago written a work on India, who has passed a lustrum (I believe) in its very capital, who has edited magazines, newspapers and pamphlets more than any one recollects of, and of course as a literary character has had an extensive intercourse with society on every variety of subject, and became intimately acquainted with their peculiar feelings and modes of thinking, this man having applied a grossly offensive epithet to an inoffensive body of men, calls on a too-credulous and indulgent public to believe him, when he has stated his ignorance of the light in which it seems the epithet is regarded! I cry shame upon such evasion. The detestable miscreants who crowd our Indian courts, making perjury a profession, would blush at such an exposure if their nature permitted them; yet the author has the assurance to call himself "guiltless as the child unborn." "Innocent as the lamb which never nipped the grass," would have been more poetical as well as "pastoral," and equally true.

Passing over his remarks on the threats of revenge which it appears his conduct has drawn forth, with merely observing that such assassin-like projects cannot be sufficiently reprobated, and are never found among men permitted to give vent to their feelings through the public press, I shall quote the next paragraph, containing another ground of excuse, which is equally futile, and which shows that the writer himself had no reliance on the former.

"Looking forward to the possibility of our Magazine being perused in England, and detailing proceedings connected with the public press of this country, which will perhaps be read with some interest at home, we employed the term so much cried out against as explanatory of the more modern, or as we said, 'more fashionable' appellations now in use. The names of Anglo-Indian, Indo-British, and Eurasian, do not convey to an English reader any thing like a distinctive notion of the class of persons to whom we were alluding. They are very well understood in India; but in England, they would appear to include all who have been born in this country of English parents; and we must have left our English readers in the dark on a subject on which, at the very moment we were professing to enlighten them, had we not employed some term with which they are acquainted, as synonymous with the more modern, but to them more ambiguous appellations."

As his pretended ignorance of the light in which the terms "half-cast" and "country-born" are here received, was no doubt intended to impose upon those residing in or lately from Europe; so the Editor no doubt hopes to palm the paragraph just quoted upon that portion of his readers who may have been born in, or long resident in this country. But I shall tear off the flimsy veil of deceit from this "guiltless child," and leave him naked and bare to the contempt and derision of every candid mind in Europe and in Asia.

If the Reviewer had been desirous, as he pretends, of explaining the meaning of the appellation "Indo-Briton," which is in itself sufficiently significant, he would naturally have done so in some such way as the following: This term is applied to those who are partly of British, and partly of Indian parentage. But instead of this, he employs two other terms, of equally, if not more, doubtful signification than that which he says they were intended to explain. This speaks for itself; but the shallow artifice is more thoroughly exposed by the pretence, that he wished thereby to make himself more perfectly understood in England.

Now the Reviewer well knows (since he is but lately returned from a visit to Europe) that the terms "half-caste" or "country-born" are not current there; and form, in fact, no part of the English language. Consequently they must convey only such an imperfect idea to a mere English reader as can be gathered from the composition of the word "caste" (or cast) being applied peculiarly to the Hindoo divisions of society as found in India; the Reviewer knows that "half-caste," the vile epithet he selected, must convey to the mind the most degrading of all imaginable distinctions, without any definite idea of the reason why individuals should be designated by an epithet which, while it indicates no connexion at all with the English race, seems to point out something lower than the lowest caste of Hindoos! This abominable, yet unintelligible term, the Reviewer (guiltless as the child unborn) pretends to employ for the purpose of enlightening the people of England on the affairs of this country! After such an insult to the public feeling, he need not have added another to their understanding.

In England the other term "country-born" will naturally be understood, as signifying any person born in the country, of whatever parentage he may be; and the public will therefore again observe the honesty and candour of the Editor in pretending, that these foul epithets were employed for the purpose of removing the ambiguity of the word "Indo-Briton," which, as is self evident, is much more precise and intelligible. But if he means that they were necessary to explain the terms "Anglo-Indian" and "Eurasian," which he now introduces, he will find to the cost of his character that this artifice is much too shallow, for these terms were not resorted to at all in the original passage complained of at page 531 of his Magazine, and quoted above; and the very fact of his avoiding these harmless, yet expressive appellations then, while he seized upon the most vague and offensive, is a most convincing proof of the malicious object he had in view.

Having given such a specimen of our Reviewer, and shown that his regard to candour and honesty is unworthy of a moralist, and his liberality unfit for a christian, I need not go over the rest of his defence, which is characterized by the same pitiful shuffling throughout. According to his mode of treating the subject, it would appear that when addressed in the

ruffian slang of Billingsgate, it is "silly and childish" to take offence! To denounce such abuse is "a senseless clamour at imaginary affronts" or "whining complaint," or again, "a fretful irritation, and peevish complaining against epithets." These expressions hastily called from the serpentine windings of the Reviewer, are part of the atonement he makes for a most gross and unchristian insult to a large class of the community. He talks as if it were a duty he owed to the public to vilify and degrade a large portion of it, and as if to abandon such vituperation were to demolish the "salutary distinctions which the law of the land and the manners of English society have erected." Now the laws of the land to which he refers have exploded such epithets from use, and respectable society has equally driven them out of countenance; but after they have been thus ousted from society and from every other Indian publication, they find refuge in the debased and vulgar columns of the Oriental Magazine, which it appears has been established as the receptacle of the very scum dregs of Indian literature. This the Reviewer seems to consider necessary for preserving the language from ambiguity and uncertainty. As common sewers preserve what is swept from the kennel, so the Reviewer may be allowed some merit as a literary scavenger, who labours in raking up words, the disuse of which and the introduction of others of a less offensive kind might, he thinks, be objectionable, "as introducing ambiguity and uncertainty into our language."

The use of such terms in the "Asiatic Journal," "White's Considerations on India," or other works published in England, affords him no excuse; since he himself admits, near the bottom of the same page, that in England the names "carries with it no reproach;" and therefore writers there could have meant no offence; however, the Reviewer knows that here the names he has used in a work published here, do carry with them reproach, and that no person acquainted with this country would have used them unless he had meant them to do so.

I cannot conclude without remarking on the malicious cunning of another of the Reviewer's excuses, founded on the use of the term "half an Englishman" in the newspapers. He well knows that this epithet of abuse was first hatched in John Bull (if not by the same writer who now brings it forward in his own defence) by the Editor of that scurrilous paper, inspired with probably the same or at least a kindred spirit. Consequently this term of reproach was afterwards used in the public papers in various ways, according to the fancy of the several writers; but it was reserved for the elegant Editor of the Oriental Magazine, to canonize this foul epithet which sprung from as foul a source. It was left for this "Preserver of the English Language" to set up Tauric as equal to Johnsonian authority.

But I have done with him and his disgusting subterfuges. He confesses that some anonymous Monitor has called him "a damnable hypocrite." Those who have read the specimen I have given above, will be at no loss to form a proper estimate of his character.

(True copies) (signed) "A Christian."
(signed) C. Lushington,
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 26 June 1823.

No. 24.—EXTRACT from the proceedings of the Honourable the Governor-general in Council in the Judicial Department, under date the 19th June 1823.

To the Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council to desire that you will refrain from inserting in the Calcutta Journal any further correspondence or remarks connected with the depending trial of the persons charged with the murder of the late Mr. Henry Imlach, or with the conduct of the Magistrate or other public officers in the district of Kishenagur.

2. Many of the observations which have been published on those subjects are in the highest degree objectionable; either as imputing to the public officers a criminal neglect of their duty, or as tending to obstruct the due course of justice by exciting a prejudice against individuals now under trial, and whose guilt or innocence remains to be proved.

3. A communication to the same effect will be made to the Editor of the Bengal Hurkaru.

Council-chamber, }
19 June 1823. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

Ordered, That a copy of the above letter written to the Editors of the Calcutta Journal and Bengal Hurkaru be sent for information and record in the General Department.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 30th July 1823.

THE following letter from the Chief Secretary to Messrs. John Palmer and George Ballard, is ordered to be here recorded, together with the reply from those gentlemen, received this day.

No. 1.—To *John Palmer* and *John Ballard*, Esquires.

Gentlemen,

THE Governor-general in Council has observed with concern and disapprobation, several late indications of a disposition on the part of the Editor of the *Calcutta Journal*, to infringe the spirit of the Regulations of Government regarding the press, and to revive discussions and animosities which it was his desire finally to extinguish. I am accordingly instructed by Government to call your attention to this circumstance, and to intimate to you the expectation of the Governor-general in Council, that you will require from the editors and conductors of that paper the observance of such a line of conduct as may relieve Government from the necessity, which otherwise must arise, of taking measures which will be seriously detrimental to the interests of the proprietors.

2. I am further desired to call upon you to state to me, for the information of Government, the names of any British subjects who may be now employed on the establishment of the *Calcutta Journal*.

General Department, }
18th July 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to the Government.

No. 2.—Messrs. *John Palmer* and *George Ballard*, to *W. B. Bayley*, Esq.
&c. &c. &c.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 18th instant, and are sorry to learn therefrom, that the Editor of the *Calcutta Journal* has of late manifested a disposition to infringe the spirit of the Regulations of Government regarding the press, and intimating the expectation of the Governor-general in Council, that we should require from the editors and conductors of that paper, the observance of a line of conduct such as may relieve Government from the necessity of taking measures seriously detrimental to the interest of the proprietors. It also calls on us to furnish a list of the British subjects now employed on the establishment of the *Calcutta Journal*.

With a view to meet the wishes of Government conveyed in this letter, we sent it to the Editor of the paper in question, and have now the honour to wait on you with a reply, in which we hope he has afforded such explanations and assurance as may be deemed satisfactory.

We beg leave respectfully to state, that we shall at all times most readily become the medium of communicating the wishes of Government to the Editor of the *Calcutta Journal*; but if we are so employed under an idea that we possess any personal or particular influence in the management of this paper, we would wish to remove an impression which may lead to erroneous and very injurious conclusions.

We are, &c.
(signed) *J. Palmer*.
G. Ballard.

No. 3.—To *John Palmer* and *George Ballard*, Esquires.

Dear Sirs,

I HAVE to acknowledge the receipt of your letter of the 21st instant, with its enclosures of the 18th, being the original letter addressed jointly to yourselves by the Chief Secretary to Government, and in attention to your request, I now beg leave to give the explanation required.

The article headed "Prospective Arrangements," was not inserted, even with the most distant view, to revive discussions and animosities which it was the desire of the Governor-general in Council finally to extinguish; but simply in attention to Mr. Buckingham's instructions to convert the *Calcutta Journal* library into a circulating one, the better to improve the funds laid out in his extensive concern. The advertisement referred to was written and inserted by Mr. Buckingham, and it has continued to be inserted from time to time, as space in the advertisement sheets permitted, until the receipt of your letter under acknowledgment, when it was immediately discontinued.

The three articles relative to Oude, from the *Tam-i-Tehan Nooma*, a Persian newspaper, which has a wider circulation among the natives, and is better understood by them than the *Calcutta Journal* can possibly be. I was not conscious, that by translating from the *Tam-i-Tehan Nooma* for the *Calcutta Journal*, was infringing the spirit of the Regulations of Government regarding the press.

The letter signed "Paul Puzzle Brain," and the article headed "The Tories Gridiron," exposing the contradictory opinions maintained by the Editor of the *John Bull* newspaper, I was not aware would have been considered improper by the Government; and still less did I apprehend that the observations headed "Colonial Policy," or the critique contained in the *Oriental Magazine* of a work on India, would have called forth the disapprobation of

the Governor-general in Council. I can now only apologize for this very unintentional offence, to assure you of the sincerity of my disposition to meet the wishes and conform to the orders of the Governor-general in Council. I have only to draw your attention to the Calcutta Journal of the 5th March last, containing the second article from my pen as Editor, and being "an explanation" to the public of my views in undertaking the management of that paper, and also to my letter to your address, under date the 16th April last, previous to making the affidavit necessary towards obtaining a license under the new rule or ordinance for the Indian press. To these I can only add the proof of my punctual obedience to the orders contained in every letter which I have received from the Chief Secretary to Government.

With advertence to the second paragraph of the Chief Secretary's letter to your address, I have only now to state the names of the British subjects employed on the establishment of the Calcutta Journal: they are, Mr. Sandford Arnot, assistant editor, Mr. James Sutherland, reporter, Mr. Thomas Heckford, book-keeper, and Mr. Frederick Blacker, librarian.

I herewith return the original letter from the Chief Secretary to Government, as requested

Calcutta, 29 July 1823.

I remain, dear Sirs,

Yours, &c.

(signed) *J^{no} Fr^s Sandys.*

Ordered, That the Records of the General Department be searched, to ascertain whether Mr. James Sutherland, Mr. Sandford Arnot, Mr. Thomas Heckford, and Mr. Frederick Blacker, have any license or permission to reside in India, and that the Secretary report the result to Government.

The Secretary reports that the public commercial general letters, from the year 1815 to 1821 inclusive, have been searched. It appears that Mr. James Sutherland proceeded to India under free mariner's indentures, in 1816, but that no authority within the period first mentioned has been discovered for the residence in India of Mr. Arnot, Mr. Heckford, or Mr. Blacker.

No. 4.—To Messrs. *John Francis Sandys, John Palmer, George Ballard, and Peter Stone de Rozario.*

Gentlemen,

You were apprized, by my official letters of the 18th of July and 3d September last, of the sentiments entertained by the Governor-general in Council, in regard to the repeated violation on the part of the conductors of the Calcutta Journal of the Rules established by Government for the regulation of the periodical press.

2. The Editor of the Calcutta Journal, notwithstanding those communications, has since, by the republication in successive numbers of that newspaper of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles, which, as applicable to the state of this country, the Governor-general in Council had repeatedly discouraged and reprobated, the extracts themselves so published containing numerous passages which are in direct violation of the rules prescribed by Government, under date the 5th of April last.

3. The Right honourable the Governor-general in Council has, in consequence, this day been pleased to resolve, that the license granted by Government on the 18th of April 1823, authorizing and empowering John Francis Sandys and Peter Stone de Rozario to print and publish in Calcutta a newspaper called "The Calcutta Journal of Politics and General Literature," and a Supplement thereto, issued on Sundays, entitled and called "New Weekly Register and General Advertiser, for the Stations of the Interior, with Heads of the Latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal," shall be revoked and recalled; and you are hereby apprized and respectively required to take notice that the said license is resumed, revoked, and recalled accordingly.

I am, Gentlemen, &c.

6 November 1823.

(signed)

W. B. Bayley,
Chief Secretary to Government.

No. 5.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed to inform you, that the Right honourable the Governor-general in Council has this day been pleased to revoke and recall the license under which the Calcutta Journal is printed and published, and of which license a copy was enclosed in my letter to you of the 30th April last.

2. I am also directed to forward to you, for your information, the accompanying copy of a communication which has been this day addressed and sent to the printer, publisher, and proprietors of the Calcutta Journal, notifying the revocation and recall of the said license.

I am, &c.

6 November 1823.

(signed)

W. B. Bayley.

No. 6.—NOTICE.

WITH reference to the 6th and 7th sections of the rule, ordinance and regulation, passed by the Governor-general in Council on the 14th March 1823, and registered in the Supreme Court

Court on the 4th April last, notice is hereby given, that the license granted by Government on the 18th day of April last, authorizing the printing and publishing in Calcutta of a newspaper called "The Calcutta Journal of Politics and General Literature," and of a Supplement thereto, issued on Sundays, entitled and called "New Weekly Register and General Advertiser for the Stations of the Interior, with the Heads of the Latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal," has been this day revoked and recalled by the Right honourable the Governor-general in Council.

By order of the Right honourable the Governor-general in Council,
 Fort William, }
 6 November 1823. } (signed) *W. B. Bayley*,
 Chief Secretary to Government.

No. 7.—To *J. Atkinson*, Esq., Superintendent of the Government Press.

Sir,

I AM directed by the Right honourable the Governor-general in Council to desire that you will publish the accompanying notification in the Government Gazette of Monday next.

I am, &c.
 (signed) *W. B. Bayley*,
 Chief Secretary to Government.
 6 November 1823.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d December 1823.

No. 3.—To *J. Palmer* and *G. Ballard*, Esqrs.

Gentlemen,

AFTER the official communication made to you in my letter of 18th July last, and the recent assurances on the part of the conductors of the Calcutta Journal, conveyed in Mr. Sandys' letter to your address of 29th of that month, the Right honourable the Governor-general in Council has noticed with surprise the following passages contained in the Calcutta Journal of the 30th ultimo, page 833:—

"Our readers cannot but recollect the subject of the paper for which Mr. Buckingham was removed from India. The mention of this event is essential to our present argument; and we hope we may speak of it as a matter of history without offence, as we shall express our opinion on it, either one way or another. If it were not absolutely necessary, we should not even allude to it; but in doing so, we shall not for a moment forget the respect due to the established Laws and Government of the country. This article in question related to the appointment of Dr. Bryce as clerk to the Stationery Committee; and the part of it which is understood to have been so offensive to the Government as to determine Mr. Buckingham's transmission, was an allusion to the report of Dr. Bryce being the author of those letters placed in connexion with his appointment to his secular office. Thus it appears Dr. Bryce's reputed authorship and pluralities were the cause of Mr. Buckingham's removal, and of the new laws which are in consequence established for the Press. But for him, this society might have continued in the enjoyment of all its former privileges, nor have been deprived of one of its members. When those who watch with anxious expectation the progress of improvement in this country, and the spread of that Gospel which Dr. Bryce is commissioned to preach, consider the effects of these measures, it will be for them to award him the praise or censure which they think he has deserved."

2. The renewed discussion, in the Calcutta Journal, of the question of Mr. Buckingham's removal from India, after the correspondence has so recently passed, is in itself disrespectful to the Government, and a violation of the rules prescribed for the guidance of the Editors, and the offence is greatly aggravated by the mode of treating the subject, and by the manner in which the motives of the Government in removing Mr. Buckingham from India are grossly and wilfully persisted.

3. The passages in question marked by a double line, which clearly impugn the motives of Government in removing Mr. Buckingham from India, would warrant the immediate recall of the license under which the Calcutta Journal is published; but notwithstanding the just cause of displeasure afforded on this occasion, the Governor-general in Council is still unwilling, from considerations connected with the interests of those who share in the property, to have recourse to so extreme a measure while it can be avoided.

4. His Lordship in Council cannot however pass over the present insult offered to Government with the mere expression of his displeasure, and he has resolved to adopt the following course:—

5. The article containing the offensive passages above quoted is professedly an Editorial article, for which Mr. Sandys and Mr. Arnot, the avowed conductors of the Paper, are clearly and personally responsible.

6. Mr. Sandys cannot be subjected to any direct mark of the displeasure of Government suitable to the occasion, and to the nature of the offence, which would not equally injure the interests of the sharers in the property; but Mr. Sandford Arnot is a native of Great Britain residing in India, without any license from the Honourable the Court of Directors, or other legal authority. The Governor-general in Council has accordingly resolved that Mr. Arnot be sent to England, and that immediate orders be issued to give effect to the foregoing resolution.

7. The Governor-general in Council trusts that this measure will be sufficient to prevent any further violation by the conductors of the Calcutta Journal, of the respect due to Government, and of the rules prescribed for the regulation of the periodical Press, and will render it unnecessary to have recourse to the ultimate measure of withdrawing the license under which the Calcutta Journal is now published.

General Department, }
23d September 1823. }

I have, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

No. 4.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed to transmit to you the accompanying copy of a letter which has been this day addressed to Mr. J. Palmer and to Mr. G. Ballard, apprizing those gentlemen of the resolution adopted by Government for removing Mr. Sandford Arnot from India, and for sending him to the United Kingdom.

2. I am now directed by the Right honourable the Governor-general in Council to desire that you will call Mr. Sandford Arnot before you, and make him acquainted with the resolution in question.

3. If Mr. Arnot should voluntarily engage to proceed to England, and to embark on board a ship for that purpose within one month from the present date, and shall enter into such security as may appear to you to be sufficient and satisfactory for the fulfilment of such engagement, the Governor-general in Council will not subject him to the privations and inconvenience which would necessarily follow the enforcement of the process authorized in the 104th sec. of 53d Geo. III., cap. 155, for arresting and sending to England persons found in the East Indies without license or lawful authority for that purpose. If Mr. Arnot should fail to enter into such engagement and to give the required security, the several warrants will be prepared and sent to you without delay.

4. You will lose no time in reporting to Government the result of your communication to Mr. Arnot on the subject of these instructions.

Genl Department, }
3d September 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secy to Govt.

No. 5.—Messrs. *J. Palmer* and *G. Ballard* to *W. B. Bayley*, Esq.,
Chief Secretary to Government.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 5th instant, informing us that there had appeared in the Calcutta Journal some passages deemed disrespectful to Government, and that it had been determined, in consequence, to send a Mr. Arnot, employed on the establishment, to England.

We shall immediately send your communication to the editor of the paper in question for his information and guidance, and

Calcutta, 5th September 1823.

We are, Sir, &c.
(signed) *J. Palmer*,
G. Ballard.

No. 6.—Mr. *Sandford Arnot* to the Honourable *W. B. Bayley*,
Chief Secretary to Government.

Sir,

BEING yesterday informed by the magistrates of Calcutta that I have had the misfortune to incur the displeasure of Government by a paragraph that appeared in the Calcutta Journal of Saturday last, in consequence of which the Governor-general in Council has been pleased to order my removal to the United Kingdom, I beg leave through you to make the following representation to his Excellency in Council:—

As my being concerned with the periodical press is the sole cause of Government withdrawing from me its protection, I indulge a hope that my breaking off all connexion with the Calcutta Journal, or any other newspaper, will be calculated to restore me to the indulgence of Government.

Upon this supposition, I take the liberty of tendering my solemn promise to cease to have any connexion, directly or indirectly, with any publication within the territories of the Honourable Company, and of soliciting your kind interference in making a favourable representation of my case to Government, with a view to obtain permission on these terms for my future residence in India.

I beg you will excuse the liberty I have taken in thus addressing you, and I have the honour to remain,

Calcutta, 5th September 1823,

Sir, &c.,
(signed) *Sandford Arnot*.

No. 7.—To Mr. *Sandford Arnot*.

Sir,

HAVING submitted to the Right honourable the Governor-general in Council your letter of this day's date, I have been directed to acquaint you that his Lordship in Council does

does not think proper to comply with your application to authorize any modification of the resolution passed by Government, and communicated to the magistrates of Calcutta on the 3d instant.

General Department, }
5th September 1823. }

I am, &c.,
(signed) *W. B. Bayley,*
Chief Secretary to Govt.

No. 8.—To Magistrates of Calcutta.

Gentlemen,

IN continuation of my letter to your address of the 3d instant, I am directed by the Right honourable the Governor-general in Council to transmit to you for your information the accompanying copy of a letter this day received from Mr. Sandford Arnot, together with a copy of the reply sent to him by order of Government.

General Department, }
5 Sept. 1823. }

I have, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 9.—Mr. Sandford Arnot to the Honourable *W. B. Bayley,*
Chief Secretary to Government.

Sir,

THE magistrates of police not considering themselves warranted in giving me authenticated copies of the communications relative to me which you addressed to them on the 3d instant by command of Government, I have the honour to request that you will be pleased to direct that I may be furnished with them from your office.

Calcutta, 5 Sept. 1823.

I have, &c.
(signed) *S. Arnot.*

No. 10.—To the Honourable *W. B. Bayley,* Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date in reply to the representation made through you to the Right honourable the Governor-general in Council, and regret to find that I have failed to obtain the indulgence which I solicited; I therefore feel myself necessitated again to request that you will kindly direct the attention of his Lordship in Council to the circumstances of my case, in the hope that the following statement of them may appear to deserve the favourable consideration of Government.

On my arrival in Calcutta in July 1820, I found all the accounts I had previously received in my native country of the liberal and indulgent spirit of the Government of Bengal towards European residents completely confirmed, and that not only were natives of the United Kingdom permitted freely to settle here without any special license from the Court of Directors or other authority, while they conducted themselves agreeably to the established law of the country, but also that Government encouraged their residence by giving many of them employment in various public situations of trust and emolument. Finding that there were many hundreds of individuals in different parts of the country, and in every situation of life residing here upon that footing, and securely engaging in extensive speculations without any apprehension of the interference of Government, I gave up thoughts of returning to the United Kingdom, and rested all my hopes and prospects in life upon this country, as by endeavouring to qualify myself to be useful in society, I expected in the course of years to be able to maintain myself honourably and usefully, like innumerable others similarly circumstanced.

During a period of three years and upwards which I have spent here with these views, while it was my fortune to be engaged in the management of several newspapers, I have made myself acquainted with the country and the character and language of its inhabitants, contracted friendships, which could not fail ultimately to promote my advancement in the world, and relying on these favourable prospects, I have ventured to enlarge my speculations, and engage in pecuniary transactions, the success of which entirely depends on my continued residence in this country.

My removal now, therefore, will suddenly destroy all my prospects, render useless the knowledge and experience of this part of the world, acquired during the last three years, and throw me back upon a country where I cannot profit by any of these favourable circumstances which are now available to me in India, and where, after an absence of four or five years, I can expect to find few of those advantages I possessed at an earlier period of my life.

If soon after my arrival in India it had been intimated to me by the Government that without a license from the Court of Directors my residence in the country could not be permitted, I might then have complied with such a notice with little loss; whereas at present it not only involves the immediate ruin of my pecuniary affairs, but takes away from me all the means of future success on which I relied, which will very probably render it for ever after difficult for me to procure even the common comforts of existence, and condemn me to live and to end my days in poverty and destitution.

As a young beginner of the world, I necessarily look forward with dread to such a prospect of approaching ruin, and as my fate depends on the pleasure of the Right honourable the Governor-general, I feel assured that the hardship of my case will appeal strongly

to his Lordship's feelings as a man and as a father of a family, expanded as these must be in one who has lately undertaken the high and important trust of diffusing the paternal blessings of British government among the many millions over whom he has been called to rule.

With respect to the paragraph in the Calcutta Journal of the 30th ultimo, which I am told has excited the displeasure of the Government, I beg to disclaim, agreeably to what is therein stated, the most distant idea of disrespect, and to express my regret that in the article quoted, allusion was made to the proceedings of Government under the mistaken notions that his Lordship did not intend that the restrictions on the press should in future be strictly enforced, as I observed that during his Lordship's administration part of the press had made remarks on the conduct of the Judges of the Supreme Court, although such liberty was prohibited in the Rule and Ordinance lately passed by Government.

Persuaded that under such circumstances the Right honourable the Governor-general in Council will not enforce the order for my removal while there remains any other satisfactory expedient, not involving so severe a punishment, I take upon me to repeat my solemn promise to relinquish the line of life I have hitherto followed in India, and in which I regret to find I have unintentionally given offence to Government, and in the hope that on an indulgent review of the case, his Lordship in Council will be pleased to permit my residence in Bengal on this condition, I hereby engage to bind myself to conform thereto under such penalty as Government may deem necessary, and to produce competent and respectable sureties, who will become bound on my behalf in such sum as may seem necessary for my due fulfilment of the obligation.

I have, &c.

(signed) *Sandford Arnot.*

Calcutta, 6 Sept. 1823.

No. 11.—To the Honourable *W. B. Bayley*, Chief Secretary to Government.

Sir,

REFERRING to my letter of the 5th instant, which I had the honour to address to you, requesting to be favoured with official copies of the papers containing the Orders of the Right honourable the Governor-general in Council respecting my removal from this country, I beg leave to represent to Government the peculiar hardship under which I labour in not being furnished with authenticated documents showing the nature of the charges against me, in consequence of which an order has been passed for my removal to the United Kingdom. The magistrates of Calcutta still declining to furnish me with authenticated copies of such documents, unless specially authorized by Government to do so, I am therefore placed under the necessity of requesting that his Lordship in Council will be pleased to order the same.

As a very erroneous report of the proceedings relative to me, in the police on Saturday last, has appeared in one of the newspapers (the Bengal Hurkara) of this morning, calculated to operate greatly to my prejudice with the Government, I beg to be permitted to state that I have complained of this injurious misrepresentation to one of the magistrates who happened to be on the bench, and have his authority for stating that no observation was made by me that could possibly be construed into any thing disrespectful to the Government.

I have, &c.

(signed) *S. Arnot.*

Calcutta, }
8 September 1823. }

No. 12.—To *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I BEG leave to report for the information of the Right honourable the Governor-general in Council, that Mr. Arnot has stated his inability to procure the requisite sureties, but as he does not appear to wish to evade the orders of Government, and has stated that he has submitted a memorial offering sureties for his future good conduct, to which he hopes a favourable consideration of Government, and having given the most solemn assurance to appear at this office on Monday afternoon next, I have, with the concurrence of my brother magistrate Mr. Alsop, accepted such assurance, with the hope that by that time the final orders of Government may be received on the subject.

I have, &c.

(signed) *Chas Paton,*
Magistrate.

Calcutta Police Office, }
6 September 1823. }

No. 13.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of a letter from Mr. C. Paton, dated 6th instant, reporting that Mr. Arnot had failed to furnish security for his return to England; and for his embarkation on board a ship within the period specified in the 3d paragraph of my letter to you of the 3d instant; his Lordship in Council has also had under his consideration two letters addressed to me by Mr. Arnot, one dated 6th instant, requesting that, under the circumstances therein detailed, he

he may be permitted to remain in India; the other dated the 8th instant, repeating his application to be furnished with an authenticated copy of my letter to you of the 3d instant and of its enclosure.

