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APPENDIX.

LIST OF THE APPENDIX.

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	LAND CUSTOMS REVENUE.			CHARGES.		
	From all Salt.	From other Articles.	TOTAL.	At Allahabad on Salt.	On other Salt, and other Articles.	TOTAL.
	Co.'s Rs.	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*
Previously to the Operation of Act XIV. of 1843:						
1840–41 -	24,73,226	20,89,991	45,63,217	29,612	6,47,870	6,77,482
1841–42 -	27,10,953	19,39,363	46,50,316	29,131	6,32,152	6,61,283
1842–43 -	25,37,057	18,84,892	44,21,949	30,326	6,00,585	6,30,911
Subsequently to the Act:						
1843–44 -	36,17,623	15,73,266	51,90,889	31,156	5,94,933	6,26,089
1844–45 -	48,95,202	12,64,711	61,49,913	1,12,557	6,48,290	7,60,847
1845–46 -	38,66,750	15,20,474	53,87,224	91,554	6,06,955	6,98,509
1846–47 -	53,41,887	13,65,781	67,07,668	94,816	7,33,177	8,27,993
1847–48 -	49,27,887	13,02,137	62,30,024	1,01,678	8,05,469	9,07,147
1848–49 -	46,68,983	10,86,858	57,55,841	1,03,341	8,55,509	9,58,850
1849–50 -	54,82,097	13,33,682	68,15,779	1,02,287	7,83,278	8,85,565
1850–51 -	39,72,675	14,14,600	53,87,275	1,04,260	7,80,435	8,84,695

No. 2.—STATEMENT of the NUMBER of CHESTS of OPIUM sold at each Sale, of the AVERAGE PRICE of each (Chest) kind, and of the TOTAL PROCEEDS of each Sale, and of the SALES in each Year of *Behar* and *Benares* OPIUM, from the Month of January 1835 to the end of the Year 1851.

SALE.	NUMBER OF CHESTS OF OPIUM.			AVERAGES.		PROCEEDS OF EACH SALE.			General Average of each Sale per Chest.
	Behar.	Benares.	TOTAL.	Behar.	Benares.	Behar.	Benares.	TOTAL.	
1835:				Co.'s Rs. a. p.	Co.'s Rs. a. p.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs. a. p.
First	3,500	1,500	5,000	1,055 14 2	1,045 9 11	36,95,600	15,68,427	52,64,027	1,052 12 11
Second	1,500	500	2,000	1,228 8 6	1,154 15 9	18,42,800	5,77,493	24,20,293	1,210 2 4
Third	1,667	793	2,460	1,176 15 2	1,120 15 7	19,61,974	8,88,933	28,50,907	1,158 14 6
Fourth	1,713	1,554	3,267	1,146 — 9	1,078 14 7	19,63,179	16,76,629	36,39,808	1,114 1 10
	8,380	4,347	12,727	- - -	- - -	94,63,553	47,11,482	1,41,75,035	—
1836:									
First	4,500	2,000	6,500	1,255 9 1	1,221 6 2	56,50,050	24,42,775	80,92,825	1,245 1 —
Second	670	630	1,300	1,389 5 3	1,250 11 5	9,30,850	7,87,950	17,18,800	1,322 2 5
Third	1,325	1,150	2,475	1,310 7 6	1,206 9 —	17,36,375	13,87,550	31,23,925	1,263 3 1
Fourth	2,901	1,568	4,469	1,301 14 11	1,227 9 9	39,50,960	19,24,890	58,75,850	1,314 12 10
	9,396	5,348	14,744	- - -	- - -	1,22,68,235	65,43,165	1,88,11,400	—
1837:									
First	4,970	1,993	6,963	1,612 7 3	1,459 2 8	80,13,900	29,08,325	1,09,22,225	1,568 9 8
Second	1,500	990	2,490	1,591 13 7	1,442 13 3	23,87,775	14,28,400	38,16,175	1,532 9 7
Third	1,406	979½	2,385½	1,622 11 3	1,445 3 1	22,81,520	14,15,565	36,97,085	1,206 9 —
Fourth	3,043	2,063	5,106	1,448 1 3	1,240 7 2	44,06,505	25,59,030	69,65,535	1,364 3 —
	10,919	6,025½	16,944½	- - -	- - -	1,70,89,700	83,11,320	2,54,01,020	—
1838:									
First	4,520	2,350	6,870	781 10 8	690 14 8	35,33,150	16,23,650	51,56,800	750 8 10
Second	1,452	798	2,250	710 9 6	611 4 10	10,31,780	4,87,820	15,19,600	675 — 6
Third	2,480	1,500	3,980	681 7 5	534 7 2	16,90,025	8,01,675	24,91,700	626 — 11
Fourth	1,375	600	1,975	702 9 4	552 2 1	9,66,050	3,31,275	12,97,325	656 13 11
Fifth	2,204	1,458	3,752	989 1 8	913 — 1	22,09,010	13,31,245	36,00,255	959 — 8
	12,121	6,706	18,827	- - -	- - -	94,90,015	45,75,665	1,40,65,680	—
1839:									
First	4,465	2,500	6,965	839 2 1½	732 7 —½	37,46,725	18,31,100	55,77,825	800 13 4½
Second	1,470	1,000	2,470	688 14 —½	620 2 9½	10,12,650	6,20,175	16,32,825	661 1 —
Third	2,940	400	3,340	365 1 11	390 8 —	10,73,450	1,56,200	12,29,650	368 2 6½
Fourth	1,490	980	2,470	235 6 8½	196 11 4	3,36,650	1,92,775	5,29,425	219 10 10½
Fifth	2,292	786	3,078	282 11 9½	303 12 6½	6,48,035	2,38,775	8,86,810	288 1 9½
	12,597	5,666	18,263	- - -	- - -	68,17,510	30,39,025	98,56,535	—
1840:									
First	4,000	2,000	6,000	437 14 5	413 9 7	17,51,600	8,27,200	25,78,800	429 12 9
Second	1,550	800	2,350	610 8 3	550 13 —	9,46,300	4,40,650	13,86,950	590 — 8 —½
Third	2,500	2,000	4,500	539 10 3	503 11 11	13,49,100	9,83,380	23,32,480	518 5 3
Fourth	1,300	700	2,000	643 15 4½	627 10 10½	8,37,150	4,39,375	12,76,525	638 4 2½
Fifth	1,619	1,089	2,708	736 9 —½	686 1 10½	11,92,500	7,47,385	19,39,885	716 5 7½
	10,969	6,589	17,558	- - -	- - -	60,76,650	34,37,990	95,14,640	—
1841:									
First	3,945	1,995	5,940	795 14 3½	698 11 4	31,39,800	13,93,925	45,33,725	763 4 1½
Second	1,345	700	2,045	752 14 8½	666 14 3½	10,12,675	4,66,825	14,79,500	723 7 6½
Third	2,935	1,500	4,435	664 6 8½	629 10 8	19,50,075	9,44,500	28,94,575	652 10 7½
Fourth	1,315	700	2,015	733 5 10	669 2 3½	9,64,375	4,68,400	14,32,775	711 — 10½
Fifth	2,805	1,287	4,092	683 7 7½	660 — 9	19,17,150	8,49,480	27,66,630	676 1 8½
	12,345	6,182	18,527	- - -	- - -	89,84,075	41,23,130	1,31,07,205	—

