

EAST INDIA (ARMY).

RETURN, in part, to an Order of the Honourable The House of Commons,
dated 19 March 1858;—*for*,

RETURN “of the SEA KIT supplied to SOLDIERS on Embarking for *India*, setting forth the Different Articles, and the Charge for each respectively, and showing how the Expense is defrayed; also, the INDIA KIT and BEDDING (adapted to the Climate) as supplied to the QUEEN’S TROOPS on arriving in *India*, setting forth the Articles Supplied, the Prices of each, and how the Expense is defrayed.”

War Office, }
27 April 1858. }

J. PEEL.

RETURN of the SEA KIT supplied to SOLDIERS Embarking for *India*, setting forth the Different Articles, and the Charge for each respectively.

ARTICLE.	PRICE.
Two canvass frocks at 3 s. 3 d. (jackets substituted for frocks in the case of serjeants) - - - - -	£. s. d. - 6 6
One pair canvass trowsers - - - - -	- 3 4
One neck handkerchief - - - - -	- - 8
One pair of shoes - - - - -	- 6 -
Three pounds of marine soap, at 7 d. - - - - -	- 1 9
Two pounds of yellow soap, at 7 d. - - - - -	- 1 2
Nine balls of pipeclay - - - - -	- - 9
One quart tin pot, with hook - - - - -	- 1 -
One scrubbing-brush - - - - -	- - 8
Three tins of blacking - - - - -	- 1 -
One clasp knife - - - - -	- 1 -
One bag in lieu of haversack - - - - -	- - 10
Needles and thread - - - - -	- 1 -
Three pounds of tobacco, at 2 s. 8 d. - - - - -	- 8 -
Two flannel belts - - - - -	- 2 -
Two check shirts, at 2 s. 6 d. - - - - -	- 5 -
£.	2 - 8

The prices are unavoidably liable to variation, but those in the above list will serve as a general standard for guidance. These extra necessaries are paid for by the men to whom they are issued, out of pay advanced for the purpose.

Tobacco is issued to such men only as are in the habit of using it; and if any man be provided already with any of the above articles, and such are in a servicable condition, a duplicate supply is not given.

EAST INDIA (ARMY).

**RETURN of the SEA KIT supplied to SOLDIERS
on Embarking for *India*, setting forth the
Different Articles, and the Charge for each
respectively.**

(Mr. Alcock.)

*Ordered, by The House of Commons, to be Printed,
28 April 1858.*

EAST INDIA (PRESS).

RETURN to an Order of the Honourable The House of Commons,
dated 26 March 1858;—for,

- COPIES “of a LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable *Charles Wathin Williams Wynn*, dated the 17th day of January 1823, on the subject of the PRESS in *India* :”
- “Of REPLY of Mr. *Wynn* to the foregoing, dated the 5th day of April 1823 :”
- “Of any DESPATCH or DESPATCHES from the Court of Directors of the East India Company to the Government of India, relating to Act XI. of 1835 :”
- “Of a NOTIFICATION issued by the Government of *India* on the 18th day of June 1857, with reference to the provisions of Act No. XV. of 1857, that application for Licenses to keep or use Printing Presses must in future be made to certain Authorities named therein, and naming the ordinary Conditions on which such Licenses may be had ; also, of any Notifications, similar in terms or tenor to the foregoing, which have been since issued by the Government of *Madræs* or the Government of *Bombay* :”
- “Of any MEMORIAL or REMONSTRANCE addressed to the East India Company, praying for the Disallowance of Act XV. of 1857, and the Reply or Replies of the East India Company to the same :”
- “And, of any RECORDS of PROCEEDINGS by the Supreme Government, or any of the Local Governments in *India*, taken with reference to enforcing the Provisions of Act XV. of 1857, and of any NOTICES or WARNINGS to Printers or Publishers, with any Articles or Writings inculpated under the same.”

East India House, }
3 May 1858. }

J. D. DICKINSON,
Secretary.

(Mr. *Milner Gibson*.)

Ordered, by The House of Commons, to be Printed,
4 May 1858.

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East India House, }
3 May 1858. }

J. S. Mill,
Examiner of India Correspondence.

PAPERS RELATING TO THE PUBLIC PRESS IN INDIA.

LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable *Charles Watkin Williams Wynn*, dated 17th 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.

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 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, recognising 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.

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 butta, taken by the shroffs of Calcutta,

Calcutta, on the exchange of gold mohurs for silver. The editor, Mr. H. M'Kenly, 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.

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.

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 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.

In the same year (1798), a letter having appeared in "The Telegraph," signed "Charles M'Lean," animadverting on the official conduct of Mr. Rider, the magistrate of Ghazee-pore, both the editor and Mr. M'Lean were called upon by Government to apologise for publishing the article in question. The editor complied, but Mr. M'Lean 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.

In 1799, the editor of "The Telegraph" was called upon by Government publicly to apologise 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 authorised by him for that purpose.
- 5th. The penalty for offending against any of the above regulations to be immediate embarkation for Europe.

* "Hirkarrah,"
 "Morning Post,"
 "Calcutta Courier,"
 "Telegraph,"
 "Oriental Star,"
 "Indian Gazette,"
 "Asiatic Mirror."

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.

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

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 found 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.

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 1802 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 "Indian 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 authorised 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.

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 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 to 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 in Calcutta :

1. "That the proof sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.
2. "That all notices, hand-bills and other ephemeral publications, be in like manner previously transmitted for the Chief Secretary's revision.
3. "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.
4. "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 4th 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 intimation 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

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 explanation, 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."

In June 1817, Mr. Adam complained of the insertion of matter in the "Mirror" not sanctioned by him. 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.

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:

1. "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.

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

3. "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.

4. "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.

The Court having been desirous of replying separately to such part of the communication

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 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 in Calcutta, while that at Madras continued under control, are too notorious to require particularising 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 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. That Government which has nothing to disguise, wields the most powerful instrument that can appertain

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."

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 severity 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.

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. 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."

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.

In November 1820, a letter, under the signature of "Emulus" 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 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.

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.

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.

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 either 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 M'Naughton) 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.

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:—

"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."

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 regulations 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 publications 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 authority, 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 Lieutenant-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 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 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 dissenting vote, under the powers vested in the Governor-General by the provisions of the 33d 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

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 for 18 months, with the intention that he should precede 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 have 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 punishment and regulation, 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 20th” 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.

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.

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.

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.

On the 29th June 1799, it was determined that all newspapers should be submitted to the inspection of Government previously to their publication.

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.

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

“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.

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.

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 Eperon was contradicted in the “Madras Gazette” of the 13th of April.

In January 1809, the Madras Government refused to comply with the request of Messrs. Abbott and Maitland, for permission to publish the trial of Royal Reddy Row and Ananda Row.

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.

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.

In 1817, the editor and proprietor of a paper called the “Commercial Circulator,” which had been prohibited from publishing any literary, scientific and 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 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.

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.

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:—

“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 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.

In June 1791, the editor of the “Bombay Gazette” promised to pay attention to every order of Government respecting publications in that paper.

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.

In October 1791, the editor of the “Bombay Gazette” requesting that his paper (like the “Madras Courier”), might be officially and exclusively authorised by Government, promising, in that case, that no insertion should appear therein unauthorised 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.

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.

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 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

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.

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.

The new editors had almost immediate occasion to apologise for the insertion in their paper of an article which had not received the previous sanction of Government.

In January 1805 the editor of the "Bombay Courier" apologised 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.

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.

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.

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.

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."

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 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.

We fear that the foregoing detail may have been found somewhat tedious, (more particularly 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 of 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.

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.

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 imagine 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 order, published in the "Calcutta Gazette" of the 13th June last, shows that the practice in question has unfortunately already become too common:—

"Head Quarters, Calcutta, 8 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 view of the writer; consequently the appeal
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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 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 everything, 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 evil 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 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.

3d. 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 license 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.

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.

The native population is composed of two classes, the one of mixed, the other of unmixed blood.

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 the natives of unmixed blood, and the impediments to its merging in the Hindoo, the Muhomedan, 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.

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.

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 they give rise, are at all times accessible to the public of this country through their representatives in Parliament; and the Indian governments 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 ought 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,
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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, detracting from each other's merits, 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 forced to retire baffled and beaten from the conflict? How can a government devote its undivided 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 paralyse 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 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

religions instruction through every part of the community." "By mild and equitable 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, and terminate in our compulsory abandonment of the country. 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 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, too, 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 organisation 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 united 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 Presidencies 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

the press is disposed of in the negative, there remains another question to be considered, namely, what restraints ought to be imposed upon it?

The law of libel is the same in India, within the jurisdiction of the King's Courts, 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 on the merits of the case must be proportionally 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 unbiased jury to try it. In England, by what is termed "changed 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 Courts 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 at 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 has always 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 a confidential officer 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 enacted, 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, and 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 cognisance 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 Governments to inflict on the criminal 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 which 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 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 presses 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 retraced, 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 on 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 intentions. 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 would 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 palliative to an existing evil, because we cannot cure it altogether; that the evil so justly complained of at present, does not proceed 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 licenses to printing presses, and to put down any press printing without a license, 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.
(signed) *J. Pattison.*
W. Wigram.

East India House,
17 January 1823.

LETTER from the Right Honourable *C. W. Williams Wynn* to the Chairman and Deputy Chairman of the East India Company.

Gentlemen,

East India Office, 5 April 1823.

I HAVE to acknowledge the receipt of your letter of the 17th January last, upon the subject of the licentious state of the press in India, and have the honour to inform you, that his Majesty's Ministers, though deeply sensible of the weight and importance of the considerations which you have pressed upon their attention,

attention, do not think that, under all the circumstances, it would at present be advisable to submit to Parliament any measure for extending the authority of the Indian Governments to check this abuse.

I have, &c.
(signed) C. W. Williams Wynn.

Legislative Department, dated 1 February (No. 1) 1836.

Our Governor-General of India in Council.

Para. 1. We now reply to your letter, in the Judicial Department, dated the 18th May 1835, in which you refer to us the proceedings relative to an Act of the Indian Legislature, for removing all restrictions on the press. The Act was read in Council on the 27th of April, was published in the "Gazette" two days after for general information, and was to be read again on the 1st of August, with a view to being passed into a law.

2. This proceeding is in opposition to all our previous orders, to the solemn decisions both of the Supreme Court at Calcutta and of his Majesty's Privy Council, delivered, in both cases, after full arguments on both sides of the question, to the recorded opinions of all preceding Governments of Bengal, Madras, and Bombay, and more especially to the carefully considered measure of Lord William Bentinck and Sir Frederick Adam, for extending the Licensing Regulation to Madras.

3. We are compelled to observe, that this proceeding must be considered the more unjustifiable, inasmuch as it has been adopted by a government only provisional; and also, when a commissioner for framing a code of laws for the three Presidencies, was about to commence its important labours.

4. We must further remark, that, after an attentive perusal of the minutes recording the opinions of the Governor-General and of the Members of Council, we find no sufficient reasons assigned for the step now taken, nor any facts whatever brought to our notice upon which we might be enabled to form a right judgment. We look in vain for any detailed account of the actual condition and character of the press, whether British or native. We have no statement of the aggregate number or individual sale of the respective newspapers, of the general or particular mode in which they are conducted, of the influence, whether increasing or decreasing, which they may be said to exercise over the British and Indian community. Instead of such obviously indispensable information, we are furnished only with the dogmatical assertion of certain principles which may be admitted, and indeed, are never denied with reference to one state of society, and which amounts to mere idle declamation when applied to another.

5. Nor do you allege the existence of any real grievance, the redress of which might justify your proceeding. On the contrary, your Legislative Councillor informs us that "the newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoyed in England," and the only apprehension entertained seems to be, lest the due influence of Government should be weakened by incurring odium for a law never put in force, an apprehension arising from no facts with which you have made us acquainted, and prompted, as it would appear, rather by an unwise desire for temporary praise than a fear of just and lasting blame.

6. We have, moreover, to remark that two of the Members of your Council anticipate much danger from removing the restrictions from the native press, and give indeed to the new measure a consent, if not reluctant, at least entirely at variance with the whole tenor of their arguments. Even your Governor-General and your Legislative Councillor, with whom the proposal seems to have originated, contend for the safety of withdrawing the licensing system, principally on the ground that the same, or any other mode of suppressing at once a mischievous publication, may at any time be adopted by a sudden and summary proceeding of Government. So that in fact the liberty of the press will still be dependent upon the opinions and dispositions of those who happen to compose the Supreme Council, and whose apprehensions of danger, whether well or ill-founded, will be a sufficient justification for the exercise of that arbitrary authority,

authority, which it is the alleged object of your proposed Regulation to dispense with altogether. And admitting the facility of resuming, on an emergency, a power thus abandoned (which, however, in common with one of your Council we are much inclined to question), we should predict that your apparent liberality would be productive of no beneficial results either to the subjects or the rulers of India. The one would not in reality be more free, nor the other except for a moment, be more beloved.

7. We deem it to be wholly unnecessary to examine the details of the law by which you propose to substitute legal responsibility for the present licensing system. Some such law would, it is obvious, be requisite were the change you contemplate to be finally determined upon, and even without abandoning the licensing system, some of the provisions of the proposed enactment might, perhaps, be framed into a useful Regulation quite compatible with a reserved power to deal summarily with such offences of the press, as could not be reached by ordinary legal process. But the main question now before us relates to the abolition of the licensing law; and, without entering upon general arguments upon a point so frequently discussed, it is sufficient to repeat that no just grounds, nor indeed scarcely any grounds at all, appear on the face of your minutes, to reconcile us to the change in contemplation.

8. In cases of emergency much discretionary power must be and always has been allowed to your Government. But in this instance no emergency, no cause for prompt interference is shown, or even pretended to exist, and if we were inclined to approve of your measure, we should nevertheless consider your conduct as wholly indefensible for taking a step of such importance without previous reference to the home authorities.

9. We should, then, be prepared at once to avail ourselves of the power entrusted to us by Act of Parliament, and disallow your new law when passed, were we not aware that the immediate repeal of such a law, however ill-advised and uncalled for its enactment may have been, might be productive of mischievous results. We shall therefore wait for the deliberate advice of the Governor-General in Council after the arrival of Lord Auckland, your present Governor-General, before we communicate to you our final decision. But you are in possession of our sentiments, and we shall not be sorry to find, that by returning to the former system you have rendered our interference unnecessary.

(signed) *W. S. Clarke.*
T. R. Carnac.
&c. &c.

East India House, 1 February 1836.

EXTRACT Public Letter from India, dated 18 June (No. 54) 1857.

9. We desire to draw your Honourable Court's attention specially to an Act (No. XV. of 1857), which was passed in the Legislative Council on the 13th of the present month, "to regulate the establishment of printing presses, and to restrain in certain cases, the circulation of printed books and papers. The circumstances which led to the passing of this law, will be gathered from our resolution of the 12th instant, and the extracts from certain native newspapers therein referred to, your Honourable Court will perceive that the law officers of the Government have been directed to take the necessary steps for bringing the printers and publishers of the "Doorbeen," the "Sultan-ul-Akhbar," and the "Sumachar Soodaburshan," to trial before the Supreme Court, on a charge of publishing seditious libels.

10. Your Honourable Court will already have received from the Military Department the narrative of events furnished by the Lieutenant-governor of the North Western Provinces, under date the 22d ultimo. We have requested the Lieutenant-governor to furnish us with a complete narrative of the recent events in those provinces, and in future to forward to us regularly, until further instructed, a weekly narrative, for transmission to your Honourable Court, by each mail, but owing to the communication between Agra and the Presidency being at present interrupted, there will probably be some delay in the receipt of the required narratives.

Vide public letter to Court, No. 47 of 1857, dated the 1st June, para. 2.

11. Copies of a Hindee translation of the resolutions passed by the British Indian Association, upon the subject of the mutiny of the sepoys in the North Western Provinces, have been forwarded to the Commissioners of the Patna, Bhaugulpore, and Hazareebaugh divisions, for distribution within their several jurisdictions.

Home Department, No. 60 of 1857.

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

Honourable Sirs,

WITH reference to the 9th paragraph of our letter, No. 54 of 1857, dated the 18th June, we have the honour to transmit, for your Honourable Court's information, a copy of a letter addressed under date the 29th ultimo to the Government of Bengal, respecting an objectionable article which appeared in the editorial columns of the "Friend of India" newspaper of the 25th idem.

We have, &c.
 (signed) *Canning.*
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 1 July 1857.

EXTRACT Public Letter from India, dated 4 July (No. 62) 1857.

22. HAVING taken this opportunity of explaining generally and at length the reasons for which we think the temporary Licensing Act necessary, the objects which we had in view when the Act was passed, and the spirit in which we proposed to carry it into execution during the present critical state of affairs, we proceed to report two cases in which we have thought it our duty to act under the authority which this Act gives us.