2. There does not appear to Government to be any objection to a compliance with the latter application, and you are accordingly desired to furnish him with authenticated copies of the documents in question.

3. You will at the same time distinctly apprise Mr. Arnot, that the Governor-general in Council will not permit him to reside in India; that the circumstances represented in his letter of the 6th instant, furnish no grounds whatever for granting the indulgence therein solicited, and that the resolution passed by Government on the 3d instant will be immediately carried into effect, if he shall not have fulfilled the conditions therein specified.

General Department, }
10 Sept. 1823. }

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

VII.

COPY of all CORRESPONDENCE between the Bengal Government and any other Person, with respect to the Grant of a LICENSE to a New Paper, after the suppression of the *Calcutta Journal*.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th December 1823.

The following Correspondence received from the Office of the Chief Secretary to Government, is ordered to be here recorded.

No. 1.—Mr. *W. P. Muston* to *W. B. Bayley*, Esq. Chief Secretary to Government,
&c. &c. &c.

Sir,

By the enclosed it will appear, that I have engaged to be the Editor of a paper belonging to certain Proprietors, the principal of whom are Messrs. Palmer and Ballard; and I beg you will assure the Right hon. the Governor-general in Council, that both from principle and interest, independently of my public and official situation (which would alone render it my duty), that I shall pay the most scrupulous attention to the letter and spirit of the Press regulations, and therefore hope to obtain that License which it is the object of this letter to solicit.

Calcutta, 28th Nov. 1823.

I have, &c.
(signed) *W. P. Muston.*

No. 2.

JOHN Palmer, of Calcutta, merchant and agent; George Ballard, also of Calcutta, merchant and agent; William Pitt Muston, of Calcutta, a surgeon in the service of the United Company of Merchants of England trading to the East Indies, on their Bengal Establishment, and Peter Storie de Rozario, of Calcutta, printer, jointly and severally make oath and say, That William Pitt Muston, and Peter Storie de Rozario, two of these deponents, are intended to be the printers and publishers of a certain Newspaper to be called "The Calcutta Journal," and that no person or persons is or are intended to be employed or engaged in the printing and publishing of the said newspaper, save and except the said William Pitt Muston and Peter Storie de Rozario; and these deponents further say, that the number of the proprietors of the said newspaper exceeds four, and that John Palmer and George Ballard, two of these deponents, are proprietors of the said newspaper, and are resident within the Presidency of Fort William; and that there are or is no proprietors or proprietor of the said newspaper resident within the Presidency of Fort William, or places subordinate thereto, who hold or holds a larger share or shares in the said newspaper than these deponents, John Palmer and George Ballard; and these deponents lastly say, that the name of the said newspaper is intended to be "The Calcutta Journal;" and that the said newspaper is intended to be printed and published in a certain house, No. 4, Bankshall-street, in Calcutta.

(signed) *J. Palmer.*
G. Ballard.
W^m Pitt Muston.

Sworn this 27th day of November 1823, at the Calcutta Police Office, by John Palmer and George Ballard and William Pitt Muston, three of the deponents, before me,

(signed) *J. W. Hogg,*
Justice of the Peace.

Sworn this 28th day of November 1823, at the Calcutta Police Office, by Peter Storie de Rozario, one of the deponents, before me,

(signed) *J. B. Birch,*
Justice of the Peace.
(signed) *Peter Storie de Rozario.*

No. 3.—To *George Proctor*, Esq. Secretary to the Medical Board.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to request that you will lay before the Medical Board the accompanying copy of a letter which has been received from Dr. Muston.

2. The Governor-general in Council has judged it proper to refrain from complying with the application contained in that letter, until he shall be apprized of the Medical Board, whether, in their judgment, the business of the editing the Calcutta Journal will interfere with the due discharge, by Dr. Muston, of the medical duties devolving upon him in the official situation to which he has been recently appointed by Government. I am directed to express the wish of his Lordship in Council, to be furnished with the Board's sentiments on this point as soon as may be convenient. Dr. Muston will, of course, furnish to the Board any information or explanation which they may require, in order to enable them to report their sentiments to Government on satisfactory grounds.

28th November 1823.

I have the honour to be, &c. &c.

(signed) *W. B. Bayley*,
Chief Secretary to the Government.

No. 4.—To Dr. *W. P. Muston*.

Sir,

IN reply to your letter of this day's date, I am directed by the Right honourable the Governor-general in Council to transmit to you, for your information and guidance, the accompanying copy of a letter which has been addressed to the Secretary to the Medical Board.

28th November 1823.

I have, &c.

(signed) *W. B. Bayley*,
Chief Secretary to the Government.

No. 4. (A.)—REVIVAL OF THE JOURNAL.

Notice to Subscribers.

THE subscribers of the Calcutta Journal and the public are respectfully informed, that a Daily Paper will be again issued from the Columbian Press, on Monday, the 1st of December, under the original designation.

On this occasion it is merely necessary to state that the management of the paper has been transferred into the hands of a gentleman calculated in every respect to support its character, and, under such circumstances, the formality of a prospectus is deemed superfluous. Those to whom the late paper was acceptable will find, it is hoped, in that now offered, a substitute not less entitled to their patronage.

But it must not be concealed that the late enactments being, from their nature, somewhat indefinite, have by their influence thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its government. It is not asserted that the law has intended to prohibit all inquiry and discussion, its avowed object was merely to limit it; but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things.

The immediate object, however, of alluding to the measure above noticed is to account for a determination to reduce the size of the paper from four to three sheets, and proportionally in the price from sixteen to twelve rupees per mensem; an edition on China paper for the dawk will be printed at ten rupees per month, and engravings will be occasionally issued as subjects of interest may offer, without any extra charge; the rate of subscription being determinately fixed at the sums already stated, of twelve rupees per month for the edition on English, and at ten rupees for that on China paper.

The proprietors of the Hurkaru having been requested on the suppression of the Journal to send that paper to its subscribers, that they might not be disappointed of a daily supply of intelligence, have now been desired to discontinue sending from this date to any of those to whom it was sent, in consequence of the above-mentioned request. The proprietors of the Calcutta Journal will pay to the Hurkaru concern the value of all the papers thus supplied to their subscribers during the suspension of the Journal, at the ordinary rate at which the Hurkaru newspaper is sold.

The proprietors of the Journal will consequently have to charge to their several subscribers the value of the paper thus temporarily substituted for their own; such of the subscribers, however, as have forbidden that paper to be sent to them, being of course exempted from any charge for the same. The subscribers to the Journal will therefore not be troubled with any bills whatever from the Hurkaru concern, owing to the arrangements above alluded to.
—Printed by P. S. De Rozario, at the Columbian Press, No. 4, Bankshall-street.

No. 5.—To Mr. *S. De Rozario*, No. 4, Bankshall-street.

Sir,

HAVING just seen a paper purporting to be printed by you at the Columbian Press, headed "Revival of the Calcutta Journal," in which the subscribers to the Calcutta Journal, and the public in general, are apprized that a daily paper will be again issued from the Columbian Press, on Monday the 1st of December, under the original designation, I think it

SELECT COMMITTEE ON CALCUTTA JOURNAL.

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it necessary to state to you for your notice, and that of others concerned, that no license has been granted by Government for the publication of such a periodical paper, and to warn you of the illegality of any such proceeding.

Sunday Evening, }
30th November 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to the Government.

No. 6.—To *W. B. Bayley, Esq.*, Chief Secretary to Government, &c. &c. &c.

Sir,

I AM directed by the Medical Board to acknowledge the receipt of your letter of the 28th ultimo, and in reply, to report to you for the information of the Right honourable the Governor-general in Council, that should his Lordship in Council be pleased to comply with Mr. Muston's application, the Board do not apprehend that the business of editing a newspaper would at all interfere with the due discharge of the medical duties devolving upon him in the official situation to which he has been recently appointed by Government.

Fort William, Medical Board Office, }
1st December 1823. }

I have, &c.
(signed) *G. Proctor*,
Secretary.

No. 7.—To *W. P. Muston, Esq.*

Sir,

You have been already apprized that the Right honourable the Governor-general in Council had judged it proper to refrain from complying with the application contained in your letter of the 28th ultimo, until he should be informed by the Medical Board whether, in their judgment, the business of editing a newspaper would interfere with the due discharge by you of the medical duties devolving upon you in the official situation to which you have been recently appointed by Government.

2. A reply to that reference, dated the 1st instant, has been since received from the Medical Board, in which the Board observe, that the business of editing a newspaper would not, in their opinion, interfere with the due discharge of your medical duties.

3. With the information before him, and under the assurances contained in your letter of the 28th ultimo, the Governor-general in Council would have been disposed to comply with your application, and to have granted a license for the publication of a daily paper, to be called "The Calcutta Journal," if circumstances had not, in the interim, come to his knowledge, which have entirely altered the view originally taken by Government of the propriety of that measure.

4. On Sunday last, the 30th November, a paper, printed by Mr. De Rozario, at the Columbian Press, entitled, "The Revival of the Journal," "Notice to Subscribers" was circulated in Calcutta and its vicinity, apprizing the public, and the subscribers to the Calcutta Journal, that a daily paper would again be issued from the Columbian Press, on Monday the 1st of December, under the original designation.

5. You are aware, not only that no license had been granted by Government for the publication of such a paper, but that the reply of the Medical Board, on which the question, whether the license should or should not be granted, mainly depended, had not then been communicated to Government.

6. Under these circumstances, the notice to the public, that the Calcutta Journal was to be published on the ensuing day, was highly objectionable; and the execution of the intention therein notified would have subjected the parties concerned to the penalties attached to persons publishing periodical papers without license.

7. It is not however on this ground merely that the Governor-general in Council has deemed it proper to refuse the license applied for in your letter of the 28th ultimo, this resolution is founded chiefly on the tenor of the notice in question, and particularly on the following extract from it:

"But it must not be concealed, that the late enactments, being from their nature probably somewhat indefinite, have, by their influence, thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its government. It is not asserted that the law was intended to prohibit all inquiry and discussion, its avowed object was merely to limit it; but its effects was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things."

8. It is scarcely necessary to observe, that the publication of these observations, by which the measures adopted by Government in regard to the press are again called in question, and their injurious effect on the country and its Government is again asserted, constitutes a positive repetition of the offence which induced the Government to revoke the former license of the Calcutta Journal.

9. The manifestation of such a disposition on the part of those connected with the Calcutta Journal, at the moment when the indulgence of Government was solicited for its re-establishment, when the parties concerned anticipated the acquiescence of Government in their request, and immediately after the receipt of your letter, in which the Government was officially assured that the most scrupulous attention would in future be paid to the letter and spirit of the press regulations, renders it impossible for Government to form any

other expectation than that the renewal of the license of the Calcutta Journal would lead to the recurrence of the same evils and the same objections as that which has so frequently called forth the disapprobation of Government.

10. His Lordship in Council is perfectly satisfied that you were ignorant of the intended publication of the notice above alluded to, and he entirely acquits you of all blame in the transaction; but in doing this he is compelled to draw the conclusion, that the interference of others would preclude you from exercising an effectual control as Editor of the paper, and would render you unable to maintain in practice those principles which you very properly avowed in your letter, and which the Governor-general in Council considers it indispensably necessary to maintain and enforce. His Lordship in Council has accordingly resolved not to grant the license applied for in your letter of the 28th ultimo.

11. In conclusion, his Lordship in Council thinks it proper to observe, that there was no foundation whatever in the intimation contained in public advertisements on Monday morning last, that the republication of the Journal was deferred in consequence of a letter from me, by which it appeared that some misconception existed as to the proposed designation of the paper.

4th December 1823.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d December 1823.

No. 35.—Mr. *W. P. Muston* to *W. B. Bayley*, Esq. Chief Secretary to the Government,
&c. &c. &c.

Sir,

IN consequence of the determination of Government to withhold the license (I had the honour to solicit in my letter of the 28th ultimo) on the ground stated in your communication in reply; I laid the same before the proprietors, and from the tenor of the answer, a copy of which is annexed, I beg the favour of your remembering my request, under the hope that his Lordship in Council will, in consideration of the concern expressed therein, and the full control invested in myself by the proprietors, authorize the revival of the late Calcutta Journal.

The very flattering manner in which his Lordship in Council was pleased to exonerate me from all manner of blame in the notice is deeply felt, and the more so from being conscious, that I was deserving of this gratifying testimony of his Lordship's favourable opinion.

Calcutta,
13th December 1823. }

I have, &c.
(signed) *W. P. Muston*.

. To *W. P. Muston*, Esq.

Dear Sir,

I HAVE the pleasure to return the Chief Secretary's Letter, and am concerned to find by it, that the promulgation of the notice at all, and particularly with an objectionable paragraph, has occasioned so serious an interruption to our arrangement.

It is particularly unfortunate that you should suffer on this occasion, and that it should be supposed that you would undertake the management of the paper without the fullest control over its contents.

You should state that this paramount authority is the basis on which you accept the office, and you may add that a confidence in your fitness for it, as well from *judgment* as from *situation in society*, is your great recommendation.

I mean no disparagement by this avowal, and perhaps should have said *indispensable* rather than *great* recommendation. Neither Palmer or myself can look to the matter of the paper, and it was our resolve, rather than incur the risk of being again situated as unpleasantly as we lately have been, to withdraw the support we had afforded.

You are now a tenant of the premises, and I hope you may be able to continue such; if you do so, far from desiring to limit your control, we accept your services, only on the consideration that you take all and every thing upon yourself, as long as we appear connected with the paper. I beg your early reply, and am,

12th December 1823.

Dear Sir, yours truly,
(signed) *G. Ballard*.

P. S.—Palmer is absent, but I know I only speak his sentiments.

No. 36.—To *W. P. Muston*, Esq.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to acknowledge the receipt of your letter of the 13th instant, and to apprise you that after a full consideration of the circumstances stated in it, and in Mr. Ballard's private communication which accompanied it, his Lordship in Council does not deem it expedient to sanction the application contained in your letter of the 28th ultimo, and in that now acknowledged.

General Department, }
23d December 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 12th February 1824.

No. 3.—Mr. *W. P. Muston* to *W. B. Bayley*, Esq. Chief Secretary to Government.

Sir,

I BEG the favour of your laying the enclosed draft of agreement, making over to me the property of the Columbian Press, for a twelvemonth, by Messrs. Alexander and Co., the agents of Mr. Buckingham, they having obtained also the sanction of the shareholders resident in Calcutta to that measure, and at the same time to solicit from the Governor-general in Council the license applied for in my letter of November 28th, 1823.

Should the Government be satisfied with this draft, it shall be immediately engrossed and executed. The intimation I received from the Governor-general respecting a new name by which the paper is to be designated, will be duly attended to, and should it meet the sense of Government, it is proposed to call it "The British Lion."

Calcutta,
29th January 1824. }

I have, &c.
(signed) *W. P. Muston*.

No. 4.—To Mr. *W. P. Muston*.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to acknowledge the receipt of your letter of yesterday's date, and of its inclosure.

2. The temporary nature of the proposed arrangement, as described in those papers, does not afford any security that the control and influence of Mr. Buckingham in the management of the paper may not again be exercised at the expiration of the period of one year, to which only the engagement extends, and the Governor-general in Council does not therefore deem it expedient to comply with the application submitted by you.

3. The draft of agreement which was enclosed in your letter is herewith returned.

Council Chamber, }
30th January 1824. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

No. 5.—Mr. *W. P. Muston* to Mr. Chief Secretary *Bayley*.

Sir,

I HAD the honour of your reply acknowledging the receipt of my letter, requesting to be favoured with a license for a Daily Paper to be designated "The British Lion," and as it appears I made a great omission in not having stated the time for which the license was solicited, may I beg the favour of your apologizing for the neglect, and requesting of his Lordship in Council to grant me a license for a period of one year only, that being the time for which the management of the concern will be *bonâ fide* under my sole control.

Calcutta,
30th January 1824. }

I have, &c.
(signed) *W. P. Muston*.

No. 6.—To Mr. *W. P. Muston*.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter of the 30th ultimo, and in reply to acquaint you that the orders of Government referred to by you were issued under the supposition that the object of your application, in as far as it related to yourself, was to obtain a license to publish a newspaper for the period of one year, and that your present communication does not call for any modification of the resolution of Government already communicated to you in my letter of the 30th ultimo.

3d February 1824.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

No. 7.—Mr. *W. P. Muston* to Mr. Chief Secretary *Bayley*.

Sir,

I BEG leave to enclose the prescribed affidavit as proprietor of a newspaper intended to be called "The Scotsman in the East," and beg the favour of your laying my request for a license to print and publish the same before his Lordship in Council.

Bankshall-street, Calcutta, }
12th February 1824. }

I have, &c.
(signed) *W. P. Muston*,
Presidency Surgeon.

No. 8.

WILLIAM Pitt Muston, of Bankshall-street, in Calcutta, surgeon in the Honourable Company's service, and Peter Stone De Rozario, of the same place, printer, jointly and severally make oath and say, That the said William Pitt Muston is intended to be the publisher, and the said Peter Stone De Rozario to be the printer of a certain daily newspaper, to be called "The Scotsman in the East," and that no person or persons is or are employed or engaged,

or intended to be employed or engaged, in the printing and publishing of the said newspaper, save and except the said William Pitt Muston and Peter Stone De Rozario; and these deponents further say, that these deponents, William Pitt Muston and Peter Stone De Rozario, are the proprietor and printer of the said newspaper, and that no person or persons is or are interested in the said newspaper, save and except the said William Pitt Muston and Peter Stone De Rozario; and these deponents lastly say, that the name of the said newspaper is intended to be "The Scotsman in the East," and that the said newspaper is intended to be printed and published at No. 4, Bankshall-street, Calcutta.

Sworn at the Calcutta Police
Office, the 12th day of February,
1824, before me,
P. Andrew,
Magistrate.

(signed) *W. P. Muston,*
Proprietor and publisher.

(signed) *P. S. De Rozario,*
Printer.

No. 9.—LICENSE.

WILLIAM Pitt Muston, a surgeon in the service of the Honourable Company on the Bengal Establishment, having applied to the Right honourable the Governor-general in Council for a license to print and publish in Calcutta a daily newspaper, entitled and called "The Scotsman in the East," and having delivered to the Chief Secretary to Government the requisite affidavit subscribed and sworn by him the said William Pitt Muston, and by Peter Stone De Rozario, the Governor-general in Council does hereby authorize and empower the said Peter Stone De Rozario to print, and the said William Pitt Muston to publish in Calcutta, at No. 4, Bankshall-street (being the house or place in the said affidavit specified), and not elsewhere, a newspaper to be called "The Scotsman in the East," and not otherwise, whereof the said Peter Stone De Rozario, and no other person or persons, to be the printer, and the said William Pitt Muston, and no other person or persons, is to be the publisher and proprietor.

By order of the Right honourable the Governor-general in Council this 12th day of February 1824.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 10.—To Mr. *W. P. Muston.*

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of a letter from you of the present date, with its enclosure, and in reply to transmit to you the accompanying License, authorizing Mr. Peter Stone De Rozario to print, and you to publish, in the English language, a daily newspaper, entitled and called "The Scotsman in the East."

2. I am likewise directed to transmit to you for your information and guidance, and that of Mr. De Rozario, the accompanying copy of printed Rules passed on the 5th of April last.

I am, &c.

12th February 1824.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 11.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed by the Right honourable the Governor-general in Council to transmit to you for your information, the accompanying copy of a license authorizing Mr. Peter Stone De Rozario to print, and Mr. William Pitt Muston to publish, in the English language, a daily newspaper, entitled and called "The Scotsman in the East."

I am, &c.

12th February 1824.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

EXTRACT of a LETTER from the Governor-general in Council to the Court of Directors in the Public Department, dated 31st March 1824.

Par. 110.—Mr. W. P. Muston, one of the Presidency surgeons, and appointed under recent orders to afford medical aid to the numerous native officers in the employ of Government at the Presidency, having laid before us, in February last, an agreement making over to him the property of the Columbian Press for twelve months, by Messrs. Alexander & Co. the agents of Mr. Buckingham, who had obtained the sanction of the shareholders resident in Calcutta to that measure, and solicited a license to publish a newspaper for the period of one year: the temporary nature of the proposed arrangement not affording in our judgment any security that the control and influence of Mr. Buckingham in the management of the papers might not again be exercised at the expiration of one year, to which period only the engagement extended, we did not deem it expedient to comply with the application. Mr. Muston then submitted to us an affidavit, declaring his intention of setting up a daily newspaper, to be entitled "The Scotsman in the East," and stating himself to be the sole proprietor of it; and, under these circumstances, we were induced to grant the solicited license.

Consultations,
12 February,
No. 3 to 6.

Consultations,
12 February,
No. 7 to 11.

VIII.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 9th November 1821.

THE following CORRESPONDENCE between the Chief Secretary to Government and the Advocate-general is ordered to be here recorded.

No. 3.—To *R. Spankie*, Esq., Advocate-general.

Sir,

I AM directed by his Excellency the most noble the Governor-general in Council to transmit to you the Calcutta Journals of the 1st, 2d and 3d instant, and to request your attention to the undermentioned articles contained in those papers :

November 1st.—The three first paragraphs under the head of "General Summary," and the article under the title "Justification."

November 2d.—The article under the head "Grand Jury."

November 3d.—The article under the head "Public Functionaries," with the note of the editor subjoined.

2. His Lordship in Council conceives that the tenour and spirit of these publications display a deliberate design to obstruct the due course of justice; 1st, by influencing those whose duty it may be, as petty jurymen, to try the indictment which has been found against the editor of the Calcutta Journal; and 2dly, by rendering odious both the grand jury who found the bill, and the prosecutors by whom the indictment was preferred.

3. If the sentiments entertained by the Governor-general in Council, with regard to the object and spirit of the publications in question, should appear to you to be correct; if the offence should be viewed by you as one of serious malignity, and capable of being legally established, his Lordship in Council would deem it essentially requisite that early measures should be adopted for commencing a criminal prosecution, by information or otherwise, against the editor of the Calcutta Journal; and he authorizes and desires you to take such steps for that purpose as you may judge most expedient, provided your opinion on the question should correspond with that above stated.

I have, &c.

Council Chamber, }
5 November 1821. }

(signed) *W. B. Bayley*,
Chief Secretary.

EXTRACTS from the Calcutta Journal of the 1st, 2d and 3d November.

No. 4.—Extract from the Calcutta Journal, dated 1st November 1821.

General Summary.

THERE are few among our readers, we should imagine, who have experienced for themselves, or who can well imagine the difficulty that we feel in performing well and energetically the mental duty that claims our attention on each succeeding day, and that cannot be omitted, either from sickness care, or any other cause, without adding still further risk to a concern already sufficiently precarious and exposed to assaults on every side. The interest taken by the community generally in the pending case of prosecution for libel, the issue of which cannot fail, we should hope, to be beneficial to the public interests, occasioned us so many interruptions, and such incessant occupation throughout the whole of yesterday, that the sun had set ere a line had been prepared for the paper of to-day, and we have now only time to offer this apology for the haste with which our remarks are necessarily penned.

For our cause, we are willing to confide it to the breasts of our countrymen, the twelve common tradesmen of Calcutta, to suppose whom capable of judging an affair of such importance to the State, as an allusion even to the conduct of any of its public functionaries, was treated as a flagrant and enormous libel.* The British laws have constituted honest juries as the only fit and proper guardians of the State, as far as libel is concerned, and we now see that the united judgment of "twelve common tradesmen of Calcutta," but late so foolishly derided, is held to be more just and more legal than *any man's* discretion. To this are we come at last, and having arrived thus far, we trust that no consideration will again induce a recurrence to the arbitrary power of summary punishment, setting at nought that which was the glory of our ancestors, and ought to be for ever cherished by their descendants, wherever their lot may be cast. To these "twelve common tradesmen of Calcutta" we willingly commit our cause; it will be for them to decide whether an association, that has failed

* See the letter of Mr. A. in the John Bull of Sept. 28.

failed to write us down in the fair and open field of argument and discussion, shall now succeed in effecting the ruin of a press, which honest men, who have nothing to fear, should cherish and support for the sake of public good, and which none but those whose public conduct will not bear scrutiny can have any just or reasonable cause to dread.

We may be able, and we are always ready, to cope with our antagonists single-handed, be they who they may; nay, we have shown that we would not shrink from the whole phalanx that were arranged against us, when we had to combat six public prints at a time, and have since had to stem the still more powerful hostility of men of the greatest wealth and influence in the settlement. But we have had the public voice in our favour, and the public support, manifested by the most unequivocal of all tokens to support us. We have had moreover, that treble armour which, as our noblest bard expresses it, "clothes every man who hath his quarrel just, and leaves him naked, though locked up in steel, who has not this inward protection." Let those who have to sit in judgment on our motives and our deeds banish from their minds all considerations but those of that pure and upright conduct, which alone can acquit them at the bar of public opinion, before which they and all men stand; and knowing as we do those motives to have been pure, and those deeds intended for the benefit of the community at large, we have sufficient confidence in the integrity of any "twelve common tradesmen of Calcutta" that may be summoned as our judges, to believe they will render us impartial justice, which is all that we require at their hands.

Justification.

"Let the galled jade wince, our withers are unwrung."

To the Editor of the Calcutta Journal.

Sir,

A WELL-MEANING, if not a very wise man, who signs himself C. in the Hurkaru of this morning, talks a good deal about the necessity and duty to their superiors, which made it absolutely incumbent in the combined secretaries and public officers to justify themselves to the world, and in a court of justice, from the direct and personal attacks of Sam Sobersides.

Now without in the least doubting the correctness of this description of the feelings which actuate these reluctant "functionaries," believing implicitly in the plea set up by their advocate C. (who should be an Irishman, by his mode of "backing his friends,") that they are compelled to justify their tender reputations against the aspersions of every puny satirist; nay, even giving credit to the story of the great unwillingness with which so many powerful and respectable English gentlemen have consented to join in hunting down an obnoxious individual, and a disagreeable press: I say, admitting all this, still it is very strange that they should have chosen to come before the public and the court of justice precisely in that form, and in that only form, which bars all justification whatever. Instead of suing for damages, which would enable the defendant to plead the general issue, and to justify also, they attack criminally, under shelter of a fictitious breach of the peace, by which the defendant is precluded from pleading the truth or justice of the alleged libel in justification, or even mitigation. It is to prosecutions of this sort that Lord Mansfield applied his memorable saying, "The greater the truth, the greater the libel," a dictum which still passes for oracular with the generality of mankind.

Yours, &c.

October 31, 1821.

Brevior.

Extract from the Calcutta Journal, dated November 2, 1821.

Grand Jury.

"The better part of valour is discretion."

To the Editor of the Calcutta Journal.

Sir,

It is rumoured, that after a stormy debate, which lasted till a late hour yesterday afternoon, a small majority of the grand jury were prevailed on, not without great difficulty and strenuous efforts, to return a true bill in the matter of the United Secretaries and others *versus* Buckingham.

The difficulty experienced in this preliminary stage it is to be hoped is only the precursor to the greater difficulties that await the holy league in the further progress of their operations.

Pray, Sir, who composed the grand jury? There was a list published in the newspapers at the commencement of the sessions, but that is probably now forgotten, which it ought not to be so easily.

Is the prosecution levelled at you, the Editor, or at the well-known author, who is in everybody's mouth? If the former, why do the club shy the nobler battle, and pour out the phials of their wrath on you? Do they think it safer and more discreet? Are you to be tried by a common jury, or by one of that more select sect described by Jeremy Bentham with his usual pith? One of your correspondents signs himself "Brevis," and another "Brevior," so I shall call myself,

November 1, 1821.

Brevissimus.

Extract from the Calcutta Journal, dated 3d November 1821.

Public Functionaries.

To the Editor of the Calcutta Journal.

Sir,

It appearing that some of the public functionaries have combined to prosecute you for an alleged libel, you are requested to name those functionaries and specify their functions, in order that the disgrace or credit of that measure may rest exclusively with those to whom it properly belongs.

I am, &c.

Calcutta, Nov. 2, 1821.

(signed) *A Public Functionary, Non-prosequens.*

Note of the Editor.

WE have not yet been furnished with a copy of the indictment, the dimensions of which formidable instrument we have heard are 13 feet by 2, so that it cannot be copied in less than three or four days, making up no doubt in the *quantity* of its 10 counts what it may want in quality. When the fatal roll reaches us, we shall take an early opportunity of naming the prosecutors mentioned in it, but at present we really do not know ourselves what are the exact number, or the precise names, of these gentlemen. The passages said to be selected by them as libellous, do not specify any individuals, nor indicate any class, not even the secretaries to Government, the expression being simply, "Secretaries and Public Officers to Government," including every servant of the King and Company in India, down even to the unfortunate editor of the John Bull in the East, who, we believe, though erst a radical, is *now* a secretary and public officer to Government; but whether he has the honour to be one of the select *prosequentes* we have not yet discovered. As far as we can learn, however, it is only the immediate secretaries to Government who have formed the association to prosecute us as the publisher of this broad assertion regarding the influence of secretaries and public officers generally. If the assertion in question be proved to be true, and the maxim of Lord Mansfield be acted on, that the greater the truth the greater the libel, conviction will most probably follow, and the public will regret, no doubt, that our correspondent's position could not more satisfactorily be disproved. If it is shown to be false, then by the same maxim there can be nothing libellous in it whatever; unless these immaculate gentlemen, and their learned advocates can make it appear that they are at once both innocent and guilty, and that what Sam Sobersides hath said is both true and false at the same time, a dilemma, to escape from which will require no ordinary powers of reasoning.