SALE.	NUMBER OF CHESTS OF OPIUM.			AVERAGES.		PROCEEDS OF EACH SALE.			General Average of each Sale per Chest.
	Behar.	Benares.	TOTAL.	Behar.	Benares.	Behar.	Benares.	TOTAL.	
1842:				Co.'s Rs. a. p.	Co.'s Rs. a. p.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs. a. p.
First - -	4,000	1,500	5,500	787 9 9½	764 7 2½	31,49,950	11,46,675	42,96,625	781 3 3½
Second -	1,395	590	1,985	828 9 11	810 2 8½	11,55,925	4,78,000	16,33,925	823 2 2
Third - -	2,895	1,165	4,060	785 2 4	768 4 2½	22,73,000	8,95,025	31,68,025	780 4 9¾
Fourth -	1,555	900	2,455	840 12 1	803 2 2½	13,07,375	7,22,825	20,30,200	826 15 5½
Fifth - -	2,924	1,138	4,062	881 2 5½	838 15 7½	25,76,490	9,54,755	35,31,245	869 5 4½
	12,769	5,293	18,062	- - -	- - -	1,04,62,740	41,97,280	1,46,60,020	—
1843:									
First - -	3,465	1,500	4,965	1,456 1 2¼	1,283 2 11	50,45,300	19,24,775	69,70,075	1,403 13 5½
Second -	1,090	700	1,790	1,306 9 3¾	1,129 4 —	14,24,175	7,90,475	22,14,650	1,237 3 9
Third - -	2,035	1,100	3,135	1,247 7 10½	1,137 — 8½	25,38,650	12,50,750	37,89,400	1,208 11 10
Fourth -	1,160	800	1,960	1,516 15 4½	1,360 7 6	17,59,675	10,88,375	28,48,050	1,453 1 4½
Fifth - -	1,585	1,369	2,954	1,446 2 8	1,295 14 1	22,92,175	17,74,060	40,66,235	1,376 8 3½
	9,335	5,469	14,804	- - -	- - -	1,30,59,975	68,28,435	1,98,88,410	—
1844:									
First - -	4,000	2,000	6,000	1,362 10 9½	1,230 11 2½	54,50,700	24,61,400	79,12,100	1,318 10 11
Second -	1,490	700	2,190	1,274 — 8½	1,156 14 10¼	18,98,325	8,09,850	27,08,175	1,236 9 9
Third - -	2,890	1,300	4,190	1,275 3 5½	1,217 11 8¼	36,85,375	15,83,050	52,68,425	1,257 6 1
Fourth -	1,475	700	2,175	1,383 3 6½	1,329 3 5	20,40,250	9,30,450	29,70,700	1,365 13 5
Fifth - -	2,389	1,106	3,495	1,520 2 10	1,459 9 — ½	36,31,705	16,14,280	52,45,985	1,500 15 11¼
	12,244	5,806	18,050	- - -	- - -	1,67,06,355	73,99,030	2,41,05,385	—
1845:									
First - -	3,995	1,800	5,795	1,236 — 1¼	1,067 4 2¾	49,37,850	19,21,075	68,58,925	1,183 9 5¼
Second -	1,800	850	2,650	1,253 1 9¼	1,143 10 9¾	22,55,600	9,72,125	32,27,725	1,218 — 1¾
Third - -	3,545	1,500	5,045	1,418 1 7¼	1,326 11 2¼	50,27,175	19,90,050	70,17,225	1,390 14 9¾
Fourth -	1,775	850	2,625	1,574 5 2	1,462 2 9¾	27,94,425	12,42,850	40,37,275	1,538 — 1¼
Fifth - -	3,384	1,638	5,022	1,479 13 4¾	1,372 10 11¾	49,84,085	22,48,460	72,32,545	1,440 2 9
	14,499	6,638	21,137	- - -	- - -	1,99,99,135	83,74,560	2,83,73,695	—
1846:									
First - -	4,435	1,970	6,405	1,282 4 5	1,179 3 —	56,86,900	23,23,000	80,09,900	1,250 9 1¾
Second -	2,165	795	2,960	1,476 3 4¾	1,326 10 1¾	31,96,000	10,54,675	42,50,675	1,436 — 7¼
Third - -	3,130	1,285	4,415	1,343 3 10½	1,219 1 11¼	42,04,350	15,66,573	57,70,923	1,307 1 10½
Fourth -	2,190	800	2,990	1,252 3 5	1,171 13 6	27,42,350	9,37,475	36,79,825	1,230 11 4½
Fifth - -	3,416	1,552	4,968	1,106 — 1¼	1,055 15 4¾	37,78,120	16,38,855	54,16,975	1,090 5 11½
	15,336	6,402	21,738	- - -	- - -	1,96,07,720	75,20,580	2,71,28,300	—
1847:									
First - -	1,390	715	2,105	1,793 5 9¾	1,320 15 7¾	24,92,775	9,44,500	34,37,275	1,632 14 6¼
Second -	1,690	715	2,405	1,301 7 5	1,268 1 2¾	21,99,475	9,06,675	31,06,150	1,291 8 —
Third - -	1,690	715	2,405	1,188 14 11½	1,158 9 —¾	20,09,300	8,28,375	28,37,675	1,179 14 6
Fourth -	1,690	715	2,405	1,193 5 —	1,171 6 11	20,16,700	8,37,575	28,54,275	1,186 12 11¼
Fifth - -	1,690	715	2,405	1,223 6 8	1,180 13 5	20,67,575	8,44,300	29,11,875	1,210 12 1½
Sixth - -	1,690	715	2,405	1,209 2 3¼	1,160 15 7¾	20,43,450	8,30,100	28,73,550	1,194 13 2
Seventh -	1,690	715	2,405	1,256 7 10¼	1,217 7 8½	21,23,475	8,70,500	29,93,975	1,244 14 4
Eighth -	1,690	715	2,405	1,300 12 6¾	1,253 6 9¾	21,96,325	8,98,200	30,94,525	1,286 11 3½
Ninth - -	1,685	724	2,409	1,244 8 4¾	1,210 5 6¼	20,97,025	8,76,290	29,73,315	1,234 4 —½
	14,905	6,444	21,349	- - -	- - -	1,92,48,100	78,34,515	2,70,82,615	—
1848:									
First - -	1,830	780	2,610	1,019 11 4¼	963 9 11¼	18,66,075	7,51,625	26,17,700	1,002 15 2¼
Second -	1,825	780	2,605	961 1 9	912 9 —¼	17,54,025	7,11,800	24,65,825	946 9 2
Third - -	1,820	780	2,600	860 5 1½	816 8 1	15,65,775	6,36,875	22,02,650	847 2 9
Fourth -	1,815	775	2,590	811 14 2¾	778 — —	14,73,575	6,02,950	20,76,525	801 11 11¼
Fifth - -	1,800	775	2,575	782 12 2¾	751 11 10¼	14,08,975	5,82,600	19,91,575	773 6 10
Sixth - -	1,790	775	2,565	755 4 8¼	726 12 4½	13,51,975	5,63,250	19,15,225	746 10 9¾
Seventh -	1,795	780	2,575	835 3 6¾	789 14 11¼	14,99,225	6,16,150	21,15,375	821 8 —¼
Eighth -	1,805	775	2,580	867 14 9	827 3 7¼	15,66,000	6,41,100	22,07,700	855 11 1¾
Ninth - -	1,795	775	2,570	899 6 7¼	864 7 8¾	16,14,450	6,69,975	22,84,425	888 14 1
Tenth - -	1,805	780	2,585	1,083 15 1¾	998 13 —¼	19,56,525	7,79,075	27,35,600	1,058 14 1¾
Eleventh -	1,805	780	2,585	949 8 10¾	864 15 5¾	17,13,950	6,74,675	23,88,625	924 — 6¼
Twelfth -	1,806	447	2,753	803 13 —	820 12 6¼	11,28,140	3,66,890	14,95,030	852 13 5¼
	21,191	9,002	30,193	- - -	- - -	1,88,99,200	75,96,965	2,64,96,255	—

(continued)

SALE.	NUMBER OF CHESTS OF OPIUM.			AVERAGES.		PROCEEDS OF EACH SALE.			General Average of each Sale per Chest.
	Behar.	Benares.	TOTAL.	Behar.	Benares.	Behar.	Benares.	TOTAL.	
1849:				*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs. a. p.*
First - -	2,220	820	3,040	760 2 10 ½	734 3 3 ¾	16,87,600	6,02,050	22,89,650	753 2 9 ¼
Second -	2,220	820	3,040	812 10 4	804 4 9 ¼	18,04,075	6,59,525	24,63,600	810 6 3 ¾
Third - -	2,205	820	3,025	838 3 10 ½	828 2 2 ¾	18,48,325	6,79,075	25,27,400	835 8 -¾
Fourth -	2,200	820	3,020	937 14 2	943 11 6	20,63,350	7,73,850	28,37,200	939 7 6 ¼
Fifth - -	2,165	820	2,985	998 - 4 ¾	1,014 2 9 ¾	21,60,725	8,31,625	29,92,350	1,002 7 4 ¾
Sixth - -	2,150	815	2,965	1,052 5 6 ¾	1,024 3 8 ¾	22,62,550	8,34,750	30,97,300	1,044 9 11
Seventh -	2,170	820	2,990	1,060 12 8 ½	1,054 13 -¾	23,01,925	8,64,950	31,66,875	1,059 2 5 ¾
Eighth -	2,190	815	3,005	1,109 8 8 ¼	1,112 9 2 ½	24,29,900	9,06,750	33,36,650	1,110 5 10 ¼
Ninth - -	2,181	820	3,005	1,059 9 -½	1,054 5 3	23,15,150	8,64,550	31,79,700	1,058 2 2
Tenth - -	2,205	820	3,025	937 15 1 ½	981 14 8 ¾	21,47,550	8,05,175	29,52,725	976 1 8 ½
Eleventh -	2,220	820	3,040	1,005 5 2 ½	1,006 - 7	22,31,825	8,24,950	30,56,775	1,005 8 3 ¼
Twelfth -	2,207	812	3,019	1,009 - 4 ¼	1,001 7 10	22,26,915	8,13,210	30,40,125	1,006 15 11 ¼
	26,337	9,822	36,159	- - -	- - -	2,54,79,890	94,60,460	3,49,40,350	—
1850:									
First - -	2,070	865	2,935	921 7 2 ¼	940 7 4 ¾	19,07,400	8,13,500	27,20,900	927 - 10
Second -	2,055	855	2,910	1,054 6 3	1,056 1 9 ¼	21,66,775	9,02,975	30,69,750	1,054 14 4
Third - -	1,990	865	2,855	1,018 12 3 ½	1,017 5 11	20,27,350	8,80,025	29,07,375	1,018 5 6
Fourth -	2,035	865	2,900	1,008 11 11 ½	1,026 10 9 ¾	20,52,800	8,88,075	29,40,875	1,014 1 6
Fifth - -	2,025	865	2,890	1,044 5 4	1,053 - 6 ½	21,14,775	9,10,875	30,25,650	1,046 15 -
Sixth - -	2,065	865	2,930	1,011 14 2 ½	1,015 12 5 ¾	20,89,550	8,78,650	29,68,200	1,013 - 7
Seventh -	2,070	865	2,935	986 13 4 ¼	979 9 6 ¼	20,42,750	8,47,350	28,90,100	984 11 2 ¾
Eighth -	2,080	865	2,945	1,011 1 8 ¼	1,001 13 7	20,82,300	8,66,600	29,48,900	1,001 5 2 ¼
Ninth - -	2,085	865	2,950	1,021 3 11 ¼	1,029 4 10 ¾	21,29,300	8,90,350	30,19,650	1,023 9 9
Tenth - -	2,085	865	2,950	992 7 3 ¾	997 13 3 ¾	20,69,275	8,63,125	29,32,400	994 - 6 ½
Eleventh -	2,085	865	2,950	987 4 10	1,007 14 2 ¾	20,58,525	8,71,825	29,30,350	993 5 5
Twelfth -	2,064	869	2,933	942 9 3 ¼	955 14 10 ¾	19,45,485	8,30,705	27,76,190	946 8 6 ¾
	24,709	10,374	35,083	- - -	- - -	2,46,86,285	1,04,44,055	3,51,30,340	—
1851:									
First - -	1,980	890	2,870	979 10 6 ½	972 12 11 ¼	19,39,725	8,65,800	28,05,525	977 8 6 ½
Second -	1,965	890	2,855	924 - 11	909 13 3 ½	18,15,775	8,09,750	26,25,525	919 9 11 ½
Third - -	1,945	890	2,835	873 3 9 ¾	861 4 2 ½	16,98,450	7,66,525	24,64,975	869 7 8
Fourth -	1,895	890	2,785	901 13 2 ½	881 3 6 ¾	17,12,750	7,84,275	24,97,025	896 9 6 ¾
Fifth - -	1,925	885	2,810	912 13 1	871 2 -¾	17,57,175	7,70,950	25,28,125	899 11 -
Sixth - -	1,975	890	2,865	925 1 7 ¼	878 9 11 ½	18,27,075	7,81,975	26,09,050	910 10 7 ¼
Seventh -	1,960	890	2,850	939 13 11 ½	900 - -	18,42,150	8,01,000	26,43,150	927 6 8 ¾
Eighth -	1,980	890	2,870	954 - 2 ¾	910 8 1	18,88,950	8,10,350	26,49,300	940 8 4 ¼
Ninth - -	1,945	885	2,830	1,005 14 4 ¾	957 14 6 ½	19,56,475	8,47,750	28,04,225	990 14 3 ¼
Tenth - -	1,950	890	2,840	916 1 -½	919 7 5 ½	18,81,875	8,18,325	27,00,200	950 12 4 ½
Eleventh -	1,975	885	2,860	987 - 2 ¼	934 14 2 ¼	19,49,350	8,27,375	27,76,725	970 14 1 ½
Twelfth -	1,974	865	2,839	1,011 4 7	961 - 7 ¾	19,96,280	8,31,300	28,27,580	995 15 7 ½
	23,469	10,640	34,109	- - -	- - -	2,22,66,030	97,15,375	3,19,81,405	—

In 1837 there was a fifth sale; a resale of cancelled lots and of opium originally reserved for the French Government.

Appendix, No. 1.

No. 3.—STATEMENT of the TOTAL PROCEEDS of the SALES in each Year of *Behar* and *Benares* OPIUM, from the Month of January 1835 to the end of the Year 1851 (including the Sales to the French Government, or Adjustments resulting out of those Sales).