23. The first of these is the case of the "Friend of India" newspaper. This paper, after the conditions imposed upon the press had been promulgated, and a licence, subject to those conditions had been granted to it, published an article which in our opinion infringed every one of those conditions. The position of affairs at the time was most anxious. The Bengal native army was in mutiny; the North Western Provinces were for the moment lost; the king of Delhi and our treacherous sepoys were proclaiming a new empire; small bodies of gallant Englishmen were holding out for Government in isolated stations against fearful odds; the revolt was still extending, and the hearts of all Englishmen in India were daily torn by accounts of the massacre of their brethren, and the massacre and worse than massacre of their women and children. Of this disastrous and extraordinary revolt the only one of the causes that is quite certain is, what appears to us almost an insane, but what is not the less a rooted and universal persuasion in the minds of the sepoys and the people of the North Western Provinces, that it is the fixed design of the British Government to interfere by force with the religious liberty of the people. In this position of affairs, it appeared to us that we should fail in our duty if we permitted a newspaper to inflame men's minds against the British Government, to excite suspicion and unfriendly feelings in the minds of native chiefs in relations with us, and above all, to intensify the prevalent and fatal delusion as to designs on the part of the British Government to destroy caste, and to convert the natives of India by force and fraud. We therefore warned the publisher of this paper that a repetition of such breach of the conditions would be followed by the revocation of his licence. Instead of profiting by this warning, the next issue of the paper contained an article repeating, but in offensive and defiant terms, the substance of the article originally objected to. We were on the point of recalling the licence of this newspaper, when we received from the friends of the proprietor an assurance, in which we place reliance, that arrangements had been completed, under which, in future, the paper would be conducted in conformity with the prescribed conditions. As our object is to obtain the necessary security, with the least possible

possible injury to private interests, we have, on this assurance, abstained from the withdrawal of the licence.

24. We have revoked the licence granted to the proprietor of a lithographic press in Calcutta, and directed the seizure of all the printing materials, &c. belonging to it. Our reason for taking this step is, that in the "Gulshun-i-Nan-Behar," a Persian newspaper, published at the press in question, there appeared on the 21st ultimo, two articles of a grossly seditious character, obviously designed to excite disaffection towards the Government, and to encourage resistance to its authority. A translation of these articles will be found in the collection.

Home Department, No. 71 of 1857.

To the Honourable the Court of Directors.

Honourable Sirs,

In continuation of our letter No. 62 of 1857, dated 4th July, we have the honour to transmit, for your Honourable Court's information, the accompanying extract from our proceedings in the Foreign Department, containing a despatch from the Commissioner of Sind, bringing to notice the mischievous tendency of certain articles in native newspapers, together with copies of minutes recorded by the Right Honourable the Governor and the Honourable Members of the Council of Bombay, on the absolute necessity of putting some restriction on the freedom of the press in India.

No. 2956, dated
14 July 1857.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 17 July 1857.

Home Department, No. 72 of 1857.

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

Honourable Sirs,

31 July 1857.

In the 9th paragraph of our letter, No 54 of 1857, dated the 18th June, we intimated that the law officers of the Government had been directed to take the necessary steps for bringing the printers and publishers of the "Doorbeen," the "Sultan-ul-Akhbar," and the "Sumachar Soodaburshun," to trial before the Supreme Court on a charge of publishing seditious libels. A translation of the libels in question was communicated to your Honourable Court in the same despatch.

2. True bills were found by the grand jury at the last sessions against the defendants; but, under the circumstances explained in the accompanying correspondence, we authorised the Advocate-general not to press for punishment, if the defendants connected with the two former papers would plead guilty, and express contrition for their offence. This course was accordingly adopted; the defendants pleaded guilty, and were discharged after entering into recognisances to appear and receive judgment when called upon.

From Advocate-general, of the 17 July. To Advocate-general, dated 20 July. Minute by Mr. Grant, dated 19 July. From Solicitor to East India Company, dated 29 July.

3. The third defendant was prosecuted on the charge brought against him; but the trial resulted in a verdict of not guilty.

4. On referring to the translation of the libel which appeared in the "Sumachar Soodaburshun," your Honourable Court will perceive at once the nature of the comments that may be made in a newspaper, and circulated amongst natives in India with impunity, when the press is not under a temporary law of restriction.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
B. Peacock.

Fort William, 31 July 1857.

PAPERS RELATING TO THE

Home Department, No. 112 of 1857.

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

Honourable Sirs,

WE have the honour to transmit for your Honourable Court's information, the accompanying copy of correspondence regarding the revocation of the licence granted under Act, No. XV. of 1857, to the proprietor of the "Hurkaree Press," and the subsequent grant to him of a new licence under the Act.

We have, &c.
(signed) *Canning.*
C. Campbell.
J. Dorm.
J. Low.
B. Peacock.

Fort William, 23 September 1857.

EXTRACT Public Letter to India, dated 26 August (No. 120) 1857.

3. Your attention having been called to the degree in which the objects and intentions of Government were misrepresented by the press, for the purpose of bringing the Government into hatred and contempt, you caused a Bill to be brought into the Legislative Council, which subsequently passed as Act No. XV., giving the Executive Government a control, for a time, over the press, and the power of suppressing publications containing treasonable and seditious matter. We entertain no doubt of the necessity of some such measure, and have entire confidence in your discretion, as to the mode in which, under your orders, effect will be given to it.

* * * * *

5. Since the preceding paragraphs were written, we have received your letter, dated 4th July (No. 62) 1857, submitting further proceedings relating to the control of the press, and assigning, at some length, reasons in justification of the restrictive measures which have been taken. We have already expressed our approval of your having obtained from the Legislature the power of exercising that control over the public press, the necessity of which, under existing circumstances, is obvious. We do not think it necessary at present to enter on the general question of the freedom of the press in India.

To Sir *James Cosmo Melvill*, K.C.B., &c., &c., Secretary to the East India Company.

Sir,

I HAVE the honour to forward to you herewith a memorial to the Honourable the Court of Directors, praying for the disallowance of Act XV. of 1857 of the Legislative Council of India, and for the protection of proprietors of presses and conductors of newspapers in India, in the rights and privileges which they have enjoyed since 1835.

Begging the favour of your submitting the same to the Honourable Court, and awaiting your reply,

9, Gloucester-terrace,
New Cross, London, S. E.,
21 August 1857.

I have, &c.
(signed) *John Connon.*

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

The Memorial of *John Connon*, M.A., &c.

Showeth,

1. THAT your memorialist went out from this country upwards of 10 years ago to edit a newspaper in India, having only recently returned, and is now sole proprietor of the "Bombay Gazette," daily newspaper, also of several other periodical publications and literary works, and of a large printing office in Bombay, giving employment to more than 150 persons, and circulating by so doing more than 120,000 rupees a year.

2. That

2. That as the conductor of a public journal, and otherwise, your memorialist has reason to believe that he acquired the goodwill and esteem of many persons, notwithstanding the invidiousness of the office which he had undertaken, having been secretary to the only associated body of Europeans in the Presidency independent of Government, the Bombay Chamber of Commerce, during the greater part of his residence there, and having received on the occasion of his quitting Bombay, upon leave of absence, and subsequently on a final tender and acceptance of his resignation, highly complimentary communications from that association.

3. That your memorialist claims to have been instrumental, by means of the journal which he conducted and still owns, in doing much good at Bombay, by calling attention, for example, to the indifferent state of the police there, when one magistrate was removed, and the magistracy, superintendency and details of police management, have all since been changed and improved; to frauds and other illegalities in the collection of municipal revenue, which have since disappeared; to the state of the *Sudder Adawlut* in Bombay, when two of the judges of that high court were removed avowedly in consequence of what your memorialist published and the inability of those judges to reply satisfactorily to it; and your memorialist believes that by these and other means a greater sense of responsibility has become common among public men, the administration of justice has become less open to suspicion, and the honour of the English name and government more and more respected throughout the Presidency of Bombay.

4. That your memorialist, thankful for the freedom and means of usefulness in an honourable calling which he enjoyed while thus engaged, has been careful from the first day and hour in which he acquired property in a press in India to comply with all the requisitions of the existing law as to the registry of said property, a precaution which he has reason to believe has not always been taken by others similarly situated, including gentlemen in the service of your honourable Court, which neglect on those gentlemen's part, though well known to the members of successive governments on the spot, was wholly overlooked by them; and your memorialist, though he has had to appear in courts of law from time to time, never was cast in damages, or found guilty, on the criminal side, of any libel, or had to apologise for any wrong done, or failed to establish the truth of anything which he ever published, though a statement to this effect seems to have been conveyed to your honourable Court in a minute of the late Governor, Lord Falkland, quoted in a despatch of your honourable Court to the Governor in Council at Bombay, No. 12 of 1853 in the Judicial Department, against which your memorialist remonstrated in letters to the Bombay Government, dated 21st and 28th March, and 18th September 1854, and in respect of which your memorialist had the satisfaction of receiving disclaimers from the Bombay Government under dates the 28th March, 5th April, 7th September, and 7th October, all in 1854; the communication of the 7th September being accompanied by a copy of your honourable Court's despatch to that Government, No. 13 of 1854 in the Judicial Department, in which partial, but, speaking with the utmost deference your memorialist must say, imperfect justice was done him in respect of the wrong which had been committed.

5. That, in the midst of this career of public usefulness, as your memorialist ventures to call it, living under the protection of law on the one hand, and responsible to it on the other, he finds by Act XV. of the present year, intituled "An Act to regulate the establishment of printing presses, and to restrain in certain cases the circulation of printed books and papers," passed by the Legislative Council of India, at a sitting, and by regulations made by the Government of India under that Act, all this freedom and all this protection of law, as well as amenability to regular tribunals, taken away, and that he is now liable to absolute ruin at the pleasure of the Executive Government, without warning and without trial; that he must have a licence from Government to use his own press, which licence they can give or refuse at pleasure, or on any terms that they please; that they can revoke such licence, or change the terms of it, on the instant, and as often as they please, without any further legislation; that the use of his own press without such a licence would involve the possible loss of it by summary seizure, also the chance of a long imprisonment and heavy fine, while there is to be no appeal from such decisions, nor is any compensation provided for possible wrong done under these circumstances.

6. That your memorialist understands that the mutiny of large bodies of troops in the Bengal Presidency, and a certain unsettledness throughout the country in consequence, are assigned as the reasons for giving to the Executive these new powers. But your memorialist ventures to submit that those mutinies have not been caused in any degree by the late freedom of the press; and that so far as advantage has been taken by evil-disposed persons of the disturbances alluded to, to publish seditious or other libellous matter, the existing law was sufficient to reach and to punish such; in illustration of which he may notice that the Government of India, before Act XV. of this year was passed, had up the editors of four native papers in Calcutta before a magistrate, charging them with the issue of treasonable or seditious publications. The accused were all committed, as no doubt they deserved to be, for trial at the criminal sessions, which are presided over by English judges, and where juries, of whom a half must, and the whole may be Englishmen, are judges of the fact, and in libel cases, as your Honourable Company is aware, also of the law. There is no reason to doubt that those men would get a fair trial, nor that seditious, libellous, or other illegal writing in India, can be put down by regular and constitutional means, as easily and as summarily as it can in England. But should the law now passed not be disallowed, it will be

said that the government of the East India Company does not like regular and constitutional means, that it does not like an independent judicature, that it wants a power above the law, and operating on public fears at a critical time has got such a power as regards the press; while, judging by what the Governor-General said, in proposing the measure, there is reason to fear that the power thus taken will be retained long after the circumstances under which it arose have passed away. Already such language, less respectful to your honourable Court and servants than your memorialist will allow himself to use, is finding public utterance, and probably commanding assent. In a letter from Calcutta, which appears in the "Daily News" of the 17th instant, it is written: "To gag the press was among the first ideas of our rulers when they found themselves in difficulties. Be sure the English press was not muzzled on account of any idea of turbulent natives perusing its columns; it was the opportunity to visit official indignation upon the too free-spoken on matters in general. The law as it was before, was thoroughly sufficient for every purpose of proper control and punishment; but it did not permit, as the new Act does, the Governor-General in Council to crush a paper by a word."

7. That supposing your memorialist is wrong in the opinion which he holds in common with so many others, that the existing law was sufficient for all reasonable purposes, he suggests that the law might be amended, but he prays that himself and property shall only be put under a government by law, and not one of possible caprice; above all, he would not have those who may be his accusers to be also his judges, sole judges, and against whose adverse decision there could be no appeal, till wrong past any legal remedy had been inflicted.

8. That it may be said, as indeed has already been said by the Government of India, in giving a warning which it was quite optional and quite a gratuitous courtesy on the part of Government to do, to the "Friend to India," that "the Governor-general in Council has no intention of interfering with the fair discussion of public measures;" but read by the light of his actual interference with the conduct of that newspaper in respect of an article which your memorialist would call innocuous, if not laudatory of the English Government in India, one is at a loss to know what Government means by "fair discussion." They constitute themselves sole judges of what is fair discussion, and what is not. And looking at the conditions set forth in the official notifications in India as those upon which the licence to keep or use a press is to be had, it will be observed that those conditions have only in a partial degree any relation to the existing state of affairs, and withal are so comprehensive that having them in view no proprietor of a press, or journalist equal to his duties, can regard his personal liberty or his property as safe for one hour beyond the pleasure of angry, fussy, or affrighted officials. Even publication of documents and despatches that have received the warm approval of your Honourable Court is full of danger. Thus, referring to one of the conditions, that forbidding observations, original or selected, from any source, "having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it," to reprint in India only a few words from the minute of the Marquis of Dalhousie, dated the 28th February 1856, reviewing his administration in India, say paragraph 39, in which his Lordship speaks of the chance of "recovering [for the British Government] the fertile and unhappy province of Cashmere, which, in 1846, we unwittingly handed over to a chief who has proved himself a veritable tyrant, and who already appears to be the founder of a race of tyrants," the veritable tyrant here alluded to, being a sovereign prince then in alliance with us, and his son one of "a race of tyrants," by the same authority, being now in alliance with us, to reprint in India such words as these, long since given to the world with approbation by your Honourable Court, would now render one liable to all the penalties of Act XV. of 1857. In short, if Government is to act, not to speak of the letter, but even in the spirit of the regulations which it has laid down, the use of a printing press in India for almost any conceivable purpose is dangerous, if not impossible. But it may be said, Government has no intention to act up to the power which it has taken. With reference to that, your memorialist would represent that it is a policy—if one can call such action by such a name—quite unworthy of a wise and just government, to make laws which it does not care to enforce habitually when they are infringed. As already remarked by your memorialist, the few and simple provisions of Act XI. of 1835, as to public registry of property in presses, have been frequently disregarded in India by some, never by memorialist; and no government, so far as your memorialist knows, has taken the least notice of the illegality. No doubt the unwillingness of Government officers to perform what seemed a disagreeable duty, was alone the cause of this; but if another cause were sought for, it might be found, perhaps, in the notion entertained by a certain class of officials, that it is high statesmanship to treat the press with an affectation of contempt—a notion strikingly in contrast with the Act just now passed, and one also which your memorialist is persuaded cannot be entertained by your Honourable Court, who, he doubts not, share with him the opinion that the only true statesmanship in regard to the press, is to legislate for it calmly and deliberately in peaceful times, putting it, like other professions, in a state of responsible freedom, and then leaving those affected by it, whether governments or individuals, and those connected with it, all to their responsibility to the law on the one hand, and to their protection by it on the other.

9. That your memorialist submits that any other policy—interference, for instance, by the executive, from day to day in the way now threatened, and indeed practised in India—involves a degree of responsibility and necessary action on their part totally incompatible with their recognised functions. For one thing, they must be presumed to approve all that
is

is printed, which they have not checked; and unless they are to carry out a policy of extermination as to the press, this lands them in a position of absurdity unworthy of a government, or indeed any man of reason and common sense.

10. That your memorialist believes less precaution has been taken in India since 1835 till now, than is still taken in England, to ensure a certain amount of respectability on the part of newspaper proprietors, so far as that can be done by law. He alludes to the seditious libel bond or recognizance required in England from newspaper proprietors and sureties under 60 Geo. 3, c. 9, and 11 Geo. 4, c. 73. Your memorialist would not object for himself, and does not believe that any respectable newspaper proprietor in India would object, to furnish such a bond as that required here under those Acts. But your memorialist would see with deep regret any steps taken, and, if taken, persevered in, which would have the effect of placing conductors of English newspapers in India on a footing of hostility, with a good cause of quarrel, almost personal, towards the British Government there, where there are so many objects of honourable ambition and of usefulness common and open to both parties in their respective spheres. But then their spheres are and must be apart, if either would be useful, as they may. One who has adorned and dignified a judgment seat in Bombay, and the legislature of England; one who has taught philosophy in the schools of your Honourable Court, and whose name is dear to literature and freedom, Sir James Mackintosh, said in his defence of Peltier—"To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office; but it is often the most necessary of all public duties. If it is not done boldly, it cannot be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it;" and to quote another who has also served your Honourable Court well, the great historian of our day, the same who drew up the Act that first gave to the press of India its (alas temporary) freedom:—"Men are never so likely to settle a question rightly as when they discuss it freely. A government can interfere in discussion only by making it less free than it would otherwise be. Men are most likely to form just opinions when they have no other wish than to know the truth and are exempt from all influence either of hope or fear. Government, as government, can bring nothing but the influence of hopes and fears to support its doctrines. It comes on controversy, not with reasons, but with threats and bribes. If it employs reasons, it does so not in virtue of any powers which belong to it as a government. Thus instead of a contest between argument and argument, we have a contest between argument and force. Instead of a contest in which truth, from the natural constitution of the human mind, has a decided advantage over falsehood, we have a contest in which truth can be victorious only by accident."