(True Extracts.)

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 5.—Advocate-General to *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday, with the Calcutta Journal of the 1st, 2d and 3d, and I am of opinion that the matter contained in the passages referred to is in the highest degree illegal and mischievous, and that this is a proper case for an application to the Supreme Court for a criminal information, that such attempts to overawe and disturb the administration of justice in all ordinary channels may be punished and restrained.

2. I cannot entertain any doubt that the court will grant the application, and that a jury would convict the offender, as I conceive no lawyer could doubt the illegality of the publications in question, or any honest man doubt their criminal intention, and their mischievous tendency.

3. Upon this occasion, I beg leave to suggest the expediency of retaining the services of Mr. Smoult, both on account of the indisposition and absence of the Company's attorney, and his having been employed in the case out of which this originates, which will render his assistance in this matter very desirable. For the same reason, on account of the importance of some questions that may arise, should a prosecution by information be adopted, I beg leave also to suggest the expediency of retaining Mr. Compton as counsel for the prosecution.

I have, &c.

(signed) *R. Spankie,*
Advocate-General.

Fort William, 6 November 1821.

No. 6.—To *R. Spankie*, Esq., Advocate-General.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and, in reply, to communicate to you the desire of his Excellency the most noble the Governor-General in Council, that you will proceed to apply to the Supreme Court for a criminal information against the editor of the Calcutta Journal, for publishing the passages referred to in your letter.

2. His Lordship in Council entirely approves your suggestion for retaining, on the part of the Government, the services of Mr. Smoult and Mr. Compton, and accordingly requests you to make the necessary communication to those gentlemen.

Council Chamber, 6 Nov. 1821.

(signed)

W. B. Bayley,

Chief Secretary to the Government.

IX.

TRANSCRIPT of a LETTER from Mr. *Buckingham*, with VARIATIONS, &c.*Memorandum.*

The print in Black Ink is a correct transcript of the Letter from Mr. Buckingham, as recorded on the proceedings of the Bengal Government; and the notes, alterations, erasures and additions, in Red Ink, denote the variations from it, exhibited in the copy printed by Mr. Buckingham, in pages xv to xxi of the Appendix to Vol. 1 of the Oriental Herald.

Examiner's Office, }
25 May 1826. }

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th February 1820.

No. 2.—Mr. *J. S. Buckingham*, Office of the Calcutta Journal, 16th January 1820.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, communicating to me the displeasure of His Excellency the Most Noble the Governor-general in Council at the tenor of certain observations contained in the Calcutta Journal of the preceding day, under the head of a Notice to Subscribers under the Madras Presidency. †

* (Note.)—This Letter appears to be correctly dated the 16th January (and not the 18th, as stated by Mr. Buckingham), because the Chief Secretary to Government, in his reply to it on the 27th January, states that it was dated on the 16th, though not received until the 18th, as will appear on reference to page xxii of the Appendix to Vol. 1 of the Oriental Herald.

† (Note A.)—; and commanding me to transmit to your office, within the period of three days from the receipt of the order, a distinct acknowledgment of the impropriety of my conduct, and a full and sufficient apology to the Government of Fort St. George for the injurious insinuations contained in that Notice, in order to its being subsequently published in the Calcutta Journal.

2. In reply to this communication, I have first to express ^{beg} my sincere and deep regret that ^{to you} so highly improper as to call for immediate from any act of mine should appear to his Excellency to require the notice of this Government, and still more so, that such an act should have arisen from the exercise of my labours as director of a public press, inasmuch as I can safely and solemnly aver, that no man can feel more grateful to his Excellency for the indulgent liberality which he has always shown to the exercise of those privileges given to us by his removal of the restrictions which formerly bound it than myself, and that no man would feel more sorrow at any undue infringement ^{on} of that liberality, or any real abuse of the power, thus vested in the editors of the public journals than I should do.

3. I have too firm a reliance on his Lordship's impartiality, and too great a confidence in his justice, not to hope, however, that he will condescend to hear what I have to offer in ^{of my conduct} explanation, however tedious the detail into which it may lead me; and I shall await the issue ^{thereon} of his Excellency's decision, with that obedience to his authority which all men ought cheerfully to pay to a power so equitably exercised.

4. When, on a former occasion, my attention was called to the restrictions or regulations of August 1818, which were issued for the guidance of the editors of newspapers here, I promised a compliance with them in my future labours, and as long as I considered them to be in force, I did accordingly make the spirit of them the rule of my conduct. On the subsequent occasion, however, of an address being presented to his Excellency the Governor-general from the Inhabitants of Madras, I heard with pleasure the explanation which his Lordship then offered to the world for the removal of the restrictions from the Indian press; and as this was an avowal of the motives by which an act of his Lordship in Council had been guided, as it emanated from the

† (Note B.)—Par. 4. On the 18th June last I had the honour to receive from you a letter of the same date, communicating to me the sentiments of the Governor-general in Council, on certain paragraphs published in the Calcutta Journal of the 26th May 1819, respecting the reported continuance of Mr. Elliott in the Government of Madras. These paragraphs were stated to be not only highly objectionable in themselves, but also in violation of the obvious spirit of the instructions communicated to the editors of newspapers in August 1818, when the censorship of the press was abolished. Your letter of this date further went to say, that any repetition of a similar offence, in violation of these instructions of August 1818, would subject me to be proceeded against according to law.

illustrious head of the Government himself, and as it was long subsequent in date to the restrictions of 1818, I conceived, that by this solemn and public declaration, the letter of those restrictions was virtually abrogated; as it appeared to my erring judgment, in common with many others, that the sentiments there expressed, and the prohibitions which were formerly in force, were wholly incompatible, and could not simultaneously exist.

* (Note C.)—Par. 5. In my reply to this letter, I expressed my regret at having incurred the displeasure of his Excellency the Governor-general by the violation of the existing regulations, and promised to make them in future the guide of my conduct in the direction of the newspaper under my charge. As this profession was made in sincerity of heart, so was it rigidly and faithfully adhered to, as long as I conceived those regulations to be in force, although

~~5. This conviction was strengthened when~~ * I saw around me every day a constant violation of those very instructions of 1818 in the Gazette of the Government itself, in which were re-published from the English papers, 1st, Animadversions on the conduct of the Court of Directors, and other public authorities in England connected with the Government of India; 2dly, Discussions on the religious opinions and observances of the natives of

India originating in this country, as well as reports of the measures taken in England for the dissemination of christianity among the subjects of our Indian empire; and 3dly, Personal ^{exciting} remarks on individuals, not only tending to, but actually ~~creating~~ great dissension in society, which include all the points expressly prohibited by the instructions of August 1818, and which were repeated week after week, without interruption — and without notice from the superior authorities.†

† (Note D.)—6. On the 24th July 1819, the Governor-general received in public audience an address from the inhabitants of Madras, in which, among other acts of his benign government, those inhabitants congratulated his Lordship on the wisdom of his policy, which had been founded on the maxims, “that to the attainment of truth, freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government; and that liberty of discussion served but to strengthen the hands of the executive.” They added (adverting to his Lordship’s removal of the restrictions from the Indian press), that “such freedom of discussion was the gift of a liberal and enlightened mind, and an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of his Lordship’s administration.”

7. In the reply of the Governor-general to this address, his Excellency avowed to the world the motives by which he had been actuated in the removal of those restrictions from the press: 1st, From his habit of regarding freedom of publication as a natural right of his fellow-subjects, to be narrowed only by special and urgent cause assigned; 2d, From seeing no direct necessity for those invidious shackles which he had been induced to break; and 3d, From a positive and well-weighed policy, which had taught him, that if our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. “Further,” his Lordship added, “it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of strength by its exposure to public comment; on the contrary, it acquires incalculable addition of force.”

8. As this was an act emanating from the highest authority of the land, and was given to the world as an open and solemn avowal of the motives by which his Lordship was actuated in his removal of the restrictions from the Indian press; as it publicly approved of the exercise of scrutiny and comment on the conduct of Indian administration, and avowed that such comment could only tend to strengthen and add force to a government, the motives of whose actions were pure; it appeared to me, that to withhold such comment was either to doubt the purity of those actions which emanated from the supreme authority, or tacitly to question the sincerity of the sentiments thus openly and solemnly pronounced.

9. I conceived, accordingly, that the regulations or restrictions of August 1818 were as formally and effectually abrogated by this step, as one law becomes repealed by the creation of another, whose provisions and enactments are at variance with the spirit of the former. I conceived, as his Excellency had received the congratulations of the inhabitants of Madras on his removal of the restrictions which bound the Indian press, and explained to them the motives which had induced them to make that press free, that such restrictions were actually removed, and that the press was really free. My reason taught me that the validity of a rule prohibiting the expression of any opinions on the acts of Government, and a solemn approval of the exercise of public scrutiny and comment on such actions, were incompatible with each other, and could not simultaneously exist; and while I regard the authority which had pronounced such scrutiny useful and salutary

as the highest from which any act could emanate; while I valued and revered the character of the illustrious individual who had pronounced it for sincerity and integrity; and while I entertained the belief that a recent act or law, differing in spirit from an older one, necessarily abrogated it, I could not regard the instructions of August 1818 as any longer binding or in force.

6. • I accordingly published the remarks of others, and frequently added my own, on the measures of Government, in all its departments, civil, military and marine, the result of which was to extend the admiration of its policy to every corner of the British empire in India; and never was the maxim which the Governor-general had pronounced of Governments, which had nothing to disguise, wielding the most powerful instrument that can appertain to sovereign rule,

and carrying with them the united reliance and effort of the whole mass of the Government, more fully evinced, than in the general sense and feeling of the whole community of India, on those parts of his Lordship's administration thus made the subject of that public scrutiny, which he had so magnanimously invited.

7. † Everything tended to confirm me in my opinion, that I had rightly interpreted the wishes and sentiments of the Governor-general on this important subject, and scarcely a day passed without my breaking the letter of these regulations, which I conceived to have no longer an existence. I contended openly and honestly that the press was free, and when the restrictions of August 1818 were pointed out by the editors of some other papers of the Presidency, I opposed to them the more recent and equally high authority of the manifesto of July 1819. I gave publicity to the opinion of one of the first lawyers of the settlement, that the restrictions were illegal; I repeated the sentiments of Englishmen from the very heart of the interior of India, and the sentiments of public writers in England, that Lord Hastings had, by his emancipation of the press, conferred a boon on his fellow-subjects here, which surpassed in value all that had before been granted to them by any ruler in whose hands their destinies had hitherto been placed; and as all this stood uncontradicted, I conceived for myself, in common apparently with Mr. Fergusson and many others, that the press of India was subject only to those laws which regulate it in England, and that it was amenable only to the local authority, inasmuch as that was the Executive of the British laws in India.

8. † In the exercise of this freedom, I ventured to call in question the policy and the liberality of the Court of Directors in some of its former, and still more of its recent acts, as applied to the immediate administration of Lord Hastings himself. I hesitated not to speak as Englishmen would do at home on all the passing events of the times, from whatever source they emanated, with that freedom which had only truth for its limits, and the honest intention of public good for its end. The conduct of the Bombay Government, or of its public officers, on occasion of its first expedition to the Persian Gulph; the defects of the equipment of its second and now pending armament; the publication of the entire report of the meeting at Madras, convened to consider of the address to Lord Hastings, which was not suffered to be published at that Presidency, but which was reprinted afterwards by the Government Gazette here; and, in short, topics that

would be too numerous and too tedious for me to detail ^{here} but which must be in the recollection of all persons by whom the Calcutta Journal has been read, were all touched on with freedom. ‡

§ (Note H.)—; and it was impossible for me, while these constantly passed unnoticed by the Government, not to be confirmed in my opinion and belief, that the sentiments of the Governor-general, as expressed in his reply to the address of the inhabitants of Madras, were not merely abstract doctrines or general truths, pronounced without a specific object, but were the principles by which his Lordship's conduct was actuated, and the grounds on which he founded a system of liberty of discussion and freedom of publication, which he originally intended to be reduced to practice, and of which he had consequently permitted the free exercise, as consonant with these sentiments, and as meeting his avowed approbation.

13. I regret, however, to learn, by the tenor of your letter of the 13th instant, that I have mistaken the extent of the indulgence and freedom which his Excellency meant to allow to the Indian press. I did conceive, when the Governor-general pronounced "that the triumph of our beloved country over tyrant-ridden France spoke the force and value of that spirit, to be found only in men accustomed to indulge and express their honest sentiments," that his Lordship had extended to us the privilege of the same honest expression of our sentiments in India. If, however, I have been in error in drawing this inference, my regret is considerably heightened by the

* (Note E.)—This is para. 10 in Mr. Buckingham's printed Letter.

† (Note F.)—This is para. 11 in Mr. Buckingham's printed Letter.

‡ (Note G.)—This is para. 12 in Mr. Buckingham's printed Letter.

recollection, that I have contributed so zealously, and so imminently to the risk of my fortune, health and reputation, as I have done, to lead others into the error into which I have myself fallen.

14. From your letter of the 12th instant, I must conceive the full existence of those restrictions of 1818, which I had believed to have been abrogated, as that letter makes it the basis of my offence, that my "Remarks on the Government of Fort St. George are obviously in violation of the spirit of those rules to which my particular attention had before been called;" and because of this violation of a law, which I had the strongest reason to believe annulled, you peremptorily command me, within the short space of three days, to make a distinct acknowledgment of the impropriety of my conduct, by retracting opinions that I honestly conceived and honestly expressed; to make a full and sufficient apology to the Government of Fort St. George, for the injurious insinuations expressed by me against its conduct, without my being convinced of the injustice or falsehood of such opinions, and without my entertaining a sense of having acted wrong; and further, to have this couched in terms that shall express what you may approve, rather than what my own heart and conscience would dictate, by commanding me to transmit to your office, within three days, a draft of such retraction and apology, for your revision and approval, previous to its publication, on pain of forfeiting all the protection of this Government, and being proceeded against in such manner as may be deemed fit.

15. It is impossible for me to express to you, Sir, how I feel humbled by such a demand, in the rank which I deemed myself to have held among my fellow citizens in India, as owing to the government of this portion of the British empire, the warm and loyal attachment of an Englishman, but as being also protected, in my rights and property, in return for that allegiance, by the permanent justice and equity of the British laws, to which alone I conceived myself responsible for crime, and at whose tribunal I should bow to the decision of my judges, with that feeling which ought to characterize a subject of a free, but just and equitable Government.

9. This, however, is ^{not} a topic which it may be improper for me to ~~enlarge on~~, ^{indulge in} and when I proceed to an explanation of the immediate cause of the remarks published in the Calcutta Journal, which have occasioned your present demand of a retraction and apology, I have only to beg, that you will entreat the patient attention of his Lordship in Council to what I have to offer on that head. I regret the length of the detail into which it may lead me, but when the ends of justice are to be promoted, I confidently rely on his Lordship's indulgence and impartiality for a hearing.

* (Note I.)—This para. and para. 11 form 16 in Mr. Buckingham's printed Letter.

10.* On the 27th of August 1819, his Lordship in Council was pleased to sanction an arrangement for my payment into the post-office of this Presidency a monthly sum, in consideration of which the Calcutta Journal was to be guaranteed to pass free to all the stations to which the post-office regulations of this Presidency extended, the amount of which sum was to be computed according to the actual postage due on the numbers of the Calcutta Journal that had been dispatched from the general post-office here within the same month, namely, August 1819.

11. Mr. Hall, the late postmaster-general, was instructed to carry this arrangement into effect, and in the first interview which I had with him on this subject, he himself gave me the option of two modes of forming the computation of the monthly sum to be paid. One of these was, to have the postage calculated from Calcutta to certain limits where the post-offices of the other Presidencies commenced, and to have the papers marked paid to those limits only, leaving the postage beyond them to be paid by the persons to whom they were addressed; the other mode was, to have the computation made according to the amount of the whole postage due on the papers from Calcutta to their separate ultimate destinations, and on payment of this sum to have them stamped "full post paid," which would ensure their free passage, without further impost, all the way.

† (Note K.)—This is para. 17 in Mr. Buckingham's printed Letter.

12† As the great object that I wished to accomplish was an equalization of price, and a uniformity of system for the transmission of the Journal all over India, I preferred the latter mode, though to me by far the most expensive. I distinctly asked, however, whether the post-office regulations of this Presidency, which was marked in the contract as the limit of my privilege, did extend to the receiving postage for letters to any part of India, and guaranteeing them free and without charge to wherever they might be addressed, and Mr. Hall satisfied me that they did, by showing me the post-office registers, in which letters and papers were entered for places under the respective Governments of Bombay, Madras and Ceylon, the postage of which being paid here guaranteed their free passage all the way, to whatever places they might be addressed, and these same registers proved also that a reciprocity of system existed under those Govern-
ments,

ments, with regard to the transmission of letters to places under this Presidency, as every dawk brought letters from Ceylon, Madras and Bombay, the postage of which was paid at those respective places, and they reached the post-office here, marked "post paid," without having borne any additional impost at any intermediate station, or without being subject to any additional charge on their delivery here. It was clear, therefore, to us both, that as far as the receipt of postage on

addresses
the papers, and their free transmission to their ultimate destination was concerned, the post-office regulations of this Presidency extended all over the British possessions in India, either by law or by custom and mutual convenience, for this at least was the practice, and it seemed so clear, at least

both to the Postmaster-general and myself, that we did not deem a reference to the Government necessary, but fixed the computation of the monthly sum on this principle, and executed the bond for the amount conjointly in this belief and impression.

13.* The full postage on the papers was then actually paid by me in this contract, and they were marked as all letters and papers so paid are marked, with the post-office stamp "full post paid," and dispatched accordingly. At first, for a period of about a month, as nearly as I can collect from the letters of different correspondents under the Madras Presidency, they were allowed to pass free to Madras, but the postage from Madras to stations beyond it, under that Presidency, was charged to the persons to whom they were addressed. Even in this, however, there was a distinct acknowledgment of the principle and practice, that the mark of "full post paid" should guarantee any letter or paper to its ultimate destination; for in a letter of Mr. Sherson, the

collector at
postmaster-general at Madras, addressed to John Babington, esq., Calicut, dated December the 6th, 1819 (attested copies of which I have been furnished with), the charge of postage from Madras to places beyond it, is thus explained: Mr. Sherson says, "In reply to your letter of

5
the 23rd ultimo, I beg to state, that the Calcutta Journals, from the 1st of September last, although marked on the envelope "full post paid," are inserted in the lists which accompany the mails

post
from Calcutta as "paid to Madras only," consequently, the additional postage from Madras to their destination was charged, agreeably to the regulations, until the 21st of October last."

14.† Here then was a distinct acknowledgment, that but for the manner of registry in a list, of which, of course, I could know nothing, the papers would have gone all the way free, on the same authority as they reached Madras free, namely, that they were marked "full post paid." Through

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whose mistake this entry was made in the post-office list, differing from the stamp on the envelope, and thus subjecting my subscribers to such loss as this distinction created, I did not inquire; but having learnt that this was the case from private letters, long before the copies of Mr. Sherson's correspondence reached me, I had applied to Mr. Hall to represent the irregularity

on the Calcutta Journals
of such a step as charging postage within the Madras territory, when I had already paid the full on them

postage here. —Mr. Hall saw and confessed the injustice of this charge, and immediately dispatched a letter to Mr. Sherson, saying, that the full postage had been paid on all the Calcutta Journals sent from hence, and adding, that the regulations of the post-office of this Presidency empowered him to guarantee for this equivalent their free passage all the way.

25th
15.‡ This letter reached the postmaster-general at Madras on the 21st October, the date which he fixed in his letter to Mr. Babington, up to which period the postage from Madras to Calicut had been paid; and in the same letter he says, "But in consequence of a recent communication received

from the postmaster-general at Calcutta, the charging of inland postage on the Calcutta (at Madras)

Journals transmitted from this office to out stations, ceased on the 26th of October." This was a still more distinct acknowledgment of the principle, that the post-office regulations of this Presidency did extend to all places under the British Government in India

as far as the receipt of money of letters or papers were and free transmission was concerned, and it was thought so by the Government of Madras, as well as by the postmasters of that Presidency, since this practice of suffering it to go free, because marked "full post paid," continued, with the consent of the Madras Government, for a period of a month, at the end of which, on the 26th November, an impost was ordered to be put on it, not from Madras to the stations beyond it, in consequence of any difference between the post-office

* (Note L.)—This is para. 18 in Mr. Buckingham's printed Letter.

† (Note M.)—This is para. 19 in Mr. Buckingham's printed Letter.

‡ (Note N.)—This is para. 20 in Mr. Buckingham's printed Letter.

lists and the stamps on the covers as before, but from Ganjam to Madras and onwards, although the full postage continued to be paid monthly by me here, and the same post-office stamp ^{duty} was affixed as usual.

* (Note O.)—This is para. 21 in Mr. Buckingham's printed Letter.

16. * At the same time that these charges were made on the transmission of the Calcutta Journal, other papers and letters, marked exactly in the same way, were suffered to go free, both from Calcutta to Madras, and from stations under that Presidency to Calcutta, it was impossible for me not to regard this apparently partial application of a rule to my papers, which did not apply to other covers going in the same way, otherwise than as a marked distinction; and as I had the strongest reasons to know that the Calcutta Journal had become particularly obnoxious to that Government, from my publication of the report of the Madras meeting to address Lord Hastings, ^{of} courts martial, ^{by} which officers arrested on certain charges had been honourably acquitted, and many other documents, which had not been allowed publication at Madras, while private letters, which I could not be permitted to cite in evidence, confirmed me in ^{this} that opinion. I could not otherwise account for the application of an impediment to the passage of the Calcutta Journal through the Madras territories, which was not applied to any other description of correspondence transmitted by the same dawk.

† (Note P.)—This is para. 22 in Mr. Buckingham's printed Letter.

On 17. † ~~In~~ my application to Mr. Hall, the late postmaster-general, to understand distinctly how these apparent inconsistencies were to be explained, he stated to me, that Mr. Secretary Lushington had communicated to him, that he had misconceived the intentions of the Government, which were, that the papers should go free to Ganjam only, and be paid for by me thus far. As I had no wish to oppose the authority of Government, and no reason to dispute its intentions, I readily assented to this (to me) new interpretation of the contract, as far as it applied to the future transmission of the Journal, and the Government, in ^{its} justice, as readily granted ^{to} me a proportionate deduction of the sum that had been entered in the monthly computation for postage to all places beyond it, while the papers were to be marked in future "free to Ganjam only." But as this could take no retrospective effect, I became subjected to a heavy loss in being obliged to refund to my subscribers all the sums they had paid for postage beyond Ganjam, as I had guaranteed the free postage of the Journal to them for a certain sum; besides which, many of the papers were refused to be taken in by the persons to whom they were addressed, in consequence of this additional charge of postage, so that they were returned to me, bearing double postage from Madras and elsewhere, by which I was compelled to pay the postage on them three distinct times; first, in the estimate of the contract; secondly, in the passage from Ganjam to their original destination; and thirdly, the whole of the way from thence back again to Calcutta, without my being able to demand anything from the subscribers who had declined taking it in, and without the paper being of any value to me when returned.

‡ (Note Q.)—This is para. 23 in Mr. Buckingham's printed Letter.

18. ‡ All this was unquestionably an aggravation of evils to which I alone was subject, and, as it appeared to me, without just cause, for although the last and most decided interpretation of the Government ^{in future} here had fixed that the paper should go free to Ganjam only, and ^{to be} be so marked, yet the Madras Government, or postmaster, who would be justified in exacting a postage on beyond Ganjam it ^{to be} when marked free only to that place, were not so justified, as it appeared to me, in making this exaction, when it was marked "full post paid," and when other covers, bearing the same mark, were not subject to the same rule. To add to these ^{evils} heavy losses, the application of the rule as it now stands, namely, the payment of a postage beyond Ganjam by the subscribers, has already lost me many, and will probably occasion me the loss of many more subscribers to the paper beyond that place, and thus subject me to a still further monthly loss, during all the time that the contract may continue in force, as whether I dispatch my usual number of papers, or only one, to a station under that Presidency, the full amount of the monthly contract, including the postage from hence to Ganjam, must be paid by me. The loss has perhaps already equalled 5,000 rupees; but the far greater evil is, its breaking up and destroying entirely a system of uniformity, from which I had counted on certain permanent results in extending the circulation of the paper all over India, and in being thus enabled to obtain a remuneration, at some future time, for the risk and expense incurred to effect that object, the hope of which, if the Government still continue to give the contract its present interpretation, is thus entirely destroyed.

19. * I am aware that Governments cannot enter into the feelings of individuals, or take their private sufferings into account, in their decisions on their public rights ^{and} or wrongs, but when it is considered, that by an unaccountably varying application of a rule, from a certain branch of the Madras Government, towards myself, all the hopes that I had founded, on what I ^{conceived and} had good grounds for ^{believing to be} ~~conceiving~~ a just interpretation of my contract with the Government here, namely, the extension of its authority to guarantee the free postage of letters or papers paid for here all over India, are overturned in that quarter, I shall, I hope, be forgiven, ~~at least~~, for having felt very sensibly, however indiscreet I might have been in giving publicity to the expression of those feelings.

* (Note R.)—This is para. 24 in Mr. Buckingham's printed Letter.

20. † In communicating these changes, and the steps that had been taken by the Madras Government to demand from my subscribers the postage on the Journal from Ganjam, as well as the arrangements made by me to render it less inconvenient to them, by taking on my own hands all the present, and a still greater future loss, I simply stated, that measures had been taken by the Madras Government to impede its circulation, by which I meant the levying the postage on it while marked "full post paid," and added my belief that they would, no doubt, have formed a correct opinion as to the motives in which these measures had originated, leaving ^{it} ~~that~~ entirely to their own construction. Neither in the statement of this fact, nor in the expression which follows it, can I, therefore, see anything ^{that} ~~which~~ I could honestly express a sense of impropriety in having used.

† (Note S.)—This is para. 25 in Mr. Buckingham's printed Letter.

21. ‡ In stating that my desire to extend the circulation of ^{the} my paper arose in proportion to the obstacles opposed to it, I only gave utterance to a feeling which has actuated me from the first hour of my public labours up to the present; and in saying that discussions were to be met with in this paper on topics that were seldom touched on in ^{the} other Indian prints, I mentioned a fact so notorious, that it would be the grossest violation of truth to deny it.

‡ (Note T.)—This is para. 26 in Mr. Buckingham's printed Letter.

22. § The next ^{*} paragraph of my "Notice to subscribers under the Madras Presidency," which speaks of the sacrifice I had determined to make, and calls the postage from Ganjam to Madras, "a tax levied by order of the Madras Government," contains nothing which, in my estimation, could offend, without a great misconstruction of its meaning. Of my own sacrifices, of course, I may ^{be} at all times ^{either} permitted ^{to} speak or ~~to~~ be silent, but when I spoke of "a tax," I meant simply the postage, and in saying "it was levied by order of the Madras Government," I meant that it was actually charged on the Calcutta Journals, by some branch of that Government, whether subordinate or otherwise it was impossible for me to say, although the full postage ^{on} of those papers had already been paid here. This is also a fact which, as I could substantiate, it would be a dereliction of my duty to deny.

§ (Note U.)—This is para. 27 in Mr. Buckingham's printed Letter.

23. ¶ In saying that I was willing to incur a further voluntary sacrifice, or to give the paper gratis to the subscribers under the Madras Presidency, for their patronage of free discussion, I acted only in conformity with the principles by which I have been constantly guided in my public labours; and in saying I hoped to see that free discussion made subservient to the great end of public good, for which alone it was granted to us, I think ~~that~~ I can have said nothing which this Government could ever wish me to retract.

¶ (Note V.)—This is para. 28 in Mr. Buckingham's printed Letter.

24. ¶ The next paragraph in this "Notice" states, that the measures of the Madras Government (by which I wish to be distinctly understood as meaning that branch of it under whose cognizance this act came), in refusing to let the paper pass free beyond Ganjam, though marked "full post paid" here, had already occasioned me a considerable loss: this I could, if necessary, prove.

¶ (Note W.)—This is para. 29 in Mr. Buckingham's printed Letter.

25. ** The close of the "Notice" says, "We trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by ^{this} ~~these~~ means, but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may originate."

** (Note X.)—This is para. 30 in Mr. Buckingham's printed Letter.

* (Note Y.)—This is para. 31 in Mr. Buckingham's printed Letter.