SALES OF	Opium of Season	Chests Sold.	Proceeds.	Averages. Per Chest.
			Co.'s Rupees.	*Co.'s Rs. a. p.*
1835	1833–34	13,027	1,45,17,204	1,114 6 3½
1836	1834–35	15,044	1,92,11,835	1,277 – 8½
1837	1835–36	17,244½	2,58,51,386	1,499 1 9
1838	1836–37	19,133	1,42,98,118	747 4 10
1839	1837–38	18,563	99,56,529	536 5 10
1840	1838–39	17,858	97,14,611	543 15 10½
1841	1839–40	18,827	1,33,18,549	707 6 8
1842	1840–41	18,362	1,49,06,576	811 13 –¾
1843	1841–42	15,104	2,03,02,996	1,344 3 4½
1844	1842–43	18,350	2,45,28,666	1,336 11 4⅛
1845	1843–44	21,437	2,87,94,545	1,343 3 5½
1846	1844–45	22,038	2,74,93,343	1,247 8 8
1847	1845–46	21,649	2,74,68,190	1,268 12 9
1848	1846–47	30,493	2,67,44,636	877 1 2¼
1849	1847–48	36,459	3,52,45,838	966 11 7⅛
1850	1848–49	35,383	3,54,32,079	1,001 6 2¼
1851	1849–50	34,409	3,22,50,639	937 4 4¼

No. 4.—STATEMENT of the TOTAL SUM Received for OPIUM PASSES in each Year from 1834 to 1851, and of the RATE at which such Passes have been Sold in each Year; showing also the Authority by which such Rate was fixed.

YEAR.	Total Sum Received for Opium Passes.	Rate.	Authority.
	Rupees.	*Rs.*	
1834–35	12,20,975	175 per chest	The Government of Bombay, in communication with the Supreme Government.
1835–36	16,96,000	125 per chest	
1836–37	25,01,875	ditto	
1837–38	15,03,625	ditto	
1838–39	24,68,125	ditto	
1839–40	2,68,875	ditto	
1840–41	21,19,125	ditto	
1841–42	18,35,125	ditto	
1842–43	30,42,125	200 per chest	
1843–44	27,12,600	ditto	
1844–45	61,45,600	ditto	
1845–46	37,90,500	300 per chest	
1846–47	55,80,600	ditto	
1847–48	61,94,000	400 per chest	
1848–49	66,03,600	ditto	
1849–50	61,44,000	ditto	
1850–51	94,44,000	ditto	

Appendix, No. 1.

No. 5.—STATEMENT of Charges in each Year in regard to Opium Sold, and to Opium Passes.

	Bengal Presidency.	Bombay Presidency.
	On Opium Sold (including cost). (Behar and Benares.)	On Opium Passes. (Malwah.)
	Co.'s Rs.	*Co.'s Rs.*
1835–36	48,21,765	2,00,367
1836–37	54,05,995	6,69,757
1837–38	65,97,949	3,49,456
1838–39	66,92,188	2,05,247
1839–40	43,85,095	79,797
1840–41	54,82,272	79,947
1841–42	57,32,888	75,738
1842–43	50,56,520	54,627
1843–44	60,68,310	71,090
1844–45	66,13,011	61,973
1845–46	75,22,613	2,23,910
1846–47	78,80,265	39,790
1847–48	1,06,45,725	71,727
1848–49	1,05,67,427	1,05,860
1849–50	95,64,263	1,05,482
1850–51	1,03,47,259	1,02,262

No. 6.—STATEMENT of the Total Revenue derived from Salt at each Presidency in each Year from 1834 to 1851, showing the Gross Receipts and Charges, and distinguishing the several Sources from which such Revenue has been derived: whether from Sales or from Sea or Land Customs; showing, also, the several Rates of Duty levied at different Periods and Places, and the several Prices fixed for the Sale of Salt at different Places.

BENGAL PRESIDENCY.

YEARS.	SALES.	EXCISE.	Sea Customs.	TOTAL.	Charges.	Rates of Duty, &c.
	Co.'s Rs.	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	
1834–35	1,79,45,433	-	No imports	1,79,45,433	74,83,122	By Regulation XV. of 1825, the sea import duty was 3 sicca rupees per maund, of 82 sicca weight, or tolas, to the seer, if on a British, and 6 rupees per maund if on a foreign bottom. Act XIV. of 1836, fixed the duty at 3/4 rupees per maund of 80 tolas to the seer, whether on a British or foreign bottom, from the 1st June 1836. On the 11th November 1844 it was reduced to 3 rupees per maund; on the 1st April 1847, to 2 rupees 12 annas per maund; and on the 1st April 1849, to 2 rupees 8 annas per maund.
1835–36	1,76,60,395	-	No imports	1,76,60,395	51,63,180	
1836–37	1,50,03,860	-	11,52,203	1,61,56,063	54,80,217	
1837–38	1,73,03,850	-	10,30,640	1,83,34,490	53,21,907	
1838–39	2,15,90,373	-	6,44,598	2,22,34,971	39,43,070	
1839–40	1,88,62,180	-	13,34,452	2,01,96,632	40,09,454	
1840–41	1,92,36,567	-	17,13,384	2,09,49,951	44,39,792	
1841–42	1,92,51,092	-	18,45,120	2,10,96,212	52,23,054	
1842–43	1,86,83,043	-	26,51,540	2,13,34,583	49,31,934	
1843–44	1,84,76,471	-	28,80,356	2,13,56,827	57,81,686	
1844–45	1,88,62,834	-	27,14,888	2,15,77,722	55,41,141	
1845–46	1,53,17,711	-	44,31,058	1,97,48,769	48,45,246	
1846–47	1,64,40,018	-	39,25,544	2,03,65,562	41,58,685	
1847–48	1,58,72,680	-	41,36,911	2,00,09,591	85,08,707	
1848–49	1,34,26,700	45,237	39,90,083	1,74,62,110	31,76,146	
1849–50	1,33,50,915	59,075	47,85,545	1,81,95,535	31,13,680	
1850–51	1,08,88,495	87,500	59,86,905	1,69,62,900	33,29,260	

Prices

Appendix, No.

BENGAL PRESIDENCY—*continued.*

PRICES fixed for the Sale of Salt at different Places.

The selling price of salt at the Government Golahs is determined yearly, and the last adjustment is as follows: the price in each instance being equal to the duty of *Rs.* 2. 8. per maund, added to the cost of production, calculated on an average of three years; viz.—

	Price per 100 Maunds.
	Rs.
Hidgelee Pungah at the Agency Ghauts	316
Ditto - ditto at Sulkea	326
Tumlook - ditto	318
24 Pergunnahs - ditto at Sulkea	357
Chittagong - ditto	326
Arrakan - ditto at Kyook Phyoo	302
Ditto - ditto at Chittagong	330
Cuttack - ditto at Sulkea	338
Balasore - ditto at ditto	325
Khurdah and Chilka ditto at ditto	335
Madras Kurkutch at ditto	308

From 1st May 1852, per notification, dated 30th April 1852.

NORTH-WESTERN PROVINCES.

YEARS.	Land Customs.	Charges.*	Rates of Duty, &c.
	Co.'s Rs.	*Co.'s Rs.*	
1834–35	21,28,048	4,83,179	Up to Act XIV, of 1843, which came into operation on the 1st September 1843, all salt was taxed at one rupee per maund, an additional duty of eight annas per maund on Lahoree, Sumbhur and Doodwana salt having been remitted by the Government on the 1st July 1835. Act XIV, of 1843, imposed a duty of two rupees per maund on crossing the frontier, and a further duty of one rupee per maund on passing eastward of Allahabad. This Allahabad special duty was reduced to 12 annas per maund in July 1847, and to eight annas per maund from the 1st April 1849. By Act XVI, of 1848, no duty is leviable on salt imported into the North-Western Provinces from other provinces of the Bengal Presidency.
1835–36	22,90,977	6,92,568	
1836–37	20,88,753	7,32,088	
1837–38	18,70,667	7,03,865	
1838–39	30,80,623	6,76,970	
1839–40	27,19,769	6,80,785	
1840–41	24,73,226	6,77,482	
1841–42	27,10,953	6,61,283	
1842–43	25,37,057	6,30,911	
1843–44	36,17,623	6,26,089	
1844–45	48,95,202	7,60,847	
1845–46	38,66,750	6,98,509	
1846–47	53,41,887	8,27,993	
1847–48	49,27,887	9,07,147	
1848–49	46,68,983	9,58,850	
1849–50	54,82,097	8,85,565	
1850–51	39,72,675	8,84,695	

* These sums are the amount of charges on the Customs of all kinds in the North-Western Provinces; a previous Statement shows the only portion of Salt Charges separable from the other; viz., those at Allahabad for the collection of the Special Duty.

Appendix, No. 1.

FORT ST. GEORGE.

YEARS.	Sales.	Charges.	Rates of Duty, &c.
	Co.'s Rs.	*Co.'s Rs.*	
1834–35 -	40,08,743	6,91,970	The monopoly price in 1834–35 (Fusly 1244) was 105 rupees per garce of 120 maunds, about 15 annas per Indian maund; the cost of production being about 12 rupees per garce. By Act VI, of 1844, the monopoly price was raised to 1 rupee 8 annas per maund (180 rupees per garce). But under orders of the Court of Directors, published in the Fort St. George Gazette, of 16th August 1844, it was reduced to one rupee per maund, or 120 rupees per garce. The sea import duty (under Act VI, of 1844) is three rupees per maund, except on salt imported from Arabia into Malabar and Canara, on which it has been reduced from three rupees to 12 annas per maund. Salt by land from Goa pays also 12 annas per maund.
1835–36 -	37,68,372	6,36,066	
1836–37 -	37,28,946	7,70,444	
1837–38 -	37,92,073	5,17,995	
1838–39 -	40,29,534	5,62,841	
1839–40 -	39,88,580	6,06,158	
1840–41 -	37,80,520	7,58,715	
1841–42 -	39,92,395	6,30,589	
1842–43 -	39,97,619	7,86,660	
1843–44 -	43,21,604	5,85,960	
1844–45 -	45,25,604	7,44,235	
1845–46 -	47,06,411	6,72,391	
1846–47 -	45,56,353	5,72,165	
1847–48 -	48,57,218	6,62,363	
1848–49 -	45,07,977	7,38,537	
1849–50 -	46,45,926	8,12,614	
1850–51 -	47,76,305	6,81,082	

BOMBAY.

YEARS.	Excise.	Charges.	Rates of Duty, &c.
	Co.'s Rs.	*Co.'s Rs.*	
1834–35 - -	2,32,197	Not separable -	By Act XXVII, of 1837, from 15th December 1837, an excise duty of eight annas per maund was levied on salt. By Act XVI, of 1844, this was raised to one rupee per maund, and an import duty of eight annas per maund, levied under Act I, of 1838, was raised to one rupee. But under orders of the Court of Directors, publicly notified on the 16th September 1844, the excise and import duty were both reduced to twelve annas per maund.
1835–36 - -	2,57,517		
1836–37 - -	2,35,242	26,710	
1837–38 - -	1,45,064	14,100	
1838–39 - -	12,57,719	1,00,041	
1839–40 - -	13,96,933	1,24,724	
1840–41 - -	15,90,854	1,32,636	
1841–42 - -	15,01,731	1,59,130	
1842–43 - -	16,83,005	1,57,666	
1843–44 - -	18,60,563	1,60,984	
1844–45 - -	20,03,929	1,56,427	
1845–46 - -	22,61,840	1,60,731	
1846–47 - -	19,30,219	1,52,654	
1847–48 - -	25,27,611	1,82,605	
1848–49 - -	22,81,922	1,75,067	
1849–50 - -	23,24,871	1,67,280	
1850–51 - -	23,55,784	1,76,064	

Appendix, No. 1.