11. That it is your memorialist's firm persuasion that your Honourable Court and the various authorities and agencies for the government of India have nothing to fear, in the discharge of duty, from a free press.

Your memorialist therefore prays your Honourable Court to signify to the Governor-General of India in Council your disallowance of the Act XV. of 1857, in terms of the Act of Parliament 3 & 4 Will. 4, c. 85, s. 44, causing the said Governor-General in Council forthwith to repeal the said law, and the regulations made under it; and should it be thought necessary or desirable to amend the previously existing law as to the possession and use of printing presses in India, your memorialist prays further that the liberty of unlicensed printing shall not be taken from loyal and lawful subjects of the British Crown, and that the persons and property of owners of presses and the conductors of newspapers there—at all events, of those now enjoying the protection of English law, and subject to the jurisdiction of the Queen's Courts only—shall not be put in jeopardy except by fair trial in such courts, nor sacrificed till after guilt found by impartial and independent juries.

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

John Connon, M. A.

6, Gloucester-terrace, New-cross, London, S. E.,
21 August 1857.

Sir,

East India House, 2 September 1857.

I HAVE laid before the Court of Directors of the East India Company your memorial, dated 21st ultimo, praying for the disallowance by the Court of the Act of the Legislative Council of India, No. XV. of 1857, and "for the protection of the proprietors of presses and the conductors of newspapers in India, in the rights and privileges enjoyed by them since 1835."

In reply, I am commanded to inform you that the Court have already communicated to the Government of India their approval of the Act of the Legislative Council of India, to which you refer.

I am, &c.

John Connon, Esq.,
6, Gloucester-terrace, New Cross.

(signed) *James C. Melvill,*
Secretary.

Fort William, Home Department, 12 June 1857.

RESOLUTION.

THE Governor-General in Council has read extracts from certain native newspapers published in Calcutta, in which falsehoods are uttered and facts grossly perverted for seditious purposes, the objects and intentions of the Government are misrepresented, the Government itself is vituperated, and endeavours are made to excite discontent and hatred towards it in the minds of its native subjects.

Two of these papers have published a traitorous proclamation said to have been put forth by the leaders of the revolted troops at Delhi, inciting the Hindoos and Mussulmans to murder all Europeans, offering rewards to those who will join and assist them in rebellion, and denouncing all who shall continue well affected and faithful to the British Government.

It is necessary that prompt and decisive measures be taken to arrest this mischief at its source.

His Lordship in Council resolves therefore that the law officers of the Government be directed to take out a warrant against the printers and publishers of the three* newspapers in which these articles have appeared, in order that they may be committed to take their trial before the Supreme Court on a charge of publishing seditious libels.

* Doorbeen. Sul-tan-ul-Akhbar. Sumachar Soodhaburahun.

It is further resolved, that a Bill be brought into the Legislative Council giving the Executive Government, for a time, control over the press, and the power to suppress summarily publications containing treasonable or seditious matter, or otherwise infringing the conditions which may be imposed on them.

From the "Doorbeen," a Persian Paper published in Calcutta, Republished in the "Sultan-ul-Akhbar," another Persian Paper.

Proclamation by the Leaders of the Mutinous Army of Delhi.

IN the course of the week an urdu proclamation, issued by the leaders of the rebellious army of Meerut and Delhi, was forwarded to us anonymously by post. It is clear from the contents of this document that these troops have fallen into a great error, being misled by a groundless delusion and false suspicion, and have thus become the source of so great a commotion and disturbance, of loss and injury to human life, and of danger to honour and property. Therefore, without engaging for the truth of its contents, we reprint it *verbatim* and *literatim*, explaining underneath it, its falsehood, and folly and groundlessness, so that all may know that the reasons given by these troops for mutinying are in truth false and groundless, and their assertions untrue and ignorant.

This is the copy of the proclamation:—From the leaders of the English army at Meerut and Delhi to all Hindu and Mahometan subjects and servants of Government. All the Ferringhees have determined upon this; that they will first destroy the religion of the army, and then quickly make all their subjects Christians by force. Accordingly the Lord passed this order—"Distribute cartridges made of hogs' and bullocks' fat. If 10,000 men decline to receive them, blow them up, or if 50,000 refuse submission, dismiss them." Therefore only to save our religion we have joined with the people, and not left one unbeliever (Kaif) alive in this place, and we have made the Emperor of Delli king; and whatever regiment will kill the Europeans, and own allegiance to him, shall receive double pay. We have got hundreds of guns and plenty of treasure. Now it behoves all people who don't wish to turn Christians to join the troops in all directions, and show courage, and not leave any of the seed of these devils alive in any place. Whatever expense is incurred in furnishing carriage and supplies for the troops let the people take a receipt for the same from the officers, and keep it by them. They will receive double the cost from the king's government.

And all who show cowardice at this time, or put faith in the words, or are deceived by the promises of these deceivers, will receive such fruit of their submission as did the government of Lucknow. It behoves all Hindoos and Mussulmans at this crisis to be of one mind, and commit their safety to some respectable man. Whoever in any place makes good arrangements, so that the people are content,

content, will be honoured with promotion. And let it be understood, that to spread this proclamation as far as possible, is not less important than to fight. It should be hung in conspicuous places so that all Hindoos and Mahomedans may learn its contents, and take their measures accordingly. And if the unbelievers now show any softness it is only a stratagem to save their lives. He who is deceived by them will repent. The empire is established. The pay of the new troops of Delhi has been fixed at 30 rupees for a sowar, and 10 rupees for an infantry soldier.

If the causes of the revolt are truly described in this proclamation, "that all the Ferringhees have determined upon this, that they will first destroy the religion of the army, and then quickly make all their subjects Christians by force—Accordingly the Lord passed this order: "Distribute cartridges made of hogs' and bullocks' fat. If 10,000 men disobey this order, blow them up, or if even 50,000 refuse submission, dismiss them;" then it is fully evident that this is due to the extreme folly and ignorance of the mutineers. All know perfectly well that the Ferringhees have never determined upon this, that they will "first destroy the religion of the army, and then quickly make all their subjects Christians." But it is perfectly well known that the Government, from first to last have bound and pledged themselves, by proclamations which they have issued, that they have no concern, and will never interfere with the religious observances of any one of their subjects; and all well know that assuredly the Governor-General never issued an order to the effect that, if "10,000 men disobey this order, blow them up, or if 50,000 refuse submission, dismiss them." But on the contrary, when one regiment and some hundred other sepoy showed signs of mutinying at Barrackpore, they simply disbanded them without any further ado, and did not blow them from the cannon's mouth; and since the falsehood and baselessness of these two assertions, which are the foundation of the whole proclamation, are thus clear and apparent, of course the iniquity and falsity of the deductions built upon them are also indisputable; still it is a cause for grief, sorrow, and regret, that the rebel army should, under such a groundless delusion, have committed so many murders and so much bloodshed; moreover we cannot but regret that Government did not early adopt proper means to explain matters, and to conciliate the army, and that they ever used harsh and severe measures towards them, forgetting that saying, "The breaker who will tame the colt must make him a useful horse by gentleness."

EXTRACTS translated from a Calcutta Daily Paper, published in Bengalee and Hindee, called the "Sumachar Soodaburshun."

AFTER affirming that it has only been constant war that has made us prosper hitherto, and that our constant aggressions were not bad policy, the writer proceeds, "but now, from the way in which they (our rulers) have attempted to destroy religion, it seems that God is certainly displeased with them, and hence it is not improbable that they will lose their empire." "When a servant gives answer to his master, death is not far off." It is clear that the sepoy have given an answer "to their masters" upon the subject of the loss of their caste. Let our readers consider for themselves what is likely to follow. It was in an unlucky moment that the Governor passed the order for biting the cartridges, that he will not be able to effect his purpose is a trifle, but he will have difficulty in saving the empire. Now he takes every kind of oath, but the mutinous soldiers attach no credit to what he says, and show no inclination to leave off fighting; on the contrary, their rage increases every day, and they have induced the people in many places to join them.

26th May.

The Raja of Rewa promised the priests of the sacred Godhadhur at Gya 2½ lakhs of rupees if he should conquer in the war with the English, so the priests are praying God that he may be victorious.

The Emperors of France and Russia have made peace with the British Government upon condition that the country which the British have taken from them respectively is to be restored, but the orders of restoration have not yet issued. They will probably not long be delayed under present circumstances. Government has passed an order that all merchants are to assist in the war. The merchants are in great trouble about this.

All the country people round Agra are buying weapons and arms in every direction, saying, "If we die for it, we will fight with all our might against the English." Let us see what will come of it.

5th June.

The mutinies at Meerut and Delhi have filled the mind of our Governor with fear; he has therefore added 24 men to his body guard, and has ordered the principal gate, and all the minor entrances at Government House to be closed punctually at eight o'clock, P. M. After the gates are closed, no one is admitted, no matter who he be, or what his business; and he goes every day to Dum Dum, Barrackpore, &c., and salaming to the sepoy with both hands, with great address, addresses them thus, with sweet words: "I will never attempt any thing which can injure your religion. Do whatever your religion requires, no one shall prevent you. The members of the great Council of Parliament having understood that the order to bite the cartridges was at the bottom of all the present mutinies of the sepoy, have sent a letter of commands to Lord Canning. In it this is written, "Take means to make the Hindu and Mussulman sepoy abandon their mutinous conduct, or else it will be much the worse for you." When he got these orders, our Governor determined to burn all the cartridges with suspected covers (paper?) in the presence of the sepoy all over the country, in order that they might lose all suspicion in regard to their religion and return to their allegiance, but it does not seem as if the sepoy would place any confidence in the word of the Governor.

6th June.

The foolish mutineers are using every means to drive the English from the country. They first wrote a number of letters to the several tributary Rajas of Ullwar Rewa, Rampur, Bhurtpur, Puteyala, Gwalior, Kushmir, Nepal, &c. to come and assist them, but all of them, instead of leaving the English to join the sepoy, sent the letters to the British Government, and advanced with their forces to its assistance.

The ignorant sepoy despairing of obtaining any assistance in the north-west, then wrote a letter to the chief of the Sontal country to the effect that if they would give their aid and raise the Sontals again, they would very soon drive the English out of India.

The same paper contains a very favourable article upon the subject of the late meeting of the Hindus of Calcutta, dwelling especially with great satisfaction upon the assurances given by the Government in reply to the address of that meeting that it would ever respect the religion of its subjects.

9th June.

We learn by a letter from Lucknow that the zemindars of Tulsipur and Salitiput, and the country on the banks of the River Gogra, have collected a body of 60,000 sepoy and 112,000 of the country people to fight against the English, and sent a letter to the Nawab of Lucknow, in Calcutta, offering to drive the English out of the Province. But the Nawab would not give his consent, but on the contrary, actuated by fear, sent instructions to the zemindars to keep quiet. There is however, no doubt whatever that the zemindars will very soon create a fearful disturbance despite the commands of the Nawab. Our Governor is already very much alarmed at the revolt of the Delhi sepoy, and taking all kinds of precautions. He will have greater difficulty than ever in knowing what to do when the news of this Oudh rebellion reaches him. But let him not fear the result, God will order all well; for as all the people are contented under the British Government, we feel sure that the Lord of the world also will be favourable to them, and he whose honour is preserved by God need fear harm from no one. So let the Governor set his mind at ease and make arrangements for fighting on all sides. He will surely gain the victory. Only let him abstain from interfering with the religion of the people, and all will go well.

10th June.

The regiments at Hyderabad are ready to mutiny, and when the Nawab Nazim died, the mutinous troops plundered all his property and cut the telegraph wire.

Our Governor has issued a notification to all whom it may concern, whether small or great, or rich or wise, or honourable, promising to give a reward of 500 rupees, or if that be not thought enough of 1,000 rupees a day to any one who can put an end to the present mutiny. This offer will remain in force for one week from to-day. So any one who wishes to try must do so during that period. There is no doubt that the promised reward will be forthcoming.

We

We have reason to think (literally, it is likely) that as soon as the Governor shall have put out the flame of this revolt, he will again show what he can contrive and what he is capable of (literally, his ability), but the sépoys thoroughly understand his intentions, and will never be led astray by fair speeches."

Letter from Muttra.—The mutineers swear that while they live they will never turn their backs upon the English. 11th June.

(No. 1120.)

From *C. Beadon*, Esq., Secretary to the Government of India, to *F. C. Sandes*, Esq., Solicitor to the East India Company. Home Department.

Sir,

I AM directed to forward three native newspapers; viz.:

The "Doorbeen" of the 8th June, containing a proclamation said to have been issued by the revolted sepoys at Delhi, with comments thereon.

The "Sultan-ul-Akhbar" of the 10th June, containing the same proclamation, with comments thereon.

The "Sumachar Sooddhaburshum" of the 10th June, containing remarks calculated to promote the false belief that the Government has intended, and notwithstanding its assurances to the contrary, still intends to interfere with the religion of the native soldiers.

2. I am directed to request that you will lay these documents before the Advocate-general, and if so advised, that you will immediately apply for a warrant against the printers or publishers of these newspapers, in order that they may be arrested and committed for trial before the Supreme Court on a charge of publishing a seditious libel.

Fort William,
13 June 1857.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

Fort William, Home Department, 18 June 1857.

RESOLUTION.

WITH reference to Act No. XV. of 1857, the Governor-General in Council resolves that application for licenses to keep or use any printing press or types or other materials and articles for printing within the town of Calcutta, shall be made to the Commissioner of Police, and that the Commissioner shall forward a copy of every such application to the Government of India, in the Home Department, from whence licenses will be issued.

His Lordship in Council authorises the Lieutenant-governor of Bengal to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the Lower Provinces of Bengal, except the town of Calcutta.

His Lordship in Council authorises the Lieutenant-governor of the North Western Provinces to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the North Western Provinces of the Presidency of Bengal.

His Lordship in Council authorises the Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, severally, to grant licenses under the said Act, and to appoint any persons or persons to receive applications for such licenses, within the provinces, districts, and settlements under their control respectively.

His Lordship in Council resolves that the conditions upon which licenses to keep or use any printing press or types or other materials or articles for printing are ordinarily to be granted, shall be as follows:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government either in England

or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

His Lordship in Council resolves that a copy of every book, pamphlet, newspaper or other work printed or published in the town of Calcutta, shall be immediately forwarded to the commissioner of police, by whom all such copies will be immediately transmitted to the Secretary to the Government of India, in the Home Department.

Ordered, that a notification to the above effect be published in the "Calcutta Gazette," and that corresponding instructions be sent to the several local Governments and authorities noted in the resolution.

FORM OF APPLICATION under Act No. XV. of 1857.

(The application may be made either by the proprietor or the publisher, but both must not join in it. If there are two proprietors or two printers, both of whom are in the same Presidency, both should join in the application.)

We A. B. of (and C. D. of) being desirous of (keeping) [*in the case of an application by the printer say "using"*] a printing press, types, and other materials and articles for printing hereby apply to you (the [*or the person appointed by the Governor-General in Council, (or the Government of Bengal) (or by authorised by the Governor-General in Council in that behalf) for that purpose*] magistrate within whose jurisdiction we propose to keep the same) for the purpose of obtaining the sanction and license of the Government under Act No. XV. of 1857.

The following are the particulars required by the 3d Section of the Act to be specified in the application.

Names of the proprietors of the printing press
 Profession - - - - -
 Place of abode - - - - -
 Names of persons intended to use the said printing press - - - - -
 Profession - - - - -
 Place of abode - - - - -
 Place where printing press, types and other materials are intended to be used - -

FORM OF Declaration to accompany Application for License under Act No. XV. of 1857.

N. B.—Both proprietor and printer should join in this declaration unless by reason of the absence of the former, or for other good reasons the magistrate shall dispense with the declaration of one of them.