26.* In this I am free to declare, upon my honour, that by "these means" I meant simply by the check which the circulation of my paper had suffered by the levy of the additional postage, and I was vain enough to consider, that sound principles and free inquiry were disseminated and encouraged by the circulation of that paper, which I could hardly be expected to express any contrition for having said. By the "triumph of liberality over to its opposite quality," I meant

the use of these terms as applied to *principles* as well as *actions*. I ^{considered} Lord Hastings' removal of the restrictions from the press to evince liberal *principles*, and I hoped that this would triumph over its opposite at Madras as it had done recently at Bombay. I considered the consent

^{this} of the Government here to an arrangement, granting me the free circulation of my paper for a given sum, to be a liberal *act*, and I hoped that this would supersede an opposite practice at Madras, as it does in Bengal and at Bombay now. When I added a hope that this triumph would be full and complete, in whatever quarter an opposition to it might originate, I meant no more than the words literally import, as I supposed that such opposition might as well arise in and in a medium one as easily as in any other; ^{this} a subordinate as in a supreme authority; [^] In all [^] therefore I have advanced nothing that I did not honestly believe, and which does not still appear to me unobjectionable.

† (Note Z.)—This para. and para. 28 form para. 32 in Mr. Buckingham's printed Letter.

27.† Thus far, however, I am free to confess, that no language of mine can sufficiently express either the depth or sincerity of my regret: first, that any act of mine, more particularly one which could be thought an abuse of the indulgence that his Excellency the Governor-general has extended towards the Indian press, should have incurred his displeasure; secondly, that so many misconceptions should have arisen with regard to the regulation of the postage between this place

and Madras, and that anything which I should have said on ^{that} ~~this~~ subject should have given offence

to the Government ^{here}; and lastly, that ~~from the short period prescribed me for the preparation of the long details which I felt myself bound to offer in explanation,~~ I have not possessed time either calmly to review, soften, correct or alter anything that I have written, but must send it up immediately to the Government, with all its faults, fresh from the warm feelings which have dictated what my pen has thus hastily traced.

28. I may be permitted to add ~~also~~, that those feelings have been considerably irritated and wounded, by my learning, that short as the period is that has elapsed since the transmission of your letter to me, the news of the pointed displeasure of the Government having been officially notified to me, together with all the circumstances of the style and tone, so painful to the feelings

^{even so} ^{an} ^{as} ~~even~~ of ~~an~~ humble [^] individual like myself, has been made generally known, and industriously circulated throughout Calcutta, and that, in addition to the injury which the report of my disgrace and anticipated ruin is of itself calculated to attach to my character and fortune, the aggravated misrepresentations respecting my offence, and your manner of noticing it, by those who are my enemies from mere difference of opinion on public grounds only, have already produced an effect from which I may not easily recover.

I have, &c.
(signed) J. S. Buckingham.

33. In conclusion, I beg you will say for me to his Excellency in Council, that if it is his pleasure to command me to relinquish my charge, abandon my occupations, and sacrifice, with my present property, all my future hopes, long and ardently as I have toiled through misfortune and suffering to attain the footing I now hold, I shall yield implicitly to his authority. If it be his pleasure further to command me to leave the country, I have not the means, nor indeed could I wish to possess them, of resistance. If, however, his Lordship should deny me this alternative, and still insist on my expressing a sense of contrition for an act that I cannot honestly avow to be wrong, or my retracting opinions which I sincerely believed to have been correct when I uttered them, and which I still entertain, or on publicly apologizing for the performance of an act which, when committed, I held to be my bounden duty, I feel that I cannot promise a compliance.

34. For the past, I am willing to express this open and public regret at my discovering myself to be in error, in inferring the cessation of the restrictions of August 1818, which I confess freely that I, in common with every other editor, even those who contended for their being still in force, have violated (on my own part, however, from believing that they were virtually abrogated, and no longer binding), and still deeper regret at having done anything under the influence of such error

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error which could have been capable of misconstruction, or have given to his Lordship in Council, or any other member of the Indian Government, unnecessary pain.

35. For the future, if I am permitted to exercise my present avocations, I desire only to know, distinctly and clearly, what are the topics on which I am not to touch ; and understanding this to be the will of the Government, in the form of a law or official regulation, I shall regard it as I have been accustomed to regard the laws of my country, as paramount to all authority, as subject to question only for the purpose of revisal and amendment, but as commanding obedience as long as it is in conformity to the constitutional powers vested in any legislative body, and as long as the application of the penalties for infringing it is uniform and impartial.

I have the honour to be, &c.

J. S. Buckingham.

Jan. 18, 1820.

X.

PAPERS delivered in to the Committee by *T. L. Peacock, Esq.*

— No. 1. —

EXTRACT PUBLIC LETTER from *Bengal*, dated 1st October 1821.
(Referred to in page 95 of the Evidence.)

110. WE have already had occasion to report to your honourable Court, frequent instances of abuse on the part of the editor of the Calcutta Journal, Mr. J. S. Buckingham, of the indulgence of this Government in dispensing with the submission of newspapers published in this country to the previous inspection of the Chief Secretary to the Government. The lenity extended to Mr. Buckingham, however, appears to have had the effect only of encouraging him to new infractions of the rules prescribed for the regulation of the public press. In the case which we are about to describe, it appeared to us, that Mr. Buckingham had exposed himself to legal penalties by the licentiousness of his pen, and we accordingly deemed it proper to address a reference to the Advocate-general on the subject.

111. In the Calcutta Journal of the 2d and 3d July last, were the following objectionable passages:

“ We have found champions, and able ones, flowing from every quarter of India which had yet received that infamous prospectus (circulated post-free by some authority or other, no doubt, though we are far from believing it to be the highest), or our own comments on it, circulated under the usual limitations of weight and postage, without favour or indulgence.

“ The prospectus of ‘ John Bull in the East,’ we are informed, was sent post-free into the interior with the permission of Government.”

112. These extracts had evident allusion to the authority given by Government for the transmission, post-free, to the several stations in the interior, of the prospectus of a new paper, to be called ‘ John Bull in the East;’ which indulgence had been expressly granted with reference to a similar exemption extended to the first number of the Calcutta Journal, comprising the prospectus of its editor. The attention of the Advocate-general was requested to the passages above quoted, and he was desired to inform Government whether, in his judgment, the passage marked in the paper of the 2d of July, taken in connection with what preceded and followed it, was of a nature to subject the editor of the Calcutta Journal to legal penalties for the publication of a libel against the Government, or against any of the officers of Government.

113. The Advocate-general in reply, briefly stated his opinion, that the particular publication alluded to, could not be considered as a libel upon the Government, and on the whole, with reference to the vagueness of the insinuation against some officer of Government, he did not think it a case to be selected for prosecution.

114. On this occasion Mr. Adam recorded a minute, stating that it appeared to him that Mr. Spankie had not directed his attention to what formed the material part of the question. Mr. Adam observed, that the expressions used in the Calcutta Journal of the 2d July, implied that a certain “ infamous” paper had been circulated, post-free, by some authority, not, as the writer believed, the highest; and that this was done with a view to injure him, while his own writings were subjected to the charge of postage. In the publication of the 3d, the editor informed his readers, that the publication in question was circulated by the authority of Government, leaving the charge of gross injustice unretracted, and thus transferring the obloquy from the supposed subordinate authority to the Governor-general in Council himself.

115. To this part of the case, Mr. Adam remarked, Mr. Spankie appeared not to have adverted; Mr. Adam was led to infer, however, that the Advocate-general would not recommend a prosecution, were this brought to his notice, and it was not Mr. Adam’s intention, therefore, to propose another reference.

116. Considering, however, the assertions and insinuations of the editor of the Calcutta Journal as a gross affront to Government, and a heavy aggravation of former offences which had been excused, Mr. Adam expressed his opinion that Mr. Buckingham ought to be required to make a public apology for the same, and Mr. Adam submitted that opinion for the consideration of the Board.

131. We then recorded the following resolutions, that under the opinion expressed by the Advocate-general in his letter of the 9th July, the Governor-general in Council did not deem it expedient to direct that any legal measures should be adopted with a view to the punishment of Mr. Buckingham, the editor of the Calcutta Journal, for the publication of the offensive and highly improper remarks contained in the Calcutta Journal of the 2d and 3d July.

132. In the official communication which had been made to Mr. Buckingham, by order of Government, he had been distinctly apprised of the serious displeasure felt by Government at his proceedings, and had been fully warned of the measure which Government would

would be compelled to pursue towards him in the event of his persisting in a similar course of conduct.

133. With reference to the purport of that communication, it appeared to Government to be then unnecessary to require from Mr. Buckingham a public apology for the specific offence which had led to the correspondence above referred to.

— No. 2. —

LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable *Charles Watkins Williams Wynn*, dated 17 January 1823.—(Referred to in pages 92 and 106-7 of the Evidence.)

Sir,

THE attention of the Court of Directors having for some time past been most seriously turned to the state of the public press in India, they are desirous of putting the Board in possession of the best information upon the subject which they have been able to collect from the East India Company's records, accompanied with such considerations as the facts have suggested to the Court. The change which is about to take place in the Supreme Government of India, by the appointment of a new Governor General, has appeared to present a fit opportunity for deliberation and discussion on a question, delicate and difficult it must be confessed, but the delicacy and difficulty of which ought not, in the opinion of the Court, to prevent its being boldly met and freely canvassed.

Approved Committee
Correspondence,
the 10th Jan. 1823,
Court, 14th.

As the organs of the Court, and acting as the interpreters of its sentiments on this occasion, we shall begin with taking a retrospect of the measures, whether penal or precautionary, which the successive local governments in India have, with the sanction of the authorities at home, deemed it expedient to resort to, in regard to the editors of newspapers, and other periodical works, from the year 1791 downwards.

It does not appear that, previously to 1799, there were any uniform and consistent rules established at the three presidencies, for guiding the conduct of the editors of newspapers, or for restraining and punishing their excesses. The frequency of the abuses, however, which occurred in the Calcutta press, between the years 1791 and 1799 (as hereafter enumerated), seem to have satisfied the Government, at the latter period, that other checks were required than the discretion of editors, and apprehension of the displeasure of Government, whether manifested in the more lenient form of censure, or to the full extent of its powers in the deportation of the offending party.

In 1791, Mr. William Duane was arrested by the Bengal Government, and ordered to be sent to Europe; in consequence of an offensive paragraph which appeared in the Bengal Journal, reflecting upon Colonel De Canaple, Commandant of the Affairs of the French nation (as he was styled), and his countrymen, then residing at Calcutta. Mr. Duane, on that occasion, applied to the Supreme Court for a writ of habeas corpus, which was granted. The writ having been served upon the acting town-major of Calcutta, it was stated, in the return annexed thereto, that the Governor-General in Council had ordered the arrest of Mr. Duane, with a view to his being sent to Europe; that the Governor-General in Council possessed the legal right to issue and enforce such orders, and that, in obedience thereto, Mr. Duane had been seized, and was then detained in legal custody of the acting town-major. After a long and elaborate argument upon the validity of this return, the Judges of the Supreme Court came to a solemn and unanimous decision, recognizing the right asserted by the Government; and Mr. Duane, who had been brought into Court, was remanded to the custody of the town-major. In consequence of the intercession of Mr. Fumeron, the French agent, Government was induced to revoke its order for the embarkation of Mr. Duane; but that person having afterwards published, in a paper called *The World*, of which he was editor, a number of improper and intemperate articles, and particularly an inflammatory address to the army, he was again arrested and sent to Europe, in the end of 1794, and of this proceeding the Court of Directors highly approved.

Abuses of the public
press at Calcutta from
1791 to 1798, and
measures to which
they gave rise.
Case of Mr. William
Duane.

In 1796, the editor of a Calcutta paper, called *The Telegraph*, incurred the displeasure of Government, by inserting in his journal an article, imputing to a gentleman in office the extortion of the enormous batta taken by the shroffs of Calcutta on the exchange of gold mohurs for silver. The editor, Mr. H. McKenly, having been called upon to explain on what ground the assertion contained in this paragraph had been made, replied, that the paragraph had been inserted on the authority of Mr. Hair. Mr. Hair, on being required to furnish explanations, and also to name the gentleman alluded to, denied being the author of the offensive paragraph, and there the matter seems to have been allowed to rest.

Case of Mr. H.
McKenly, editor
of the Telegraph.

In the same year (1796), a paragraph having appeared in the Calcutta Gazette, relative to certain communications on the subject of peace, which had passed between the Court of London and the French Republic, the editor was admonished of the impropriety of inserting such observations in a paper published under the sanction of Government; but, on Mr. Horsley asking pardon, and promising to abstain in future from inserting similar articles, no further proceeding was adopted.

Case of Mr. Horsley,
editor of the Calcutta
Gazette.

In 1798, in consequence of a letter which appeared in the Telegraph, under the signature of "Mentor," tending to excite discontent and disaffection in the Indian army, the Bengal

Case of Captain
Williamson.

Government was induced to take measures for discovering the author of the letter; and it having been found to have been written by Captain Williamson, he was suspended the Company's service; and the Court of Directors subsequently refused to comply with his request for leave to return to India, though they permitted him to retire with the half-pay of his rank.

Case of Mr. Charles McLean.

In the same year (1798), a letter having appeared in the Telegraph, signed *Charles McLean*, animadverting on the official conduct of Mr. Rider, the magistrate of Ghazee-pore, both the editor and Mr. McLean were called upon by Government to apologize for publishing the article in question. The editor complied, but Mr. McLean refused. The latter was, for this act of contumacy, and his previous misconduct in quitting the ship to which he had been attached, and remaining in India without permission, sent to Europe. Of this proceeding the Court approved.

New instance of misconduct in the editor of the Telegraph.

In 1799, the editor of the Telegraph was called upon by Government publicly to apologize for some very indecent reflections which had appeared in his paper on the clerk of the post-office.

At that period (1799), in consequence, as was stated, of the number of improper paragraphs which had appeared in the newspapers, the Bengal Government established the following Regulations for the public press :

- 1st. Every printer of a newspaper to print his name at the bottom of the paper.
- 2d. Every editor and proprietor of a paper to deliver in his name and place of abode to the Secretary to Government.
- 3d. No paper to be published on a Sunday.
- 4th. No paper to be published at all until it shall have been previously inspected by the Secretary to the Government, or by a person authorized by him for that purpose.
- 5th. The penalty for offending against any of the above Regulations to be immediate embarkation for Europe.

Imposition of the censorship.

These Regulations were communicated to the proprietors and editors of papers,* who severally addressed the Government, promising strict compliance therewith. The Regulations were extended to other papers as they started; and, on being reported to the Court of Directors, they were distinctly approved by them.

Plan for establishing a Government printing press at Calcutta.

In a plan prepared in 1801, by order of the Bengal Government, for the establishment of a Government printing press, it was proposed to print an official gazette, accompanied with a newspaper containing articles of intelligence and private advertisements, the latter to be published under the inspection of Government, but not to be considered, like the gazette, as an official communication. The following were the grounds alleged for this proposition: "In a political view, a powerful motive arises in favour of the proposed establishment. The increase of private printing presses in India, unlicensed, however controlled, is an evil of the first magnitude in its consequences; of this, sufficient proof is to be found in their scandalous outrages, from the year 1793 to 1798. Useless to literature and to the public, and dubiously profitable to the speculators, they serve only to maintain in needy indolence, a few European adventurers, who are unfit to engage in any creditable method of subsistence. The establishment of a press by the Supreme Government would effectually silence those which now exist, and would as certainly prevent the establishment of such in future."

The plan was not carried into execution, on account of the expense with which it was supposed that it would be attended. But the foregoing passage shows the feeling which existed at the time, respecting the abuses of the press, previously to the establishment of the censorship.

Special prohibitory orders issued to the editors of newspapers.

In 1801 the editor of the Calcutta Gazette was prohibited from publishing any military orders, army list, book or pamphlet, relative to the numbers or situation of the army, without the immediate sanction of Government; and the editors of the other papers were prohibited from publishing any military orders, except such as had previously appeared in the Gazette, and from publishing any army list, &c. without the permission of Government.

In 1803 the editors of newspapers were prohibited, during the war, from publishing any articles of intelligence respecting the departure of ships.

In 1804 the editor of the India Gazette was directed not to publish, during the war, any naval or shipping intelligence whatever, excepting such as had appeared, in the first instance, in the Calcutta Gazette, under the sanction of Government.

In June 1807 the editors of the newspapers were censured for having published, without authority, intelligence respecting His Majesty's fleet in India, the same being contrary to the orders of Government. The editors were again directed not to insert articles of this kind, unless they had previously appeared in the Government Gazette, or had been otherwise duly authorized by the naval Commander-in-chief in India. Any deviation in future from these orders, it was signified to them, would incur the displeasure of Government.

Special prohibitory orders extended to editors of newspapers at the subordinate presidencies.

The governors of Fort St. George, Bombay and Prince of Wales Island, were requested to issue similar orders to the editors of the several newspapers at those places, respectively.

The

* Hirkarrah, Morning Post, Calcutta Courier, Telegraph, Oriental Star, Indian Gazette, Asiatic Mirror.

The editor of the Indian Gazette was desired to state why he had issued a number of his paper, without having previously submitted the proof-sheets for the inspection of Government, and directed not to send it out of Calcutta.

In 1808 the editor of the Calcutta Gazette was censured for having omitted, during several weeks, to submit proof sheets of his paper for inspection previously to publication. Various articles having been inserted during that period which were deemed particularly improper and objectionable, in a paper published under the express authority of Government, the editor was directed, for the future, invariably to send his proof sheets for revision, and to include therein every article, as well of intelligence as of other matter intended for publication.

The editor expressed his regret at having inadvertently omitted to send the proof-sheets for inspection, and promised greater regularity in future.

In 1811 the proprietors of all the presses in Calcutta and its dependencies were directed to cause the names of the printers to be affixed to all works, papers, advertisements, &c. printed at, or issuing from those presses, on pain of incurring the displeasure of Government.

In 1812 the editor of the Calcutta Daily Advertiser was censured, at the instance of the adjutant-general, for having inserted an advertisement, "having for its object to expose to public ridicule a respectable officer in the Company's service." The re-insertion of the advertisement, and of the correspondence to which it referred, was prohibited; and this opportunity was taken for directing all advertisements to be submitted for the inspection of Government, previously to publication, in like manner with other articles.

The editor apologised for the insertion of the objectionable advertisement, but remarked on the great inconvenience which would be occasioned if all advertisements were to be submitted for the previous inspection of Government, suggesting the limitation of the orders of Government to such advertisements as were of a doubtful nature, and the exemption from their operation of those which had clearly for their objects sale, purchase, hire and notices in general. Government acknowledged the justice of this representation, and agreed to modify their orders accordingly.

In 1813 Mr. Assistant-surgeon Tytler complained to Government of a libel having been published against him in the Hirkarrah. The offensive article was in consequence represented to the proprietors as highly improper, and they were desired to explain why the publication had not been submitted to Government prior to the circulation of 150 copies. The proprietors stated, in reply, that they were not aware that Government required papers of a private nature (where parties took the responsibility on themselves) to be submitted for previous inspection, but promised more strict attention to the injunction in future.

On the 16th October 1813 the following rules were established for the control of the printing-offices at Calcutta:

1st. "That the proof-sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.

2d. "That all notices, hand-bills and other ephemeral publications, be in like manner previously transmitted for the Chief Secretary's revision.

3d. "That the titles of all original works proposed to be published, be also sent to the Chief Secretary for his information, who will thereupon either sanction the publication of them, or require the work itself for inspection, as may appear proper.

4th. "The rules established on the 13th May 1799, and the 6th August 1801, to be in full force and effect, except in so far as the same may be modified by the preceding instructions."

On the 11th April 1815 the very irregular conduct of the editor of the "Mirror," in having inserted an account of the route from Janickpoor to Catmandhoo, after the same had been struck out by the Secretary to Government, was pointed out to him by the Chief Secretary.

On the 30th April 1815, the editor of the Mirror, at the recommendation of the Adjutant-general, was censured for having inserted in that paper, a statement of the formation of three new regiments, with their allotment of officers, such a measure being at that time only under the consideration of Government. The editor begged to decline naming the mercantile house from which he had obtained his information, stating, "that all forthcoming civil and military appointments are generally known before their publication in the Calcutta Gazette, or the public official communication of them by Government." He also remarked on the rigour exercised by the present censor, when compared with the conduct of his predecessor.

In 1817, Dr. Bryce, the editor and managing proprietor of the Asiatic Mirror, complained to Government of the Chief Secretary (Adam), for having "overstepped the powers of his office," as censor of the press, in striking out of the proof-sheets a critique on a historical, political and metaphysical work, by Lieutenant Young, which critique Lieutenant Young had perused and approved. Mr. Adam stated, that he considered the critique "to be written in a tone of sarcasm and bantering likely to produce irritation, and to have occasioned an angry discussion in the newspapers;" and that he deemed the prevention of such disputes to be strictly within the limits of his duty and authority, as connected with the control of the press; but that, on hearing from Dr. Bryce that Lieutenant Young had approved of the critique, he should have allowed its publication, had not Dr. Bryce accompanied the intima-

Neglect of editors to submit the proof-sheets of their papers for the inspection of Government, previously to publication, censured.

Names of the printers ordered to be affixed to all works, papers, and advertisements issuing from the Calcutta presses.

Case of the editor of the Calcutta Daily Advertiser.

Advertisements ordered to be submitted for the inspection of Government previously to publication.

Modification of the orders issued respecting the previous inspection of advertisements.

Libel against Mr. Assistant-surgeon Tytler, published in the Hirkarrah.

New rules established for the control of the Calcutta printing offices.

Improper conduct of the editor of the Mirror.

Editor of the Mirror again censured.

Case of Dr. Bryce, editor of the Asiatic Mirror.

tion with a threat of complaining of him to Government, for an undue exercise of his powers as censor, in having expunged it from the proof-sheets. Dr. Bryce, at the same time, submitted to Mr. Adam a notice to his readers, accounting for the hiatus, which would appear in that day's Mirror, in the event of his (Mr. Adam's) persisting in his refusal to allow the appearance of the critique. The notice, strongly reflecting on the conduct of the censor of the press, in prohibiting the appearance of a criticism on a work purely literary, was *cut down* by Mr. Adam to a mere apology "for a blank in this day's Mirror."

It was intimated to Dr. Bryce, in answer to his complaint, that, under the explanation given by Mr. Adam, the latter was not considered to have unduly exercised his powers as censor, in the instance specified by Dr. Bryce, whose conduct, with respect to the intended notice to his readers, was deemed highly disrespectful. He was, therefore, informed, that in his "editorial capacity," he stood under the unfavourable sentiment of Government. The Governor-general also remarked on the "incompatibility of the avocations of an editor and managing proprietor of a newspaper," with the clerical character, even "supposing the paper conducted without inviting controversy." Dr. Bryce, on receiving the above-mentioned communication, again addressed the Government, and submitted certain explanations relative to his conduct as editor of the Mirror, with a view of inducing a revocation of the censure passed on him by Government. He also defended the propriety of his conduct, in having undertaken the office of editor of a newspaper, which he did not consider to be incompatible with the clerical character. In the course of his observations, Dr. Bryce commented severely on the conduct of Mr. Adam, as censor, when compared with that of former censors of the press.

The Governor-general in council, after a perusal of Dr. Bryce's defence, declared that he could see no reason, in his present explanations, to withdraw the public censure passed upon him in his editorial capacity, and that his Lordship had observed, with sincere regret, "the whole strain and tenor of Dr. Bryce's letter;" but that his Lordship in Council deemed it unnecessary to continue a discussion with him on the subject, adding, that it was "almost superfluous to observe, that the character of Mr. Adam stood too high in the estimation of Government, and of the public, to be, in any way, affected by the insinuations stated in Dr. Bryce's letter."

Previous Correspondence with Dr. Bryce, the editor of the Mirror.

• It appears that in February 1817 Mr. Adam had complained of the insertion of matter in the Mirror not sanctioned by him, and Dr. Bryce, in reply, vindicated his general conduct as editor of the paper, and stated that, in the instance specified, the fault did not rest with him. He then proceeded to inquire whether he might be allowed, *after the proof-sheets had received the censor's initials*, to correct typographical errors, or grammatical inaccuracies, or to withdraw from the paper anything once submitted, or even to insert births, deaths, marriages and advertisements, or a summary of intelligence of importance that might happen to be received after the proof-sheets had been sent to the censor; if not, he declared his intention to apply for a relaxation of the rules, which he requested to be furnished with, "as he was only acquainted with them in the mode of conducting the department of censor by Mr. Ricketts, and as Mr. Adam had departed materially from what he understood to be the established practice." Mr. Adam answered affirmatively all the above inquiries, and stated that he only desired the observance of the rules already established by former practice, and by the letters which he had addressed to him on the subject.

Removal of the Censorship.

On the 19th August 1818, the following new Regulations, superseding the censorship, were passed by the Governor-general in Council, for the conduct of the editors of newspapers:

"The editors of newspapers are prohibited from publishing any matter coming under the following heads, viz.

"1st. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the Government of India, or disquisitions, on political transactions, of the local administration, or offensive remarks levelled at the public conduct of the members of the Council, of the judges of the Supreme Court, or of the Lord Bishop of Calcutta.

"2d. Discussions having a tendency to create alarm or suspicion among the native population, of any intended interference with their religious opinions or observances.

"3d. The republication from English or other newspapers of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

"4th. Private scandal and personal remarks on individuals tending to excite dissension in society."

The rules prescribed for the guidance of the editors of the Calcutta papers, were reported to the Court of Directors in the public letter from Bengal, dated 1st October 1818 (paragraph 78), but no reasons were assigned for the change of system, either on the consultations of Government or in the despatch to the Court.

Draft of a proposed despatch to Bengal respecting the press, sent to the India Board, and not returned.

• The Court having been desirous of replying separately to such part of the communication from the Bengal Government of the 1st October 1818, as related to the press, prepared the draft of a despatch, which was sent up officially to the India office for the sanction of the Board of Commissioners, on the 7th April 1820; but the draft has never been returned by the Board, nor has the Court received any official communication respecting it.

The following extract from the proposed despatch will explain the sentiments and object of the Court in framing it:

"It is clear, from the tenor of these new Regulations, and from the nature and extent of the

the restrictions imposed by them, that you have not intended to liberate the press of Calcutta from all control on the part of Government, although an inference, even to that latitude, might have been drawn, from an article in the Madras Government Gazette of 12th August last, purporting to be an answer of the Governor-general to an address from the inhabitants of Madras. The only question, therefore is, whether the new system of control is likely to prove at once equally efficient with that which it supplanted, and less inconvenient to individuals. After the fullest consideration which we have been able to give to the subject, it is our decided conviction that neither the Government, nor the public, nor the editors will benefit from the change.

“ With this conviction we positively direct that, on the receipt of this despatch, you do revert to the practice which had prevailed for near 20 years previous to 1818, and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our presidencies in India.

“ The inconvenience and public scandal which have resulted from the sudden liberation of the press at Calcutta, while that at Madras continued under control, are too notorious to require particularizing here, and could not but be the consequence of so hasty and partial a measure.

“ We do not by any means intend that the direction now conveyed to you should be understood as implying a determination on our part to maintain in perpetuity the system of previous inspection, as established for the last 20 years; but we mean distinctly to show, that we cannot consent to have great changes made in any part of our existing system, without a previous communication to us, and a previous signification of our approval, and especially without some efficient substitution in the room of the Regulations proposed to be rescinded.”

It remains for us shortly to trace the results of the new system established in Bengal in 1818.

At a meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of congratulating Lord Hastings on the successful issue of the Pindarry and Mahratta war, it was resolved to present an address to his Lordship, in which there was the following passage: “ While contemplating this important subject, it must have occurred, that to the attainment of truth freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government; and that liberty of discussion served but to strengthen the hands of the executive. Such freedom of discussion was the gift of a liberal and enlightened mind, an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of your Lordship’s administration.” The Governor-general, adverting to this portion of the address, in his reply, was represented in the Madras Government Gazette to have expressed himself as follows: “ One topic remains. My removal of restrictions from the press has been mentioned in laudatory language; I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for those invidious shackles, might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment; on the contrary, it acquires incalculable addition of force. That government which has nothing to disguise, wields the most powerful instrument that can appertain to sovereign rule. It carries with it the united reliance and effort of the whole mass of the governed; and let the triumph of our beloved country, in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments.”

Address of the inhabitants of Madras to Lord Hastings.

12 August 1819.

No allusion having been made by Lord Hastings, in this communication, to the restrictions imposed by Government on the press by its orders of August 1818, it seems to have been inferred, at least by some of the editors of papers, that it was not intended to enforce those restrictions.

In June 1819 some paragraphs appeared in the Calcutta Journal, grossly aspersing the character of Governor Elliot, and representing his continuance in office as a public calamity. The Advocate-general having been called upon for his opinion as to the advisableness of instituting legal proceedings against Mr. Buckingham, the editor, rather discouraged the adoption of this course. The Government felt strong objections to exercise its extreme powers, by depriving Mr. Buckingham of his licence to remain in the country, considering that it was the first offence which had occurred since the removal of the censorship. It was therefore deemed sufficient severely to reprove Mr. Buckingham, and to warn him of the inevitable consequences of violating the restrictions which had been imposed when the censorship was taken off. Mr. Buckingham expressed contrition for his offence, and pledged himself to avoid inserting in his paper objectionable matter in future.

Attack on Governor Elliot in the Calcutta Journal.

In January 1820 certain observations appeared in the Calcutta Journal, under the head of “ A Notice to Subscribers under the Madras Presidency,” clearly intending to convey the impression that the Government of Fort St. George had taken measures, unjust in themselves, and originating in improper motives, to impede the circulation of that Journal.