No. 7.—STATEMENT of the ANNUAL JUMMA of LANDS sold in each of the last Ten Years, on Account of ARREARS of REVENUE; the Amount of such Arrears; the Total Sum produced by such Sales, and the Number of Cases in which such Sales have taken place, as far as the same can be ascertained.

YEARS.	Annual Jumma of Lands sold for Arrears of Revenue.	Amount of such Arrears.	Total Sum produced by such Sales.	Number of Cases in which such Sales have taken place.
BENGAL:	*Co.'s Rs.*	*Co.'s Rs.*	*Co.'s Rs.*	Portions
1841-42	2,86,103	1,79,965	9,80,772	764·54
1842-43	2,70,949	Not stated	10,81,776	769·44
1843-44	1,81,493	„	11,04,215	956·41
1844-45	1,54,779	„	6,74,649	659·38
1845-46	2,13,542	„	7,11,286	749·18
1846-47	1,66,950	80,892	13,15,716	1,479
1847-48	3,24,152	1,80,810	13,29,056	1,238
1848-49	3,27,939	1,51,646	11,57,808	1,165
1849-50	2,36,995	92,399	12,71,726	1,515
1850-51	5,84,044	3,72,665	9,56,139	1,272
NORTH-WESTERN PROVINCES:				
1841-42	1,28,563	98,988	Not stated	104
1842-43	2,06,141	1,92,961	„	226
1843-44	1,26,717	1,42,211	„	221
1844-45	1,14,505	97,190	„	121
1845-46	70,745	45,662	„	97
1846-47	93,602	86,264	„	115
1847-48	55,247	23,363	„	52
1848-49	81,072	36,845	29,983	81
1849-50	91,082	42,586	46,929	74
1850-51	79,589	39,765	Not stated	69
FORT ST. GEORGE:				
1841-42	45,626	92,409	57,760	7
1842-43	9,691	7,409	6,050	4
1843-44	1,68,744	5,78,007	3,73,887	7
1844-45	2,28,666	5,17,459	4,31,566	25
1845-46	58,010	3,82,100	2,00,660	8
1846-47	2,25,708	11,42,261	1,75,700	12
1847-48	1,69,435	8,16,329	1,69,435	6
1848-49	6,100	53,001	3,000	4
1849-50	9,778	6,643	13,225	5
1850-51	2,814	2,554	5,200	1
1851-52	2,30,289	1,50,524	1,80,600	6
BOMBAY	No Returns.			

T. L. Peacock,
Examiner of India Correspondence.

East India House,
14 February 1853.

JAMES C. MELVILL.

Appendix, No. 2.

RETURN of the Number of WAR STEAMERS, not Vessels of the REGULAR INDIAN NAVY, belonging to and under the *Bengal* Government, in each of the last Ten Years, viz., the "Phlegethon," "Pluto," "Nemesis," and "Proserpine," and other Vessels; stating the Size and Equipment of each Vessel, and the Charge for the same in each Year, distinguishing the Cost of Hull and Rigging, and the Victualling, and the Charge for Pay and Allowances in each Ship, in each Year, stating how Paid and Charged in the Accounts of the *Bengal* Presidency.

No. 1.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1841–42.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Hull and Rigging.	Annual Cost of Establishment.	All other Charges.	TOTAL.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
					£. s. d.	Rs. a. p.	Rs. a. p.	Rs. a. p.			
1. Queen	Two 68-pounders on circles, one forward and one aft; four 24-pounders broadside guns.	769	220	1839	44,409 17 11	52,164 – –	47,026 6 11	99,090 6 11	China special service.	With the expedition in China.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishments, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Tenasserim	Two 68-pounders on circles, bow and stern; four 24-pounders broadside guns.	769	220	1841	39,884 12 3	3,98,846 1 11	61,040 – –	Not traceable, owing to defective records in this office.	ditto	Built in 1841, and sent to China as soon as fitted out in February 1842.	
3. Enterprise	Two 12-pounders on circles, one forward and one aft; two 18-pounders broadside guns.	513	120	1838	25,360 7 3	2,53,603 10 3	34,308 – –	17,768 15 3½	32,076 15 3½	External steam navigation.	Calcutta, having returned from the China expedition in February 1841.
4. Ganges	Two 24-pounders howitzers; four 12-pounders broadside guns.	305	80	1827	24,181 18 –	2,41,819 – –	22,322 – –	22,059 4 7	44,381 4 7	ditto	Calcutta.
5. Irrawaddy	Two 24-pounders howitzers; two long 6-pounders and two 3-pounders rocket tube.	300	80	1841	17,850 6 –	1,78,503 – –	804 – –	887 5 9	1,691 5 9	ditto	Built in the end of 1842.
6. Diana	Two 9-pounders on circles	168	50	1836	7,600 – –	76,000 – –	18,516 – –	No audit in the books beyond a sum of	1,303	Government of India.	Straits of Malacca.
7. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 –	1,16,138 – –	45,888 – –	10,766 14 10	56,654 14 10	China special service.	With the expedition in China from June 1842.
8. Phlegethon	Two 32-pounders on circles.	500	110	1841	24,287 16 4	2,42,878 2 8	44,552 – –	No adjustment, excepting a small sum of	340 8 1	ditto	ditto.
9. Proserpine	Two 24-pounders howitzers	400	100	1841	23,556 13 9	2,35,566 14 –	44,972 – –	3,301 6 6	48,273 6 6	External steam navigation.	Built this year, and fitted out in England.
10. Nemesis	Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8	31,140 – –	No adjustment, excepting a sum of	239 3 10	China special service.	With the expedition in China.
11. Pluto	Four brass 6-pounders and one 32-pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 8	31,380 – –	Accounts not adjusted		ditto	ditto.
12. Madagascar					20,000	2,00,000	38,924 – –	This vessel was purchased by Government expressly for the expedition to China. Being fitted out and equipped with all practicable speed, she joined the expedition in April 1840, but returned here for repairs, and was again dispatched in August 1841, but on the 19th September following she was burnt by fire in a typhoon in the China seas.			

Fort William, Marine Superintendent's Office, 4 September 1852.

(signed) *H. Howe*, Secretary to Superintendent of Marine.

No. 2.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1842–43.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging. £. s. d.	Original Cost of Blocks and Rigging. Rs. a. p.	Annual Cost of Establishment. Rs. a. p.	All other Charges. Rs. a. p.	TOTAL. Rs. a. p.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
1. Queen	Two 68-pounders on circles, one forward and one aft; four 24-pounders broadside guns.	769	220	1839	44,409 17 11	4,44,098 15 4	42,160 – –	No adjustment, excepting a sum of	9,505 6 11	China special service, while in China, and the rest external steam navigation.	With the expedition in China till January 1843.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Tenasserim	ditto	769	220	1841	39,884 12 3	3,98,846 1 11	61,040 – –	No adjustment, excepting a total sum of	12,880 – 1	ditto	Dispatched for the expedition in Chinese expedition in February 1842, and left China in October following.	
3. Enterprise	Two 12-pounders on circles, one forward and one aft; two 18-pounders broadside guns.	513	120	1838	25,360 7 3	2,53,603 10 3	32,112 – –	26,032 9 5	58,144 9 5	External steam navigation.	Calcutta.	
4. Ganges	Two 24-pounders howitzers; four 12-pounders broadside guns.	305	60	1827	24,181 18 –	2,41,819 – –	28,740 – –	15,810 14 2	44,550 14 2	ditto	Calcutta.	
5. Irrawaddy	Two 24-pounders howitzers; two long 6-pounders; and two 3-pounders; and one 6-pounder rocket tube.	300	80	1841	17,350 6 –	1,73,503 – –	804 – –	235 9 10	1,039 9 10	ditto	Calcutta, unemployed.	
6. Diana	Two 9-pounders on circles	168	50	1836	7,600 – –	76,000 – –	19,260 – –	No adjustment, with the exception of a sum of	280 13 8	Government of India.	Straits of Malacca.	
7. Hooghly	Two long 9-pounders on circles; four long 3-pounders on slides; six wall pieces.	193	50	1841	11,613 16 –	1,16,138 – –	45,888 – –	No adjustment, with the exception of a small sum of	787 2 8	China special service, while in China, the rest external steam navigation.	With the expedition in China till December 1842; and in February and March 1843 in Tenasserim provinces.	
8. Phlegethon	Two 32-pounders on circles.	500	110	1841	24,287 16 4	2,42,878 2 8	44,552 – –	Accounts not adjusted	–	China special service.	In China.	
9. Proserpine	Two 24-pounders howitzers.	400	100	1841	23,556 13 9	2,35,566 14 –	44,972 – –	3,593 – 9	48,563 – 9	ditto	Joined the China expedition in May 1842.	
10. Nemesis	Two 32-pounders on circles.	660	120	1840	28,542 14 4	2,85,427 12 8	31,140 – –	18,829 – 5	49,969 – 5	ditto	In China till February 1843.	
11. Pluto	Four brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 –	31,380 – –	Accounts not adjusted	–	ditto	In China till January 1843.	

Fort William, Marine Superintendent's Office, 4 September 1852.

(signed) *H. Howe*, Secretary to Superintendent of Marine.