[*Here insert name, place of abode, and trade, profession, or other description of the person or persons making the declaration*] jointly and severally make (*makes*) solemn declaration and say (*says*) that A. B., [*here enter place of abode and profession*] [and C. D., &c.] [and so on] are (*is*) the proprietors (*proprietor*) of a printing press commonly called the press, now kept and used [*or intended to keep and use*] at [*here enter name of the town and street, or other designation of place*] and of all the types and other materials and articles for printing belonging thereto, and that no person or persons is or are interested in the said press and materials

materials save and except the said A. B. [and C. D.] [and so on]: And these deponents (*this deponent*) further say (*says*) that the said A. B. [and C. D.] [and so on] [*or others*] use and are intended to use the said printing press, types, and other materials and articles, and that no person or persons is or are intended to be employed or engaged in keeping or using the said press and materials save and except the said A. B. [and C. D.] [and so on] [*or others*].

FORM of LICENSE.

A. B. [and C. D. &c.] having applied to the magistrate [or the commissioner of police or other officer] of _____ for sanction and license to keep and use a printing press, types, and other materials and articles for printing, and their application having been verified by solemn declaration as required by law, the Governor-General in Council [or other authority] does hereby authorise and empower the said A. B. [and C. D., &c.] to keep and use a printing press, types, and other materials or articles for printing at [here enter the name of the place as stated in the declaration] and not elsewhere.

The above license is subject to the following conditions:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

The license is subject also to such conditions, if any, as shall from time to time be published by order of the Governor-General in Council as general conditions upon which licenses to keep printing presses are to be subject.

Note.—The above license will cease to have effect, and a new license must be applied for whenever any change shall take place in the proprietorship of the printing press, or other materials specified therein.

Fort William, Home Department, 18 June 1857.

NOTIFICATION.

WITH reference to the provisions of Act No. XV. of 1857, it is hereby notified that applications for licenses to keep or use any printing press or types or other materials or articles for printing within the town of Calcutta, are to be made to the Commissioner of Police.

The Lieutenant-Governor of Bengal is authorised to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the Lower Provinces of the Presidency of Bengal except the town of Calcutta.

The Lieutenant-Governor of the North Western Provinces is authorised to grant licenses under the said Act, and to appoint any person or persons to receive such applications in any part of the North Western Provinces of the Presidency of Bengal.

The Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, are authorised severally to appoint any person or persons to receive such applications within the provinces, districts, and settlements under their control.

The conditions upon which licenses to keep or use any printing press, or types, or other materials, or articles for printing, will ordinarily be granted, are as follows:—

1. That no book, newspaper, pamphlet, or other work printed at such press or with such materials or articles, shall contain any observations or statements impugning

PAPERS RELATING TO THE

impugning the motives or designs of the British Government either in England or India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter, and to matter copied from other publications.

A copy of every book, pamphlet, newspaper, or other work published in the town of Calcutta, is to be immediately forwarded to the Commissioner of Police.

By order of the Right Honourable the Governor-General in Council,

(signed) *Cecil Beadon*,
Secretary to the Government of India.

From *C. Beadon*, Esq., Secretary to the Government of India, to *S. Wauchope*, Esq., Commissioner of Police, Calcutta.

Sir,

I AM directed by the Right Honourable the Governor-General in Council, with reference to Act No. XV. of 1857, to draw your attention to the notification issued from this department on this date, and published in the "Calcutta Gazette," and to forward a form of application to be made, and declaration to be used by persons requiring a license to keep a printing press.

2. Immediately on receiving an application, you will, after having it verified, forward it to this department, together with such information as you may possess relative to the character of the applicants and the objects for which the press is sought to be set up, and your opinion whether the license ought to be granted or not, and if granted, whether on the ordinary conditions alone, or on further and special conditions.

3. You will also be so good as to forward to this department daily all books and papers furnished to you under Section 6 of the Act.

4. It will be your duty strictly to enforce the provisions of the Act on the expiry of the period mentioned in Section 10.

5. I am directed to take this opportunity of desiring that you will take care that the provisions of Act No. XI. of 1835, are fully carried out, and that after due warning, all persons infringing them are prosecuted according to law.

6. You will also furnish this department as soon as possible, and hereafter on the 1st May in every year, with a correct list of all newspapers and other periodicals (whether registered or not) now published in Calcutta, showing the names of the printer and publisher, the place of printing and publication, and the date of declaration; and also a correct list of the proprietors of presses.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

Council Chamber, 18 June 1857.

From *C. Beadon*, Esq., Secretary to the Government of India, to Secretaries to the Governments of Bengal, North Western Provinces, Bombay, Madras, and the Straits Settlements.

Sir,
I AM directed to forward for the information of the
a copy of the under-mentioned papers relating to
Act No. XV. of 1857, viz.:—

Resolution of the Governor-General in Council of this date; Form of Application; Form of Declaration; Form of License; Instructions of this date to the Commissioner of Police for the town of Calcutta:

and to request that corresponding steps may be taken by his
for carrying out the provisions of the Act in the

2. The Governor-General in Council desires to be furnished with an annual return of presses worked and of periodical works published in
compiled from the returns furnished by the district authorities.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

18 June 1857.

(No. 1202.)

From *C. Beadon*, Esq., Secretary to the Government of India, to the Secretary to the Government of Bengal.

Sir,
THE attention of the Governor-General in Council has been given to the first leading article, headed "The Centenary of Plassey," which appeared in the "Friend of India" of the 25th instant, and especially to the two last paragraphs, which, in the judgment of his Lordship in Council, are fraught with mischief, and calculated at the present time to spread disaffection towards the British Government, both among its native subjects and among dependent and allied states. Home Depart-
ment.

2. The article in question infringes every one of the three conditions upon which licenses to keep a printing press are now to be granted. It tends to excite disaffection towards the British Government amongst great masses of the people; it tends to create alarm and suspicion among the Hindoo and Mahomedan population of intended interference by Government with their religion; and it tends to weaken the friendship towards the government of native princes, chiefs, and states in dependence upon, and alliance with it.

3. Whatever the intentions of the writer may have been, the tendency of the article is as above described, and the publication of such remarks, even if innocent and admissible in ordinary times, is now, under the critical circumstances which rendered the passing of Act No. XV. of 1857 necessary, most dangerous, not only to the Government, but to the lives of all Europeans in the provinces not living under the close protection of British bayonets.

4. I am directed, therefore, to request that, with the permission of the Lieutenant-Governor, the views of the Government of India may be communicated to the publisher of the "Friend of India," and that he may be warned that the repetition of remarks of this dangerous nature will be followed by the withdrawal of his license.

5. The Governor-General in Council has no intention of interfering with the fair discussion of public measures, but he cannot now permit the circulation in India of writings so framed as to excite popular disaffection.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

Council Chambers, 29 June 1857.

ORDERED, that a copy of this letter be communicated to the Governments of Bombay (No. 940); Madras (No. 941); North Western Provinces (No. 942); and the Straits Settlements (No. 943); and to the Foreign Department (No. 1038.)

From the "Friend of India" Newspaper of the 25th June 1857.

TO THE CENTENARY OF PLASSEY.

WE have glided into the second centenary of English rule in India, and Hindus and Musulmans who study the mysteries of fate are well nigh in despair. The stars and Scriptures told them that on Monday last we had completed our allotted term of mastership, when the strength which had hitherto been resistless, the courage that never faltered, would pass away, and we should become in turn the easy prey of our vassals. The favour of the gods is not a perpetual gift, and though sire and son have witnessed so often what must to them appear supernatural results, it was but reasonable to suppose that our store of miracles would be exhausted at last. We share with them the belief in hidden influences, only what they look upon as being natural and commonplace is to us the domain of the marvellous. It is easy to understand how we gained power and wealth and glory at the commencement of the cycle, but hard beyond measure to find out how we have lost all three at its close. When you can succeed in realizing to the imagination the most foolish thing, the most improbable thing, and the most timid thing; and have blended all these together and multiplied them, and worked them into what is called a policy, you may perhaps get some clue to the solution of the problem, but all other modes of induction will hopelessly fail.

The qualities of mind which enable a man to accumulate wealth, are often those which hinder him from making a proper use of it. It was necessary for the conquest of Hindustan that the East India Company should exist, for it is only the intense greediness of traders that could have won for us the sovereignty of the country. The enemies of the Company's rule assert that they made and broke treaties, planned and fought battles for the mere love of gain. Whatever degree of interference with private or public rights was needful for the purpose of collecting revenue, received instant and eager sanction; whatever concerned merely the welfare of Asiatic souls, or the social interests of the great body of Englishmen and Hindus, was either coldly ignored or bitterly assailed. They imported for their own use the might of civilisation, but never cared to exhibit to the natives its beneficent features. Wealth embodied all the attributes of their good deity, to whom was rendered with cheerful devotion the homage of heart and brain. The evil principle was symbolised by power, and where they failed to vanquish they fell down and worshipped. Without a spark of patriotic feeling they set on the brow of England a gem of priceless value; without care for Christianity, they paved the way for overthrow of idolatry. Be it so, but the evil which they wrought has well nigh passed away; the good of which they have been the not unconscious instruments, will go on multiplying for ever.

A hundred years is but a small point in the lifetime of a nation. It may be a period of sowing or of reaping the harvest, of giant labours such as shall influence the destiny of remote generations, or of utter folding of the hands to sleep. We found India destitute of invention and enterprise; ignorant of liberty, and of the blessings of peace. We have placed her face to face with the forces of our civilisation, and have yet to see if there are no subtle invigorating influences that can be transmitted through her aged frame. We have given her liberty such as she has not enjoyed for centuries, and never save by brief and long-interrupted snatches. The Hindu stands upon the same platform with the Englishman; shares equal privileges with him; and challenges for himself as great a measure of the protection and immunities accorded by the State; he has no political enemies, and his grievances are all social. There is much to be remedied within, but without all is quiet and secure. If he has a new part to play in the world's history, the stage is clear for him, and there is an audience ready to sympathise and applaud. Whatever he has in him of creative ability may find easy vent and ready acceptance. We have swept away the obstacles which stood in the path of intellect and courage; it rests only with nature and himself whether he achieves success or otherwise. A second Sevajee is happily impossible, but another Luther would find an easier task than that which was imposed

imposed upon the monk of Wittenberg. The inventor, the author, the man of science, will meet ready welcome and sure reward. We spread out before the dormant Asiatic soul all the mental treasures of the West, and feel only too happy in being allowed to distribute them.

It is a great crime in some instances to trample out a nationality ; to strangle in infancy what might have grown up to be one of the fairest births of time ; but except in the case of the Sikhs, there is no example of the kind to be alleged against our countrymen. The Mussulman power was effete long before the battle of Plassey, and such as Clive found the Mahomedans in the days of Surajah Dowlah, we encounter them in the time of the deposed king of Oude. Cruel, sensual, and intolerant, they are unfit to rule and unwilling to serve. Claiming to exercise sway as of Divine right, and yet destitute of every gift with which nature has endowed the races meant by destiny to dominate over the world, they fell by necessity under the power of a nation replete with energy and resolution, and loathe with all the bitterness of hate the infidels who have subdued them. They will never tolerate our gifts or forgive our supremacy. We may load them with blessings, but the reward will be curses. We stand between them and a fancied earthly paradise, and are not classed in their list of good angels.

The Mahrattas have none of the elements of greatness in their character, and speaking in the interests of the dusky millions, we do not regret Assaye, Deeg, and Maharajpore, but it is otherwise with regard to the Sikhs, who had flourished as we have seen them two centuries back, or never come in contact with the might of England, would perhaps have uprooted the tenets of Hindu and Mussulman, and breathed a new spirit into the followers of Mahomed and Brahma. Humanity, however, will be content with their overthrow. The Bible is a better book than the Grunth, and Christianity is superior to the Khalsa. Regenerated Hinduism might have obtained a new lease of existence, but it would have gained nothing in morals, and effected but little for human happiness. Its sole gain would have been power, and the example of universal destruction.

It may also be alleged against us that we have deposed the kings and ruined the nobles of India, but why should the world sigh over that result? Monarchs who always took the wages, but seldom performed the work of Government, and aristocrats who looked upon authority as a personal right, and have never been able to comprehend what is meant by the sovereignty of the people, are surely better out of the way. No Englishman in these days deplores the wars of the Roses, and would like to see the Cliffords and Warwicks restored again to life. France bears with calmness the loss of her old nobility ; Europe at large makes steady contributions to the list of kings out of employment. Had princes and rajahs in Hindoostan been worth conserving, they would have retained their titles and power. The class speedily die out in the natural course of mortality, and it is not for the benefit of society that it should be renewed.

Array the evil against the acknowledged good ; weigh the broken pledges, the ruined families, the impoverished ryots, the imperfect justice against the missionary and the schoolmaster, the railway and the steam engine, the abolition of Suttee, and the destruction of the Thugs, and declare in which scale the balance lies ! For every anna that we have taken from the noble, we have returned a rupee to the trader. We have saved more lives in peace than we have sacrificed in war. We have committed many blunders and crimes ; wrought evil by premeditation and good by instinct, but when all is summed up the award must be in our favour. And with the passing away of the present cloud, there will dawn a brighter day both for England and India. We shall strengthen at the same time our hold upon the soil and upon the hearts of the people ; tighten the bonds of conquest and of mutual interest. The land must be thrown open to the capital and enterprise of Europe ; the ryot lifted by degrees out of his misery, and made to feel that he is a man if not a brother, and everywhere heaven's gifts of climate and circumstance made the most of. The first centenary of Plassey was ushered in by the revolt of the native army, the second may be celebrated in Bengal by a respected Government and a Christian population.

PAPERS RELATING TO THE

From the "Friend of India" Newspaper of the 2d July 1857.

THE FIRST WARNING.

LORD CANNING has done us the honour to select the "Friend of India" as the subject of his first experiment under the gagging Act. We are, it appears, an *imperium in imperio*; studied by the native masses, watched with anxiety by Moollah and Brahmin, stronger than the East India Company. We have only to insert a couple of paragraphs, and the rebellion broadens and deepens. The chief priests amongst Hindoos and Mussulmans tremble for the safety of their creeds, and allied and dependent princes, looking upon their treaties as so much waste paper, turn a deaf ear to Governor-General and Resident, and prepare to array their fighting men against the Sirkar Bahadoor. Say that our power is complimented at the expense of our patriotism, yet what journalist could resist the temptations that beset us? What would even the "Times" give to possess such vast means of doing mischief? Who else is there of all the tribe of editors that has authority over a hundred and fifty millions of souls, that stirs equally the ryot in his hut, the devotee in his temple, and the ruler on his throne? A few words and we can subvert the allegiance of the people. The servants of the sacred shrines, dear to all races of Asiatics, seek their destiny in these columns; wherever the English soldier is absent, we hold the lives of Europeans in the hollow of our hand. So says Lord Canning, and we may not question the truth of his statement. Here is the Governor-General's opinion of an article in our last, which we dare only refer to except for home purposes.

(No. 298.)

From the Secretary to the Government of Bengal to *J. C. Murray, Esq.*,
Printer and Publisher of the "Friend of India."

Sir,

General

I AM directed to forward for your information the accompanying copy of a letter, No. 1202, dated the 29th June 1857, from the Secretary to the Government of India, in the Home Department, relative to an article which appeared in your paper of the 25th instant.

I have, &c.

(signed) *A. R. Young.*

Secretary to the Government of Bengal.

Fort William, 29 June 1857.

No. 1202.

From *Cecil Beadon, Esq.*, Secretary to the Government of India, to *A. R. Young, Esq.*,
Secretary to the Government of Bengal.

Sir,

Home Depart-
ment.

THE attention of the Governor-General in Council has been given to the first leading article, headed "The Centenary of Plassey," which appeared in the "Friend of India" of the 25th instant, and especially to the two last paragraphs, which, in the judgment of his Lordship in Council, are fraught with mischief, and calculated at the present time to spread disaffection towards the British Government, both among its native subjects and among dependent and allied states.

The article in question infringes every one of the three conditions upon which licenses to keep a printing press are now to be granted. It tends to excite disaffection towards the British Government amongst great masses of the people; it tends to create alarm and suspicion among the Hindoo and Mahomedan population of intended interference by Government with their religion; and it tends to weaken the friendship towards the government of native princes, chiefs, and the states in dependence upon an alliance with it.

Whatever the intentions of the writer may have been, the tendency of the article is as above described, and the publication of such remarks, even if innocent and admissible in ordinary times, is now, under the critical circumstances which rendered the passing of Act No. XV. of 1857, necessary, most dangerous, not only to the Government, but to the lives of all Europeans in the provinces not living under the close protection of British bayonets.

I am directed, therefore, to request that, with the permission of the Lieutenant-governor, the views of the Government of India may be communicated to the publisher of the "Friend
of

of India," and that he may be warned that the repetition of remarks of this dangerous nature will be followed by the withdrawal of his license.

The Governor-General in Council has no intention of interfering with the fair discussion of public measures; but he cannot now permit the circulation in India of writings so framed as to excite popular disaffection.