Attack on the Government of Fort St. George in the Calcutta Journal, for impeding its circulation.

Mr. Buckingham was admonished of the impropriety of his conduct in violating the rules which Government had laid down for the conduct of the press, particularly after having so lately experienced its indulgence, and was warned of the *certain consequence* of his again incurring its displeasure. He was, at the same time, required to publish in the Calcutta Journal, a distinct acknowledgment of the impropriety of his conduct, and a full and sufficient apology to the Government of Fort St. George. On receiving a notification to this effect, Mr. Buckingham submitted two letters to Government, containing a justification of his conduct. In one of these letters, alluding to the answer of the Governor-general to the address of the inhabitants of Madras, he says, "I conceived that, by this solemn and public declaration, the letter of the restrictions of 1818 was virtually abrogated, as it appeared to my erring judgment, in common with many others, that the sentiments there expressed, and the prohibitions formerly in force, were wholly incompatible, and could not simultaneously exist." Mr. Buckingham's explanation appearing to a majority in council (Mr. Adam dissenting), to afford considerable ground of exculpation, a more modified acknowledgment, than had been before prescribed, was accepted. In concluding the correspondence on this matter, it was observed in the letter of the Government Secretary to Mr. Buckingham: "The rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable, and obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed. Independently of other injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers may lead, it has a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions, which common prudence on the part of the editors would render altogether unnecessary."

Complaint by a Company's officer (inserted in the Calcutta Journal) of the rate of exchange at which the troops in the Nizam's country are paid.

In February 1820 a letter was published in the Calcutta Journal, complaining of the rate of exchange at which the troops in the Nizam's country were paid. Mr. Buckingham having been called on for the name of the author, he gave that of Lieutenant J. Smith, of the 22d Madras Light Cavalry, stationed at Jaulnah. This information was communicated to the resident at Hyderabad, who had drawn the attention of Government to the letter, but it does not appear that any steps were taken in consequence of the communication by the resident.

Attack on the Bengal Government, in a letter signed "Æmulus," which appeared in the Calcutta Journal.

In November 1820, a letter, under the signature of "Æmulus," having appeared in the Calcutta Journal, headed "Merit and Interest," and the Government having regarded it as a production of a very offensive and mischievous tendency, desired the opinion of the Advocate-general as to the probable issue of a legal prosecution, if instituted against the publisher. The Advocate-general stated his opinion, that the letter in question was a libel on the Government and administration of the country, not only highly offensive in its terms, but mischievous in its tendency, and encouraged the measure of prosecution. A prosecution was accordingly resolved on. Mr. Buckingham, on hearing of this determination, implored the compassion of Government; but he was informed that Government saw no reason for staying the proceedings which had been commenced against him. Mr. Buckingham having subsequently, however, addressed a letter to Lord Hastings, disavowing the opinions expressed in the offensive letter, and praying that the prosecution might be abandoned; and this letter having been communicated by his Lordship to the Council of Government, Mr. Buckingham was informed that the prosecution would be waved, on condition that no opposition should be made by his counsel to the motion for a criminal information against him, and that he should address a letter to the Government, comprehending, in unequivocal and distinct terms, the professions contained in his letter to Lord Hastings. These conditions having been complied with, the prosecution dropped.

Attack on the Government, in a letter signed "A Young Officer," in the Calcutta Journal.

In the same month (November 1820) there appeared in the Calcutta Journal, a letter headed "Military Monopoly," and signed "A Young Officer," the tenor of which was considered highly objectionable. Mr. Buckingham, on being applied to, gave up the name of the writer, viz., Lieutenant Edward Fell, 2d battalion, 10th Regiment of Native Infantry, who was severely reprimanded by the Commander-in-chief.

Attack on the Government in the Calcutta Journal for circulating, post-free, the prospectus of a new paper, called "John Bull in the East."

In July 1821, there appeared in the Calcutta Journal of two days consecutively, paragraphs respecting the circulation, post-free, by Government, of the prospectus of a new paper, called "John Bull in the East." These paragraphs having attracted the attention of Government, were referred to the Advocate-general for his opinion, whether they contained fit matter for prosecution: but Mr. Spankie did not think it a case in which it would be advisable to institute legal proceedings.

Attack on the Bishop of Calcutta, in the Calcutta Journal.

In the same month, the Bishop of Calcutta preferred a complaint to Government, founded on an article which had appeared in the Calcutta Journal, containing a charge against him of encouraging and upholding the clergy in the neglect of their most solemn duties. The editor of the Calcutta Journal, having been called upon to state the name of the author, replied that the author was unknown to him, and that he had been induced to publish the article by a conviction that a temperate and modest discussion of the inconveniences likely to result from a want of proper control over military chaplains, might be productive of public benefit. Mr. Buckingham was severely reprimanded for this fresh offence, and informed, that the commission of any new misdemeanor, affecting the authority of Government,

or tending to disturb the tranquillity and comfort of the community, would be followed, without any previous discussion, by the annulment of his licence to reside in India, and by an order for his immediately leaving the country. In the letter addressed to Mr. Buckingham on this occasion, is the following remarkable passage: "When certain irksome restraints which had long existed on the press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extremely useful to all classes of our countrymen in public employment.

"The just expectations of Government have not been answered. Whatever advantages have been attained, they have been overbalanced by the mischief of acrimonious discussions spread through the medium of your Journal. Complaint upon complaint is constantly harassing Government regarding the impeachment which your loose publications cause to be inferred against individuals," &c. &c.

A long letter from Mr. Buckingham, defending the mode in which his Journal was conducted, with reference to the doctrine laid down in the Governor-general's answer to the Madras Address, and setting forth the ruin to which he was exposed, and against which it was utterly impossible for him effectually to guard, by the threatened determination of the Government to send him out of the country, should he again incur its displeasure, produced no change in its sentiments and resolutions.

In November 1821, there appeared a series of articles in the Calcutta Journal, which, in the opinion of Government, displayed a deliberate design to obstruct the course of justice, in the case of an indictment for a libel, which had been found against the editor of that newspaper. The Advocate-general, having been applied to for his opinion and advice, pronounced the articles in the highest degree illegal and mischievous, and advised an application to the Supreme Court for a criminal information against the editor of the paper. The criminal information was applied for and refused; one of the judges (Sir Francis McNaughten,) doubting the power of the Court to grant an information, and the other two judges being of opinion that it was a case in which it would be more proper to proceed by indictment.

Supposed attempt by the editor of the Calcutta Journal to obstruct the administration of justice.

The application of the Advocate-general to the Supreme Court produced a violent article in the next Calcutta Journal, headed "Freedom of the Indian Press," of which the following is an extract:

Attack on Lord Hastings in the Calcutta Journal.

"Such is the boon of a free press in Asia, with which the world has rung for the last three years; and the prasse of those who knew not what awaited it, is not even yet at an end. Such is the salutary control of public opinion on supreme authority, and the value of a spirit, to be found only in men accustomed to indulge and express their honest sentiments."

The words in the latter part of the extract are taken from the Governor-general's answer to the address of the inhabitants of Madras in 1819. Mr. Adam drew the attention of his colleagues in council to this passage, as a grossly offensive and personal attack upon the head of the Government, and as tending consequently to weaken his authority, and bring his administration into contempt. On this occasion, the several members of council recorded minutes, declaratory of their sentiments; and those of Mr. Adam (who opened the discussion) and of the Governor-general are particularly deserving of attention. "That the seeds of much mischief," (says Mr. Adam,) "have been already sown by the writings of the editor of the Calcutta Journal, and those also, who to their own disgrace, and to the signal failure of their duty to the Government and the Company, have combined to support him in his career of insolence and audacity, is, I fear, the case; and though I trust the evil has not spread so wide as to be beyond correction, I cannot contemplate its continued progress without serious alarm, and the strongest conviction that it is the duty of Government to interfere to check it by the application of the powers which the law has placed in its hands, for its own security, and the welfare of the community over which it presides." Mr. Adam did not advise resorting to the exercise of this power, until the result of certain other proceedings against Mr. Buckingham, in the Supreme Court, should be known; adding, however, that he "never had any confidence in appeals to a court of law, as a means of checking the excesses of the press."

Mr. Adam described Mr. Buckingham in the same minute, as "merely the ostensible organ of a party which was arrayed against the Government and the peace of the community." "That such a party exists," he proceeds, "is undoubted, though it is difficult to conceive the motives by which its members are influenced. Little will be effected if that combination is not broken, nor is it tolerable that the servants of the Government, and men living here under its licence and protection, should band themselves against it, and act in declared and systematic defiance of its authority. A more direct reference to the known leaders of this faction is not called for at the present moment; but should it become necessary hereafter, I will not shrink from the duty imposed on me." Further on, Mr. Adam observes: "We must carefully discriminate the effects of such a procedure in England, and in a society, and under a Government so peculiarly constituted as that of India. It is too trite and obvious to require remark, that what may be wisely and safely treated with neglect there, may produce the most deplorable consequences here."

The Governor-general declared in his minute, that "he saw as distinctly as Mr. Adam did, the seriously hurtful effects which must be produced among the young officers of the Honourable Company's army, and even among many inexperienced civil servants, by continued instigation, calculated to excite in them the notion that they, and not the legitimately established members of Government, are the competent and proper judges of what

is expedient for the maintenance of the British interests in India. The regulation of European society in a country so peculiarly circumstanced as this is, must be acknowledged by every one as of primary importance towards the security of our tenure; and I fully subscribe to the observation of Mr. Adam, that a class of observations which, though censurable, are attended with little inconvenience in England, may here cause most dangerous impressions." The Governor-general did not therefore differ from Mr. Adam in principle, although he was averse to the exercise of the authority with which the Government was intrusted by law, of sending a person like Mr. Buckingham out of the country, unless the infliction of such a penalty was not only rigidly demanded, but "the necessity for it broadly visible." His Lordship admitted the existence of a knot of persons at Calcutta, constituting a little confederacy, of which Mr. Buckingham was the tool, and alluded, in terms of incredulity, to information which he had received, that a subscription had been entered into, for the purpose of supporting Mr. Buckingham under the pending prosecutions. "Were the fact substantiated," his Lordship adds, "I could not but hold such an avowed prejudication of the case in the light of a highly culpable attain to the administration of justice, and an indefensible disrespect to this Government. With that sentiment regarding the measure, I should certainly feel myself bound to concur in visiting it with the most decisive castigation." Mr. Fendall, in his minute, observed, that "the general tenor of Mr. Buckingham's publication must have a very baneful effect upon the minds of the dissatisfied and younger part of the service, and which, sooner or later, must be met by its proper punishment." Mr. Stuart, having only lately returned from the Cape, and being but imperfectly acquainted with the transaction under discussion, reserved his sentiments until the question might be revived in a more definite shape.

Dated 19 July 1822.

A letter has just been received from the Bengal Government, in which the attention of the Court is drawn to certain proceedings of the Governor-general in Council, in May last, in consequence of a letter signed "A Military Friend," which was published in the Calcutta Journal on the 17th of that month, and which the Government was of opinion could not be passed over with any regard to its own dignity, or the interests of the public. Mr. Adam having brought this letter to the notice of the Council, Mr. Buckingham was called upon to state, for the information of Government, the name, designation and address of the writer. Mr. Buckingham, after some hesitation, declared Lieut.-colonel W. Robison, commanding His Majesty's 24th Regiment of Foot, to be the author of the offensive letter.

This information having been obtained, Mr. Adam recorded a minute, in which, after animadverting on the mischievous tendency of this and some other articles which had lately appeared in the Calcutta Journal, submitted the following resolutions for the adoption of the Council Board:

"1st. That Lieut.-colonel Robison be removed from the command of his regiment, and directed to proceed to England, to await the final judgment of his Royal Highness the Commander-in-chief.

"2d. That this resolution, and the causes of it, be published to the army in general orders, with observations and injunctions to the effect stated in Mr. Adam's minute.

"3d. That Mr. Buckingham's licence to reside in India be withdrawn, and that he be desired to embark for Europe within a time to be limited."

In these propositions Mr. Fendall and Mr. Bayley expressed their entire and cordial concurrence.

The Governor-general, conceiving the punishment proposed to be inflicted on Mr. Buckingham to be too severe for his offence, seeing that he had given up the author of the obnoxious letter, and addressed two letters to his Lordship, which his Lordship considered to give satisfactory assurance of his better behaviour in future, negatived Mr. Adam's third proposition by his single dissentient vote, under the powers vested in the Governor-general by the provisions of the 33 Geo. 3, c. 52, s. 47.

The other two propositions relating to Lieutenant-colonel Robison were adopted, in the following modified form:

"Resolved, That a letter, under the signature of 'A Military Friend,' published in the Calcutta Journal of the 17th instant, is a gross insult to the Honourable Company's Government, falsely and slanderously asserting that divers abuses and oppressions were permitted by that Government, until they were exposed in the above newspaper, and encouraging the thoughtless to represent grievances through that channel, with all the distortions which inexperience, misapprehension or malignity may prompt, instead of resorting to the legitimate sources of redress, where the grounds of the complaint would be justly measured.

"Resolved, That as the editor of the Calcutta Journal has acknowledged Lieutenant-colonel W. Robison, of His Majesty's 24th Regiment, to have written the letter in question, and to have sent it to him (the editor) for publication, the Governor-general in Council must deem it inexpedient for the interests of the Honourable Company, that the said Lieutenant-colonel W. Robison, unless he can disprove the charge so made against him by the editor of the Calcutta Journal, should be placed in any situation where an important trust may devolve upon him.

"Resolved, That the above opinion be communicated to the Commander-in-chief, and that his Excellency be requested to act in consonance to it."

The Commander-in-chief caused the Resolutions of Government to be communicated to Lieutenant-colonel Robison, but wishing to observe as much delicacy as possible towards him, sent him a leave of absence of 18 months, with the intention that he should precede his

his regiment to England. He was, however, apprised, that the Commander-in-chief would not permit any hesitation or delay in the fulfilment of what Government had prescribed. Instructions were at the same time sent to Lieutenant-colonel Adams, his commanding officer, directing him to question Lieutenant-colonel Robison upon honour, whether he was or was not the author of the obnoxious letter. In the event of Colonel Robison's declaring that he was not the author, all further proceedings were to be suspended and the denial was to be reported to head-quarters. On his admitting himself to be the author, or declining to answer, he was to be asked, whether he meant to act on his leave of absence. In case of his availing himself of it, he was to be allowed two or three days to prepare for his departure; but in case of evasion or hesitation, Lieutenant-colonel Adams was directed to order him to quit the cantonment forthwith, and to proceed straight to Calcutta; and in case of non-compliance, to arrest him for disobedience.

On receiving the communication of the Resolutions of Government, Lieutenant-colonel Robison addressed a violent letter to the Chief Secretary, which determined the Commander-in-chief to bring the Lieutenant-colonel to a court-martial at Bombay, whither he had proceeded.

We particularly solicit your attention to the letter from the Governor-general in Council, in the public department, dated 19th July last, with its enclosures.

We have thus given a short summary of the excesses of the Calcutta periodical press, during a period of upwards of 30 years, down to the date of the latest information which has been received, accompanied with a detail of the measures, both of regulation and punishment, by which they have been met by the Bengal Government.

We now proceed briefly to trace the course of proceeding at the other two presidencies in regard to the press, with the circumstances which influenced it.

On the 12th October 1791, the directors of the Danish East India Company at Tranquebar complained to the Madras Government of "an insertion in the Madras Courier of the 29th preceding," which placed their Company "in a very prejudicial light to the public," and requested that the offensive paragraph might be contradicted under the authority of Government. On referring to the publication complained of, it was discovered that it had been inserted among other extracts from English papers, and had not originated with the editor of the Courier. It was therefore suggested to the Danish Government to prepare a counter-statement, which was accordingly done; and it was inserted in the Courier by order of the Governor in Council of Madras.

Abuses and regulations of the press at Madras.

Complaint of the Danish East India Company against the editors of the Madras Courier.

About the same time Mr. Landon, a civil servant of the Company at Madras, complained to the Government of a libel on him, which had also appeared in the Madras Courier, under the title of "A Chinese Anecdote." Mr. Abbott, the ostensible editor of the Courier, was immediately called upon to explain how the publication in question was received, and from whom, with his reasons for allowing the insertion of it in his paper. In reply, he referred the Government to Mr. James Stuart Hall, as the real editor of the Courier, who, when applied to, disclaimed all idea of the publication in question having been designed to reflect on any individual, and expressed his readiness to insert any counter-publication that the Government might direct; but he omitted in his letter to state who was the author of the offensive paper. Mr. Hall's answer being referred to Mr. Landon, with a desire that he would state whether the explanation was satisfactory to him, and with an assurance that Government would order the editor to insert any paragraph he might think necessary, in order to do away the unfavourable impression the publication might have made, Mr. Landon particularly adverted to the omission, on the part of Mr. Hall, to name the author, and submitted the form of such an apology as he considered necessary to the vindication of his character. Upon receipt of this letter, the Government again called upon Mr. Hall to give up the author, which he solemnly declared his inability to do, asserting that he knew not from whom the paper was received, and repeating his assurances that he had no suspicion of its libellous tendency at the time of its publication. He was, therefore, ordered to insert an apology in his next paper, containing a statement to the foregoing effect.

Libel on Mr. Landon, a civil servant, published in the Madras Courier.

On the 2d April 1795, the first number of a paper, called "The India Herald," was published at Madras, (without the authority of Government,) by a Mr. Humphreys, an unlicensed person, who, it appeared, had distributed it gratis. It appears also, that he had made an application, in September 1794, to be allowed to publish a paper at Madras, which was refused.

Case of Mr. Humphreys, the editor of the India Herald.

The above paper having contained several gross libels on the Government and on the Prince of Wales, it was resolved (the opinion of the Attorney-general having been first taken as to the legality of the proceeding) to arrest and send Mr. Humphreys to England, under the Act 33d of the King, as an unlawful trader. He defeated this intention, however, by effecting his escape from the ship on which he was embarked.

The conduct of Government towards Humphreys was entirely approved by the Court of Directors.

On the 12th December 1795, the editor of the Madras Gazette was prohibited from publishing copies of the general orders of Government, until they had been submitted for the inspection of the Military Secretary.

Publication of Government general orders, previously to their inspection by the Military Secretary, prohibited.

On the 29th June 1799, it was determined that all newspapers should be submitted to the inspection of Government previously to their publication.

Imposition of the Censorship.

Special prohibitory orders issued to the editors of newspapers.

On the 30th November 1799, the editors were desired not to print or publish any paper, of whatever description, relative (directly or indirectly) to the orders of the Government, or to the affairs of the army, unless such paper should have been previously submitted to the consideration of Government.

In July 1807, the Bengal Government having requested that an order might be issued to the editors of the Madras papers, prohibiting them from publishing naval intelligence (except such as should be previously sanctioned by Government), an order to the editors was issued accordingly.

Managers of the printing presses at Madras ordered not to publish any book or paper without the previous sanction of Government.

In August 1807, the Madras Government received from Sir Henry Gwillim, one of the judges of the Supreme Court, a printed copy of a charge which he had delivered to the grand jury at the preceding sessions, containing, as it was conceived, an attack upon the Government. On receipt of this paper, Lord William Bentinck recorded the following minute: "It is necessary, in my opinion, for the public safety, that the press in India should be kept under the most rigid control. It matters not from what pen the dangerous matter may issue; the higher the authority, the greater the mischief. We cannot prevent the judges of the Supreme Court from uttering in open court opinions however mischievous; but it is in our power, and it is our duty to prohibit them from being circulated through the country by means of the press. Entertaining strongly this sentiment, I would recommend, that the order of Government may be given to all proprietors of printing presses, forbidding them, upon pain of the utmost displeasure of the Governor in Council, to print any paper whatever without the previous sanction of the Governor in Council, communicated by the Chief Secretary."

A circular letter was accordingly addressed to the proprietors of the several printing presses at Madras, calling upon them to state whether they had printed the offensive charge; in reply to which the agent of the Madras Gazette acknowledged that the charge had been printed at the Gazette printing-office, at the request of the grand jury, adding, that he was not aware of having "acted inconsistently with former usages," and that nothing could be further from his intention than, in any respect, to disobey the orders of Government. The superintendents and managers of the several printing presses at Madras were, on receipt of this letter, desired, as recommended by the President, not on any account to publish any book or paper which might be sent to them for that purpose, without having previously obtained the sanction of the Government.

Proceedings of a Court-martial forbidden to be published.

In January 1808, the manager of the Madras Monthly Journal Press was refused permission to publish the proceedings of the court-martial on Lieutenant J. H. Close, of His Majesty's 25th Regiment of Light Dragoons, of which he had received a copy from that officer, attested by the acting Judge Advocate-general.

Editors of the Madras newspapers ordered to contradict an erroneous statement respecting a French officer which had been published in the Madras Courier.

Special prohibitory orders issued to editors of newspapers.

In the Madras Courier Extraordinary, of the 29th March 1808, there appeared an account of the action between the British frigate St. Fiorenzo and the French frigate La Piedmontaise, which terminated in the capture of the latter; containing some unmerited reflections on the conduct of the French commander, Captain Eperon, towards two British officers who had been his prisoners. This statement was contradicted by the governor of Ceylon, in a letter which he directed his secretary to address to the secretary to Government at Madras; and orders were, in consequence, immediately issued by the latter Government to the editors of all the newspapers to publish the contradiction. They were at the same time again desired to abstain from all observations of a nature injurious to the characters of public officers and private individuals; and further, to avoid generally the insertion of any articles of intelligence that might be connected with public affairs in India. The injurious statement respecting Captain Eperou was contradicted in the Madras Gazette of the 13th of April.

Trial of Roya Reddy Row and Anunda Row not allowed to be published.

In January 1809, the Madras Government refused to comply with a request of Messrs. Abbott and Maitland, for permission to publish the trial of Roya Reddy Row and Anunda Row.

Address of some of the gentlemen of the Supreme Court at Madras to Sir Henry Gwillim, and reply of the latter previously to his embarkation for Europe, not allowed to be published.

A few days after the embarkation of Sir Henry Gwillim, on his return to England in 1809, a proof of one of the newspapers was submitted to the Secretary to Government in the usual form, containing an address to Sir Henry from some of the gentlemen attached to the Supreme Court, with his reply. These papers, of which no copies were retained, are described as having been of the most exceptionable character; and their publication was prohibited by authority of the Government, against whose decision Mr. Marsh, a barrister of the Supreme Court, and the agent of Sir Henry Gwillim, made a strong but ineffectual remonstrance.

Editor of the Madras Courier censured for not having submitted his paper to the inspection of Government previously to publication.

In 1816, intelligence (which afterwards turned out to be false) was inserted in the Madras Courier, of the loss of His Majesty's ship Cameleon. Of this, and some other paragraphs, calculated to wound the feelings of the officers of His Majesty's squadron, and their friends and relations, Captain Weir, the senior officer on the Madras station, complained to Government, which passed a strong censure on the editor, for having neglected to submit the paragraphs complained of for revision.

Insertion of literary, scientific or miscellaneous articles in the Madras Advertiser prohibited.

In 1817, the editor and proprietor of a paper, called "The Commercial Circulator," who had been prohibited from publishing any literary, scientific or miscellaneous articles, complained that a newly established paper, called "The Madras Advertiser," published articles of this description, and requested either to be allowed the same indulgence, or that the prohibition

hibition should be extended to his competitor. Orders were, in consequence, issued by Government, that the Advertiser should in future confine itself to the same articles of intelligence as the Circulator.

In 1818, the editor of the Madras Gazette was called to account for having advertised a French government lottery at Pondicherry.

Editor of the Madras Gazette censured for having advertised a French government lottery at Pondicherry. Complaint of the editor of the Madras Courier of the conduct of the Censor.

In 1819, the Chief Secretary, who exercised the functions of censor of the press, expunged, in a proof-sheet of the Madras Courier, a long political article on the affairs of Spain, of which the editor complained in terms which were deemed indecorous; but on his disavowing any intentional disrespect, the disavowal was accepted.

In the same year, a proof-sheet of the Madras Gazette Extraordinary, containing an account of the proceedings of a meeting of the inhabitants of Madras, held at the Exchange on the 26th May 1819, for the purpose of addressing the Governor-general, having been submitted to the Chief Secretary, he refused to sanction the publication. The editor of the Gazette sent in a representation against this refusal, pleading the accuracy of his report, and the impossibility of preventing the publication; but the Government saw no reason for calling in question the propriety of the mode in which the Chief Secretary had exercised his discretion in the instance in question.

Account of the proceedings of the meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of addressing the Governor-general, not allowed to be published.

In June 1820 Governor Elliot, before resigning the government of Madras, recorded a minute, in which, with reference to the state of the Indian press, he expressed himself as follows:

Minute of Governor Elliot on the state of the Indian press.

"I have been subjected to much scurrility and personal abuse in the public prints, which have found protection and encouragement at Calcutta, in conjunction and in unison with certain descriptions of persons within this presidency, who are desirous of emancipating themselves from the operations of the censorship of the press.

"Their principal objects have been to disseminate the worst political doctrines of the times, to bring the constituted authorities, both in Europe and in Asia, into contempt, to spread feuds in private society, and to provide profits for lawyers from prosecutions of libels in courts of justice.

"The resistance for some time made here to such attempts, by maintaining the censorship over the press, has drawn down upon me the abuse of the ill-disposed. I trust, however, the authorities in Great Britain, whom I respect, and whose approbation I am ambitious to obtain, will not be misled by these base attempts, proceeding from such contemptible sources.

"It is not at this board that I am called upon to discuss subjects connected with the use or abuse of what is styled a 'Free Press.' It will be perfectly sufficient for me to observe, that when I assumed the reins of government I found the press subjected to the control of an official censor, in the person of the Chief Secretary. Whatever my private sentiments may be on this subject, I thought it my duty not to allow any change to be forced upon me, as far as it was in my power to prevent it, in a concern of such vital importance to the interests of the East India Company in Asia, without the previous orders of my Honourable Employers.

"Upon this principle, as a faithful servant, I have submitted in silence to the malevolence of faction; and I now throw myself entirely upon the liberality of the Honourable Court for my justification."

The Madras Government, in a late political letter to the Court, dated 19th July 1822, have particularly recommended to the Court's attention a minute of Sir Thomas Munro (in which the other members of Council unanimously concurred), containing his sentiments on the danger to be apprehended from a free press in India.

Minute of Sir Thomas Munro on the Indian press.

In June 1791 the editor of the Bombay Gazette promised to pay attention to every order of Government respecting publications in that paper.

Abuses and regulations of the press at Bombay.

On the 28th September 1791 some severe comments were made in the same paper on the state of the police, which were considered to reflect unjustly on Mr. Anderson, the deputy of police (who had previously complained to Government). The Government, in consequence, expressed its disapprobation of the insertion of the objectionable paragraphs, and desired the editor in future to send the proof-sheets of his paper to the Secretary, for the inspection of Government.

Editor of the Bombay Gazette directed to submit the proof-sheets of his paper to Government previously to publication.

In October 1791 the editor of the Bombay Gazette requested that his paper (like the Madras Courier) might be officially and exclusively authorized by Government, promising, in that case, that no insertion should appear therein unauthorized by the Secretary to Government (to whom proofs were to be sent previously to publication). This request was complied with, and the paper denominated the "Government Paper."

Bombay Gazette exclusively authorized by Government, and denominated the "Government paper."

"The Bombay Herald" having inserted a passage, purporting that Lieutenant Emmitt, then at Poona, was prosecuting his surveys, it was thought that the promulgation of such an object might be attended with inconvenient consequences; the editor was therefore sent for, and directed in future to send the proof-sheet of his paper to the Secretary, for the inspection of Government, according to the rule observed by the editors of the other papers.

Proof-sheets of the Bombay Herald ordered to be submitted for the inspection of Government previous to their publication.

Exclusive patronage of Government conceded to the proprietors of the Bombay Gazette.

In September 1792, the proprietors of the Bombay Gazette represented the heavy expenses they had incurred, in order to render their paper subservient to the purposes of Government, and the numerous difficulties they had had to encounter. On these grounds they solicited the exclusive patronage of Government. Their request was complied with, and a declaration ordered to be published, that the insertion in the Bombay Gazette of the Board's orders and resolutions was to be considered a sufficient notification thereof to any servant of the Company.

Proprietor of the Bombay Gazette censured.

In July 1802, the proprietor of the Bombay Gazette was censured for inserting the advertisement of an intended publication of the trial of Mr. Bellasis for murder, and directed to make a public apology for the same in his next paper, on pain of forfeiting the Company's protection, and of an immediate stop being put to his press.

The proprietor expressed his regret for the insertion of the advertisement, which he said had been sent to the office by one of the advocates employed in the cause, with the alleged concurrence of the parties concerned, and an apology was afterwards inserted in the Gazette, in obedience to the orders of Government.

The advocate strongly objected to the insertion of the apology, in which it was stated "that the work advertised was compiled under the influence of individual prejudice." The editor, in reply, stated, that Government insisted on the insertion of the apology, as it originally stood, and that therefore he must insert it.

In December 1804, Mr. Hallet, the editor of the Bombay Courier, proposed to Government to resign the management of that paper to Messrs. William Erskine and Edward Nash, and the proposition was accepted.

Apology made by the editors of the Bombay Courier.