No. 3.—RETURN of the Sea Steamers belonging to the Presidency of *Bengal*, for 1843-44.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging.	Annual Cost of Establishment.	All other Charges.	TOTAL.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
					£. s. d. / Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.			
1. Queen	Two 68-pounders on circles, one forward and one aft; four 34-pounders broadside guns.	769	220	1839	44,409 7 11 / 4,44,098 15 4	24,611 9 9	23,546 10 9	48,158 4 6	External steam navigation.	The greater part of 1843 at Calcutta; went to Arracan in January, and proceeded to Bombay in November 1844, having been transferred to the Bombay Government at that date.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Tenasserim	ditto	769	220	1841	39,884 12 3 / 3,98,846 1 11	32,108 3 3	22,034 2 10	54,142 6 3	ditto	The first half of 1843 employed on an experimental trip to Suez, and the end of the year engaged to cruise with invalids at the Sandheads.	
3. Enterprise	Two 12-pounders on circles, one forward and one aft; two 18-pounders broadside guns.	513	120	1838	25,360 7 3 / 2,53,603 10 3	29,905 11 11	21,206 6 3	51,112 2 2	ditto	Calcutta.	
4. Ganges	Two 24-pounders howitzers; four 12-pounders broadside guns.	305	80	1827	24,181 18 – / 2,41,819 – –	34,131 8 5	12,666 2 3	46,797 10 8	ditto	Employed partly in Calcutta, and partly on the Arracan coast.	
5. Irrawaddy	Two 24-pounders howitzers, two long 6-pounders, and two 3-pounders, and one 6-pounder rocket tube.	300	80	1841	17,350 6 – / 1,73,503 – –	23,169 6 4	7,677 15 4	30,847 5 8	ditto	Calcutta.	
6. Diana	Two 9-pounders on circles	168	50	1836	7,600 – – / 76,000 – –	No adjustment, excepting a trifling sum –			Government of India.	Straits of Malacca.	
7. Hooghly	Two long 9-pounders on circles; four 3-pounders on slides; six wall pieces.	193	50	1841	11,613 16 – / 1,16,138 – –	18,298 5 6	6,273 15 –	25,572 4 6	External steam navigation.	Calcutta.	
8. Phlegethon	Two 32-pounders on circles	500	110	1841	24,287 16 4 / 2,42,878 2 8	15,709 7 –	5,096 – 6	20,805 7 6	China, special service while in China; the rest external steam navigation.	Returned from China in June 1843, and underwent heavy repairs.	
9. Proserpine	Two 24-pounders howitzers	400	100	1841	23,556 13 9 / 2,35,566 14 –	44,972 – –	Adjustment not made, excepting a sum of – –	982 10 7	China, special service, and Her Majesty's Government, Hong Kong.*	China.	
0. Nemesis	Two 32-pounders on circles	660	120	1840	28,942 14 4 / 2,89,427 2 8	41,140 – –	Adjustment not made, excepting a sum of – –	1,738 13 2	External steam navigation.	Bombay.	
1. Pluto	Four brass 6-pounders; one 32-pounder on circle.	450	90	1841	40,314 11 4 / 4,03,145 10 8	33,180 – –	Adjustment not made, excepting a sum of – –	1,839 5 2	ditto	Bombay.	

* From September 1843, the debit of "China Special Service," was changed to that of "Her Majesty's Colonial Government, Hong Kong."

Fort William, Marine Superintendent's Office, 4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 4.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1844–45.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging.			Annual Cost of Establishment.			All Other Charges.			TOTAL.			How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
					£. s. d.	Rs. a. p.		Rs. a. p.			Rs. a. p.			Rs. a. p.					
1. Tenasserim	-- Two 68-pounders on circles, one forward and one aft; two 24-pounders broadside guns.	760	220	1841	39,884 12 3	3,98,846 1 11		41,668 1 10			55,404 5 10			97,072 7 8			- External steam navigation.	-- Calcutta, but employed during part of the year on a trip to Suez; the remaining period on the Calcutta station.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorized establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Enterprise	-- Two 12-pounders on circles, fore and aft; two 18-pounders broadside guns.	513	120	1838	25,360 7 3	2,53,603 10 3		33,310 15 8			32,836 15 10½			66,157 15 6½			- ditto - -	-- The first half of 1844 at Moulmein, the remainder in Calcutta. with the exception of a trip to Bombay.	
3. Ganges	-- One 24-pounder howitzer; two 12-pounders broadside guns.	305	80	1827	24,181 18 -	2,41,819 - -		21,041 10 9			13,997 14 8			35,039 9 5			- ditto - -	-- In Calcutta till August, when she proceeded to Moulmein, and returned in November, and proceeded on the 10th December to Chittagong, Akyab, and Moulmein.	
4. Irrawaddy	-- Two 24-pounders howitzers, two long 6-pounders, two 3-pounders, and one 6-pounder rocket tube.	300	80	1841	17,350 6 -	1,73,503 - -		14,540 3 1			17,812 12 2½			32,352 15 3½			- ditto - -	Calcutta station.	
5. Diana	-- Two 9-pounders on circles; four 3-pounders.	168	50	1836	7,600 - -	76,000 - -		19,870 11 6			7,905 14 4			27,776 9 10			- Government of India.	Straits of Malacca.	
6. Hooghly	-- Two long 9-pounders on circles.	193	50	1841	11,613 16 -	1,16,138 - -		12,183 6 5			2,771 15 3			14,955 5 8			- Government of India while in the Straits; the rest external steam navigation.	-- Straits of Malacca for the first half of the year, returned to Calcutta, and was laid up.	
7. Phlegethon	-- Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4	2,42,878 2 8		36,439 14 11			18,593 2 5			55,033 1 4			- External steam navigation.	-- In Calcutta till the 24th April, when she left for the Straits.	
8. Proserpine	-- Two 24-pounders howitzers.	400	100	1841	23,556 13 9	2,35,566 14 -		44,972 - -			10,053 14 7½			55,025 14 7½			-- Her Majesty's Colonial Government, Hong Kong.	-- China; but returned to Calcutta for repairs in April 1845.	
9. Nemesis	-- Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8		11,388 10 1			25,447 6 5¾			36,836 - 6¾			- External steam navigation.	-- Sent to Bombay, and returned to Calcutta on the 27th December 1844; remained in Calcutta till April 1845, and proceeded to China, touching at Moulmein and Singapore.	
10. Pluto	-- Four brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 8		-- No adjustment, with the exception of a sum total of			1,148 9 1			1,148 9 1			- ditto - -	Bombay.	

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 5.—RETURN of the Sea Steamers belonging to the Presidency of *Bengal*, for 1845-46.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging. £. s. d.	Original Cost of Blocks and Rigging. Rs. a. p.	Annual Cost of Establishment. Rs. a. p.	All Other Charges. Rs. a. p.	TOTAL. Rs. a. p.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
1. Tenasserim	- - Two 68-pounders on circles, one forward and one aft; two 24-pounders broadside guns.	769	220	1839	39,884 12 3	3,98,846 1 11	37,083 8 8	81,782 10 6	1,18,866 3 2	- External steam navigation.	- - Employed conveying troops, &c., between Calcutta, Arracan, Straits and Madras, till the 23d November, when she proceeded to Ceylon and Mauritius, in search of the shipwrecked crew of the Letitia, at Congo Doss Goradoss. Returned in January 1846.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishments, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Enterprise	- - Two 12-pounders on circles, fore and aft; two 18-pounders, broadside.	513	120	1838	25,360 7 3	2,53,603 10 3	31,748 2 6	44,381 5 3	76,129 7 9	- ditto - -	- - Calcutta, with occasional trips to the Arracan and Tenasserim provinces.	
3. Ganges	- - One 24-pounder howitzer; four 12-pounders broadside guns.	305	80	1827	24,181 18 -	2,41,819 - -	13,743 9 9	5,250 3 1	18,993 12 10	- Tenasserim provinces.	- - In Moulmein till September, when she was condemned, sent to Calcutta, and sold by public auction.	
4. Irrawaddy	- - Two 24-pounders howitzers, two long 6-pounders, two 3-pounders, and one 6-pounder rocket tube.	300	80	1841	17,350 6 -	1,73,503 - -	15,579 3 2	16,248 - 1	31,827 3 3	- External steam navigation.	Calcutta station.	
5. Diana	- - Two 9-pounders on circles; four 3-pounders.	168	50	1836	7,600 - -	76,000 - -	18,524 14 2	28,525 3 3	47,050 1 5	- Government of India.	Straits.	
6. Hooghly	- - Two long 9-pounders on circles.	193	50	1841	11,613 16 -	1,16,138 - -	8,613 8 4	13,178 12 4	21,792 4 8	- External steam navigation, till sent to Straits.	- - Calcutta, laid up till December, when she proceeded to the Straits to relieve the Diana.	
7. Phlegethon	- - Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4	2,42,878 2 8	34,985 3 3	16,568 6 10	51,553 10 3	- Government of India.	Straits.	
8. Proserpine	Two 24-pounders howitzers	400	100	1841	23,556 13 9	2,35,566 14 -	21,757 3 10	45,051 4 6	66,808 8 4	- Tenasserim provinces, while at Moulmein.	- - Calcutta, sent to Moulmein on the 20th August.	
9. Nemesis	- - Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8	36,177 4 11	15,176 9 3	51,353 14 2	- Her Majesty's Colonial Government, Hong Kong.	China.	
10. Pluto	- - Four brass 6-pounders; one 32-pounder on circle.	450	90	1841	40,314 11 4	4,03,145 10 8	35,255 9 1	5,416 5 9	40,671 14 10	- ditto - -	- - Bombay, till June 1845, when she returned to China.	

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 6.—RETURN of the Sea Steamers belonging to the Presidency of *Bengal*, for 1846–47.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging.	Annual Cost of Establishment.	All other Charges.	TOTAL.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
					£. s. d. / Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.			
1. Tenasserim	Two 68-pounders on circles, one fore and one aft; two 24-pounders broadside guns.	769	220	1839	39,884 12 3 / 3,98,846 1 11	38,885 5 –	89,899 11 6	1,28,785 – 6	External steam navigation.	Employed between Calcutta and the Arracan and Tenasserim Provinces, besides some casual trips on detached service.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Enterprise	Two 12-pounders on circles, fore and aft; two 18-pounders broadside.	513	120	1838	25,360 7 3 / 2,53,603 10 3	33,599 6 4	45,383 12 11	78,983 3 3	ditto	Calcutta, with occasional trips to Arracan, Moulmein, Pooree, and Balacore.	
3. Irrawaddy	Two 24-pounders howitzers; two long 6-pounders; two 3-pounders; and one 6-pounder rocket tube.	300	80	1841	17,350 6 – / 1,73,503 – –	15,628 3 8	32,084 2 –	47,692 5 8	ditto	Calcutta, with a few trips to Dacca, Chittagong, &c.	
4. Diana	Two 12-pounders carronades, afterwards reduced to one 9, one brass 12-pounder on circles.	168	50	1836	7,600 – – / 76,000 – –	17,574 13 1	9,693 13 3	27,268 10 4	Arracan province	From March 1846 to February 1847 on the Arracan coast.	
5. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 – / 1,16,138 – –	21,268 – –	No adjustment, excepting a sum of	165 9 10	Government of India.	Straits.	
6. Phlegethon	Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4 / 2,42,878 2 8	12,460 14 11	14,015 6 5	26,476 5 4	Ditto, till in the Straits, the rest external steam navigation.	Straits till November, when she returned to Calcutta and went into dock.	
7. Proserpine	Two 24-pounders howitzers	400	100	1841	23,556 13 9 / 2,35,566 14 –	28,163 13 3	18,350 14 10	46,514 12 1	Tenasserim provinces.	Returned from the Tenasserim provinces in December 1846, for repairs.	
8. Nemesis	Two 32-pounders on circles	660	120	1840	28,942 14 4 / 2,89,427 2 8	39,644 – –	No adjustment, excepting a sum of	135 9 2	Her Majesty's Colonial Government, Hong Kong.	Partly China and partly Straits.	
9. Pluto	Two brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4 / 4,03,145 10 8	32,052 – –	No adjustment		ditto	China.	