Council Chamber, 29 June 1857.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

If we were on our defence in a trial for libel, we should be allowed to reprint the obnoxious paragraphs, but it will be sufficient to say that they occurred in the course of a rapid sketch of the results of a century of British occupation, and formed the best apology that we were able to make for the East India Company. We had to speak of a policy which has swept away monarchies and aristocracies in all parts of the land, as if they cumbered the earth; a policy which bore its first fruits in 1757, and its latest just a century afterwards. We advocated it, as has been the habit of this journal for a score of years, and, however prepared for hostilities on the part of the present administration, we certainly never expected that the grounds of indictment would be found in the first leading article of our last issue. We have no objection to recant one of the obnoxious paragraphs, but must stand by the hope expressed in the other. We will say, if required, that from Suraj-ool-Dowlah to the King of Oude, the princes of India have been vilely dealt with; but we cannot forego the pleasing vision that, in 1957, a Christian people may live happily under a respected Government.

But what is the use of beating about the bush, and assailing us under false pretences? Our fault is no question of orthodoxy, or want of sympathy with mockery kings. It is, that whilst doing our utmost to keep eyes and ears closed to much that we were bound to receive, we were forced to denounce the vacillation of purpose, the utter want of organization, and the wretched crop of results which has given such a melancholy character to the proceedings of Government since the commencement of the mutinies. We had to choose between the utterance of unpleasant censures, or a dishonest silence; between saying what in the interest of England it were traitorous to suppress, and what it was for the reputation of a few high officials should never have been written. The time had come, when it was needful to take a side, and without hesitation we fell into the imperial ranks. As it turns out, we had not counted the cost, but such as our course seemed to entail, we were willing to defray. On the score of public support, we have no martyrdom to boast of, having gained 111 subscribers since the 1st May, after allowing for all the deaths and withdrawals.

We venture to say that there is not a man in Calcutta or elsewhere, who will put upon the excepted paragraphs the construction which Lord Canning has chosen to fix on them, or who will adopt any other conclusion than the palpable one, that it is thought more desirable to gag the "Friend of India" at once, than to waste time in finding a sufficient reason for the act. But we submit to his Lordship the following matter for consideration. The people of all classes, who are said to read and study this journal, know as a matter of course, that it has always been the advocate of annexation and of Christianity; but all of a sudden, it is silent upon those important topics. The shrewd Asiatic need not ask the reasons, for he can see for himself that the Government have interfered to prevent their discussion; but he will carry the inquiry a step further, and ask what it is that has prompted the interference. If they intend to reverse the policy of their predecessors, why let them reinstate kings, restore jagheers, and deport missionaries. But if they are not repentant, but merely timid; if they do not abjure the acts, but only shrink from enduring the consequences, why, what a dullard he must be, to be duped into inaction by such shallow artifices! Either we advocate what is always injurious to the body politic, or it is the poorest cowardice to coerce into silence. No man, Mussulman or Hindu, if he has half the brains that the Governor-General allots to him, can fail to recognise in this open tabooing of subjects hitherto left free for comment, the newest and most damning proof of the mistrust which the Government entertains of the allies and native subjects of the Crown of England and the Honourable Company.

Three weeks since, Lord Canning had the sympathy and support of every man of European birth or parentage. To-day there are not half a dozen who would lift up their hands in his favour. But why should he do for himself what he has failed to do for England? Why care to retain personal, when public reputation is irrecoverably gone? When the goodly ship goes down with all her rich freight on board, it is better that the captain should exhibit no anxiety to save his cabin furniture.

And now a word as to the policy of this journal—say, for the next three months. We have no intention of testing the ability of Government to put down a rebellion at Serampore. To-day is the last of our independence, and we will not write under compulsion, or invite for interests which have been created by industry and intellect exerted for a quarter of a century, the ruin which it will now cost Lord Canning nothing to decree. We accept the situation that is made for us, and take leave of political discussion till the times mend.

PAPERS RELATING TO THE

NOTE by the Secretary.

WITH reference to the article which appeared in the "Friend of India" on Thursday last, headed "The First Warning," the secretary begs to submit a demi-official letter he has received from Mr. Macleod Wylie, on behalf of the absent proprietor, explaining that measures have been taken to prevent the insertion of further objectionable matter.

(signed) Cecil Beadon,
Secretary to the Government of India.

3 July 1857.

Fort William, Home Department, 3 July 1857.

READ again letter to Government of Bengal, No. 1202, dated the 29th ultimo.

Read in the "Friend of India" newspaper of Thursday last, the article headed "The First Warning."

Note by the secretary, stating that he has received in writing an assurance on the part of the representatives of the proprietor of the "Friend of India" newspaper, who is now in England, that the newspaper shall be carried on so as to avoid all cause of complaint on the part of the Government, and within the terms of the license.

RESOLUTION.

THE Governor-General of India in Council upon this assurance abstains from withdrawing the license of the "Friend of India" newspaper, which otherwise he should have felt it necessary to do, in consequence of the article above recorded.

Ordered that a letter be addressed to the publisher to the above effect through the Government of Bengal.

Home Department.

From C. Beadon, Esq., Secretary to the Government of India, to A. R. Young, Esq., Secretary to the Government of Bengal.

Sir,

IN consequence of the article which appeared in the "Friend of India" of the 2d instant, headed "The First Warning," the Governor-General in Council would have felt it necessary to direct the revocation of the license which has been granted to the publisher of that paper. His Lordship in Council only abstains from adopting this course in consequence of an assurance he has received, on the part of the representatives of the absent proprietor, that the newspaper shall, during his absence, be carried on so as to avoid all cause of complaint, and within the terms of the license.

2. The Governor-General in Council desires me to request that this may be communicated to the publisher.

I have, &c.

(signed) C. Beadon,

Council Chamber, 3 July 1857.

Secretary to the Government of India.

TRANSLATION of an Extract from the "Goolshun Nowbahar" Persian Newspaper, dated 27 June 1857.

N. B.—All the italic words are rendered by the same Persian word.

Now, when the drum of the power of the English is sounding so loudly, it is in every one's mouth that the state of Travancore also is to be annexed to the British dominions upon the ground of mal-administration. It is also said that the principality of Ulwar will be *confiscated* by Government. But at present the progress of *confiscation* is *arrested* by the government of the Almighty Ruler.

The Government should first *arrest* the progress of the disturbances and disorders which are raging in all parts of the country, and then address itself to these

these *confiscations* again. I formed a design of going to Worms. But the Worms unexpectedly eat off my head. He (God) is Almighty. He does what he will. He makes a world desert in a breath.

Kirman, the name of a town and province in Persia, in the Persian also means "Worms." The conceit can thus be rendered into English.

Everybody knows, and now perhaps it has become right clear to the "*confiscation* gentlemen" what kind of mischief the *confiscation* of Lucknow has done, causing ruin to thousands of their own friends. In another part of the paper, page 10, after an article about the Delhi and Meeruth mutineers, the following passage occurs.

Literally "Lords of annexation."
N.B.—The whole tone of this article in the original is highly sarcastic.

Come what may, in these degenerate days the men of Delhi must be celebrated as sons of Rustum, and very Alexanders in strength.

Oh! God, destroy our enemies utterly, and assist and aid our sovereign (Sultan).

(No. 1244.)

From Cecil Beadon, Esq., Secretary to the Government of India, to S. Wauchope, Esq., Officiating Commissioner of Police, Calcutta.

Home Department.

Sir,

A license was granted on the 27th June to one Hafiz Abdul Kadir to keep a lithographic press, commonly called the Gulshun-i-now-bahar press, at No. 18, Sheriff Duftry's Lane, in Calcutta.

2. Since then there have been brought to the notice of the Governor-General in Council two articles in the "Gulshun-i-now-bahar," of the 21st June, one headed "Delhi," and the other "Travancore," both of a most seditious character, clearly intended and well calculated to excite disaffection towards the British Government, and to encourage resistance to its lawful authority.

3. In the present state of public affairs the Governor-General in Council will not permit the publisher of such malignant articles as these to escape the punishment which the law empowers the Government to inflict upon him. His Lordship in Council therefore hereby revokes the license granted to Hafiz Abdul Kadir, and desires me to request that you will forthwith seize the press and other materials kept or used by the said Hafiz Abdul Kadir, and all other books and printed papers found on his premises, and forward an inventory of the same to this department for such further orders as may be required.

I have, &c.

Council Chamber,
3 July 1857.

(signed) Cecil Beadon,
Secretary to the Government of India.

No. 2956.

EXTRACT from the Proceedings of the Right Honourable the Governor-General of India in Council, in the Foreign Department, under date the 14th July 1857.

(No. 208 of 1857).

Office No. 715.

From H. L. Anderson, Esq., Secretary to Government, Bombay, to G. F. Edmonstone, Esq., Secretary to the Government of India, in the Foreign Department, Fort William.

Sir,

I AM directed by the Right Honourable the Governor in Council to forward to you, for submission to the Right Honourable the Governor-general of India in Council, copy of a letter with enclosures, from the Commissioner in Scinde, dated the 11th instant, No. 160, bringing to the notice of Government the mischievous tendency of certain articles in native newspapers at the present time.

2. I am also directed to forward copies of the Minutes of the dates noted in the margin, recorded by the Right Honourable the Governor and the other Members of this Government on Mr. Frere's letter.

Right Honourable the Governor, dated 24 June. Honourable Mr. Lumsden, dated 25 June. Honourable Mr. Malet, dated 26 June.

I have, &c.

Bombay Castle,
20 June 1857.

(signed) H. L. Anderson,
Secretary to Government.

PAPERS RELATING TO THE

(No. 160 of 1857.)—Secret Department.

From *H. B. E. Frere, Esq.*, Commissioner of Scinde, to the Right Honourable Lord *Elphinstone, G.C.H.*, Governor and Resident in Council, Bombay.

My Lord,

I HAVE the honour to enclose a memo. with which Mr. Gibbs, Assistant Commissioner, has favoured me, of a conversation with Shett Nowmull, a native merchant of Kurrachee, for many years favourably known to Government on account of his great intelligence, his extensive influence and connexions throughout the countries on our western frontier, and his tried attachment to the British Government.

2. His opinions on the subject of the native press seem to me deserving of attention, backed as they are by extracts from a Hindustani paper published at Madras, which show how mischievous the articles in native newspapers often are, and how widely they circulate.

3. The extract and translations by Major Goldsmid will enable your Lordship in Council to form a judgment on this point.

4. No. I. seems clearly meant to produce an impression that the Government had attempted to defile their sepoy's by flour mixed with hogs' bones, though the insinuation is very cautiously worded.

5. No. II. is a very mischievous perversion of an Indian Debate in Parliament, which in quieter times might be amusing.

6. No. III. is perhaps the most important, as it is evidence of the effort which has for some time past been made to place the Shah of Persia in the position as regards Mahomedans in general, formerly held by the Sultan of Turkey. Your Lordship is aware that some of the most influential learned Mahomedans in India are sheeahs, and that the liberal measures lately adopted by the Sultan, and his manifest reliance on the aid of Christian Powers, have been triumphantly appealed to by the sheeahs, as proofs of this Sultan's heterodoxy.

7. With regard to the measures to be adopted towards the native press, it is easier to see the evil than to provide a remedy which shall be quite satisfactory to a distant public, taking a rather theoretical view of such questions, and not feeling a very deep personal interest in the risks which attend any abuse of the liberty of the press.

8. Moreover, it is the ignorance of the authors and readers of such articles which really gives them their dangerous character as well as forms the difficulty in dealing with them; for it is not easy to prevent or punish the publication in a native newspaper, of what may be a verbatim translation of a very harmless criticism in an English publication.

9. A poem in a Persian paper was lately brought to my notice as of very mischievous tendency, and, as it described the signs preceding the day of judgment, in language strikingly applicable to the present time and place, it was doubtless calculated to unsettle and excite men's minds and prepare them for some sudden disturbance; but it read so like a free translation of a sermon by a popular English preacher on the same subject, as to render it rather puzzling to know what to do with it.

10. I believe the best plan would be to have all periodical productions of the native press regularly read by trustworthy persons with instructions to bring to notice any objectionable passages; whereupon any measures which might appear necessary could be taken regarding them. At any time like the present, when productions like those enclosed would be calculated to do real harm, the ordinary courts would punish anything seditious with exemplary severity, and public opinion would fully bear them out in so doing.

11. I have taken measures which will, I hope, prevent the publication of any mischievous articles in this Province.

12. Considering how timid and easily alarmed are the Hindoo traders of Scinde, and that they are extremely anxious at the present moment regarding other

THE "Jan-i-Jamsibid" of Meerut relates that, in the durbar of ———, the Marquis of Clanricarde complained much of the Indian Government; that a vast amount of rupees was expended among the home authorities in the way of pay, they knowing little of the circumstances of the country; that the nobles and great men of Hindoostan were becoming extinct, and the middle classes gradually suffering damage, and poor people being ruined, it would be proper that the country should be so governed that the people do not suffer. Some zillahs require a decrease of taxation, and the salt-tax is very wrong. In whatever countries there was fitting management, the latter impost had been abolished. Beside this, in Hindoostan, the system of justice was defective. Moreover, on this account, the English name suffered; and, in Hindoostan, amid ten judges, nine are Hindoostances, but their pay and position was unimportant and inconsistent with their duties. And the heads of the East India Company say, that, amid 14 crore of Hindoostances, not one is worthy of rank or trust; a very sad and distressing statement, enough to break the hearts of the people of Hindoostan; and cow their spirits. Besides which, he said many more things, in answer to which, the Duke of Argyle was unable to advance any clear argument.

(True abstract version.)

E. E.,

(signed) F. J. Goldsmid, Major.

No. III.

NEWS FROM HERAT.—* * * * Every one knows that in the matter of treaties, the Ameer is to be held as untrustworthy as if of hell; and though it is useless to have friendship with such people, yet we look on so long as his star is in the ascendant. All assist their nominal friends, and turn from one to the other. Without the orders of the Almighty a leaf cannot shake. It is said that, after the thaw, the Persian army entered Candahar. It has been heard that the Shah has given up his religious prejudices wholly. Every Sheeah has been forbidden to say the "Tabarra," any one doing so is to be punished. There is nothing strange in it. All great kings have been in the habit of so acting.

(True version.)

E. E.

(signed) F. J. Goldsmid, Major.

(True copies.)

(signed) H. L. Anderson, Secretary to Government.

MINUTE.

1. SINCE the commencement of the present disturbances several officers have brought to our notice the evil effect of the native press upon the public mind.
2. Mr. Frere recommends that all native newspapers should be "regularly read by trustworthy persons, with instructions to bring to notice any objectionable passages, whereupon any measures which might appear necessary could be taken regarding them. At a time like the present, when productions like those enclosed would be calculated to do real harm, the ordinary courts would punish anything seditious with exemplary severity, and public opinion would fully bear them out in so doing."
3. I have a very high respect for Mr. Frere's judgment, but, in my humble opinion, the measure which he suggests would be altogether insufficient to check the evil which he points out.
4. Seditious articles and habitual depreciation of the character of our Government, and misrepresentation of its acts, may have had their effect in alienating from us the goodwill and respect of the people or the soldiery; but at the present moment the most mischievous class of publications are the false reports of mutinies and insurrections, which I am sorry to say are published in some of the English as well as in the native newspapers, and which have a tendency to produce panic with all its disastrous consequences.
5. To give an example of what I mean, and of the inefficiency of the measures suggested by Mr. Frere; two or three days ago an article appeared in the "Telegraph and Courier," stating that the 25th Native Infantry, forming a part of General Woodburn's force had mutinied, and that 200 of the men were placed in confinement. I felt convinced that the report was false, as I had heard nothing of it, being in daily communication with the Commander-in-Chief. I was

was

was quite certain that his Excellency would have informed me of the circumstance if it had taken place. I accordingly wrote to Colonel Melvill and requested him to take the opinion of the law officers whether the "Telegraph and Courier" could be prosecuted for spreading false and mischievous reports. The Advocate-general was of opinion that the prosecution of a newspaper upon such a charge was not advisable, as the editor might have been, and probably was deceived, and that it would be better to contradict the report through another newspaper. It is only fair to the editor of the "Telegraph and Courier" to say that he contradicted the report himself, and published an extra for this purpose; but the mischief done by the promulgation of the lie was not effectually counteracted by its contradiction, which was probably not read by half of those who had heard of the pretended mutiny.

6. It seems to me that the time is now come to inquire into the general question of the working of an unrestricted press in this country, and that I should be shrinking from my duty if I were to withhold the expression of an opinion which has been strengthened by recent events, but which has certainly not been formed by them.

7. I do not for a moment contend that the license of the native press has occasioned the mutiny in the Bengal army, but still it is worth while to inquire whether by weakening in the native mind the respect for authority, and by destroying the confidence of the sepoys in Government and in their officers, it may not have been one of the predisposing causes which have led to this event.