The new editors had almost immediate occasion to apologize for the insertion, in their paper, of an article which had not received the previous sanction of Government.

Second apology of the editor of the Bombay Courier.

In January 1805, the editor of the Bombay Courier apologized for having, from press of time, inserted an article without having previously submitted it for the inspection of Government, and promised not to offend in like manner again.

Special prohibitory orders issued to the editors of newspapers.

In July 1807, the editors of the Bombay papers were directed (in obedience to the instructions of the Supreme Government) not to publish articles of naval intelligence, except such as should be sanctioned by Government.

Transfer of papers to new proprietors without the assent of Government, prohibited.

In 1810, Mr. Fearon having signified to the Chief Secretary that the Bombay Gazette had been transferred to him by Mr. Macklin, it was notified to Mr. Macklin that he should not have made the transfer without the assent of Government.

Advertisements of sales intended to take place on Sundays forbidden to be inserted in the Bombay Courier.

On the 29th December 1811, Government ordered the editor of the Courier to be informed, that an advertisement in that paper of a sale of certain premises on a Sunday was considered extremely objectionable; they, therefore, directed him in future to refuse admission to advertisements of sales intended to take place on *Sundays*.

Removal of the censorship.

In December 1819, the regulations established in 1818, for the conduct of the press in Bengal, were introduced at Bombay; but in the minute proposing this measure, Mr. Elphinstone recommended "that the warning regarding the measures to be adopted in case the regulations were infringed, should be so strong and explicit, as to justify prompt and severe examples if those regulations should be disregarded."

General result of the foregoing review.

From the foregoing review it appears that, from 1791 to 1799, the Bengal Government limited its interference with the press in India, in cases of venial offences, to expressions of its disapprobation, and to requisitions of apologies from offending editors; that, in two cases of aggravation, it exercised the power with which it was invested by law, of sending the offenders to England; and that, in one instance, it suspended the offending party from the Company's service; that the Calcutta press was subjected to a censorship in 1799, and remained subject to that check till 1818; and that during that period no case had occurred which it was found necessary to visit with the severe displeasure of Government; that the censorship was removed in 1818, and that instead thereof rules were laid down for the conduct of editors of journals; and that ever since the restrictions then imposed have been set at nought, and the Government has been involved in an almost constant but unsuccessful conflict with an individual editor, it having failed in one prosecution, and declined exercising its power of sending him home, because of other prosecutions which have been instituted against him in the Supreme Court. It further appears that one instance had occurred, previously to the introduction of the censorship at Madras, in which the Government had found it necessary to order an editor of a paper to Europe; that the censorship has not yet been removed by the Madras Government; and that at that settlement, so far as is known, the local press causes neither uneasiness to Government nor disturbance to the community; but that the Madras Government, with reference to what has been done elsewhere, and to the general agitation of the question, have lately represented to the Court, in the strongest terms, the impolicy and danger of liberating the press from the most absolute control. And, lastly, it appears that at Bombay, where the censorship was imposed as early as 1791, no case had occurred under its operation against which the Bombay Government thought itself called upon to proceed with severity; but that in December 1819, the censorship was taken off, and that the same regulations for the conduct of the press were established at Bombay as in Bengal.

Political letter from Madras, 19 July 1822.

We fear that the foregoing detail may have been found somewhat tedious (more particularly

larly as the proceedings which have been adverted to are given at length in the accompanying Appendix); but we have been desirous, in the summary which has been given, to lay a groundwork of facts for the considerations which we are now about to submit.

The advocates for a free press in India rarely express themselves with much discrimination or precision; but it is to be supposed that, by a free press, they mean the right of every individual, Native as well as European, publicly to discuss every subject, political, moral and religious, with as much freedom as is done in this country. It is to be supposed also, that, in pleading for this degree of freedom, they are actuated by a conviction that much benefit will result from it, either to the European or to the Native part of the population, or to both; and that this benefit may be obtained without danger to the Government, or risk to the connexion between India and Great Britain.

What is meant by freedom of the press in India?

The European population of British India consists of three classes; the civil and military servants of the Company, and the officers and soldiers belonging to His Majesty's and the Company's European regiments stationed there; the members (not numerous) of mercantile houses and European shopkeepers established chiefly at the three presidencies, and a class of adventurers who have gone thither with or without permission, many of whom are ready to embark in any pursuit which offers the prospect of affording a livelihood.

Indian population, how divided.

1st. With respect to the civil and military servants of the Company, and King's officers and soldiers, the duty at all times incumbent on them of supporting the Government, and setting an example of alacrity in its service, and prompt obedience to its orders, is wholly incompatible with the right of canvassing its measures. In no country is the military a deliberative body, and, as respects the civil service, there can be no greater absurdity than to constitute the subordinate officers of Government censors of the public acts of their superiors. The opportunity, however, which a free press would afford to every one of stating his grievances, and of giving vent to his dissatisfaction, would probably serve as a trap to the inexperienced and unwary in both branches of the service; and young men, who imagined that they had cause to complain, either of their immediate superiors or of the Government, would be tempted to come forward with an exposition to the public of supposed slights and injuries. The want of society in many situations would favour this disposition to complain, and hence there is reason to apprehend the prevalence of a practice which would be quite fatal to the discipline of the service, and, in cases of detection, to the interests of the individuals resorting to it. It appears from the summary of facts already given, that, in 1798, before the imposition of the censorship, a military officer was compelled to quit the service for publishing a letter in a newspaper; that, in 1820, since the removal of the censorship, another military officer was severely reprimanded by the Commander-in-chief; and that only a few months ago a lieutenant-colonel in a King's regiment was ordered home for the same offence. Indeed, the following general orders, published in the Calcutta Gazette of the 13th June last, show that the practice in question has, unfortunately, already become too common:

A free press could not benefit the civil and military servants of the Company.

"Head-quarters, Calcutta, 8th June 1822.

"The Commander-in-chief has observed, with great dissatisfaction, a practice indulged by officers, or by persons assuming that character, of addressing anonymous complaints to the public, through the newspapers, respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented, through the inexperience, the miscomprehension, or the perverse views of the writer; consequently, the appeal is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected, so that the purpose must be to give a general impression of inattention, oppressiveness or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit, however, of an officer's thus casting off his just and requisite dependence on his military superiors must not be permitted. The Commander-in-chief, therefore, in the strictest manner, prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer (and means will be taken to make the discovery almost inevitable), the Commander-in-chief will immediately submit to the Governor-general in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service."

2d. It is not less difficult to perceive what benefit could accrue from a free press to the class of respectable European merchants established in India, whilst it is easy to see why this, in common with other classes, have an interest in the press being subjected to proper regulations. Their time is much occupied with business; and the taste for political intelligence, where it exists, may find the ready means of gratification in the perusal of English newspapers and other periodical works. The social circle in which they move, being circumscribed, is easily disturbed, and in such circumstances every thing, whether in the shape of personal allusion or of general remark, tending to create political differences, produces a degree of uneasiness and agitation, of which it is difficult for persons living in an European capital to form an adequate conception. It is no answer to this, to say that the ~~will~~ will carry its own remedy along with it, and that few persons will continue to subscribe for publications which disturb the harmony of society. The passions of men, taken in the

A free press would not be desirable to the European merchants.

aggregate, are too strong for their reason, and every day's experience shows that, though there is not a less defensible, there is not a more effectual, mode of giving extensive currency to a journal than by enlisting on its side the worst propensities of our nature.

A free press would be dangerous in the hands of European adventurers.

3dly. To the class of adventurers, whether licensed or unlicensed, who are unemployed, whether from choice or necessity, a free press might indeed furnish amusement or occupation. But the taste of such as are idle from choice is not to be consulted, nor is it a matter of public concern to provide for those who proceed clandestinely to India. Persons who go to India with a licence have, in almost all cases, the prospect of obtaining a subsistence in another way; still it is probable that the conduct of the press in India would fall into the hands of this class, were periodical publications to be indefinitely multiplied. To cut off from those already there an employment which they never contemplated, cannot be deemed the infliction of a hardship. To encourage, by new inducements, an influx to India of Europeans not in the Company's service, would be a departure from the policy which has been hitherto observed in maintaining the connexion between the two countries. And, without meaning to speak disparagingly of this class, it is not composed of persons qualified by their literary attainments to conduct the press to advantage; neither is there a sufficient security in their characters against its being converted into an engine of great mischief.

The press in India cannot be monopolized by Europeans.

It would be altogether unfair, and, were it fair, it would be utterly impracticable to confine the liberty of the press in India to works printed in the English language. The fact of four newspapers being now published in Calcutta, in the native languages, all of which have been established since the removal of the censorship on the English journals by the Bengal Government, is a practical proof of the futility of the notion (if such be entertained in any quarter,) of establishing a monopoly of the press in favour of Europeans. It is not to be inferred, however, because the natives will certainly imitate us in free discussion, that they would have set us an example in that way, much less does it follow that they will benefit from the introduction of this novelty. We think, on the contrary, it can be made to appear, that whilst a free native press could be productive of little or no advantage, it might prevent the accomplishment of much good, and occasion infinite mischief.

A free press in India would be injurious, not advantageous, to the native population.

The native population is composed of two classes, the one of mixed, the other of unmixed blood.

Would be a dangerous instrument in the hands of the half-caste.

The descendants of European fathers by native mothers, constitute the first class, or what is generally termed the half-caste. This class, from its rapidly increasing numbers, its physical and intellectual superiority over natives of unmixed blood, and the impediments to its merging in the Hindoo, the Mahomedan or the European population, cannot fail to become (and this at no very remote period) a source of great anxiety to the Government of India. It would not be easy satisfactorily to state all that might be practicable, and at the same time expedient, for improving the condition of this class, and rendering it a useful body in the community. It is much easier to state what ought not to be done in regard to it. All, at least, will concur in this, that nothing should be done to render it dangerous. To avoid this, no facility should gratuitously be afforded to it, either of annoying the Government or of acquiring an ascendancy over the great mass of the native population; and as a free press (already, to a certain extent, in their hands,) would enable the half-caste to do both, nothing is more to be deprecated than giving them unlimited command of the means of compassing these most undesirable ends.

Not suited to the circumstances of the great mass of the native population, and particularly to the nature of the Government.

Considering the question of a free press with reference to the native population generally, it is impossible to come to a right conclusion, without constantly bearing in mind the difference between the character of the Indian Government, and the character of those governments under which freedom of discussion is admissible.

A free press is a fit associate, and necessary appendage, of a representative constitution. Wherever a government emanates from the people, and is responsible to them, the people must necessarily have the privilege of discussing the measures of the government; and wherever the people choose representatives to make laws affecting their persons and property, the right of animadverting on the mode in which this trust is discharged belongs, of course, to the party delegating it: but in no sense of the terms can the Government of India be called a free, a representative or a popular Government; the people had no voice in its establishment, nor have they any control over its acts.

Substitute for a free press in India.

Under a free government the press is at once the organ of expressing, and the instrument of enlightening and influencing, public opinion; but in India public opinion cannot be said to exist. The advantages to the governed produced by public opinion in other countries, under a free government, are in some measure secured to the people of India by a chain of responsibility, and a gradation of checks, extending from the lowest executive officers in the service, through the local Governments and the constituted authorities at home, to the British Parliament, and through the Parliament to the people of England. The Regulations of the Indian Governments, under which taxes are levied and justice is administered, are not only promulgated in India, but are regularly sent home and laid before Parliament. Every communication which takes place in India, upon every public measure, is placed upon record; and complete diaries of the proceedings of the local Governments, in every department of administration, being annually transmitted to the Court of Directors; the fullest information respecting those proceedings, as well as the proceedings at home to which

which they give rise, are at all times accessible to the public of this country, through their representatives in Parliament; and the Indian Government thus become amenable, in the last resort, to a public far more enlightened than the Indian public, and accustomed, by the enjoyment of popular rights, to view with exceeding jealousy measures originating in absolute power.

The Governments in India exercise a delegated authority, derived from the Court of Directors and the Board of Control. The Government of India resides in this country, and is of course responsible to the English public, in common with the Government of England. It is in this country, therefore, and not in India, that its measures are fit to be discussed.

There is, indeed, a wide-spread and deep-rooted opinion in India, to which we owe much of our success, and the extinction of which would portend the approach of great calamity, namely, the opinion entertained by the natives of our vast superiority and irresistible power. This impression, more perhaps than any other cause, has aided the establishment and diffusion of our dominion in India; and the great advantages which have resulted therefrom to the natives, whose situation under the British Government has been pronounced by a Select Committee of the House of Commons, "to be infinitely superior to what it was under their Mahomedan rulers," is justly ascribed by the Committee, "to the vigour, the efficiency, and, if the expression may be allowed, the unity of its authority, which neither acknowledges nor permits divided sovereignty, but which keeps every other power in subordination to its own." But can it be doubted, that the respect of the natives for our authority would be greatly diminished, and the energy of the Government impaired, by a free press? What a change must the native mind undergo, when they see those whom they have been accustomed to regard as the masters of mankind, engaged in exposing their mutual foibles, misinterpreting measures about which they are only half informed, and denouncing delinquencies where none have been committed? What must the natives think of themselves and of us, when they behold that power which has overthrown mighty empires and subjugated great nations, descending to measure its strength with the editor of a newspaper, and baffled and retiring beaten from the conflict? How can a Government devote its energies to the great interests of the State, when it permits itself to be daily harassed and irritated by the attacks of journalists; or, how can it preserve unity and vigour of action when the press becomes at once its rival and opponent?

Causes, for the most part unavoidable, have been in operation for a series of years, tending gradually to raise the natives in their own estimation, and to lower their opinion of Europeans. The liberal spirit of the British Government, embodied in its institutions, the increase in the number of Europeans residing in India, the disparity in their characters and attainments, and the familiarity occasioned by closer and more frequent intercourse between them and the natives, have doubtless contributed to this change. But as the effect is matter of regret, not of congratulation, it is surely impolitic unnecessarily to assist the silent and almost imperceptible workings of the causes which have produced it, by the application of a new power, better calculated than any other both to magnify and accelerate this result. And if a period could have been selected more unfavourable than another for an experiment, tending in any degree to paralyze the strength of the Government, and to increase its difficulties, it was *that* immediately following a war, ending in an immense extension of territory, and a corresponding accession of new subjects, with whom it has yet to make itself acquainted, and to whom it was manifestly desirable that it should, at the commencement of its rule, exhibit itself in an attitude at once engaging and imposing.

Some well-intentioned persons may be of opinion, that by establishing freedom of the press in India, we should powerfully contribute to improve the moral, intellectual and social condition of the natives. Could we assure ourselves that this would be the certain result, it would undoubtedly be impossible to dissent from the conclusion, that, as it is the first duty of the Government of India to do all the good it can to those who live under it, a free press ought to be employed as an instrument of good.

With such persons it is necessary to come to a proper understanding, as to what is meant by a free press in India. Nobody, we believe, contends for excluding the people of India from a knowledge of moral and religious truth, from an acquaintance with the history of any part of the world, from the benefit derivable from the latest improvements in the arts or sciences, or from any species of useful learning; on the contrary, the Legislature has made provision for supplying them to a certain extent with the means of moral and religious improvement; and the Court of Directors have been, and will always be, most anxious to give effect to and second, by every prudent endeavour, the benevolent intentions of the Legislature. But though newspapers and other periodical works are most numerous where the press is subject to the least restraint, it cannot be admitted that they are the best vehicles of conveying instruction. Very little would be known in a country where there were no other means of obtaining knowledge than periodical journals; and it is easy to conceive a people far advanced in the substantial and useful parts of learning without the ministry of such instructors. Their general aim is to gratify the curiosity rather than to enlighten the understanding; to excite the passions rather than to exercise the reason of their readers. Sir Thomas Munro justly observes, that the grand object of improving the moral and intellectual character of the people of India is not to be attained by "the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but by spreading education gradually among the people, and diffusing moral and religious instruction through every part of the community." "By mild and equitable

A free press would tend materially to lower the European character in the estimation of the natives, and diminish the energy of the Indian Government.

A free press, instead of promoting the improvement of the natives, would lead to insurrection, and the most fatal consequences.

government," he proceeds, "by promoting the dissemination of useful books among the natives, without attacking their religion; by protecting their own numerous schools; by encouraging, by honorary or pecuniary marks of distinction, those where the best system of education prevails; by occasional allowances from the public revenue to such as stand in need of this aid; and above all, by making it worth the while of the natives to cultivate their minds, by giving them a greater share in the administration of the country, and holding out the prospect of filling places of rank and emolument, as inducements to the attainment of knowledge, we shall by degrees banish superstition, and introduce among the natives of India, all the enlightened opinions and doctrines which prevail in our own country." Whatever good is brought about in this way, will be effected gradually, so that by observing the progress of knowledge we shall be able to meet it with suitable changes in our institutions. But Sir Thomas Munro truly observes, that ill-judged precipitation, and attempts to effect in a few years what must be the work of generations, may not only frustrate all the benefits which might have been derived from a more cautious and temperate proceeding, but produce general insubordination, insurrection and anarchy. The grounds of this opinion are stated forcibly and at length in the minute of the Governor of Madras, and we doubt not that they will obtain from His Majesty's Government all the attention which is due to them from Sir Thomas Munro's long residence in India, his intimate acquaintance with the native character, and that sagacity of mind which he possesses in an eminent degree. It is impossible to suppose that a foreign government, however strong and beneficent its character, should not be obnoxious in some degree to those who live under it. It is humbling to the pride of the people, and where they differ, as in India, in religion, in language, in manners, in colour and in customs, from those who administer the Government, there cannot be much sympathy or attachment between them. Though the situation of the large body of the people may now be greatly better on the whole, than it was under their native governments, there are not a few, particularly among the Mahomedans, who have suffered from the change. These, we may be sure, will always be ready to avail themselves of any opportunity for retrieving their fortunes, and we know not that they could desire a more efficient auxiliary than a licentious press, labouring daily to extinguish all respect for our character and government in the minds of their countrymen. The tendency and effect of our system has been to beget, in the minds of the people at large, a respect for themselves, and notions of their own importance, which makes the task of governing them a more difficult one than it was when they first came under our rule.

But the delicacy of our situation in India cannot be well understood without special advertence to the circumstance of the Government being dependent in a great degree for its security on a native army, which, though better paid, with reference to the wages of labour, than any other army in the world, contains in its organization some elements of discontent. The exclusion of the natives from its higher ranks must necessarily be a source of heartburning to men of family and ambition; and when a sense of mortification is combined with a spirit of enterprise, their joint workings are not easily daunted or repressed. It may be difficult to retain the fidelity of men of this description, with all the care and caution that can be exercised; but it would appear to be either a lamentable infatuation, or unpardonable rashness, to allow them to be goaded on to revolt, by means over which we possess or may obtain control. Whatever English newspapers are published at the presidency, will naturally find their way to the principal military stations. Many of the native officers can read and understand English, and by means of the native servants of the European officers, it will not be difficult for them to obtain the perusal of those papers, containing a perhaps exaggerated representation of their grievances or an inflammatory incentive to rebellion, which, from their assemblage in garrisons and cantonments, they have better means of concerting than any other portion of the population.

On these topics, however, we think it unnecessary to enlarge, persuaded as we are that when the question comes to be properly understood, the establishment of a free press in India will not be either advocated or desired by any considerable body of men in this country, and much less that it will be countenanced by an enlightened Government. But when the question of the unrestrained liberty of the press is disposed of in the negative, there remains another question to be considered, namely, what restraint ought to be imposed upon it.

What restraints
should be imposed on
the Indian press.

The law of libel is the same in India, within the jurisdiction of the King's Court, as in England. But considering how very differently in many respects the Government of India is circumstanced from that of England, there are publications safely permitted here which there would be extremely dangerous. The Government of England, the growth of many centuries, having struck its roots deep in the affections, interests and habits of the people, and being identified with their individual feelings, domestic enjoyments, and social security, stands unmoved by the shock of clashing opinions and the occasional onsets of a small and hostile minority. The situation of the Government of India is widely different. It is a stranger in the land where it wields its sceptre; its authority, but of yesterday, was acquired and is preserved by means apparently very inadequate to the result; and, without the utmost caution as well as vigilance, it may disappear still more suddenly than when it started into being, and rose to greatness. But the law of libel, though the same in London and Calcutta, will operate very differently in the two capitals, as a curb on the licentiousness of the press. In this metropolis the sensation produced on the huge mass of its population by a libel, and the prosecution consequent upon it, when such takes place, is hardly perceptible beyond a very limited range; and the difficulty of finding an impartial jury to decide

decide on the merits of the case, must be proportionately small. On the other hand, in Calcutta, the European inhabitants scarcely exceed in numbers the population of an English village, or small town, and the state of society in the two communities is not very dissimilar: If in such a community a libel is published, scarcely a person can be found who is not more or less connected with the individual libelled (if it be a private libel), or with the author or publisher of the libel; and if a libel on the Government appear, it is not less difficult to find an unbiassed jury to try it. In England, by what is termed changing the *venue*, the trial of an offence can be transferred from a county where strong prejudices are supposed to exist to another county where an impartial verdict may reasonably be expected. But in India it is impossible to resort to this expedient, because the jurisdiction of the King's Court is confined to the three presidencies. Neither has the Company's Advocate-general the power possessed by the King's Attorney-general in this country, of filing criminal informations *ex officio*; and there is even a difference of opinion on the bench at Calcutta as to the power of the Supreme Court to grant a criminal information.

The Bengal Government, after having in vain, and on various occasions, had recourse to admonition, expostulation and censure, in January last, caused legal proceedings to be instituted against Mr. Buckingham, but the Supreme Court refused to grant a criminal information, although the publication for which he was prosecuted had previously been pronounced by the Advocate-general, in his communications with Government, "in the highest degree illegal and mischievous, and an attempt to overawe and disturb the administration of justice." Such, indeed, was Mr. Spankie's opinion of the publication, that he declared "he could not entertain any doubt that a jury would convict the offender, as he could not conceive that any honest man could doubt its criminal intention and mischievous tendency." Whether the proceeding by indictment was subsequently resorted to in that case, the Court are not informed; but it is known, though not officially, that Mr. Buckingham was brought to trial in January last, on an indictment, found against him by the grand jury, for a libel on the Secretaries of Government, and that he was acquitted.

Never until now, so far as appears from the records, have the Indian Governments resorted to prosecutions in the King's Courts for the purpose of checking the licentiousness of the press, because they had within their own power more effectual means of restraining its excesses.

Over their own servants their power is of course complete, and resident Europeans not in the Company's service, the Governor-general, and the Governors of the two subordinate presidencies, have the power of sending to Europe, when they have so conducted themselves as, in the judgment of the Governor-general or other Governors, to have forfeited their claim to the countenance and protection of Government.

In the exercise of the powers vested in them, the Indian Governments prescribed to European editors of papers such conditions of publication as appeared to them wise and salutary; and the condition always has been, down to this day, submission on the part of the editors to certain regulations for their conduct in that capacity. Those regulations have at different periods been more or less restrictive; and it has been shown that the submission of the proof-sheets of newspapers to confidential officers of Government for revision previously to publication, formed one of those Regulations in Bengal, from 1799 to 1818; that it was adopted in 1799 at Madras, where it still continues in force, and that it existed at Bombay from 1791 to 1819.

It is to be regretted that the reasons for abolishing this Regulation in Bengal have not been recorded. It has been said that the Government, finding that it could not be enforced against half-caste and other native editors, did not deem it advisable to continue to require submission to it from European editors. But besides its being an insufficient reason for doing away a salutary Regulation, that there was a possible evil which it did not reach, this can hardly have been the ground on which the Government proceeded; because at the very time when this Regulation was repealed, others were framed, which Government could no more enforce against native editors, than it could that which had been abrogated. Neither could it have been the intention of the Bengal Government, by annulling the censorship, entirely to emancipate the press from all restraint; for the Regulations which were then imposed, would, if obeyed, at least as effectually have prevented free discussion as the operation of the censorship.

The inconveniences and advantages of the censorship may be briefly stated as follows: The office of censor is an invidious and troublesome one. To a rigorous performance of the duties belonging to it some odium will ever attach, whilst a negligent performance of these duties produces inconvenience of a different sort. As the time necessary for a careful revision of every newspaper cannot always be spared, paragraphs will sometimes be overlooked which it would be desirable to suppress; and Government becomes in some degree responsible for the contents of newspapers published with its cognizance and sanction.

On the other hand, experience has shown that as far as its operation can be made to extend, the censorship is a more efficient check than any other upon the excesses of the press. It has also the great recommendation of preventing offences instead of punishing them. Considering that deportation is the only punishment (that which may result from legal prosecution excepted) in the power of the Indian Governors to inflict on the licentiousness of the press, that such a proceeding has an arbitrary character, the Governor who resorts to it acting in the threefold capacity of accuser, judge and executor of his own sentence; that it is a punishment which may be attended with complete ruin to the object of it; that it is not susceptible of any mitigation; in short, that it is the same in all cases,

however different be the degrees of delinquency in each, and that, therefore, there must be strong repugnance to resort to it; an expedient preventive of those offences which call for the infliction of such a punishment has claims to peculiar favour.

Indeed, the benefits resulting from the censorship cannot better be illustrated than by a reference to the state of things in Bengal subsequently to its abolition. Scarcely a month has passed without complaints on the part of Government or of individuals, of the licentiousness of the press; the disapprobation of the Governor-general in Council has been signified to one individual editor, in every form and tone of reproof; threats of deportation have been held out to him, prosecution has been resorted to and failed, and other prosecutions still pending, have been alleged as a reason for not executing the previous threat of deportation; the settlement is agitated, and the Government is evidently embarrassed. All this, it is presumable from former experience, might have been prevented by the censorship; but all this has taken place under a code of restrictions, the violation of which the Governor-general has not punished with the only penalty he is empowered to inflict.

One thing is obvious, that the system, whatever it may be, should be uniform, and that the censorship ought not to continue in force at one presidency, after it has been removed at another. A local censorship will be worse than useless; for not only will the paragraphs expunged, for example, at Madras, be published at Calcutta, but they will be published as *rejected paragraphs*, with strictures by the Bengal editor on the conduct of the Madras censor.

The objections to the restoration of the censorship considered.

The objections to having recourse to the general re-establishment of the censorship, remain to be considered.

It is objected, first, that, though the removal of the censorship is to be regretted, yet as it has been abolished, it is inexpedient to restore it; and, secondly, that as this check is applicable only to European editors, it will not reach the excesses of the press when conducted really or ostensibly by half-caste or other natives.

The first objection, that the step having been once taken cannot with propriety be retracted, possesses, when examined, very little weight. It is the part of magnanimity and true wisdom, under a conviction of having taken a wrong course, to recede, not to proceed. The Bengal Government has recorded a confession in pretty distinct terms, that it has erred in removing the censorship, and, in some of the minutes of the Members of Council, which have been referred to in a preceding part of this communication, there is to be found something like an indication of a wish to be extricated from the embarrassment consequent upon the error which they have committed. By the change which is about to take place in the Government, the feelings of some of the individuals now composing it would be spared the awkwardness of retraction. And should it not be deemed expedient to expose the new Governor-general to the unpopularity which might attend a return to the former system, the Court, who have always disapproved of the change, would be prepared to take upon themselves to order the re-establishment of the censorship, and to instruct the local government to give publicity to their orders, not doubting that the Governor-general would so avail himself of the powers vested in him by the Legislature, as to give effect to the Court's instructions. The momentary clamour which might be excited by such a proceeding, it is hoped, would soon subside, and all the reflecting part of the community would ascribe it rather to the failure of a liberal experiment, than to any illiberal principle of policy, or to a wavering and undecided temper. But whatever unpopularity might ensue, it would be but a trivial consideration when compared with incurring the guilt, not merely of placing the British interests in India in imminent peril, but of betraying the cause of general civilization and humanity.

With respect to the second objection, that the censorship cannot be extended to journals edited by half-caste and other natives, and that no check will be thoroughly efficient, which does not apply to them as well as to European editors; it may be replied, that it is not reasonable to abstain from applying a palliation to an existing evil, because we cannot cure it altogether; that the evil so justly complained of at present does not proceed from the Native, but from the European press, and that by showing the determination of the Government to check the excesses of the latter, the former may be deterred from passing the limits of moderation. In the event of the native press requiring some more effectual restraints than can be imposed upon it under the existing law, it will be necessary to apply to Parliament to enlarge the powers of the Government. Were the local governments empowered to grant and withdraw licences to printing presses, and to put down any press printing without a licence, such a check would be universally applicable, and would even supersede the necessity of the censorship. It will be for the consideration of His Majesty's Government, whether it will be more expedient now to apply to Parliament for such a remedy, or to delay the application until the necessity of it shall be more clearly demonstrated by subsequent events. But if the more comprehensive check be not immediately applied, the necessity of applying the more limited one is only the more obviously urgent.

We are, &c. &c. &c.

East India House, }
17th January 1823. }

(signed) J. Pattison.
W. Wigram.

— No. 3. —

DESPATCH from the Court of Directors to the *Bengal* Government, dated 6th July 1825.
(Referred to in page 111 of the Evidence.)