Fort William, Marine Superintendent's Office, 4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 7.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1847–48.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging. £. s. d.	Original Cost of Blocks and Rigging. Rs. a. p.	Annual Cost of Establishment. Rs. a. p.	All other Charges. Rs. a. p.	TOTAL. Rs. a. p.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
1. Tenasserim	Two 68-pounders on circles, one forward and one aft; two 34-pounders broadside guns.	769	220	1841	39,884 12 3	3,98,846 1 11	35,662 3 1	75,468 2 3	1,11,130 5 4	External steam navigation.	Madras, Arracan, Moulmein, and Calcutta.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remarks apply to all the returns of this series.
2. Fire Queen	Two 12-pounders on circles.	580	200		8,500 – –	85,000 – –	10,299 7 5	36,279 8 5	46,578 15 10	ditto	Purchased on the 19th August 1847, and employed on the Arracan and Moulmein line.	
3. Enterprise	Two 12-pounders on circles, fore and aft; two 18-pounders broadside.	513	120	1838	25,360 7 3	2,53,603 10 3	31,735 10 5	60,864 3 5	92,599 13 8	ditto	Arracan, Moulmein, Calcutta, &c.; from October 1847 undergoing repairs.	
4. Irrawaddy	Two 24-pounders howitzers, two long 6-pounders; two 3-pounders; and one six-pounder rocket tube.	300	80	1841	17,350 6 –	1,73,503 – –	18,376 4 5	16,394 9 8	34,771 14 1	ditto, till sent to Arracan.	Calcutta, till February 1848, when she went on service to Arracan.	
5. Diana	One 12-pounder carronade; one brass 12-pounder on circles.	168	50	1836	7,600 – –	76,000 – –	3,087 4 10	9,691 5 2½	12,778 10 –½	Arracan province.	On the Arracan coast in January and February, returned to Calcutta and went into dock, and was finally condemned and sold on the 3d August.	
6. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 –	1,16,138 – –	20,932 – –	No adjustment made this year		Government of India.	Straits.	
7. Phlegethon	Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4	2,42,878 2 8	11,677 15 9	42,785 3 2½	54,463 2 11½	ditto	Straits.	
8. Proserpine	Two 24-pounders howitzers.	400	100	1841	23,556 13 9	2,35,566 14 –	24,284 6 8	62,162 5 3	86,446 11 11	Tenasserim provinces.	Tenasserim provinces.	
9. Nemesis	Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8	42,944 – –	23,592 7 11	65,536 7 11	External steam navigation after her return.	Singapore, till December 1847, when she came to Calcutta for repairs.	
10. Pluto	Four brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 8	32,052 – –	No adjustment made this year, with the exception of a small sum of –	251 – 7	Her Majesty's Colonial Government, Hong Kong.	China.	

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 8.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1848-49.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging. £. s. d.	Original Cost of Blocks and Rigging. Rs. a. p.	Annual Cost of Establishment. Rs. a. p.	All other Charges. Rs. a. p.	TOTAL. Rs. a. p.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
1. Tenasserim	Two 68-pounders on circles, one forward and one aft; two 24-pounders broadside guns.	769	220	1841	39,884 12 3	3,98,846 1 11	42,963 3 8	66,756 4 7	1,16,019 8 8	External steam navigation.	Variously: Moulmien, Arracan, Madras, and Calcutta.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Fire Queen	Two 12-pounders on circles.	580	200	- -	8,500 - -	85,000 - -	7,718 - 4	21,937 8 8	29,665 9 -	ditto	Calcutta; unemployed.	
3. Enterprise	Two 12-pounders on circles, fore and aft; two 18 pounders broadside.	513	120	1838	25,360 7 3	2,53,603 10 3	33,743 - 6	48,165 1 10	81,908 1 10	ditto	Monthly trips to Arracan and Moulmein.	
4. Irrawaddy	Two 24-pounders howitzers; two long 6-pounders; two 3-pounders, and one 6 pounder rocket-tube.	300	80	1841	17,350 6 -	1,73,503 - -	18,514 2 4	18,313 14 4	36,830 - 8	Arracan province.	Arracan.	
5. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 -	1,16,138 - -	20,932 - -	No adjustment excepting a sum total of -	17,422 12 11	Government of India.	Straits.	
6. Phlegethon	Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4	2,42,878 2 8	42,636 - -	20,108 11 3	62,744 11 3	Her Majesty's Colonial Government, Hong Kong.	Under repairs till October 1848, when she returned to China.	
7. Proserpine	Two 24-pounders howitzers.	400	100	1841	23,556 13 9	2,35,566 14 -	30,707 11 7	13,245 1 4	43,952 2 11	Tenasserim province.	Tenasserim provinces.	
8. Nemesis	Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8	17,097 1 10	17,097 1 10	1,08,438 6 6	Her Majesty's Colonial Government, Hong Kong.	Under repairs till November; the rest of the time employed in the Straits, and Labuan.	
9. Pluto	Four brass 6-pounders; one 32 pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 8	32,050 - -	16,499 4 11	48,549 4 11	ditto	China till March 1849.	

Fort William, Marine Superintendent's Office, 4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 9.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1849–50.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging. £. s. d.	Original Cost of Blocks and Rigging. Rs. a. p.	Annual Cost of Establishment. Rs. a. p.	All other Charges. Rs. a. p.	TOTAL. Rs. a. p.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
1. Tenasserim	Two 68-pounders on circles, one forward and one aft; two 24-pounders broadside guns.	769	220	1841	39,884 12 3	3,98,846 1 11	45,915 8 11	66,311 5 6	1,12,226 14 5	External steam navigation.	Chiefly in Madras.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Fire Queen	Two 12-pounders on circles	580	200	- -	8,500 - -	85,000 - -	5,597 13 8	35,937 7 7	41,535 5 3	ditto	Partly on the Arracan and Moulmein line, the rest of the time unemployed.	
3. Enterprise	Two 12-pounders on circles, fore and aft; two 18-pounders, broadside.	513	120	1838	25,360 7 3	2,53,603 10 3	31,353 15 3	46,131 3 8	77,485 2 11	ditto	ditto.	
4. Irrawaddy	Two 24-pounders howitzers; two long 6-pounders; two 3-pounders; and one 6-pounder rocket tube.	300	80	1841	17,350 6 -	1,73,503 - -	17,460 2 11	11,290 6 7	28,750 9 6	Arracan province.	Arracan province till the 9th February 1850, when struck upon a rock near Atagat, and ultimately was broken up.	
5. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 -	1,16,138 - -	21,984 - -	12,314 1 -	34,298 1 -	Government of India.	Straits.	
6. Phlegethon	Two 32-pounders on circles; four 6-pounders, brass guns.	500	110	1841	24,287 16 4	2,42,878 2 8	42,636 - -	14,282 5 4	56,918 5 4	Her Majesty's Colonial Government, Hong Kong.	China seas.	
7. Proserpine	Two 24-pounders howitzers.	400	100	1841	23,556 13 9	2,35,566 14 -	31,982 - -	6,756 10 1	38,738 10 1	Tenasserim provinces.	Tenasserim provinces.	
8. Nemesis	Two 32-pounders on circles.	660	120	1840	28,942 14 4	2,89,427 2 8	42,844 - -	19,331 4 5	62,175 4 5	Her Majesty's Colonial Government, Hong Kong.	Borneo.	
9. Pluto	Four brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4	4,03,145 10 8	23,194 5 4	54,534 15 7	77,749 4 11	External steam navigation.	Under repair, and unemployed.	

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

No. 10.—RETURN of the SEA STEAMERS belonging to the Presidency of *Bengal*, for 1850–51.

NAMES.	ARMAMENT.	Tonnage.	Horse Power.	When Built.	Original Cost of Blocks and Rigging.	Annual Cost of Establishment.	All other Charges.	TOTAL.	How Debited in the Books of the Bengal Presidency.	WHERE EMPLOYED.	REMARKS.
					£. s. d. / Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.			
1. Tenasserim	Two 68-pounders on circles, one forward and one aft; two 34-pounders broadside guns.	769	220	1841	29,884 12 3 / 2,98,846 11 11	36,342 – 2	1,14,357 6 –	1,50,699 6 2	External steam navigation.	Arracan, Moulmein, Madras, Calcutta, &c.	*Note.*—The figures in the column of "Annual Cost of Establishment" show, in the majority of instances, the estimated or authorised establishment, and in some only the amount actually disbursed and audited on account of establishment during the year. The sums set down in the two succeeding columns merely exhibit the audited sums entered in the books of the Marine Department of the Bengal Presidency. The same remark applies to all the returns of this series.
2. Fire Queen	Two 12-pounders on circles	580	200	– –	8,500 – – / 85,000 – –	3,597 10 8	5,833 14 8	9,431 9 4	ditto	Calcutta; unemployed.	
3. Enterprise	Two 12-pounders on circles, fore and aft; two 18-pounders broadside.	513	120	1838	25,360 7 3 / 2,53,603 10 3	33,807 9 10	35,578 2 10	69,386 12 8	ditto	Arracan, Moulmein, and Calcutta.	
4. Hooghly	Two long 9-pounders on circles.	193	50	1841	11,613 16 – / 1,16,138 – –	21,001 7 1	16,856 7 –	37,857 14 1	Government of India.	Straits.	
5. Phlegethon	Two 32-pounders on circles; four 6-pounders brass guns.	500	110	1841	24,287 16 4 / 2,42,878 2 8	43,128 – –	28,104 3 7	61,232 3 7	Her Majesty's Colonial Government, Hong Kong.	In China.	
6. Proserpine	Two 24-pounders howitzers	400	100	1841	23,556 13 9 / 2,35,566 14 –	31,957 1 7	14,247 5 5	46,204 7 –	Tenasserim provinces.	Tenasserim provinces.	
7. Nemesis	Two 32-pounders on circles.	660	120	1840	28,942 14 4 / 2,89,427 2 8	42,488 – –	27,399 4 1	69,887 4 1	Her Majesty's colonial Government, Hong Kong.	Borneo, till March 1851, when she came to Calcutta for repairs.	
8. Pluto	Four brass 6-pounders; one 32-pounder on circles.	450	90	1841	40,314 11 4 / 4,03,145 10 8	22,643 13 –	6,785 8 9	90,502 6 –	External steam navigation till she left.	Left for the Straits to rejoin the Royal service in March 1851.	
9. Mohanuddy	None	90	200	1843	9,000 – – / 90,000 – –	The sums are not given, as this vessel was only for about a month rated as a sea steamer.			Arracan province.	This vessel was transferred from the inland to the sea service in March 1851, to take the place of the "Irrawaddy."	
10. Irrawaddy	Two 24-pounders howitzers, two long 6-pounders, two 3-pounders, and one 6-pounder rocket tube.	300	80	1841	17,350 6 – / 1,73,503 – –	5,924 12 6	2,406 15 –	8,331 11 6	ditto.	—	

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to Superintendent of Marine.

(A.)

STATEMENT showing the Periods of Employment of the WAR STEAMERS of the BENGAL PRESIDENCY in the ROYAL SERVICE, from 1st May 1840 to 30th April 1852, with the Sums debited in the Books of the Accountant of *Bengal* to "Her Majesty's Colonial Government, *Hong Kong*," for the Wear and Tear of the Vessels, at the Rate of Ten per Cent. on the Cost of Block and Rigging.