8. The following extract from a minute by Sir Thomas Munro is written with a largeness of view and a forecast which entitle it to attention :—

"Were we sure the press would act only through the medium of the people, after the great body of them should have imbibed the spirit of freedom, the danger would be seen at a distance, and there would be ample time to guard against it; but from our peculiar situation in this country, this is not what would take place, for the danger would come upon us from our native army, not from the people. In countries not under a foreign government, the spirit of freedom usually grows up with the gradual progress of early education and knowledge among the body of the people. This is its natural origin, and were it to rise in this way in this country, while under our rule, its course would be quiet and uniform, unattended by any sudden commotion, and the change in the character and opinions of the people might be met by suitable changes in the form of Government. But we cannot with any reason expect this silent and tranquil renovation, for owing to the unnatural state in which India will be placed, under a foreign government, with a free press and a native army, the spirit of independence will spring up in this army long before it is even thought of among the people. The army will not wait for the slow operation of the instruction of the people, and the growth of liberty among them, but will hasten to execute their own measures for the overthrow of the Government, and the recovery of their national independence, which they will soon learn from the press it is their duty to accomplish."

"The high opinion entertained of us by the natives, and the deference and respect for authority which have hitherto prevailed among ourselves, have been the main causes of our success in this country; but when these principles shall be shaken or swept away by a free press, encouraged by our juries to become a licentious one, the change will soon reach and pervade the whole native army. The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated among them by the newspapers, for as those doctrines will become the frequent subject of discussion among the European officers, it will not be long before they are known to the native officers and troops. Those men will probably not trouble themselves much about distinctions regarding the rights of the people and forms of government, but they will learn from what they hear to consider what immediately concerns themselves, and for which they require but little prompting. They will learn to compare their own low allowances and humble rank with those of their European officers, to examine the ground on which the wide difference rests, to estimate their own strength and resources, and to believe that it is their duty to shake off a foreign yoke, and to secure for themselves the honours and emoluments which their country yields. If the press be free, they must inevitably learn

learn all this, and much more. Their assemblage in garrisons and cantonments will render it easy for them to consult together regarding their plans; they will have no great difficulty in finding leaders qualified to direct them; their patience, their habits of discipline, and their experience in war, will hold out the fairest prospects of success; they will be stimulated by the love of power and independence and by ambition and avarice to carry their designs into execution. The attempts would no doubt be dangerous, but when the contest was for so rich a stake they would not be deterred by the danger. They might fail in their first attempts, but even their failure would not, as under a national government, confirm our power, but shake it to its foundation. The military insubordination which is occasioned by some partial or temporary cause may be removed, but that which arises from a change in the character of the troops, urging them to systematic opposition, cannot be subdued; we should never again recover our present ascendancy. All confidence in them would be destroyed, but they would persevere in their designs until they were finally successful, and after a sanguinary civil war, or rather after passing through a series of insurrections and massacres, we should be compelled to abandon the country."

9. I was anxious to compare the opinions of Lord Metcalfe upon this subject with those of Sir Thomas Munro, and for this purpose I searched the volume of Selections from his papers, which is edited by Mr. Kaye, in the hope of finding his minute proposing the emancipation of the press in India. I have been unable to find this minute, but I have discovered a passage in which Lord Metcalfe evidently gives the reasons which induced him to abolish the restrictions which existed at the time of Lord William Bentinck's departure.

Page 197.

"His Lordship (Lord William Bentinck), however, sees further danger in the spread of knowledge and the operations of the press. I do not, for my own part, anticipate danger as a certain consequence from these causes. I see so much danger in the ignorance, fanaticism, and barbarism of our subjects, that I rest on the spread of knowledge some hope of greater strength and security. Men will be better able to appreciate the good and evil of our rule, and if the good predominate, they will know that they may lose by a change. Without reckoning on the affection of any, it seems probable that those of the natives who would most deprecate and least promote our overthrow, would be the best informed and most enlightened among them, unless they had themselves individually ambitious dreams of power. If, however, the extension of knowledge is to be a new source of danger, and I will not pretend confidently to predict the contrary, it is one altogether unavoidable. It is our duty to extend knowledge whatever may be the result, and spread it would, even if we impeded it. The time is passed when the operations of the press could be effectually restrained; even if that course would be any source of safety, which must be very doubtful, nothing so precarious could in prudence be trusted to. If therefore increase of danger is really to be apprehended from increase of knowledge, it is what we must cheerfully submit to. We must not try to avert it, and if we did we should fail."

10. Lord Metcalfe considers the freedom of the press and the diffusion of knowledge as convertible terms.

11. Let us see what Sir Thomas Munro says upon this subject.

"The advocates of a free press seek, they say, the improvement of our system of Indian government and of the minds and condition of the natives, but these desirable ends are, I am convinced, quite unattainable by the means they propose. There are two important points which should always be kept in view in our administration of affairs here. The first is that our sovereignty should be prolonged to the remotest possible period. The second is, that whenever we are obliged to resign it, we should leave the natives so far improved from their connexion with us, as to be capable of maintaining a free or at least a regular government among themselves. If these objects can ever be accomplished, it can only be under a restricted press; a free one so far from facilitating would render their attainment utterly impracticable, for by attempting to precipitate improvement it would frustrate all the benefits which might have been derived from more cautious and temperate proceedings."

12. Again, speaking of the restrictions which he would retain, he says "such restrictions will not hinder the progress of knowledge among the natives, but rather

rather ensure it, by leaving it to follow its natural course, and by protecting it against military violence and anarchy."

13. In reading over Lord Metcalfe's papers, nothing has struck me more than that a statesman who entertained such alarming, I had almost written such exaggerated, notions of the insecurity and unpopularity of our rule in this country, should have been the man to abolish the few restrictions upon the liberty of the press which his predecessor considered indispensable, yet Lord William Bentinck appears to have taken a far more confident view of our internal position, and was certainly not an illiberal or an unenlightened Governor.

14. With all the respect which I feel for the character and ability of Lord Metcalfe, I cannot but think that when he took the great step which has procured him so much popularity among our countrymen in India, he lost sight of the connexion which ought to exist between the state of the press and the other institutions of a country. A free press seems to be the natural concomitant of free institutions. It is on the other hand from its very nature antagonistic to despotic rule, and above all to foreign domination, as Sir Thomas Munro, in the minute from which I have already quoted, tersely expresses it, "a free press, and the dominion of strangers, are things which are quite incompatible, and which cannot long exist together."

15. Our Government in this country can never be a popular Government in any sense of the term. It must be a despotism, tempered by wise and just laws impartially administered, tempered also by the education and feelings of its rulers, and by their responsibility to Parliament and to the British nation. I can have no possible doubt that this form of government is the one best calculated to secure and to promote the happiness and advancement of the people of India.

No one who knows the country will be wild enough to assert that the people are fit for representative institutions and self-government. The first care of our insurgents is not to proclaim a constitution, but a new Emperor, and an ample donative to the army.

If then a despotic form of government is indeed the only one suitable to the state of the country as well as the only one possible for us, it follows that if the unrestricted liberty of the press is incompatible with this form of Government, and with the continuance of our rule in this country, that it must be curtailed; the restrictions need not be many; but systematic abuse of the Government and misrepresentation of its acts, and all attempts to create ill-feeling between the different classes of the community, and especially between the European officers and the native soldiery, must be prevented.

Since I began this Minute, I have learnt that the Governor-General has introduced a Bill for regulating the press, both native and European, which has been passed by the Legislative Council. I have no doubt that this Act will meet the requirements of the case, and I only record my sentiments upon this subject because I hardly think that at this moment, when the Governor-general has boldly taken upon himself to pass a measure which must be unpopular at home, and which will be unpalatable to many in this country, it would be honest to conceal them.

(signed) *Elphinstone.*

24 June 1857.

(True copy.)

(signed) H. L. Anderson,
Secretary to Government.

MINUTE.

I HAVE read this Minute of our President's with a lively interest. It very powerfully supports the opinion of those who think that all restrictions ought never to have been removed from the Indian press.

For myself it seems unnecessary that I should enter at any length into a discussion of the advantages as compared with the disadvantages of a free press in the country.

I always supposed it to be an admitted political axiom that a free press and a despotic

despotic Government could not co-exist for any very long period. The one would inevitably in time destroy the other.

With even less hesitation it may be positively affirmed that the totally free and unrestricted liberty of the press is incompatible with the permanency of an absolute Government by foreigners in a country like India, supported principally by a native army, who are attached to us only by the tie of pay and pension.

I believe that this self-evident and inevitable condition of giving freedom to the Indian press had been accepted by Lord Metcalfe as the remote contingency of his gift. He relied, I supposed, on the considerations, that in the first place it was our duty as foreign rulers at all hazards to ourselves to inform and enlighten our Indian subjects, in effecting which the principal agent would be a free press. Secondly, on the hopes that the severance of our connexion with the country when it did in time take place, would be softened by a sense of benefits received, and of the generous tendencies of a rule which endeavoured to the best of its ability to raise the nation to a level with its conquerors.

From the extract from Lord Metcalfe's writings given in our President's Minute, it would seem that he neither affirmed nor denied the dangers to our rule of liberating the press from all restrictions.

It is my full impression that while he anticipated no immediate danger, he was fully prepared for the distant results of his policy, and in doing what he deemed to be right was not deterred by the anticipation.

To suppose that entire freedom of discussion and the liberty and license of a public press can march together for a long series of years with the absolute rule of a few foreigners over a country which is so extensive, so populous, which has within it so many germs of native power and greatness as India, appears to me to be the blindness of political insanity.

The most questionable and doubtful aspect in which Lord Metcalfe's measure could be reviewed, is however that, which we find in the extract from the writings of Sir Thomas Munro quoted in our President's Minute.

Experience at this time seems to justify the opinions of that eminently able officer, that before the good expected from free discussion in this country could result, harm would arrive in the influence which a free press would exert upon the minds and the fidelity of our native soldiery.

I have but small doubt myself that the agency of a free native press has been exerted very banefully, though perhaps indirectly, in producing the catastrophe under which we are now suffering. There are, and have long been, other causes which are patent to those who will reflect, and who have observed our policy for several years past. But the freedom of the native press is certainly one of these causes.

I must however observe, that it is now rather late in the day to impose restrictions on the press such as the new Act legalizes, and it is a question to one how far they will now be found effectual.

With a few rare exceptions it is admitted that the measure was uncalled for by the European portion of the press, indeed the Governor-General says as much. The strictness of the European prints on the proceedings of the several Indian Governments have seldom passed a justifiable limit, and indeed have often been profitable, however severe.

But there is the great difficulty noticed by the Governor-General of drawing a line of separation in the treatment of the European and native portion of the press, and at a crisis like the present the power which the Act gives to the Government is required.

There is this further reason for taking it, that I cannot see in what way it will affect the respectable portion of the press. Since no Governor-General or local Government could venture to take the extreme step of withdrawing a license from a paper without justification, or unless an editor had so grossly committed himself as to have lost the sympathy and respect of his fellow editors, a case which has rarely occurred in the annals of Anglo-Indian journalism.

25 June 1857.

(signed) J. G. Lumsden.

(True copy.)

(signed) H. L. Anderson,
Secretary to Government.

MINUTE by the Honourable Mr. *Malet*, dated the 26th June 1857.

No one who has watched the native press of India, can, I think, be of opinion that, constituted as it is, it either merits to be free, or that with due regard to the working of the Government of India it is safe to permit to it that unbridled license which under the garb of freedom it has assumed. It is a subject for regret that the check found necessary at this troubled period had not been before imposed in more quiet times, and I perceive no cause for supposing that after the present occasion has past it will be safe to remove it.

The restriction as to respectable portions of the press, both English and native, will be almost nominal, for with the experience we have had of the benefit to be derived from free discussions, it is not to be supposed that any Indian Government will wish to check it, unless it exceed those bounds within which alone it can benefit the public.

I entirely concur in the opinion recorded by the Right Honourable the President, and feel much indebted to him for the opportunity of stating my own in support of the measure lately adopted by the Government of India.

26 June 1857.

(signed) *A. Malet*.

(True copy.)

(signed) *H. L. Anderson*,
Secretary to Government.

ORDERED that copies of the above despatch, and of its enclosures, be sent to the Home Department for information and communication to the Honourable the Court of Directors.

(A true extract.)

(signed) *G. F. Edmonstone*,
Secretary to the Government of India.

From *W. Ritchie*, Esq., Advocate-General, to *C. Beadon*, Esq., Secretary to the Government of India, Home Department.

Sir,

WITH reference to the prosecution of the proprietor of the "Doorbeen" newspaper for seditious libel, the trial of which will come on early next week during my absence, I think it right to call to the attention of the Right Honourable the Governor-General in Council the following facts which have this day come to my knowledge, and which may throw considerable difficulty in the way of the prosecution.

2. The evidence against the defendant, the proprietor of the "Doorbeen," so far as it relates to the proprietorship of the paper, rests chiefly on the admissions made by him to you in the presence of his son Abdool Rouf, and on the admissions made by him to Mr. Wauchope, at the time of his arrest a few days afterwards. And the case is in my opinion greatly aggravated against the defendant by the fact that the letter given up by him to you differs in two material passages from the copy of the proclamation published in the "Doorbeen," although the latter purports to be a literal copy. The newspaper copy differs from the proclamation enclosed in the letter by suppressing in two distinct passages, invocations of Allah and exhortations in the name of the Mahomedan faith; so that the proclamation, as published in the newspaper, forms a more general appeal to all classes of natives than that in the letter.

3. I am now informed that previously to the interview between yourself and the defendant, in the course of which he admitted himself to be the proprietor of the newspaper, and his son on his behalf produced the letter as that received by the defendant, from which the proclamation was copied into the newspaper, the contents of a note of yours, dated 10th June 1857, to Mr. Wauchope, the commissioner of police, were under Mr. Wauchope's directions communicated to the defendant by Mr. Alexander, a superintendent of police; that note being to the effect that the editor could not be reasonably accused of more than being guilty of

grave indiscretion in publishing a treasonable document, the mischief of which was not likely to be cured by his extremely loyal comments; that it might do good if Mr. Wauchope were to have this quietly intimated to the editor, and to let him know that the publication of a treasonable document, even with an apparently friendly comment, is an offence; and that he might be told also that any repeated instance of this kind might lead to the adoption of severe measures.

4. Under ordinary circumstances, the existence of a mere private note from yourself to Mr. Wauchope, expressing your views as to the character of a publication, could not at all interfere with the subsequent prosecution of the publisher for libel. But in the present case, the contents of your note were read to the defendant himself in such a manner as would produce a reasonable impression on his mind that you were writing officially, and that although the insertion of the proclamation was deemed by the Government extremely indiscreet, the remarks with which it was accompanied were considered *bonâ fide* and loyal, and that it was not the intention of the Government to take any proceedings against the defendant in respect of that particular publication, although any "repeated instance of the kind" would lead to prosecution.

5. If such were the impression produced on the defendant's mind by the communication made through Mr. Wauchope (which communication it will be impossible to treat as a private or non-official one, whatever may have been the character of your note), any admission made by the defendant to you while under the influence of the impression thus produced, would, I think, be inadmissible in evidence. The visit which the defendant made to you, in the course of which he admitted the proprietorship of the paper, and produced through his son the letter containing the proclamation, being subsequent to the communication of Mr. Alexander, would naturally be supposed to have been made under the continuance of that impression, and the admissions then made would be deemed attributable to its influence on the defendant's mind, unless it could be shown that either previously to the visit, or upon the visit but previously to the admission, that impression was distinctly removed from his mind. Now if the statements made by you to the son at the earlier visit paid by him alone to you in the morning, to the effect that what you had written was only written by you privately, that you had no authority from the Government, and that you did not know what course the Government would adopt, had been made by you to the defendant himself, before his admissions, or could be shown to have been faithfully explained to the defendant by his son in the interval between the visits, the objection to the admissibility of the evidence would have been removed, as there could be no doubt in such case that the impression on the defendant's mind had been removed before the admissions were made by him. But unfortunately there exists no means of proving that the son did communicate to the father before the two came to you together, the statement made by you to the son as to your acting privately and not with the authority of the Government, or consequently of showing that the impression conveyed to the father by means of your note had been removed from his mind. And in the absence of such proof, I think that not only will the admission of proprietorship, but also that of the receipt of the letter containing the proclamation, be excluded.

6. The other evidence of the defendant's proprietorship of the "Doorbeen" consists of his admission to Mr. Wauchope when arrested. This appears to have been made in answer to an inquiry of Mr. Wauchope; and if the answer were of this character: "Yes, I am the proprietor of the paper which contained that article, but the Government have, through Mr. Beadon and you, stated that they would not call me to account for that article, provided there were no repetition of improper articles in my paper;" it would be very difficult to say that the admission was not attributable to the impression produced on the defendant's mind by Mr. Beadon's note. It will probably be a question of considerable nicety whether the admission was of that character, or whether it was not made wholly irrespectively of the previous communication, in which case it will be admissible in evidence. But I think that it will be unsafe to go to trial with such a chance of the admissions on which alone at present rests the evidence of proprietorship (the printer and publisher, against whom a warrant was issued not having been taken, and being, it is stated, at Chittagong) unless there be independent evidence
of

of the facts ; as to which Mr. Wauchope has been requested to make further inquiries.