2. ON the 7th of June 1824 we received your Letter in this department, dated the 30th December 1823, informing us that in virtue of the power vested in you by the Act of the 53d of Geo. 3, c. 155, s. 104, you had sent Mr. Sandford Arnot, late Assistant Editor of the *Calcutta Journal*, to England, on board the Company's chartered ship *Fame*, bound in the first instance for *Bencoolen*; and also stating the circumstances which had induced you subsequently to withdraw your license from the *Calcutta Journal*, in virtue of the rule, ordinance and regulation made and issued by you on the 14th March 1823, and duly registered and published in the Supreme Court on the 4th April following, with the consent and approbation of that Court, under the provisions of the Acts of the 13th Geo. 3, c. 63, s. 36, and the 40th Geo. 3, c. 79.

3. In our despatch from this department, dated the 30th July 1823, we "assured you of our most strenuous and cordial support in whatever legal measures you might adopt in the exercise of your discretion, for the purpose of restraining the licentiousness of the press in India, from which, if unchecked, the most dangerous consequences are to be apprehended." This assurance we now repeat, subject of course to the right reserved to ourselves of making such remarks as we may think called for by your proceedings in this as well as other matters.

4. By the Act of the 53d Geo. 3, c. 155, s. 104, it is enacted, that it shall and may be lawful for the Governor-General or the Governor or chief officer of any of the Company's settlements to arrest and send home any native of Great Britain residing in India, without license or other lawful authority for that purpose. By section 37 of the same Act it is declared not lawful for the Company's Governments to authorize the residence of any such unlicensed British subject; but a power is reserved to the Governor-General or Governor of any of the Company's presidencies to authorize by special license the residence of any British subject for extraordinary reasons, to be entered on the minutes of council, until the pleasure of the Court of Directors shall be known in that behalf.

5. This power of mitigating the severity of the law is entrusted wholly to the Governor-General or Governor of the presidency, to be exercised by him at his own discretion and on his own individual responsibility. Our former despatches, especially those of the 12th May 1819, paras. 140 to 156, and 7th January 1820, paras. 2 and 4, will have apprized you of our unwillingness to permit the residence of unlicensed persons in India.

6. We should therefore not feel ourselves in any degree called upon to observe on the Governor-General's not having on the present occasion seen any special grounds to except Mr. Arnot from the general operation of the Act of Parliament, but that his Lordship has brought the question before the Council, and that you have in this despatch assigned your reasons for Mr. Arnot's removal.

7. It cannot have failed to occur to you that the measure of ordering Mr. Arnot home after he had, under the sufferance of your Government, resided at *Calcutta* for three years, found the means of obtaining a livelihood and formed an advantageous connexion there, was infinitely more severe than if you had prohibited his continuance upon his first arrival in India.

8. We think that this prolonged residence of Mr. Arnot under sufferance, if not permission, did so far except his case from the general rule as to supply sufficient reasons for not applying that rule to him so long as he continued to conduct himself properly.

9. The passages in the *Calcutta Journal* to which you have drawn our attention were, undoubtedly, highly objectionable, and evinced a contumacious and refractory disposition on the part of the editor. If you had reason to believe that Mr. Arnot was the real author of these paragraphs, and that the principal editor was only the nominal conductor of the paper, put forward ostensibly because his birth in India exempted him from removal, we do not deny that you were called upon in the exercise of your duty to enforce the law in his case.

10. This, however, nowhere appears in your correspondence.

11. Under the circumstances reported to us, therefore, we regret that you did not accept the promise which Mr. Arnot declared his readiness to make in the most solemn manner, to relinquish all connexion directly or indirectly with any publication within the Company's territories, on receiving your permission to remain in the country.

12. We further and still more regret that you did not think fit to comply with the prayer of the respectful and submissive Memorial addressed to you by Mr. Arnot from *Bencoolen*, on the 14th February 1824, after the destruction of the ship *Fame*, on which he had been sent a passenger, soliciting leave to return to *Bengal* under circumstances calculated, certainly, to excite commiseration. A copy of Mr. Arnot's memorial was forwarded to us by Sir Thomas Stamford Raffles; and we were anxiously expecting to hear of your compliance with Mr. Arnot's request when his arrival in this country on board the "*Mellish*" was announced to us without any communication from you of your reasons for again refusing the solicited indulgence. Having been disappointed in this expectation, we could not longer delay replying to your letter dated the 30th December 1823.

13. The strong measures adopted and persevered in against the individual in question appear to us to have been less necessary, seeing that you had the power, under the rule, ordinance and regulation made and issued by you on the 14th March 1823, to revoke the license granted to the *Journal* with which he was connected, in the event of the license

being abused, a power which you actually exercised, in the case of that very journal, on the 6th of November of the same year, before the despatch of the Fame from Calcutta.

14. We are satisfied that it is essential to the security of the public interests that our Governments in India should possess the means of checking abuses of the press, but this power should be exercised with moderation and forbearance, as every unnecessary or harsh exercise of it is not only injurious to the character of our Governments, but tends to bring into question the expediency (which we hold to be indisputable on general grounds) of placing it in their hands.

15. We herewith transmit for your satisfaction, a case which we have caused to be prepared and laid before the Company's Standing Counsel and His Majesty's Attorney and Solicitor-General, together with their opinions thereon.

16. You will observe that is the opinion of these legal authorities; 1st, "That the Governor-General of Fort William, and the Governors of Madras and Bombay, and the other officers described in the 33d Geo. 3, c. 52, s. 133, and 53d Geo. 3, c. 155, s. 104, may lawfully order persons liable to be sent to England by virtue of those Acts respectively, to be detained in prison till ships are ready to bring them away from India;" and 2dly, "That it is lawful for the Governors in the East Indies to send persons to the United Kingdom under the 53d Geo. 3, c. 155, s. 104, on board ships in the service of the Company bound to the United Kingdom by circuitous routes, and authorized to touch at intermediate places, if there be no ship belonging to or in the service of the Company bound direct to the United Kingdom, at the place from whence such persons are to be sent.

17. Since the foregoing paragraphs were written, we have received your letter in the public department, dated the 30th June 1824, by the George Home, which sailed from Calcutta after the middle of December last, and brought us advices from your Government down to the 7th of that month, several Letters from you of intermediate dates having reached us in the interval. We have frequently had occasion to complain of the detention of Despatches long after the period at which they were dated. We are at a loss to account for this delay in transmitting letters to us after they have been prepared and signed, and we desire that no such unnecessary delays may again occur, but that they may be regularly forwarded to us by the first conveyance which may offer.

18. In paras. 67 to 69 of the public letter in question, you inform us of your having declined compliance with Mr. Arnot's request to remain in Bengal after his return from Bencoolen, without however assigning any reason for your refusal; and you take no notice in your letter of the Memorial addressed to you by Mr. Arnot from Bencoolen.

5th April, }
6th May & } 1825.
4th June. }

19. Since the arrival of Mr. Arnot in this country, he has addressed to us three Memorials, dated as per margin, (copies of which you will find in the packet,) complaining of the treatment which he has received from your Government.

20. In the 41st para. of the Memorial, dated the 5th April, Mr. Arnot states that, immediately on his return to Calcutta from Bencoolen, he had the offer of a situation of Rs 400 per mensem, but that he was disappointed of it, in consequence of the gentleman at the head of the concern in which he was offered employment having received an intimation that Government would take offence if he carried his views towards Mr. Arnot into effect.

21. In the 42d paragraph of the same Memorial, Mr. Arnot further states that, after his return to Calcutta, he had been employed as a teacher in a native seminary, and that, "After having been engaged for some months in that occupation, a number of the friends of this charitable institution, natives of India, pleased with his exertions, and themselves solicitous for the education of their poor countrymen, laid a representation before the Governor-General in Council, stating the difficulty they had experienced in obtaining an European competent to assist them in this work, and humbly requesting his Lordship's permission for his (Mr. Arnot's) continuance in the country to devote himself to that object till our pleasure should be known, they offering at the same time to give security for his conduct, if required;" with this request you are represented in the Memorial to have refused compliance, without any reason assigned.

22. You will not fail to inform us whether these statements be correct, and if so, to explain the grounds of your procedure in both cases.

23. Although the request of the persons interested in the native school where Mr. Arnot was temporarily employed as a teacher was preferred subsequently to the date of your letter, it must have been received before that letter was despatched, and we ought not to have been kept in ignorance of it.

24. With respect to the rule, ordinance and regulation made and issued by you on the 14th March 1823, and registered in the Supreme Court on the 4th April following, a petition of appeal having been presented against it to His Majesty in Council by Mr. James S. Buckingham, on the 13th February last, it was argued at great length, on the 23d May, before a very numerous Committee of the Lords of the Privy Council, by Mr. Denman and Mr. John Williams on the part of the appellant, and by Mr. Serjeant Bosanquet and Mr. Serjeant Spankie in support of the Regulation.

25. We herewith transmit to you a regularly authenticated extract of the proceedings of the Committee of Privy Council on that occasion, from which you will observe that the King has been pleased to approve of the opinion submitted to His Majesty by the Lords of the Committee, that the prayer of the petition ought not to be complied with.

—No. 4.—

POLITICAL LETTER from the *Bombay* Government to the Court of Directors (No. 25), dated 8th September 1832. (Referred to in page 121 of the Evidence.)

We have the honour to report to your Honourable Court our proceedings relative to a calumnious and libellous letter, signed "Justinian," which appeared in the *Bombay Gazette* of the 23d May 1832, a copy of which is herewith transmitted.

2. The subject of the letter in question, your Honourable Court will perceive, is the alleged grievance suffered by the soldiers of His Majesty's Army serving in India from the conversion of English money into Indian, at the rate of 2s. 6d. per rupee, in paying them. Such a topic, it is evident, could scarcely be presented in any shape to the consideration of the soldiery, without the greatest risk of producing disaffection and discontent: but the writer of the letter in question will be seen to have used every effort to kindle indignation in the hearts of those whom he describes as injured, by representing the Governments of the Honourable Company to be actuated by the most unworthy, corrupt and dishonourable motives.

3. A perusal of this mischievous publication satisfied us that it was our duty to use our best endeavours to prevent the evil effects which the dissemination of writings of this description was calculated to produce. Your Honourable Court is aware that we have no means of controlling the press, except such as is furnished by the power of transmission in the case of British-born subjects. The editor of the *Bombay Gazette* being a person of this description, we called upon him to give up the name of the writer of the letter signed "Justinian," signifying to him, that if he failed to comply with our demand, he would be sent to England. After some little delay, we were informed by the editor, that the writer was a man of the name of O'Donnell, a private of His Majesty's 2d Regiment of Foot, or Queen's Royals.

4. Having procured from the editor the original letter, as also a note from O'Donnell admitting himself to be the writer, we transmitted them to his Excellency the Commander-in-chief, under whose directions O'Donnell has been brought to a general court martial, and having been found guilty of highly seditious and mutinous conduct, has been sentenced to suffer solitary imprisonment for the period of six (6) calendar months; and his Excellency has intimated to us his intention, at the expiration of the above period, to adopt the necessary measures for having private Hugh O'Donnell removed from this country.

5. We beg to draw your Honourable Court's attention to the opinion of the Advocate General (a copy of which goes a number in the packet) on the publication which gave rise to our proceedings now reported. On the appearance of the *Bombay Gazette*, dated 23d May 1832, we communicated with the Governments of Bengal and Madras, in order that those Governments might, if they should think fit, take measures for preventing the publication of the obnoxious letter in the journals of those presidencies.

6. From the Government of Madras no answer has been received; but the Vice President in Council in Bengal signified to us in reply, that he did not deem it expedient to interfere to prevent the republication of the letter at Calcutta.

We have the honour to be, &c.

(signed)

Colin Halkett.
W^m Newnham.
J^r Sutherland.

Bombay Castle, }
8th September 1832. }

—No. 5.—

MEMORANDUM, written on the perusal of the Despatch in the Secret Department from Fort St. George, dated 12th April 1832; by Sir John Malcolm. (Referred to in page 126 of the Evidence.)

WHAT has lately occurred will compel the Government in England to decide the extent to which the liberty of the press can be admitted in India. The question is full of embarrassment, but that will be increased by any delay in meeting it. A free press throughout the civilized world is a powerful engine for good or evil. Where the knowledge of the people, their institutions and form of government are such as to admit its freedom, the good preponderates. Where the reverse is the case, the evil. It is safe to admit the press to call in question the acts of Government, and to comment upon the conduct of its officers, where there is an independent public to whom its observations and strictures are addressed, and by whom it is salutary for the general welfare they should be understood and felt, in order that their opinion should check misrule, and that the fear of offending or outraging it should temper with moderation and justice every act of those trusted with the administration of state affairs. Is there such a public as has been described in India? The English part of the population is perhaps as respectable a community as any in the universe; but they are not a body of men that an Englishman would designate as a public. The great majority are civil and military servants, of whom a very considerable proportion hold their offices at the pleasure of the Local Government under which they serve; and the other parts of this community, composed of merchants, free traders, missionaries, editors of newspapers, shop-

keepers and artisans, have purchased the privilege of residing in India by voluntarily subjecting themselves to regulations and restrictions, one of which authorizes the Local Government under whose protection they reside to send them to England by an arbitrary act of power, without even the form of trial! Need more be said to establish the dissimilarity between this community and a British public? But do not let it be concluded, that though not possessed of all the rights which usage and law have given to the latter, that the English population of India are without privileges. They enjoy the full protection of the law of their native country, which secures to them every privilege of an Englishman; except such as the interest of the Indian Empire would make it dangerous for them to possess. But the want of these privileges is rarely felt; for such is the happy effect of our free constitution, that a portion of it attends and guards Englishmen in whatever soil and in whatever situation they are placed. Its beneficial influence tempers the action of the most absolute power with which an English Government over foreign countries can be vested, for it has for its support the sympathy of all who are born Britons; and in the respectable and large community now formed by the English in India, this feeling has gained, and will continue to gain a strength that must rank it among the most powerful of those checks which we could desire to have upon a Government which circumstances require should be strong, and in some cases almost despotic.

There can be no doubt that in substance there exists in our Empire in India as much of liberty as is compatible with our remaining sovereigns of that country; but if from a desire to assimilate the principles of the national Government of England with the unnational Government which extraordinary events have given us in India, individuals are to be deemed vested with the same rights they would enjoy in England, to comment upon the acts of the local administration, to censure the officers it employs, to publish complaints and grievances, to discuss questions of internal and external policy, and to expose as objects of ridicule and disgust the usages and religion of our native subjects, though they will not succeed in forming that English public with which their pages and columns will be filled, they will succeed in spreading insubordination, contention and disaffection, if not rebellion. If strong and positive restrictions are not rigorously enforced, neither the grave admonitions of those in authority, nor occasional recurrence to the law, will stop men in a career where their profit will be so commensurate to the boldness of their attacks as always to indemnify them for the slight hazards they incur from Judges bound by the letter of the law, or juries consisting of men not in the public service, and who will look with no hostile feeling at those who rail at men in office.

The evils I have described as likely to result in the European part of the community from the admission of a free press, are slight to what would be produced, and at no distant date, on the natives of India, and it is a consideration for their good, even more than our own, which demands immediate attention to this subject. It is impossible England should desire to withhold from her subjects in India the benefits of knowledge; but in the manner in which this blessing is imparted, depend her glory and their happiness; on this point, therefore, it is our duty to exercise our best judgment, and who that has studied the past history of the natives of India, and their present character and condition, will recommend us to commence their improvement by the agency of a free press. That may perhaps be one of the last boons which is given to a people whom, with a policy unknown to former ages, we have gradually matured into a state of society in which they are fit to receive it, and the gift will then be ennobled, from the conviction that the existence of that spirit of national feeling and independence which it is calculated to spread and maintain is irreconcilable with the continuance of submission to a foreign yoke, however enlarged the views and just the principles upon which that is established: but enough of general reasoning, let us look nearer the subject.

The newspapers in India are not of very old date; soon after they were first permitted, some at Calcutta became very licentious; the cause of this was probably to be referred to the violent collision between the Supreme Government and His Majesty's Courts of Justice, consequent to the latter being vested by the Act of 1773 with extended jurisdiction over the Company's territories. To understand the degree to which this collision went, it is but necessary to state one of many instances that might be adduced. A Judge* speaking in a case before him of one of the delegated bodies, who under the Supreme Government was employed for the administration of a large province, said from the bench, "The Chief and Council of Dacca is an ideal body! A man might as well say he was commanded by the king of the fairies, as by the Provincial Council of Dacca, because the law knows no such body."

When such language was held by Judges, we cannot be surprised that editors of newspapers and others were bold in their attacks on those in authority. This state of affairs soon remedied itself; the jurisdiction of the courts of law was limited, and the Local Government strengthened. The consequence was, the suppression of that liberty which the press had attained. I recollect perusing a long petition to Lord Wellesley from a Mr. Hickey (who had edited a very violent and abusive paper) in which he stated, with many popular arguments in favour of his case, the ruin this salutary change had brought upon him as an individual. I am not possessed of documents to exhibit the degree of connexion the press had at the period to which I allude, with the hostility to Government of some of the Judges of His Majesty's Court of Law, but I am assured this point merits the most serious attention, for it is in that delicate, though essential part of the frame of the distant administration of India which often brings into collision the feelings and opinions, if not the acts, of the Local Government and His Majesty's Court of Law where this evil has its deepest root, and

* Judge Le Maistre
in A. D. 1781.
Vide Mill, vol. 4.
page 275.

where the remedy is most difficult. It is from the protection the press enjoys from the opinions and actions of not only the Judges, but all attached to His Majesty's Courts, and from the interests and feelings of that class of Europeans who dwell at the Presidencies under English law, that it has lately and will hereafter derive confidence in its attacks upon the local administration, or the usages and religion of the natives of India. There is no preventing this effect as long as the law is appealed to; and the victories which editors obtain over Government, and its officers, will daily strengthen a cause which has gained within a short period much ground both in India and England. In the former country the great majority are but little acquainted with the true character of those ties by which we hold our eastern empire. The general sentiments of all connected with the Courts of English law have been noticed; many* are discontented with their condition and prospects; others continue at the Presidencies with unchanged English ideas and feelings, and these cherish a hatred which they flatter themselves is constitutional, to all that in their opinion approximates to oriental government. A great number (and this class increases rapidly) are so ardent for the propagation of education and religion, that they welcome (with an attention perhaps too exclusive) every aid that they think will accelerate the early attainment of their objects, and among these we cannot be surprised that they deem a free press one of the most essential. Thus professional feeling, ignorance, disaffection, prejudice and enthusiasm swell the number of the advocates of a free press in India, and the classes in which these passions actuate are those that maintain the fullest and most constant communication with England, in which country we may assert that from the most loyal to the most factious, from the enlightened to the ignorant, they will meet with concurrence in sentiment from all, except those few who have studied the history of India aright; who know that its good government requires a mixture of some principles that are happily uncongenial to England, and who being convinced that not only the interests of their country, but those of humanity, of knowledge, and of true religion, depend on their firm resistance to popular opinion, have the courage to brave the obloquy of dissent, and to defend, at all hazards of misrepresentation and attack, that ground which, as far as I can judge, we must maintain on this and other points similar in their spirit of innovation and unseasonable excitement if we mean to maintain our empire in India; but this brings me to the most important point of the question—The effects which a press under no restraints, except those of English law, is likely to have now or hereafter upon eighty millions of our Asiatic subjects. It will, however, be useful before I discuss this question, as it relates to the natives of India, to say a very few words on its probable effect on that class, the descendants of Europeans and native women, termed half-caste. The greatest proportion of this numerous and increasing class are so far educated as to read and write English and understand accounts. They fill almost exclusively the situation of clerks in public offices; they hold the same situation in merchants' counting houses and shops; they are also artisans and printers, and several have shown talents in English composition. Some have adopted scientific pursuits, and a few who possess property are in business on their own account. Many have been employed in the army of Indian princes, from whence they have passed into the English service, where they have been appointed officers of irregular corps; of late this class has been allowed to possess land, and some of them have estates. Though numbers of the half-caste have attained high respectability, and some in the army considerable distinction,* they are as a community in a depressed state, and it is impossible they can acquire knowledge without imbibing with it discontent at their condition in society. The improvement and amelioration of the state of this class are subjects that imperiously demand the early attention of Government, but a free press is neither the best nor the safest measure for effecting this object. It is however one to which they have been sedulously taught to look, and many of them are well qualified, from their education and their acquaintance with the native languages, to be active instruments in disseminating any doctrines it may inculcate. It has been asserted that should the despotism (as it is termed) of Government restore the office of censor, persons of this class may and will publish without being liable to the same severe visitation of authority as Englishmen; but assuredly the Government of England is competent, if its interests in India are endangered, to enact a law that will reach what is deemed offence, be what it will the caste or description of the individuals by whom it is committed.

The relation of the natives of India to the English is that of a conquered people to their conquerors. Since we obtained sovereignty in India we have greatly ameliorated the condition of our subjects, and every rational means has been employed to promote their happiness, and to secure to them the benefits of tranquillity. We may and no doubt have often erred, but never was a Government actuated with more just and more liberal views, nor one more anxious to exercise its sovereign functions in a spirit of mildness, toleration and justice. Let us continue this gradual course of example and improvement, and when our rule ceases, as cease it must, as the natural consequence of our success in the gradual diffusion of knowledge, we shall as a nation have the proud boast that we have preferred the civilization to the subjection of India. When our power is gone, our name will be revered, for we shall leave a moral monument more noble and more imperishable than the hand of man ever raised from inanimate materials. But this fair prospect must be destroyed if we unwisely anticipate the period when the blessings we intend may be safely imparted. We shall by doing so not only hasten our own destruction, but replunge India into a greater state of anarchy and misery than that in which we found it. Of all the means that could be devised to accelerate this deplorable crisis, I will venture to say there is none so efficient as

* Members of the European part of the Community.

* Colonel James Skinner, who served in Lord Lake's campaign, and has lately commanded 3,000 horse, is one of the distinguished of this class. There cannot be a more honourable man as an officer, who, as far as his opportunities have admitted, has acquired a more solid reputation,

the admission of a press, restrained only by laws adapted for a free and independent country; into one, where, before freedom and independence can be understood, the whole mind of the people must be changed, and where, before they can be worthy of these blessings, they must have thrown off the yoke of foreigners. But to understand the ground of these opinions we must examine the character of our native subjects.

The two great divisions of our Asiatic subjects are Mahomedans and Hindoos. The former, who are the least numerous, have been the greatest sufferers from our establishment in India, but their means of subverting our power are comparatively slight to those possessed by the Hindoos. It is long since the Mahomedans of India have ceased to be actuated by that enthusiastic spirit of religion which at one period gave them strength and union. A great proportion of them, particularly the lower orders who dwell in the central parts of India, pay little attention even to the forms of their faith, and in fact have a strong tendency to revert to the usages and superstitions of the Hindoos. I have remarked this disposition to increase considerably in the Deccan and other parts of India within the last twenty years, and have referred it to that common jealousy and dread which great numbers of both classes entertain of the English Government. The Mahomedans of India, generally speaking, are ignorant and dissipated. They have at present little of union amongst themselves, or of respect from others, but their idleness and bad habits, combined with their courage, render them dangerous, for they are prone to change, and have strong passions, with an unrestrained appetite for sensual pleasures, for the gratification of which they will incur any hazards. Such a race have hitherto been and will continue to be apt instruments for the purposes of the designing and disaffected.

The Hindoo population of India comprises all classes, from the most intelligent to the most ignorant, from the most courageous to the most timid; but though divided by their separation into tribes and casts, as well as by their various dispositions, pursuits and qualities, there are some general feelings that unite them, and of these the more instructed part of the community understand how to take full advantage whenever it suits their purpose. The Brahmins and other civil classes have for ages been the nominal servants, but real masters of the turbulent and bold, but ignorant and superstitious military tribes of their countrymen. Their knowledge how to wield this dangerous power has been rendered complete by frequent exercise; and when we consider what they have lost by the introduction and extension of our dominion, it would be folly to expect exemption from their efforts to subvert it. Their success will depend on the means we place within their power, and it may be asserted that until the agitation into which the rapid revolutions of the last thirty years have thrown the minds of the natives of India is calmed; until prejudices are subdued, and that knowledge, which is to enlighten ignorance and ultimately conquer superstition, has

* Instead of those new schools which well intentioned individuals have been so anxious to spread over India, it would be better, I conceive, to seek the gradual improvement of the inhabitants of that country through attention and encouragement to the town and village schools which have been established for centuries. This remark particularly applies to those countries where our power has been recently introduced.

been gradually diffused through channels that do not by the alarm* they create counteract their object, we could give to the Brahmins and others of the instructed classes of India no weapon which they would know so well how to use against us as a free press. Their efforts would be chiefly directed to the corruption of our native soldiery, who are neither insensible to their own consequence, nor unobservant of the depressed scale on which they serve. This is a most serious part of the subject, and one that demands, besides, the necessary cautions to prevent their fidelity being corrupted, the adoption of every measure that is calculated to confirm and strengthen the attachment of our native army,† a contest with any part of which must commence with a destruction of links essential to our existence. If we opposed English soldiers to revolted Indian troops, it could only in its best result give success for a short period. For, from the moment we once began to count numbers, and to rely upon our physical strength, the charm by which we hold our eastern empire would be broken, and we should have to struggle on through

recurring difficulties and dangers to an inglorious termination of our power.

The means hitherto employed by our artful enemies to produce disaffection in our subjects and native troops, and their partial success, give earnest of what would attend a policy that admitted the dissemination in the native languages of all such tracts and papers as might be expected to flow from a free press. But I shall state some facts that have fallen within my own observation, which will show on what I ground my opinions on this part of the question.

Though the English in India have hitherto paid little attention to the subject, I am from experience convinced that few attempts have been made against our power without previous efforts to excite general discontent and sedition by the circulation of inflammatory papers. In A. D. 1800 a manuscript proclamation was transmitted to almost every village in the south of India, a copy of which came by accident into my possession; we were at this period at war with the southern Polygars, and the chief object of the writer was to raise a spirit throughout the country that should operate as an aid to their cause. After calling upon all classes of Hindoos and Mahomedans to unite against the low wretches of Europeans who had usurped the sovereignty of the country, the proclamation proceeds:—"Therefore you Brahmins, Khsterees, Byce and Mussulmen, and all you who wear whiskers, whether you are cultivators or soldiers; and you Scoubadars, Jemadars, Havildars, Naigs and Sepoys now in the service of these low wretches, and all you capable of bearing arms, begin to display your heroism by destroying these low wretches, and continue to do so until they are all

† In 1815 I gave a paper on the native army to Lord Buckinghamshire, then President of the Board of Control. All that I have since seen confirms me in the policy of what I stated in that paper, to the justice of every part of which the Duke of Wellington at the period it was written gave an unqualified assent.

all extirpated." The concluding paragraph may be taken as a specimen of the spirit in which such productions are usually written. "Whoever," the writer* observes, "reads this or hears its contents, let him make it as public as possible, by writing it and sending it to his friends, who in like manner are enjoined to circulate it among their friends. Every one who shall not write and circulate it as before directed, let him be as one guilty of having killed a cow on the banks of the Ganges, and let him suffer all the various punishments of hell. Whoever takes this off the wall, let him be considered guilty of the five great crimes. Let every one read and take a copy of this proclamation."

* The signature of this paper is the Hindoo name Manadaparida, the implacable enemy of the European low wretches.

Between the period of 1800 and that of the Vellore mutiny, A. D. 1806, several papers† were circulated of a nature hostile to the British Government, and that massacre was preceded by efforts to inflame the minds of the native troops. Subsequent to its occurrence an address from Soubadar Seedie Hussein and others to the Nizam of the Deccan had the following strong expressions. "The British Government are trying to oblige us to relinquish our own faith and to embrace their religion, and to impose upon us an European dress. We will not depart from our own religion, and we look to the Nizam as a Mahomedan prince for support and protection after we have extirpated our present employers."

† One of these that came into my possession was particularly addressed to Mahomedans, whom it tried to excite by an exaggerated account of a connexion between a Mahomedan female of family and the English Resident at Hyderabad.

About the same period a Hindoostanee letter‡ (many copies of which were circulated) was received by Colonel Agnew, Adjutant-general of the army, purporting to be from the commissioned and non-commissioned officers of the army, which stated at considerable length their grievances, among the principal of which was the inadequate rewards bestowed on the natives compared with those granted to the European officers. "Success and conquest," observes the writer, "which brings increase of rank and pay to the English officers, is attended only with increase of labour and privation to the natives." After dwelling on the comparative allowances of the different classes, and adducing facts to prove the state of depression in which every rank of the natives is kept, he exclaims, "Almighty God has created all mankind, whether white or black men. The same desires that are possessed by white men, whether to eat, to drink, or to enjoy the pleasures of life, equally prevail in the hearts of black men; and if the European gentlemen shall consume three parts of the Company's revenues, it is well; let them assign a fourth part at least to the natives, in order that they too may be happy. The gentlemen of the Company's Government continually proclaim that they consult the happiness of the natives in every thing, and administer impartial justice among them. These declarations are perpetually repeated to us, but no native is satisfied on investigation with the justness of the Company's Government. It is possible that Almighty God in a short time will redress those grievances, and all the Sepoys entertain hopes that the Company will certainly take the point into consideration."

‡ This letter was believed to be written by a Subadar of Cavalry.