NAMES of VESSELS.	COST of BLOCK and RIGGING.	FIRST PERIOD of Employment in Her Majesty's Service.					Ten per Cent. on the Block and Rigging.	SECOND PERIOD of Employment in Her Majesty's Service.					Ten per Cent. on the Block and Rigging.	THIRD PERIOD of Employment in Her Majesty's Service.					Ten per Cent. on the Block and Rigging.	FOURTH PERIOD of Employment in Her Majesty's Service.					Ten per Cent. on the Block and Rigging.
		From	To	Years.	Months.	Days.		From	To	Years.	Months.	Days.		From	To	Years.	Months.	Days.		From	To	Years.	Months.	Days.	
	£. s. d.	C.Rs. a. p.					C.Rs. a. p.						C.Rs. a. p.						C.Rs. a. p.						C.Rs. a. p.
Queen - -	44,409 17 11	4,44,098 15 4	1 May 1840	22 Jan. 1843	2	8	22	1,21,140 5 3	—																
Tenasserim -	39,884 12 8	3,98,846 1 11	1 Feb. 1842	20 Oct. 1842	-	8	10	27,097 10 3	—																
Enterprise -	25,360 7 8	2,50,603 10 3	1 May 1840	28 Feb. 1841	-	10	-	21,138 10 3	—																
Nemesis - -	28,942 14 4	2,89,427 2 8	1 Mar. 1840	28 Feb. 1843	3	-	-	86,828 2 3	23 July 1845 and 22 Dec. 1848	5 Nov. 1847 and 30 April 1850	2 1	3 4	14 11	1,05,721 4 9	1 May 1850	28 Feb. 1851	-	10	-	24,118 14 10	1 May 1851	30 April 1852	1	-	-	28,942 11 5
											3	7	25												
Phlegethon -	24,287 10 4	2,42,878 2 8	1 June 1841	15 June 1843	2	-	15	49,587 10 -	1 Sept. 1847	30 April 1850	2	7	-	62,743 8 4	1 May 1850	30 April 1851	1	-	-	24,287 13 -	1 May 1851	9 Dec. 1851	-	7	6	14,572 11 -
Proserpine -	28,556 13 9	2,35,566 14 -	1 May 1842	30 April 1845	3	-	-	70,670 1 -	—																
Pluto - -	40,314 11 4	4,03,145 10 8	28 Oct. 1841	31 Jan. 1843	1	3	4	50,841 2 3	1 May 1845	5 Mar. 1849	3	10	5	1,55,099 1 5	16 Mar. 1851	30 April 1851	-	1	16	5,093 8 1	1 May 1851	30 April 1852	1	-	-	40,314 9 1
Hooghly - -	11,613 16 -	1,16,138 - -	24 June 1841	21 Dec. 1842	1	5	28	17,356 2 9	—																
Madagascar -	20,000 - -	2,00,000 - -	1 April 1840	19 Sept. 1841	1	-	19	2,00,000 - -	—																

* The "Madagascar" was burnt by fire, in a typhoon, in the China Seas, while lent for the Royal Service, and the full value of this vessel is consequently charged to Her Majesty's Government.

NAMES OF VESSELS.	TOTAL EMPLOYMENT of each Vessel in Her Majesty's Service, from 1 May 1840 to 30 April 1852.			TOTAL AMOUNT charged to Her Majesty's Government, at 10 per Cent. on the Value of each Steamer, for Wear and Tear, from 1 May 1840 to 30 April 1852.	REMARKS.
	Years.	Months.	Days.		
				C.Rs. a. p.	
Nemesis - - - - - - - - - - -	8	5	25	2,45,611 1 3	
Phlegethon - - - - - - - - - -	6	2	21	1,51,191 10 4	
Proserpine - - - - - - - - - -	3	-	-	70,670 1 -	
Pluto - - - - - - - - - - -	6	2	25	2,51,348 4 10	
Queen - - - - - - - - - - -	2	8	22	1,21,140 5 3	As explained above, the full value of the "Madagascar" was charged to Her Majesty's Government.
Madagascar - - - - - - - - - -	1	-	19	2,00,000 - -	
Tenasserim - - - - - - - - - -	-	8	10	27,097 10 3	
Enterprise - - - - - - - - - -	-	10	-	21,133 10 3	
Hooghly - - - - - - - - - - -	1	5	28	17,356 2 9	
	TOTAL - - -		*Co.'s Rupees*	11,06,148 13 2	

Note.—Besides the 10 per cent. on the value of block and rigging, all other expenses incurred on account of each vessel, during its actual employment in the Royal Service, are also debited to "Her Majesty's Colonial Government, Hong Kong," since September 1843, and are shown in the Returns from No. 1 to No. 10.

Fort William, Marine Superintendent's Office,
4 September 1852.

(signed) *H. Howe*,
Secretary to the Superintendent of Marine.

(B.)

A brief HISTORY of the EMPLOYMENT of the SEA STEAMERS belonging to the *Bengal* Presidency, from 1841-42 to 1850-51.

Honourable Company's Steamer "QUEEN."

THIS vessel was employed with the expedition in China from the 1st May 1840 to the 22d January 1843; the greater part of 1843 she was unemployed in Calcutta, but in the early part of 1844, she made a few trips to Arracan, &c., and lastly, was employed at Bombay. In November 1844 she was finally transferred from Bengal to the Bombay Presidency.

Honourable Company's Steamer "TENASSERIM."

THIS steamer was built in Moulmein in 1841, and her first employment was with the expedition in China, on which service she was placed in February 1842, and continued in it till the October following. The first half of 1843 she was engaged on a trip to Suez, and the remaining months of the year was on the Calcutta station.

From the 1st May to 1st August 1844 she was unemployed; on the latter date she proceeded to Suez with the late Governor-general, Lord Ellenborough, and returned to Calcutta on the 29th October with 17 lacs of treasure from Masulipatam. Between the 8th of January and 6th February 1845 this vessel, with the "Amherst" in tow, effected the relief of native troops in Arracan. On the 12th March she was sent to assist in the relief of troops between Moulmein and Madras, and having performed this service, brought round 10 lacs of rupees from Masulipatam to Calcutta. In 1845-46, besides being employed, along with the "Enterprise," in keeping up the monthly communication between the Presidency and Arracan and Moulmein, the "Tenasserim" was engaged on detached service. From the 6th May to the 7th June she went on a trip to the Straits; she underwent repairs till October, when she made two successive trips to Moulmein and Arracan. From 23d November to 19th January she was away on a trip to the Southern Indian Ocean to examine the reefs called the Cargados, Garajos, and the rocks and islets in that vicinity, as well as in search of the shipwrecked crew of the ship "Letitia," of this port, lost on a reef near those dangers two days after she left Mauritius. From February to April the "Tenasserim" was principally employed on the Madras coast. During the official year 1846-47 this vessel made five monthly trips to theTenasserim and Arracan Provinces, in one of which she struck on the Alguada Rocks, and was, in consequence, in dock for five weeks from the 1st June. In December she assisted in the relief of troops in Arracan; in January she took troops to Pooree, and the remainder of the year was variously employed on the same description of service, chiefly on the Madras coast. This steamer was employed in only two trips to Arracan and Moulmein in 1847-48. Between August and January she was unemployed, getting new boilers fitted; the rest of the year she was placed at the disposal of the Madras Government, and was principally employed for the conveyance of troops, European and native; in the course of this service she conveyed between different ports 51 officers and 3,059 men; in June, July, and December respectively of the year 1848-49, the "Tenasserim" was employed on the monthly communication with Arracan and Moulmein; the remaining period of her service during the official year was performed for the most part on account of the Madras Government in the transit of troops from place to place, having, at different times, on board 33 officers and 1,750 men, exclusive of camp followers, who were conveyed distances varying from 2,000 to 800 miles. Up to May of 1849, this vessel was engaged in the service of the Madras Government, and returned to Calcutta on the 16th of that month; she made the June, July, August, September, and November trips to the Arracan and Tenasserim Provinces. From December to April of the official year 1849-50 she was again engaged in service in Madras, and conveyed troops to different places to the extent of 2,741, including women, children, and followers, and traversing a distance of 11,000 miles, backwards and forwards. On her return in April she was again employed in taking troops to Moulmein, and thence to Beuilipatam. During the official year 1850-51 she was variously employed in transporting troops as well as taking her share in keeping up the monthly communication with Arracan and Moulmein.

Honourable Company's Steamer "FIRE QUEEN."

THIS steamer was purchased in August 1847, and up to the end of the official year 1847-48 occasionally took the place of the "Tenasserim" and "Enterprise" on the Arracan and Moulmein line, when either of those vessels were under repair; the officers and crew of the vessel laid up being transferred to the "Fire Queen" for the time being. She was employed during the next official year, with the exception of one trip to Madras, to assist in the movements of troops. In 1849-50 she was unemployed, with the exception of three trips to Arracan and Moulmein, and in the next official year she was altogether unemployed, getting the "Atalanta's" engines and new boilers fitted, &c.

Appendix, No. 2.

Honourable Company's Steamer "Enterprise."

During ten months, namely, from the 1st May 1840 to the end of February 1841, the "Enterprise" was employed with the Chinese Expedition. She then returned to Calcutta, and remained on the Calcutta station until May 1844, from which date to the 5th August the same year, she was kept at Moulmein, and was employed in various service under the orders of the Commissioner of the Tenasserim Provinces. Being relieved by the "Ganges," she returned to Calcutta on the 11th August, and between that month and the October following, she performed several short trips to Sandheads, Chittagong, &c. On the 29th October, she proceeded to Madras with military stores, and to Bombay for treasure. About the middle of December, she returned from the latter Presidency with 21 lacs of rupees and the Scinde prize property; and on the 28th of the same month was dispatched in search of two missing vessels, the "Runneymede" and "True Briton;" she returned on the 17th January, and the rest of the official year 1844-45 she was employed on several trips; in taking stores to the light-house, in False Point; conveying the Acting Superintendent of Marine, the late Colonel Irving, on a tour of inspection to Chittagong, Arracan, and Moulmein, and assisting in the relief of troops between the Tenasserim Provinces and Madras. During the months of May to July 1845, this steamer was variously employed making one or two trips to Akyah and Moulmein, a few casual ones to the Sandheads; and from August to the end of April 1846, she was engaged in keeping up the monthly communication with Arracan and Moulmein. Besides some unimportant occasional service, she made seven trips to Arracan and Moulmein during the official year 1846-47. In 1847-48 this vessel made three trips to Arracan and Moulmein, and part of one in September, when she grounded on the Oyster Reef in Arracan, and was in consequence detained there, and subsequently remained under repairs in Calcutta till December. In February she proceeded to Madras and took troops for China; but learning at Singapore that they were not required, the steamer returned with the troops to Madras. She continued on the Madras coast up to the month of April, and was in various ways employed for the conveyance of troops and treasure. During June and July, the "Enterprise" was laid up, but from that time to the end of the official year 1848-49, she ran on the Arracan and Moulmein line, making in all eight trips, besides assisting in the movements of troops between Madras and Chittagong in the month of October. In May 1849, she made one trip to Arracan and Moulmein, and three more in February, March, and April 1850. During the official year 1850-51, the "Enterprise" made seven trips to Arracan and Moulmein.