7. If such evidence cannot be obtained, I think it will be better to abandon the prosecution than to run the risk of defeat on such a point as the exclusion of the evidence on the ground of a communication made to the defendant by the Secretary to the Government, though without the actual authority of the Government, whereby the defendant was induced to believe that no prosecution would be instituted against him, and to answer the inquiries of and afford the information required by the secretary.

8. But even if such independent evidence be procurable, it is a serious question whether it will be advisable to continue the prosecution, with the knowledge that the contents of your note were communicated to the defendant in such a manner as to lead him to suppose that the note was written officially, and with authority, and that no proceedings would be taken against him by the Government unless the offence were repeated.

9. Such a communication could not afford any legal defence, it not having been in fact made under authority from the Government, and not amounting to anything approaching to a legal pardon. But I cannot help thinking that the effect on the public mind will be bad, if it be known that the prosecution is carried on in spite of a communication made by you in the first instance, which in the eyes of the defendant must have appeared tantamount to a promise of immunity for the past, on condition of good behaviour for the future. This bad effect will be produced, I think, even in the case of a conviction, as it will be difficult for the Government, after such a communication, to press for a punishment of severity adequate to the offence ; and it will be very much increased if the case terminates in an acquittal instead of in a conviction. I do not indeed anticipate an acquittal ; nor can the jury acquit on any such ground, if they perform their duty and decide upon the evidence alone. But I think it right to point out, as well in justice to Mr. Cowie, by whom the prosecution will be conducted, as with a view to laying all the possible aspects of the case before his Lordship in Council, that the circumstances above stated introduce an element of uncertainty into the case which did not before appear to exist, and afford a plausible topic for declamation against the Government, and for an appeal to the prejudices of the jury, which may possibly, though not I think probably, lead to an acquittal.

10. It is to be observed that as both you and Mr. Wauchope were examined before the magistrate, it will be proper that you should both appear before the grand jury, and should be called as witnesses for the prosecution at the trial ; and if so called, the defendant or his counsel will be entitled to examine you both as to the communication in question, so that there will be no means of withdrawing it entirely from the consideration of the jury, even if the admissions made by the defendant to you are not pressed at the trial ; while, on the other hand, if you and Mr. Wauchope are not called as witnesses, in which case the communication might be excluded altogether as not being in itself evidence upon the issue, the omission to call you would afford strong ground for comment, and would greatly prejudice the case for the prosecution.

11. Under these circumstances I would respectfully solicit on behalf of Mr. Cowie, who will conduct the prosecution, and of Mr. Sandes, as attorney for the Company, instructions from his Lordship in Council whether the prosecution should be pressed against the defendant to the utmost, as it would have been without any special instructions, but for the communication in question ; or whether a discretion may be exercised by the legal advisers of the Government, either in abandoning the prosecution altogether before it comes publicly into court, or in sanctioning an arrangement whereby the defendant shall plead guilty, the Government undertaking not to press for any punishment against him beyond his giving security for his good behaviour, or entering into recognisances to appear to receive judgment when required. The finding of the bill by the grand jury, upon the exposition of the law of libel of the presiding judge, coupled with the conviction on the plea of guilty, would, in case this last course be adopted, publicly affirm the principle which it is desirable to have established, that to publish matter treasonable in itself does not cease to be an offence against

the State, because it is coupled with comments which in themselves appear made in good faith, and loyal; while the forbearance to press for punishment in the particular case may, without any detriment to the public interests, be assigned to the true cause, viz., that some communication had been held with the defendant, which, although unauthorised, might not unreasonably have been construed by him into a condonation of the past offence, on the strength of which he gave up the letter he had received.

12. If this course be adopted, or if the prosecution be abandoned in the case of the "Doorbeen," I respectfully submit that the same course should be followed in the case of the other newspaper, which merely copied the article in the "Doorbeen" containing the proclamation; the latter case presents no legal difficulty, the person indicted being the registered printer and publisher. But I think that it would not be right or becoming, that if the first and greater offender be permitted to escape punishment on the ground virtually that something like a condonation of his offence had taken place, the Government should press for the punishment of the lesser offender, whose offence, consisting solely in transcribing the article in the first paper, was committed before the supposed condonation of the original article.

13. I may add that the necessity for prosecuting such pernicious publications to the uttermost, for the sake of the example (which would otherwise, in my opinion, have superseded all the considerations above adverted to), does not appear to exist so urgently since the recent Press Act as it did previously. That Act affords a readier and more efficient mode of repressing the mischief, which previously could only be repressed by the punishment of the offender. Of course the passing of the Act affords no reason for leaving offences committed before the Act unpunished; but when merely considering the policy of prosecuting an offender after such a communication as that made to the defendant, the passing of the Act may remove one, and perhaps the strongest, reason for pressing the case, as if no such communication had been made.

I have, &c.,
(signed) *W. Ritchie*,
Advocate-General.

Calcutta, 17 July 1857.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Ritchie*, Esq.,
Advocate-General.

Sir,

In reply to your letter, dated the 17th instant, I am directed to state, that the Governor-General in Council is not disposed to abandon the prosecution for seditious libel against the proprietor or publisher either of the "Doorbeen" or of the "Sultan-ul-Akhbar."

2. Under the circumstances stated in your letter, his Lordship in Council authorises you, or the Company's standing counsel in your absence, to undertake on the part of the Government not to press for punishment beyond a nominal fine if the defendants will plead guilty, and express their regret for having inadvertently published the proclamation purporting to have been issued by the chiefs of the revolted regiments at Delhi, and declare that in so doing they had no evil intention.

3. But if the defendants resist the prosecution, and attempt to justify their conduct, the Governor-General in Council is desirous that the prosecution should be proceeded with, and that the judgment of the Court on both the defendants should be pressed for.

4. A verdict of guilty will establish the principle, which cannot be doubted, that to publish treasonable or seditious matter is an offence, although such matter may be accompanied by comments apparently loyal.

I have, &c.,
(signed) *C. Beadon*,
Secretary to the Government of India.

Council Chamber,
20 July 1857.

MINUTE by the Honourable *J. P. Grant*.

1. If I had known of the communications which had already taken place between the Secretary, Mr. Wauchope, the Commissioner of Police, and the editor of the "Doorbeen," when the question of the prosecution of that newspaper was first discussed, I should have been opposed to the prosecution. Thinking the prosecution proper on general considerations, and having no doubt in my own mind of the bad faith in which the article was written, I should nevertheless have thought it advisable for Government to have acted as though it had been pledged by the formal communications which had taken place. When a man is formally cautioned, and told to be less indiscreet another time, he is naturally led to conclude that he has been forgiven. When he finds himself disappointed in this expectation, his confidence, and the confidence of his friends, in our faith, I fear, may be shaken.

Reply to the Advocate-general's letter of the 17th July 1857, regarding the prosecution of the "Doorbeen" newspaper and another.

2. I think it a very hazardous step for Government to take, to press a State prosecution against the advice of its law officer; more especially so when that officer is a gentleman in whose judgment it has such great general confidence as we all have in Mr. Ritchie's judgment. The Advocate-general is daily exercised before the judges and juries on whose voices the fate of this case will rest; and the business, therefore, is one in which he should know best. The case does not seem to me to involve any question of state larger than this principle of policy, namely, that a Government should never undertake a political prosecution unless there is a strong probability of success, and a moral certainty of coming off without discredit. Mr. Ritchie's report gives me no confidence in these respects.

3. For both the above reasons I should have much preferred acting on the recommendation conveyed in the 10th and 11th paragraphs of the Advocate-general's letter, by giving the law officers the full discretion proposed, in both the cases mentioned.

4. If the defendants consent to plead guilty on the conditions stated, the practical effect of the two courses will not greatly differ, although the reason for not pressing for a substantial punishment which weighs with me individually will not be assigned. The defendants will probably plead guilty, but it is not certain that they will do so; and to meet both events I would have given the law officers the full discretion which the Advocate-general recommends to be given.

(signed) *J. P. Grant*.

19 July 1857.

No. 143.

From *F. C. Sandes, Esq.*, Solicitor to the East India Company, to *C. Beadon, Esq.*, Secretary to the Government of India.

Sir,

REFERRING to your letter, dated 13th June last, I have the honour to report, for the information of the Right Honourable the Governor-General in Council, that I submitted the papers which accompanied your letter, to the Advocate-general, and under his advice warrants were obtained against the following persons, viz. :—

Home Department.

1st. Ahmed Ali, the proprietor of the "Doorbeen" newspaper.

2nd. Mahomed Taheir, the registered printer and publisher of the "Sultan-ul-Akhbar" newspaper.

3rd. Shamsunder Sen, the registered printer and publisher of the "Samachar Soodaburshun" newspaper.

2. These three persons were arrested, and committed for trial on 17th June last, and indictments for the publication of seditious libels were preferred against them at the last sessions. These indictments were all returned true bills by the grand jury.

3. In consequence of your letter, dated 20th July, to the Advocate-general,

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I communicated

I communicated with the legal advisers of Ahmed Ali and Mahomed Taheir; and upon the indictments against those defendants coming on for trial in the Supreme Court on Monday last, they pleaded guilty to the charges made against them, and entered into recognisances to appear and receive judgment when called upon.

4. The trial of Shamsouder Sen, the other defendant, occupied the Court the whole of Monday last, and resulted in a verdict of not guilty.

I have, &c.,
(signed) *F. C. Sandes*,
Solicitor to the East India Company.

Fort William, 29 July 1857.

From the "Hurkaru" of the 5th September 1857.

EXTREME MEASURES.

To the Editor of the "Bengal Hurkaru."

Sir,

ALTHOUGH the gagged press of India may not be allowed to express its contempt for the authors of the resolution of 12 paragraphs, signed C. Beadon, and published in your paper of the 2d instant, thank God there is a free press in England, which will resound with shouts of execration at such cowardly imbecility.

With the blood of our murdered women and children scarcely dry, and when all the laws of honour and humanity call for vengeance, will Englishmen quietly submit to be told that they must not "embitter the feelings of the natives by the remembrance of needless bloodshed."

Needless, indeed! Could any amount of bloodshed of the treacherous fiends who murdered our women and children atone for the massacres of Cawnpore, Delhi, Jansee, and other places? Or does any Englishman believe, that but for the fear of those heroic soldiers and sailors, supported by our noble volunteers, whom they see at all times ready for them, the rebels would not repeat in Calcutta what has been done at Cawnpore and other places?

Away then with such dastardly feelings as are expressed in Mr. Beadon's "resolution." For every Christian church destroyed 50 mosques should be destroyed, beginning with the Jumma Musjid at Delhi; and for every Christian man, woman, and child murdered, a thousand rebels should bleed. Any weak measures, such as the resolution above referred to, will justly be attributed to fear, and will encourage further murders.

The British Government should tell the natives, "You treacherously betrayed the confidence we placed in you, and murdered our women and children when we were unprepared; but, by the God in whom we trust, you shall now feel England's just vengeance."

Such is the language that England will expect to be used to the murderers of her children, and not that we are to take care not to "embitter their feelings."

(signed) *Militaire*.

Bengal Club, 4 September 1857.

No. 1829.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Sims*, Esq., Proprietor of the "Bengal Hurkaru."

Sir,

THE attention of the Right Honourable the Governor-General in Council having been given to a letter which appeared in the "Bengal Hurkaru" of the 5th instant, headed, "Extreme Measures," and signed "Militaire," I am directed

to

to state that the observations contained in that letter manifestly involve a breach of the conditions of your license, and to warn you that if any further observations or statements of a like nature be inserted in the paper the license will be withdrawn.

11 September 1857.

I have, &c.,
(signed) C. Beadon,
Secretary to the Government of India.

From the "Hurkaru" of the 14th September 1857.

ALL India is eagerly watching the progress of public opinion at home, the eventual declaration of which will decide the future policy of the Government. Our rulers are being put upon their trial, while a jury composed of many millions are weighing the evidence, preparatory to laying their heads together for the consideration of the verdict.

There are many good, honest, simple people in Calcutta who are both surprised and disappointed that popular indignation has not boiled up to a higher pitch. They are astounded at finding that Lord Canning has not been already ordered home in irons, and that Mr. Beadon has not been sentenced to be tarred and feathered and ridden upon a rail, previously to being placed in some extremely uncovenanted appointment under a native superior. We are very far from saying that these proceedings would not be appropriate in the cases in question; but we would say to our enthusiastic friends, "My dear sirs, you are too impatient. All in good time. Public opinion is not a mere dramatic performance, got up to make the overland papers exciting for your pleasure. It is a real earnest process, which takes time for its development, which must be expected to 'drag,' in dramatic language, now and then, which will not always produce startling effects at the most desirable moment, which keeps one waiting a long time between the acts, with nothing but 'apples and oranges and bill of the play' to fall back upon; but for all that there can be no rational doubt that the conclusion will find virtue triumphant, and that the villains of the peace will meet with their just doom." But we would add to our enthusiastic friends, "What more can you expect? What more would you have at the present moment? Have you not heard through private letters that the windows of the directors' town houses are by no means safe, and that any one of the Honourable Court showing himself at Bath or Cheltenham or elsewhere, where Anglo-Indianism most abides, would meet with a reception from the mob compared to which that of Marshal Haynau by the brewers was courteous and flattering? Do you not know that the Duke of Cambridge was heard to say that he should soon have the Indian army under his command? Are you not aware that the mode of communication adopted by the Government of the Crown towards the government of the Court at home has already become savage and dictatorial to an extent that six months ago would have aroused Leadenhall-street to a fury of resistance? Do you not see that the comparative satisfaction which has been manifested at the mode of meeting the mutinies has been founded upon want of knowledge of the real facts of the case? Is it not obvious to the stupidest fellow amongst you, that where our rulers have been praised, they have been praised for doing what they have left undone, or for not doing that which they have done most thoroughly and completely? If Her Majesty's Government approve eventually of the conduct of those gentlemen they will have to do so, not merely at the cost of their consistency, which they will care no more about than any other Government, but at the cost of their offices, which they will not be disposed to part with for such an incidental consideration as Mr. Halliday, or such a matter of detail as Mr. Beadon, to say nothing of one or two others of the same stamp, and a high functionary whom they have dragged into the same boat."

We ask the sanguine persons to whom we have addressed the above, what more they would have for the present? To us it seems that Parliament and the public at home have made immense progress towards a proper view of the question. In the House of Lords the Earl of Ellenborough and the Marquis of Clanricarde have addressed themselves to it with profound knowledge and sagacity. In the Commons, Mr. Disraeli has made one of the most masterly and statesmanlike speeches that he has ever made in his life; and the question has been met by all who took part in its discussion with a higher appreciation of its

importance. The press has done its work well, and has been steadily drifting in the right direction to a position which the "Times" has taken up with a decision and energy which sufficiently shows that the voice of the country is on the same side. Throughout the discussion, both in Parliament and the press, it is to the honour of all engaged in it, that no party feeling has been shown, however much may have been felt in some quarters. The utmost consideration has been manifested for the local Government under the difficult circumstances in which they were placed, and no signs of any personal prejudice have been made apparent. Even the "Press" and the "Examiner," the two most systematic opponents of the Company's Government, have handled Lord Canning as tenderly as if he was a baby; and have let Messrs. Beadon and Halliday alone with a magnanimity which is almost beyond belief, and suggests the suspicion that those usually well-informed journals have not yet acquainted themselves with the fact that there are such persons in existence.

In the meantime the accused are awaiting the verdict which is to decide their official fate, in a highly characteristic manner, such as we see described in the London police reports as "treating the charge with the utmost levity," or "evincing a hardened indifference to the situation in which they were placed that was too painful to behold." But among these it is only just to remark that the most elevated personage stands out in honourable relief. His grand calmness under the ordeal is comparable to nothing but the demeanour of Miss Madeleine Smith in similarly trying circumstances, which excited the wonder and admiration of the rapt people of Glasgow. Let us hope that the omen is a good one, and, for the sake of an illustrious name, and as good intentions as have ever paved India or any other place, that the charges which have been brought against the individual in question will be "Not proven."

From the "Hurkaru" of the 15th September 1857.

INDIAN ADMINISTRATION.

To the Editor of the "Bengal Hurkaru."

Sir,

In my letter of the 4th instant I said, "Thank God, there is a free press in England, which will resound with shouts of execration at such cowardly imbecility."

The steamer which arrived on the 10th instant brought us the "Times" of the 6th August, which contains a leader beginning, "There are some acts of atrocity so abominable that they will not even bear narration," and ending, "Let it be known that England will support the officers who may be charged with the duty of suppressing this mutiny, and of inflicting condign punishment upon the blood-thirsty mutineers, however terrible may be the measures which they may see fit to adopt."