The agitation which these events had caused in the Madras army were unhappily revived in a short time by the discontents of the European officers, to subdue whom measures were resorted to not a little calculated to raise the feelings of their own importance in the minds of the native officers. The active employment, however, which followed the inroads of the Pindarries and the Mahratta war appears to have restored all classes to a happy temper; nor is there ground to conclude that any bad spirit has since arisen amongst the native troops, though the late despatches from Madras show that there are not wanting designing persons who endeavour, through the same means so often before used, to corrupt their fidelity and destroy their attachment to the British Government.

In Bengal the last ten years have not passed without alarm. The meeting of the corps of that establishment at Java would not merit notice, were it not to remark the recurring resolution come to by those concerned in it to murder the European officers; and it is also to be observed, that the serious insurrection at Bareilly, though it originated in opposition to a measure of civil government, immediately assumed the same sanguinary character and took the popular colour of religious feeling.

The natives of India, except perhaps a few at each of the Presidencies, can form no just estimate either of the character or intentions of the British Government. Deprived of power and independence by its success, princes and chiefs view its progress as the certain annihilation of their very name; while the lower orders, who benefit by its protection and justice, are perplexed and agitated by innovations and changes in its system of internal rule, and fear of its encroachment on their cherished prejudices and feelings. A too eager desire to do good produces evil. The following extract of a private letter to Captain J. Stewart (dated 12 April 1819), Acting Resident with Scindiah, will show the view I took at that date of this subject, as far as it affected Central India:—

"Our present condition, though one of apparent repose, is far from being free from danger. The larger work has been done. India is subdued. The very minds of its inhabitants are for the moment conquered; but neither its former history nor our experience warrants our expectation that these feelings will be permanent. We have never during the whole period of our rule gained a province by our arms, in which we have not found a reaction after the inhabitants were recovered from the stun of the first blow. Can we expect this last and greatest of our strides will be exempt from this evil—that the elements we have scattered, but not destroyed, will perish of themselves? They may; but such a result is against all history and all experience, and is therefore not to be anticipated. Though I foresee danger, I by no means intend to state that we may not prevent, or that we shall not conquer it. But this I will aver, that the government of India during the next four or five years will require more care, more knowledge and more firmness than it has

ever done since we possessed that country. With the means we possess, the work of force is comparatively easy, our habits and the liberality of the principles of our Government give grace to conquest, and men are for the moment satisfied to be at the feet of a generous and humane conqueror. Tired and disgusted with their own anarchy, the loss of power even is not regretted. Halcyon days are anticipated, and they prostrate themselves in hopes of elevation. All these impressions made by the combined effects of power, humanity and fortune are improved to the utmost by the character of the first administration established over them. The agents employed by Government are generally men who have acquired a name in the very scene they have to act. They are instructed to conciliate, and unfettered by rules, their measures are shaped to soothe the passions, and assimilate with the habits and prejudices of those whom they have to attach to the interests of the British Government. But there are many causes which operate to make this period of short duration. The change from it to that of a colder course of policy in our political agents, and the introduction of our laws and regulations in countries immediately dependent upon us, is that of danger. It is the hour in which men awake from a dream. Disgust and discontent succeed to terror and admiration. The princes, chiefs and other principal persons who have been supported by the character of our first intercourse, see nothing but a system that dooms them to certain decline. They have, like weak and falling men, deluded themselves with better hopes, but delusion is rendered more insufferable from being of our own creation. I shall not at present dwell upon the means necessary to prevent or remedy these evils in territories subject to our own sway, but proceed to the question as it affects our political relations in general, and particularly those with D. R. Scindia. I am alike an enemy to that minute and vexatious interference with native states that contradicts the purpose for which we maintain them in existence, and lessens the power where it does not altogether destroy the utility of an instrument of Government, which the obligations of faith, or the dictates of policy, compel us to use, as I am to that system, which, satisfied with a dependent state fulfilling the general conditions of its alliance, gives a blind support to the authority that rules over it, however ruinous its measures to the prosperity of the country and the happiness of its inhabitants. In the present state of our power, if policy requires that we should govern a considerable part of India through its native princes and chiefs, it is our duty to employ all our influence and all our power to strengthen instead of weakening these royal instruments of rule. No speculation of comparative improvement or better administration should lead us aside from this path. The general good that is effected by our remaining in it, must overbalance any local benefits that could be derived from quitting it. If forced by circumstances to depart from this policy, it is better to assume the direct sovereignty of the country at once, than leave to the mock and degraded instruments of our power any means of avenging themselves upon a state which renders them the debased tools of its Government. Those who are the supporters of a system that leaves a state whom our overshadowing friendship has shut out from the sunshine of that splendour which once gave lustre almost to its vices, to die by its own hand, to perish unaided by us amid that putrefaction which has been produced by an internal administration consequent to our alliance, can have no rational argument, but that the speediest death of such states is the best, because it brings them soonest to the point at which we can, on grounds that will be admitted as legitimate, both in India and England, assume the direct sway, and give them the benefits of our direct Government. But, as for me, I am convinced this is the master evil against which we are to guard. Territory is coming too fast upon us. We cannot prevent accessions, and the period may arrive when the whole peninsula is under our immediate rule. But every consideration requires this period to be delayed; and every effort should be made to regulate a march in which we must proceed. No additional province can now be desirable, but as it furnishes us with positive means of supporting that general tranquillity which is alike essential for the prosperity of our provinces and the preservation of those whom it is our policy to maintain as rulers."

With the sentiments expressed in the above letter, it became the constant object of my solicitude to guard against every act that could keep up an agitation or alarm in the minds of those under my charge; but this was no easy task, for every word, letter or action of an individual who bore the name of an Englishman, or even of a native in the public service, was considered as from Government. Limited knowledge and rooted habits make the natives of India slow to comprehend the true motives of a power, the action of which depends more on established system than persons. I question if this knowledge is common in the provinces that we have possessed for near a century. In countries which have come recently under our rule or control, it is impossible to impress any general belief in such an order of things. But the mention of a few facts will aid to illustrate what I have said on this subject.

In the end of 1818, (one year after our authority had been completely established over Malwa), a Mahomedan news-writer, presuming on the ignorance of the natives of the usages and principles of the British Government, had the audacity to establish at the city of Oujein a Court of Adawlut or Justice, at which he levied small fines, and inflicted punishments.*

* On one occasion he was proved to have given 20 lashes, for which he tried to justify himself on the ground of the offence. The man, he said, was one of a party who had circulated a report of my being assassinated, in order to throw the country into confusion.

When expelled by my desire from that city, he, from the mere fact of having been once in the employ of an English officer of rank, succeeded in obtaining (before he was apprehended) presents from several chiefs. This is one of many instances, for such was the terror of the British name that all my efforts, during between four and five years, were hardly sufficient to place it beyond the power of the lowest servant

servant of an English officer, imposing on the alarmed and ignorant part of the community to any extent by the use of the name of his master; covers of English letters, with the direction and seal attached to them, were shown as orders for money and sums obtained. In short, men were daily threatened, by the wicked and designing, with every species of injustice and violence, in the name of a Government that was labouring incessantly for their benefit.

In January 1821, some anonymous letters* were addressed to me of rather an extraordinary description. They were remarkably well written. I have never, indeed, read a more able popular attack on the progress of the English to the great power they have attained in India. The writer warned me of the public mind which, however unperceived, was in action against us; he referred me to the history of India to discover if that was a country whose inhabitants it was safe to repress to the dust, as appeared our intention to do. In conclusion, he advised that we should, if we desired permanence to our power, associate the princes and chiefs of the natives in our empire. The above is the substance of these letters. Two similar in purport were sent to Tanteer Jogue, the minister of Holkar, whom they reproached with base subservience to our designs. Copies of these productions were no doubt circulated by the author, who proclaimed himself of no mean rank, and offered, on certain terms, to make himself known. I however treated him and his letters with neglect, as I did many papers of the same description. Among the latter were several prophecies that foretold the coming of a Hindoo deliverer, and our downfall; some of these I found (when on my way to Bombay in August 1821) had been industriously circulated in the Deccan, and particularly at our military cantonments. These facts † are sufficient to show that our secret enemies are not idle, and that they are adepts in the art of misrepresentation. Let us now look to the prominent feelings of that population, whom it has been or may become their object to excite to action.

In my printed Report of Malwa I have stated a remarkable instance ‡ at Ougein, in the forcible conversion of a Jain temple to their own place of worship by the Brahmins, who, supported by the religious feeling of the country, treated on this occasion with open and avowed contempt the authority of their Prince Dowlut Row Scindiah, whom on every other point they consider as endowed with despotic power over their lives and fortunes. But two recent instances will exhibit more striking examples of the action of superstition on the minds of the intelligent as well as the ignorant, and the rude part of the inhabitants (including all the military classes) of Central India.

In 1820 a manifestation, in the person of a holy Brahmin of the God of Wisdom, Gunneish, was proclaimed. He came from Guzerat, by the route of Mundisore to Milye. His disciples were very numerous, and included the Renter of Milye, and all the principal Brahmins, as well as thousands of the lower orders of that quarter. His words were deemed prophecies; he was feasted, courted, and indeed almost deified. This man came to Indoor, where some circumstances led to suspicion of the truth of his pretensions; a strict investigation was directed by the minister Tanteer Jogue, and the god Gunneish proved to be a well known Mahomedan Faquier, named Shaikh Kadaree, who had long had his tucka or place of rest at Poonah. Though many thousands of Brahmins had lost their cast || by associating and eating with this man, he was not put to death: he had indeed made terms before he confessed ¶ the fraud, and was only sentenced to imprisonment. I had a long conversation with him after his confession, and found him very shrewd and intelligent. I was assured, by competent judges, that his knowledge of the Hindoo religion quite qualified him for the bold part he undertook; and I can only add that, during his short career of imposture, he possessed the devoted veneration of a great proportion of the Hindoo population of Malwa.

The small principality of Pertaubghur Deolah is tributary to the English, but governed by its own chief, Sawrut Singh, a man of excellent character.* He is satisfied with his condition, and if he was not so, he possesses no means that could have led to his cherishing plans of ambition. I therefore, when I heard, at the period of my leaving Central India in June 1821, of the strange proceedings at his petty capital, could refer them to no political cause, though some of their acts were of a character that might have excited suspicions of other motives than those of wild and deplorable fanaticism. The daughter of a blanket weaver (a very low tribe) suddenly imagined herself to be inspired, and to have become, from the Celestial Spirit entering into her, a manifestation of the Hindoo Goddess Matta. She proclaimed her new condition; a naked sword was brandished with one hand, and a looking-glass, supposed to reflect approaching events, was held in the other, while she danced in the streets. She was soon joined by some persons (both male and female), who proclaimed similar inspiration, though by other divinities. Each had a sword and a mirror, and adopted the same frantic manner as Matta. A rabble of several hundreds soon assembled round them, and their orders (which went in several cases to the murder of women accused of being witches) were implicitly obeyed. The local Government instead of repressing them took alarm, and the Rajah (a very sensible man on other subjects) appears to have endeavoured, through one of his ministers, to have offered bribes to propitiate the good will of the

* Translations of these letters were sent in the secret department to the Governor General in Council.

† One of these papers was found not only to have been circulated in the cantonments of Jaulna, but some of the public native servants were implicated as having aided its circulation.

‡ Vide page 569, printed Report.

§ The renter's name is Gunpatrow, a man of considerable ability.

|| These persons were obliged to undergo severe ordeals, and to expend much money to regain their places in their own tribe.

¶ The Minister of Holkar told me that the hold this man had upon the minds of numbers was so strong, that nothing but his public confession would have convinced them of his being an impostor.

* Sawrut Singh, though a Rajpoot, has laboured, from feelings of horror at the usage, to prevent infanticide, and for three generations there has been no instance of a widow burning herself in his family.

* Hensraj, the minister alluded to, is of the Jain sect.

the supposed Matta. This minister, in his evidence given to my assistant, Captain McDonald, says that, though the tenets of his sect* forbade him believing in the power of evil spirits to hurt him, he was alarmed for his Prince. The same minister admits that he saw swords waving in the mirror, and that the inspired talked of destroying the Faringees (Europeans); but that they said no more at Purtaubghur than they did every where else, and that he had warned them against such expressions.

The whole detail of the proceedings at Purtaubghur, as well as an account of the further progress of this fanatical spirit, will be found in a despatch dated the 18th of August from Mr. G. Wellesley, Resident at Indore, to Mr. Swinton, Secretary in the Political Department. Mr. Wellesley, after stating that this mania of persons believing, or affecting to believe, themselves inspired, was spreading over other parts of Malwa, though happily without those atrocities which attended its first appearance at Purtaubghur and neighbouring places, sensibly remarks, that as long as the safety of persons and the public peace were not endangered, it was best to allow the popular superstition to run its course. "There appeared" (he concludes) "reason at first to apprehend some connexion of the matter with political schemes, but although in several instances symptoms may have appeared indicative of such designs, these on mature information may be accounted like the cruelties perpetrated at Purtaubghur, &c. and more as accidental than premeditated occurrences; at the same time it ought not to be overlooked how easily a superstition so blind, so contagious, and so popular, might be used as a powerful engine of political schemes by designing men."

† *Vide* Instructions to my assistant, &c. in Malwa.

Many of the facts I have stated, and the reasoning grounded upon them, may be supposed only to apply to Central India, but as far as my experience enables me to judge, the application is general over all India, with the exception of a very small part of the population who are resident at or near the Presidencies. There are shades of difference no doubt arising from the better knowledge which the natives of provinces long in our possession have of the principles of our Government, but the superstition and fanaticism among many of the classes of the population are every where nearly the same. We are (as I have observed elsewhere†) so separated from the natives of India, that we have no correct knowledge of what is daily passing in the society that dwell around us. The habits and minds of our native subjects will be long before they undergo any great change, and until they do, every effort against us (whatever be the scale on which it is made) will have the same character. Signs of discontent and symptoms of danger may appear, but we shall be compelled by our condition to seem as if we saw them not, lest our suspicions widen the circle of our enemies, and weaken the confidence of our friends. In most cases, therefore, we may expect the action will precede our preparation, and the experience of the past may lead us to pronounce that whether plots against our power take the shape of mutiny in our troops, or revolt in our subjects, the commencement will be an attempt to massacre all officers, civil or military, within their reach. The comparative smallness of our numbers suggests this expedient as the first step in guilt. The timid agree to it from fear of looking upon offended superiors, and the bold recommend the measure as pledging men to a continuation in crime by placing them beyond the hope of forgiveness.

To guard against the evils and dangers I have described, we have no means but through measures of preventive policy, and amongst these I must ever consider a watchful restraint of the press as a principal. If that is allowed to utter publications tending to disunite the European part of the community, to lower the respect in which Government and its officers are held, to offend and weaken native princes and chiefs by lessening their estimation with their subjects, to alarm and irritate all classes by attacks on their usages and religion, it will be an instrument competent to the destruction of our power; and it may do all I have stated without any serious transgression against the law of England, or indeed without the slightest evil intention of many of those who worked the mischief. Their limited knowledge, combined with their zeal or ignorance, may blind them to the dangers they promote, and others who have deeper designs will court their respectable names in a cause that must be popular from its supposed association with the propagation of useful knowledge and true religion.

I can, on the ground of the facts and arguments I have stated, have no hesitation in giving my decided opinion that the local Government should be vested with the fullest

‡ The office of censor was I believe first instituted by Lord Wellesley, in consequence of an article appearing in the Mirror newspaper, which took a comparative view of the European and native population, with some speculations on the subject, that were not deemed less dangerous from their being no evil design on the part of the writer.

§ Though Mr. Buckingham, the editor of the Calcutta Journal, is considered as the prominent person who has abused the liberty (recently granted) of the press in India, it would be absurd to think his removal from the scene would remove the evil if the latitude under which he has acted remained. Such a niche in society is always filled whatever be the hazard, when that is counterbalanced by popularity and profit.

power either of re-establishing the office of censor ‡, or taking such means as they deem best for the prevention of the evils that have proceeded or may proceed from the abuse of the indulgences recently granted to the press. No classes of men and no publications, periodical § or otherwise, whether in the English or native languages, should be exempt from supervision and control. The local Governments will, in the exercise of the power given them, act under strict responsibility to

those by whom they are employed, and to their country. There can be little fear, in times like the present, of their going one step further than what necessity requires. If they do they must answer to their superiors; but I contend that if the point is conceded (as I conclude it must be), that not only our present prosperity and future fame, but our very existence depends upon the manner in which knowledge is imparted to the natives of India, the authorities

authorities on the spot, under the check mentioned, are the only safe hands to whom we can intrust the adoption of the means best suited to the fulfilment of this great and noble object. This has long been my opinion, and late events, with extended opportunities of looking near the frame of the society and Government of India, have confirmed me in its correctness, and I am further satisfied that a minute examination of facts will induce many, who may have formed on general grounds a contrary judgment, to alter their sentiments upon this important question.

— No. 6. —

BENGAL PUBLIC DEPARTMENT.

DESPATCH from the Court of Directors to the *Bengal* Government, dated 30th July 1823.

Our Governor-general in Council at Fort William in Bengal,

1. We have received your despatches in the General Department, dated 15th and 28th February.

2. In the first of these despatches, you acquaint us that Mr. James S. Buckingham having, in the judgment of the Governor-general in Council, forfeited his claim to the countenance and protection of the Supreme Government, you had declared his licence to reside in India to be void from and after the 15th April last.

3. We take the earliest opportunity of conveying to you our decided approbation of this proceeding. Considering the offensive and mischievous character of many of the articles which have appeared, for some years past, in the journal of which Mr. Buckingham was the editor, the frequent admonitions and warnings which he has received, and his obstinacy, notwithstanding the forbearance that has been extended to him, in persisting in a course which had, on many occasions, drawn upon him the displeasure of Government, we think you fully justified in revoking his licence. We feel, at the same time, no hesitation in assuring you of our most strenuous and cordial support in whatever legal measures you may adopt in the exercise of your discretion for the purpose of restraining the licentiousness of the press in India, from which, if unchecked, the most dangerous consequences are to be apprehended.

London, 30 July 1823.

(signed) *W. Wigram.*
W. Astell.
G. Smith.
&c. &c. &c.

— No. 7. —

LETTER to the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*, dated Fort William, 8th September 1830.

Honourable Sirs,

We have the honour to submit copies of minutes, recorded by us, on the subject of prohibiting the publication, in the newspapers, of any comments on your Honourable Court's letter, No. 37, in the Military Department, dated 31st March last, respecting the half-batta question.

2. The majority of the Council concurring in the expediency of the prohibition, a circular letter was addressed to the editors of the several newspapers in the terms of the accompanying draft.

We have the honour to be, with the greatest respect,
Honourable Sirs,

Your most faithful humble servants,

Fort William, 8 September 1830.

W. C. Bentinck.
W. B. Bayley.
C. T. Metcalfe.

— No. 8. —

Copy of a MINUTE by the Governor-general, dated 6th September 1830.

THE Honourable Court have directed the publication of their despatch, No. 37, conveying their final orders on the half-batta question.

With the final adjudication of this reference at home, it is much to be desired that no revival of former discussions should take place here, and that the tone of complaint, deemed so objectionable, should not again be heard. To prevent, as far as may be possible, the publication of remarks (the disrespectful nature of which may be too certainly anticipated) that this despatch will call forth, it seems necessary that a prohibition should proceed from the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document.

I am aware that this recommendation exposes me to two charges: first, of omission, in not having, on the first appearance of discontent when the orders were originally published, adopted the measure which I now propose, for the purpose of preventing the publication

of opinions and remarks tending to foment and keep alive the existing agitation, and extremely disrespectful towards the authorities from whence they emanated; secondly, of inconsistency, in now interfering with the liberty of the press, of which I have been the advocate, and with which, after the example of my predecessor, I have not meddled.

Upon the first point, many, I know, are of opinion that the public press contributed greatly to the discontent. I see no reason for this opinion. The order itself, so many years the topic of discussion and of contention between the authorities in England and in India, was quite sufficient to excite universal dissatisfaction; and it is quite as clear that it could only be set at rest by a definitive resolution of the superior authority. The adjutant-general of the Madras army, who was at the time at Calcutta, described the angry feeling and language so loudly expressed here, and all the signs of the times, to be precisely similar to those which prevailed before the Madras mutiny, and he anticipated a similar explosion. Let it be remarked, that the mutiny *did* take place at Madras; and though there was not a shadow of liberty belonging to the press there, the communication and interchange of sentiment and concert was as general as if it had passed through the medium of a daily press, without the reserve which the responsibility of the editor, more or less, requires for his own security. My firm belief is, that more good than harm was produced by the open and public declaration of the sentiments of the army. There was a vent to public feeling, and the mischief was open to public view; and the result is so far confirmatory of the opinion here given, that no overt act took place. There is a great distinction to be made, both in the nature of the offence itself, and in the treatment to be applied to it, between the expression of dissatisfaction on the first infliction of supposed wrong and injustice, and the clamour and censure which should be cast upon the final and solemn adjudication of the governing power.

With respect to the second point, I retain my former opinion, that the liberty of the press is a most useful engine in promoting the good administration of the country, and in some respect supplies that lamentable imperfection of control, which, from local position, extensive territory, and other causes, the Supreme Council cannot adequately exercise. But I have always said and thought, that as well with the liberty of the press as of the subject, it was indispensable for the safety of the empire that the Governor-general in Council should have the power of suspending the one and of transmitting the other, whenever the safety of the State should call for the exercise of such authority. I think the present case an exception to the general rule. I apprehend no positive outrage or open violence to authority; but I do apprehend the possibility of unmilitary and insubordinate language, highly discreditable to the character of the army, which the Government could not overlook, and which might end in a conflict between the Government and its officers, that could not fail to be attended with the greatest public inconvenience.

(signed) *W. C. Bentinck.*

6 September 1830.

(A true copy.)

Geo. Swinton,
Chief Secretary to Government.

— No. 9. —

Copy of a MINUTE by Mr. *Bayley*, dated 6th September 1830.

I HAVE always entertained, and continue to entertain, the opinion that the unfettered liberty of the press, as it exists in our native country, is totally unsuited to the present state of our dominion in the East, and that so long as the press was subject to no other restraint than that arising out of the fear, on the part of the editors, of being punished for a libel by a court of law, it was in the power of factious individuals to disseminate the most mischievous reports through the public papers, and injuriously to affect the influence and proper authority of Government over its own servants, its army, and its native subjects.

So long as the power of Government effectually to suppress evils of such a description was disputed and denied, the question of the asserted freedom of the press was felt to be one of vital importance, and that feeling led to many of the acts of interference with the press which were directed by the Government at that period.

From the time, however, when the power of Government to control the press was legally recognised and established, the motive and necessity for such frequent interference ceased. It was gradually withdrawn, and for several years past the press has practically been allowed almost perfect freedom. Although I neither think so highly of the advantages, nor so lightly of the mischiefs of a free press in this country as the Governor-general and Sir Charles Metcalfe do, I yet attach so much importance to the former as to desire that the press may remain unfettered, except in instances in which highly important interests of the State are likely to be compromised. The occasions for interposition, on that ground, have been and are likely to be rare; they form exceptions to the general rule; and when they do arise, the Government can immediately check the mischief by prohibiting the discussion of a particular question, altogether or during a specified period.

In this form the interference would operate like that of the censorship in the particular case, and no penalty would be imposed unless the prohibitory order were wilfully violated.

Entertaining the opinions above expressed on the general question, I have no hesitation in recording my concurrence in the proposition contained in the Governor-general's minute of the 6th instant.

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The public interests would, in my judgment, be exposed to very serious injury if the recent and final orders of the Honourable the Court of Directors, on the memorials from the officers of the Bengal army, were publicly canvassed in the same insubordinate spirit as was manifested when the original instructions were carried into effect.

That they would be so canvassed there can be no doubt; and we shall, in my opinion, best consult the interests of the army and of the Government by prohibiting the editors of papers from publishing any comments or remarks on the despatch conveying the final orders of the Court of Directors on the half-batta question.

6 September 1830.

(A true copy.)

(signed) *W. B. Bayley.*

Geo. Swinton,
Chief Secretary to Government.

— No. 10. —

Copy of a MINUTE by Sir *C. T. Metcalfe*, dated 6th September 1830.

I REGRET to see that it is the intention of the Governor-general to interfere with the liberty of the press, on the occasion of the publication of the letter of the Honourable the Court of Directors, regarding the memorials of the officers of the army, on the subject of the half-batta reductions.

It appears to me that the intended measure will excite fresh feelings of disgust, which it is wholly unnecessary to create.

Hitherto the utmost freedom of discussion has been permitted on this subject, and generally on all subjects for years past; and I cannot see any difference between the present order of the Court and their former order, that should make it expedient to allow the one to be censured, and to prohibit all comment on the other; the former order was meant to be final as much as the present one.

I am persuaded that the freedom of discussion allowed in the half-batta question has been attended with good effects; it has afforded a vent for the expression of the feelings which a most unpopular measure excited; and it gave an assurance to those who conceived themselves injured that their complaints were at least made known, and must attract attention.

I think on the present occasion that it will be infinitely better to allow any thing to be said that can be said, than to furnish a new source of discontent, by crushing the expression of public opinion.

I do not apprehend that any thing can be said worse than has-already been published. The lenitive operation of time is producing its usual effect. The feelings which prevailed in the army are in some degree allayed; their complaints have been heard; their arguments are exhausted; and the subject is almost worn out.

The order of the Court of Directors is not altogether unexpected. Its publication may be followed by a few letters in the newspapers, which will do no harm, and then the matter will finally subside. But the attempt to prevent the ebullition of any feeling will cause fresh irritation, and be construed as a new grievance.

Viewing the question more generally, it is, whether an arbitrary interference with the press shall be substituted for the freedom which has for many years been allowed?

I have, for my own part, always advocated the liberty of the press, believing its benefits to outweigh its mischiefs; and I continue of the same opinion.

Admitting that the liberty of the press, like other liberties of the subject, may be suspended, when the safety of the State requires such a sacrifice, I cannot, as a consequence, acknowledge that the present instance ought to be made an exception to the usual practice of the Government; for if there were danger to the State either way, there would be more, I should think, in suppressing the publication of opinions, than in keeping the valve open, by which bad humours might evaporate. To prevent men from thinking and feeling is impossible; and I believe it to be wiser to let them give vent to their temporary anger, in anonymous letters in the newspapers, the writers of which letters remain unknown, than to make that anger permanent by forcing them to smother it within their own breasts, ever ready to burst out. It is no more necessary to take notice of such letters now than it was before.

The government which interferes at its pleasure with the press becomes responsible for all that it permits to be published. We continually see in the Calcutta papers gross abuse of public authorities; and we answered to the complaint of one, that this Government did not interfere with the press, or something to that effect. I think that we made a similar assertion in a communication to the governor of a foreign settlement. How can we say such things at one time, and at another interfere with the press, as it is now proposed to do?

If I could think it sound policy to shackle the press, I should prefer the steady operation of the censorship, or any fixed rule, to the occasional interference of the Government by its arbitrary will. Every letter addressed by the Government to the editor of a newspaper has always appeared to me to be derogatory to the Government; and the Bengal government has been exposed to more ridicule from this sort of correspondence than from any other cause. It is true that the power now exists of converting ridicule into terror, by the destruction of property, but who can desire to see a newspaper impertinence brought

to such an end! Even punishment has sometimes proved a farce, the real offender soon reappearing in the field, with new honour as a pretended martyr.

For all these reasons, I object to the measure proposed, considering it preferable, on every account, to leave to the press the uninterrupted enjoyment of its supposed freedom, and to the public the means which it now practically possesses of expressing its sentiments on all subjects, without any other restriction than those of law and discretion.

6 September, 1830.

(signed) C. T. Metcalfe.

(A true copy.)

Geo. Swinton,
Chief Secretary to the Government.

— No. 11. —

Circular LETTER to the Editors of the John Bull, Bengal Hurkaru and Chronicle, Bengal Chronicle, India Gazette, Government Gazette, Bengal Herald, Calcutta Literary Gazette, Oriental Observer, Mirror of the Press, Calcutta Domestic Retail Price Current and Miscellaneous Register.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acquaint you that you are prohibited from admitting into your paper any comments on the letter from the Honourable the Court of Directors, No. 37, dated 31st March 1830, which will be published in general orders to the army in the Government Gazette of this day.

I am, &c.,

Council Chamber, }
6 September 1830. }

(signed) George Swinton,
Chief Secretary to Government.

(A true copy,)

George Swinton,
Chief Secretary to Government.

— No. 12. —

Extract PUBLIC LETTER from Bengal, dated 22d September 1830.

587. The attention of Government having been attracted to an article in the Bengal Herald of the 1st August 1829, commencing, "We solicit the attention of the Indian community and the British people and Parliament to the general orders in our columns of to-day, &c.," we directed our secretary to express to the proprietor of that paper the displeasure with which we perused the editorial comments on the general orders above referred to, as containing matter calculated to excite a spirit of mutiny and discontent in the minds of the European soldiery, to whose worst passions the mischievous and mistaken notions inculcated in that article were addressed, and to caution him against indulging in similar comments and observations in future.

588. The letter of the proprietor of the Herald, in reply, disclaiming, with expressions of regret at having incurred the displeasure of Government, the motives attributed to him in his remarks on the general orders above alluded to, is also recorded on the proceedings of the same date.