The article in the "Times" from which the above quotations are made should be republished by Government, circulated to all civil and military authorities in substitution of Cecil Beadon's proclamation, dated 31st July, published in your paper of the 2d instant; and the article from the "Times" should be read also to every regiment in India, instead of Sir James Outram's order about the 10th regiment. Little did the "Times" know of Indian officials when he wrote, "Nothing more injudicious than Mr. Colvill's proclamation can be conceived."

What will the "Thunderer" say when he sees Cecil Beadon's proclamation and Sir James Outram's order from Dinapore; and that the latter has, since that order, been re-appointed Commissioner in Oude, besides commanding the Dinapore and Cawnpore divisions, thus superseding Havelock and Neill? The latter is unquestionably the man who ought to have been appointed Chief Commissioner in Oude, for the energy he has displayed from the time he confined the railway people here to the time he hanged the Brahmins at Cawnpore.

The imbeciles are not all out of England yet, however; the Board of Control has Vernon Smith, and the War Department has Lord Panmure. Witness the answer of the latter, through his organ in the Commons, to Colonel North's question on the 5th August: "Why it was that the Government were only sending 140 men to reinforce the artillery in India, when the number required to bring that force up to its war complement was 223?" Answer by Sir John Ramsden, *vide* "Times" of the 6th August:

"Sir

“ Sir J. Ramsden said, that the artillery force was put under orders for India the same as the other troops, in compliance with a requisition of the East India Company, and the total force of artillery which they had asked for would be made up by the particular number which had been sent. (Hear, hear).”

That is, the artillery force was rendered inefficient before its departure for India, by reducing it even under the war complement required in Europe, that certain figures sent in by the East India Company might correspond with other figures in the estimates prepared at the War Department!

With such a specimen of the way things are conducted in that department, can any one be surprised that we meet with disasters, from the ruinous effects of which to the nation nothing saves us but the devoted courage of our soldiers and sailors? Yet these are the men whose feelings are being trifled with by old women in India.

The cavalry horses in the Crimea were starved because Sir Charles Trevelyan, at his desk in London, thought he could there form a more correct estimate of the forage required than the Commissary-general on the spot could do; and now we are to have the artillery sent out in an inefficient state because Vernon Smith and the Chair think that the war complement, which experienced artillery officers have laid down as necessary in Europe, is too large for a fine climate like India, where they no doubt suppose ready-made artillerymen grow in the rose gardens!

(signed) *Militaire.*

Bengal Club, 13 September 1857.

No. 1886.

From *C. Beadon*, Esq., Secretary to the Government of India, to *William Sims*, Esq., Proprietor of the “Hurkaru Press,” No. 1, Hare-street.

Sir,

THE Right Honourable the Governor in Council has perceived with regret, that, notwithstanding the warning conveyed to you in my letter No. 1829, dated the 11th instant, there have appeared in the “Bengal Hurkaru” newspaper of the 14th and 15th instant observations directly and obviously calculated to bring the Government into contempt and to weaken its lawful authority, and therefore opposed to the conditions of your license.

The observations in question are contained in an editorial article in the “Bengal Hurkaru” of the 14th instant, beginning with the words, “All India is eagerly watching the progress of public opinion at home;” and in a letter under the signature of “Militaire” in the “Hurkaru” of the 15th instant, in which the objectionable expressions which led to the warning are repeated.

After this, the Governor-General in Council feels that he has no course left open to him but to revoke your license; and the license is accordingly hereby revoked.

It is not the intention of the Government to put in force against you the provisions of Sections 2 and 5 of Act No. XV. of 1857, unless after this date you use the “Hurkaru” press, types, or other materials, or articles for printing, or cause or allow them to be used.

I have, &c.,
(signed) *C. Beadon*,

Secretary to the Government of India.

18 September 1857.

No. 1887.

Copy of this letter forwarded to the Commissioner of Police for information.

From *William Sims*, Esq., Proprietor of the “Hurkaru” Press, to *C. Beadon*, Esq., Secretary to the Government of India.

Sir,

I BEG to acknowledge the receipt of your letter No. 1886, conveying to me the resolution of the Right Honourable the Governor-General in Council to withdraw my licence, on account of the letter signed “Militaire,” which appeared

in the "Hurkaru" of the 14th, and an editorial commencing "All India," &c., which was published in the "Hurkaru" of the 15th instant.

I have to express my regret that any writing, whether communicated or editorial, should have appeared in the "Hurkaru" calculated, in the judgment of the Governor-General in Council, to bring the Government in to contempt; but I would beg you at the same time to represent to his Lordship in Council, that under my engagement with Mr. Blanchard, the editor of the "Hurkaru," the internal economy and management of the paper is entrusted to him, and that neither the letter nor the editorial to which objection has been taken passed under my review before publication.

Mr. Blanchard has put into my hands the resignation of his office as editor, and I enclose his letter in original for submission to the Governor-General in Council, together with my assurance, that if his Lordship in Council should so please, I am prepared to accept his resignation; and that in any case I will take care that the paper shall be hereafter so conducted as to be entirely free from offence to the Government, and from all comments tending in any way to call in question its motives or to obstruct its measures.

I trust that, as in the case of the "Friend of India," the Governor-General in Council may see fit to accept this assurance on my part, and to permit the renewal of the license, and the republication of the paper as soon as possible.

No. 1, Hare-street,
18 September 1857.

I have, &c.,
(signed) *W. Sims*,
Proprietor of the "Hurkaru" Press.

P. S.—I shall feel obliged by your returning to me Mr. Blanchard's resignation.

No. 1957.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Sims*, Esq., Proprietor of the "Hurkaru" Press.

Sir,

HAVING laid your letter of the 18th instant before the Right Honourable the Governor-General in Council, I am directed to state, that the law having been vindicated, his Lordship in Council has been pleased to grant you another license, which is accordingly herewith forwarded; you are requested to return the former license, which has been revoked.

2. In again granting you a license, his Lordship in Council desires me to observe, that the responsibility for what is printed at any press rests upon the proprietor of that press, and upon him alone. It is the intention of the Government to enforce the law, but it will not interfere with the proprietor's choice of an editor.

The enclosure of your letter is herewith returned.

23 September 1857.

I have, &c.,
(signed) *C. Beadon*,
Secretary to the Government of India.

No. 1942.

Copy forwarded to the Commissioner of Police for information.

No. 22 of 1857.—Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

WE beg to forward for your Honourable Court's information copies of our proceedings consequent on the passing of Act XV. of 1857, to regulate the Establishment of Printing Presses and to restrain in certain cases the circulation of Printed Books and Papers.

Printing Presses.
Proceedings consequent on the passing of Act XV. of 1857.

Jud. Cons. 1857,
24th July, No. 4253
A/c. 22d July,
No. 4660.

Bombay Castle,
30 July 1857.

We have, &c.,
(signed) *Elphinstone*,
J. G. Lumsden,
A. Mulet.

EXTRACT from the Proceedings of Government in the Judicial Department.

From the Secretary to the Government of India.

Sir,

I AM directed to forward for the information of the Right Honourable the Governor in Council a copy of the under-mentioned papers relating to Act XV. of 1857, viz:—

Jud. Cons., 1857,
8th July,
No. 4253 A.

Resolution of the Governor-general in Council of this date, Form of Application, Form of Declaration, Form of Licence, Instructions of this date to the Commissioner of Police for the town of Calcutta, and to request that corresponding steps may be taken by his Lordship in Council for carrying out the provisions of the Act in the Bombay Presidency.

2. The Governor-general in Council desires to be furnished with an annual return of presses worked, and of periodical works published in the Bombay Presidency, compiled from the returns furnished by the district authorities.

Fort William,
18 June 1857.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

Fort William, Home Department, 18 June 1857.

RESOLUTION.

WITH reference to Act XV. of 1857, the Governor-general in Council resolves that application for licences to keep or use any printing press or types, or other materials and articles for printing within the town of Calcutta, shall be made to the commissioner of police, and that the commissioner shall forward a copy of every such application to the Government of India in the Home Department, from whence licences will be issued. No. 4253 B.

His Lordship in Council authorises the Lieutenant-governor of Bengal to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences in any part of the Lower Provinces of Bengal, except the town of Calcutta.

His Lordship in Council authorises the Lieutenant-governor of the North-Western Provinces to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences in any part of the North-Western Provinces of the Presidency of Bengal.

His Lordship in Council authorises the Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, severally, to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences, within the provinces, districts, and settlements under their control respectively.

His Lordship in Council resolves that the conditions upon which licences to keep or use any printing press or types, or other materials or articles for printing are ordinarily to be granted, shall be as follows:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or desigus of the British Government, either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government,

Government, of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

His Lordship in Council resolves that a copy of every book, pamphlet, newspaper, or other work printed or published in the town of Calcutta, shall be immediately forwarded to the commissioner of police, by whom all such copies will be immediately transmitted to the Secretary to the Government of India in the Home Department.

Ordered, that a notification to the above effect be published in the "Calcutta Gazette," and that corresponding instructions be sent to the several local Governments and authorities noted in the Resolution.

(signed) C. Beadon,
Secretary to the Government of India.

FORM of APPLICATION, under Act XV. of 1857.

The application may be made either by the proprietor or the publisher, but both not join in it. If there are two proprietors or two printers, both of whom are in the Presidency, both should join in the application.

We, A. B. of _____, and C. D. of _____, being desirous of keeping [in the case of an application by the printer say "using"] a printing press, types, and other materials and articles for printing, hereby apply to you, the magistrate within whose jurisdiction we propose to keep the same, [or the person appointed by the Governor-General in Council (or the Government of Bengal) (or by _____ authorised by the Governor-General in that behalf) for that purpose] for the purpose of obtaining the sanction and license of the Government, under Act XV. of 1857.

The following are the particulars required by the 3d section of the Act to be specified in the application.

Names of the proprietors of the printing press

Profession - - - - -

Place of abode - - - - -

Names of persons intended to use the said printing press - - - - -

Profession - - - - -

Place of abode - - - - -

Place where printing press, types, and other materials are intended to be used - - -

(signed) C. Beadon,
Secretary to the Government of India.

FORM of Declaration to accompany Application for Licence under Act No. XV. of 1857.

N. B.—BOTH proprietor and printer should join in this declaration, unless by reason of the absence of the former, or for other good reasons, the magistrates shall dispense with the declaration of one of them.

[Here insert name, place of abode, and trade, profession, or other description of the person or persons making the declaration] jointly and severally make [makes] solemn declaration and say [says] that A. B. [here enter place of abode and profession] [and C. D., &c.] [and so on] are [is] the proprietors [proprietor] of a printing press, commonly called the press now kept and used [or intended to be kept and used] at [here enter name of the town and street, or other designation of place] and of all the types and other materials and articles for printing belonging thereto, and that no person or persons is or are interested in the said press and materials, save and except the said A. B. [and C. D.] [and so on]: and these deponents [this deponent] further say [says] that the said A. B. [and C. D.] [and so on] [or others] use and are intended to use the said printing press, types, and other materials and articles, and that no person or persons is or are intended to be employed or engaged in keeping or using the said press and materials, save and except the said A. B. [and C. D.] [and so on] [or others].

(signed) C. Beadon,
Secretary to the Government of India.

Form of Licence.

A. B. [and C. D., &c.] having applied to the magistrate [or the Commissioner of Police, or other officer] of _____ for sanction and license to keep and use a printing press, types, and other materials and articles for printing, and their application having been verified by solemn declaration as required by law, the Governor-General in Council [or other authority] does hereby authorise and empower the said A. B. [and C. D., &c.] to keep and use a printing press, types, and other materials or articles for printing at [here enter the name of the place as stated in the declaration] and not elsewhere.

The above licence is subject to the following conditions:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government, either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government, of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

The licence is subject also to such conditions, if any, as shall from time to time be published by order of the Governor-General in Council, as general conditions upon which licences to keep printing presses are to be subject.

Note.—The above licence will cease to have effect, and a new licence must be applied for, whenever any change shall take place in the proprietorship of the printing press, or other materials specified therein.

(No. 1143.)

From C. Beadon, Esq., Secretary to the Government of India, to S. Wauchope, Esq.,
Commissioner of Police, Calcutta.

Sir,

I AM directed by the Right Honourable the Governor-General in Council, with reference to Act XV. of 1857, to draw your attention to the notification issued from this Department on this date, and published in the "Calcutta Gazette," and to forward a form of application to be made, and declaration to be used, by persons requiring a licence to keep a printing press.

2. Immediately on receiving an application, you will, after having it verified, forward it to this Department, together with such information as you may possess relative to the character of the applicants, and the objects for which the press is sought to be set up, and your opinion whether the licence ought to be granted or not, and if granted, whether on the ordinary conditions alone, or on further and special conditions.

3. You will also be so good as to forward to this Department daily all books and papers furnished to you under section 6 of the Act.

4. It will be your duty strictly to enforce the provisions of the Act on the expiry of the period mentioned in section 10.

5. I am directed to take this opportunity of desiring that you will take care that the provisions of Act No. XI. of 1835 are fully carried out, and that, after due warning, all persons infringing them are prosecuted according to law.

6. You will also furnish this Department as soon as possible, and hereafter on the 1st May in every year, with a correct list of all newspapers and other periodicals (whether registered or not) now published in Calcutta, showing the names of

of the printer and publisher, the place of printing and publication, and the date of declaration, and also a correct list of the proprietors of presses.

I have, &c.

(signed) C. Beadon,
Secretary to the Government of India.

Council Chamber,
18 June 1857.

(True copy.)

(signed) C. Beadon,
Secretary to the Government of India.

No. 4253 C.

RESOLUTION passed by the Right Honourable the Governor of Bombay in Council on a Letter from the Secretary to the Government of India, dated the 18th June 1857, No. 871, with its accompaniments, relative to Act XV. of 1857.

THAT 500 copies of the accompaniments to Mr. Secretary Beadon's letter be immediately printed.

2. That the Magistrate in each zillah, and the Political Agent in each state subordinate to the Presidency of Bombay, be appointed to receive applications for licences under Act XV. of 1857.

3. That the Commissioner of Police for the town and island of Bombay be appointed to receive applications in Bombay for licences under Act XV. of 1857.

4. That the officers thus appointed be directed to forward the applications received to the Secretary to Government in the Judicial Department, with the information detailed in the 2d para. of Mr. Secretary Beadon's letter to the Commissioner of Police at Calcutta.

5. That the officers thus appointed be directed to prepare and submit to Government the annual returns of presses worked, and of periodical works published within their respective charges.

6. That a copy of Mr. Secretary Beadon's letter to the Commissioner of Police, Calcutta, be forwarded to the Commissioner of Police for the town and island of Bombay, with instructions to act in strict accordance with the directions given to Mr. Wauchope. The daily transmission of books and papers furnished under section 6 of the Act, ordered in para. 3 of Mr. Secretary Beadon's letter, to be made to the Secretary to Government in the Judicial Department.

7. That copies of Mr. Secretary Beadon's letter of 18th June 1857, No. 871, with its accompaniments, be sent to the Commissioner in Scinde, with instructions to take the necessary steps for carrying out the provisions of Act XV. of 1857, in the Province of Scinde, and to report his proceedings to Government.

8. That the proceedings of this Government, consequent on the instructions contained in Mr. Secretary Beadon's letter of the 18th June, No. 871, be reported to the Government of India.

(signed) Elphinstone.
J. G. Lumsden.
A. Malet.

1 July 1857.

RESOLUTION by the Honourable Board, dated 15 July 1857.

Jud. Cons. 1857.
22 July, No. 4660.

THIS Maratta publication, "The Duanprukash," which Mr. Davidson, the magistrate of Poona, has forwarded to Government, in conformity with the requirements of Act XV. of 1857, should be returned, with an intimation that the publisher has not applied for or taken out a licence, as required by section 1 of the said Act.

By section 6, it is provided that a copy of all books and other papers, &c., shall be immediately forwarded to the magistrate. The zillah magistrates should

should be authorised to examine all such publications in the native languages, instead of sending them to Government for that purpose, to see that they do not contain objectionable matter, or infringe the conditions on which the licences have been granted. In all such cases when they infringe the Act, the magistrate should report the circumstances immediately for the orders of Government.

In respect to native publications in the town and island of Bombay, the Commissioner of Police should send them direct to the Oriental translator for examination, who will report to Government whether they contain anything to infringe the conditions on which the licence has been granted.

The Oriental translator to be directed accordingly.

Publications in the English language should of course be forwarded to the Secretary to Government in the Judicial Department.

15 July 1857.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

(True extract.)

(signed) H. L. Anderson,
Secretary to Government.

(True copies)

East India House, 3 May 1858.

(signed) *J. S. Mill,*
Examiner of India Correspondence.

EAST INDIA (PRESS).

P A P E R S

RELATING TO THE

PUBLIC PRESS IN INDIA.

(*Mr. Milner Gibson.*)

*Ordered, by The House of Commons, to be Printed,
4 May 1858.*

[*Price 9d.*]

253.

Under 12 oz