Honourable Company's Steamer "Ganges."

During 1841-42 and 1842-43 she was on the Calcutta station, and in the following year partly in Calcutta and partly in Arracan. In August 1844, she relieved the "Enterprise," at Moulmein, where she was variously employed under the Commissioner, and in April 1844 made a trip to the Nicobar Islands to ascertain the fate of the crew of a vessel supposed to have been cut off by pirates. In September 1845 this vessel was sold out of the Government service.

Honourable Company's Steamer "Irrawaddy."

This vessel was built of iron, and completed at the end of 1842; she was kept in Calcutta until 1843-44, during which and the next official year, with the exception of two trips to Arracan, she was principally employed in river service, occasionally towing a vessel, or taking pilots to Sandheads, &c. The following year 1845-46, she was similarly employed, and made one trip to Arracan. She continued in the river service till March 1847, when she was sent to Moulmein. In February 1848 she was again sent to Arracan, and continued employed in the province until the month of February 1850, when she struck upon a rock near Akyale, and was ultimately broken up.

Honourable Company's Steamer "Diana."

The "Diana" was all along employed in the Straits, chiefly in conveying the Honourable Governor and other public officers to and from the different settlements. On its being determined that her place should be taken by the "Hooghly," the "Diana" came here in January 1846, and in March was dispatched to Arracan, to take up her station in that province, in aid of the military force, which was diminished about that time. She came back in February 1847 to be thoroughly repaired. She was finally sold on the 3d August same year.

Honourable Company's Steamer "Hooghly."

This was another of the vessels that were attached to the expedition in China; she was so employed from June 1841 to December 1842. In February and March 1843, was in the Tenasserim Provinces; for the first half of 1844-45 was employed in the Straits, and from thence

thence returned to Calcutta again, and was laid up in ordinary till December 1845, when she was sent back to the Straits for the purpose of relieving the "Diana," and has continued there for the suppression of piracy, coming to Calcutta occasionally for repair of engines, &c. Appendix, No. 2.

Honourable Company's Steamer "PHLEGETHON."

FROM the 1st June 1841 to June 1843, the "Phlegethon" was among the vessels engaged in the Chinese expedition. She returned to Calcutta, and remained here till April 1844, when she was despatched to cruise against the pirates in the Straits; but though this was the ostensible service on which she was sent, she was almost exclusively employed in company with Her Majesty's ships against the pirates on the coast of Borneo. She was so employed up to the month of November 1846, and returned to Calcutta for repairs, which being completed, she was sent to the Straits in July 1847. She returned to her station in China in October 1848, and relieved the "Pluto." In 1850–51 she was still in China, under the orders of the naval Commander-in-chief.

Honourable Company's Steamer "PROSERPINE."

THE "Proserpine" was sent direct from England to China in 1840, where she joined the expedition in May 1842, and continued with it up to April 1845, when she returned to Calcutta. In August, the same year, she was sent to Moulmein, to take the place of the "Ganges," and continued attached to the Tenasserim Provinces up to the date of this return.

Honourable Company's Steamer "NEMESIS."

WAS sent direct from England to China in March 1840; she remained in China to the beginning of 1843, and in April of the latter year was sent round to Bombay, where she was employed variously, but chiefly in conveying troops to and from Kurrachee, till towards the end of 1844, when she was required to relieve the "Proserpine," in China. The Bombay Government accordingly despatched her to Calcutta for a crew, but on her voyage hither she encountered boisterous weather, and sustained considerable damage, rendering it necessary to dock and repair her on arrival. She was sent away on the 30th April for China, and continued in Her Majesty's service till November 1847, when she came to Calcutta for repairs. She left in December 1848 to rejoin the Royal vessels, and remained employed for the suppression of piracy in Borneo till March 1851, when she came round here for repairs.

Honourable Company's Steamer "PLUTO."

THE "Pluto" was sent from England direct to China; remained with the Chinese expedition from October 1841 to January 1843, when she came to Calcutta; and in April 1843 proceeded to Bombay, and was there employed along with the "Nemesis," chiefly in effecting the passage of troops to and from Kurrachee. In May 1845 she was ordered to China to relieve the "Medusa," and remained in Her Majesty's service there till March 1849, on the 3d of which month she came to Calcutta to be repaired, and in March 1851 left to proceed to the Straits, and resume her place with the vessels of Her Majesty's service, under the orders of the naval Commander-in-chief, China Seas.

Honourable Company's Steamer "MADAGASCAR."

THE "Madagascar" was purchased for service with the expedition in China, which she joined in April 1840. She returned here with the despatches a few months afterwards, and was again despatched in August 1841 to resume her place with the expedition; but while on her voyage up the China Seas on the 19th September of the same year, she was totally destroyed by fire during a typhoon.

W. Howe,
Secretary to the Superintendent of Marine.

Fort William, Marine Superintendent's Office,
4 September 1852.

Appendix, No. 2.

(C.)

REGULATIONS for the Guidance of COMMANDERS, OFFICERS, and ENGINEERS, &c. attached to the GOVERNMENT STEAM VESSELS.

1st. EVERY commander, officer, engineer, or other person shall make himself acquainted with and shall duly observe the following regulations, and all others that may from time to time be given or issued by competent authority, and shall in all other respects conform to the usage of the service, and to the rules issued by the commander of the particular ship on board which he may serve.

2d. Every commander, officer, or engineer, or other person, from the time of his joining the vessel to which he is appointed to that of his being discharged, is to be constant in his attendance on board; and no officer is to go out of the vessel without being sent by or having permission from the commanding officer on board; and every officer or other person, when he returns on board after being absent, whether on duty or on leave, is to report his return to the commanding officer.

3d. The order of rank or subordination is as follows:

Commander.
First, or chief, and second officer.
Surgeon.
Engineer.
Third officer or gunner.
Assistant engineer.

4th. The commander is to do his utmost to maintain the vessel he commands in efficiency and good discipline, and he is to be particularly attentive to the cleanliness of the men, and to the tidiness of their apparel, and they are never to be permitted to sleep in wet clothes or on a wet deck; he is to enforce strict obedience from all persons embarked to the rules and regulations of the service, and to such orders as he may from time to time issue, by his own, or be desired by superior authority to promulgate.

5th. He is himself to observe and to require from those under his authority a respectful and courteous demeanour.

6th. The chief officer, who is the executive officer of the ship, is to give his most effective support to his commander, whose confidence he does or ought to possess; he is to recollect that, as the first subordinate officer in the ship, it behoves him, by an example of respect and obedience to his commander, to induce a like conduct from the officers subordinate to himself.

7th. It is his duty to make himself thoroughly acquainted with every circumstance relating to his ship and the machinery, and to use every endeavour to maintain good discipline, and to forward by all means in his power the duty of his ship in every department.

8th. The duties of the second officer are akin to those of the chief officer, whose duties may devolve upon him from sickness or absence.

9th. If an officer, engineer, or other shall observe any misconduct in his superior, or shall suffer any personal oppression, or injustice, or other ill-treatment, he is not on that account to fail in any degree in the respect and obedience due to such superior officer; but he is to represent such misconduct or ill-treatment in the first instance to the captain or commanding officer of the vessel to which he belongs, or subsequently to the Controller of Steam Vessels for reference to the Marine Board, or, if necessary, to Government; or should the steam vessel be absent from Calcutta, and placed under the orders of any Government Commissioner, commander of a squadron, or other authority, the appeal shall then be from the commander of the ship to such superior authority.

10th. Every officer, engineer, or other person is strictly enjoined to refrain from making any remarks or observations on the conduct or orders of any of his superior officers, which may tend to bring them into ridicule or contempt.

11th. During the absence from Calcutta of any of the Honourable Company's steam vessels every officer is to sleep on board the vessel to which he belongs, and no officer is on any account, except when duty may require it, to be absent from the vessel to which he belongs for a longer period than 12 hours; and no vessel is at any time or on any account whatever to be left without either her captain or the chief or second mate, and either the first or second engineer.

12th. It is the duty of the commander and officers to attend to the well-being of the ship in which they serve in every department, and officers are not to imagine that because the engines are under the peculiar charge of an engineer, that they are therefore themselves exonerated from all responsibilities connected with them. They are, when upon watch, but particularly

particularly at night, to cast their eye frequently into the engine-room to see if the stokers or drivers on watch are attending to their duty; and the most serious accidents being likely to arise from water getting low in the boiler, they are frequently to inquire if the water-cocks have been tried, and should the water be below the lower cocks, he is immediately to cause the engineer to be called, and the fires to be drawn.

13th. Nothing contained in the foregoing regulation is intended to give authority to an officer to order any alteration, or adjustment, or repair of the engines; but if the officer of the watch or commanding officer is of opinion that the engines are not working well, he is to send for the engineer or assistant engineer in charge, and to consult with him, and make such suggestions and observations as may occur; and he is to require from the engineer or assistant engineer, as the case may be, such information and explanation on the subject as may appear necessary, or as the circumstances of the case may demand.

14th. It will be the duty of the officer to give every assistance to the engineers that may reasonably be required for the purpose of doing the repairs of his engines, and maintaining them in good and efficient order.

15th. No person, engineer or stoker, is to be permitted leave to absent himself from the vessel, or from his duty, without his first having obtained permission of the engineer, or assistant engineer in charge, as the case may be.

16th. The engineer or assistant engineer, or person in charge of the engines, is to recollect that he is subordinate to the commander and officers of the vessel to which he is attached, and is to obey such commands as he may from time to time receive from such superior officers; and nothing contained in the 13th paragraph of these Regulations will justify the engineer, &c. in refusing to obey an order from a superior officer.

17th. If any officer, engineer, or other person shall receive from his superior an order which he may deem at variance with these Regulations, or calculated to cause serious mischief or damage to the ship or the machinery, he is to represent the same, and if after such representation shall still be directed to obey the order given, he is to do so; but he may, if he thinks it necessary, report the circumstance to superior authority.

18th. The engineer is to make himself intimately acquainted with the state and condition of every part of his engines, which he is to be careful to keep in good and efficient order; to assist him in which duty, the assistant engineers and native stokers will be placed under his direction; and in case of his requiring further assistance, he is to make the same known to the commanding officer, or the officer of the watch, as the case may be, who will on such representation render such further assistance as he may deem necessary.

19th. Although the assistant engineers and stokers employed in the Honourable Company's steam vessels will be principally under the directions of the engineer, the latter is to recollect they are not exclusively so, but that they are also subject to the orders of the commanding officer on board the ship, and to the regulations established for the good discipline thereof; and if it should at any time happen that the assistant engineers or stokers are called away or appointed to other duty than that connected with the engines, and if by such means the necessary work is interrupted, the engineer shall not presume to retain those persons contrary to the orders issued by or proceeding from the commanding officer, but he shall respectfully and quietly represent the same to the commanding officer, who, on such representation being made, will exercise his judgment on the occasion; and if after such representation to the commanding officer the work is impeded by the absence of the assistant engineers and stokers, no blame shall attach to the engineer, he having fulfilled his duty.

20th. The engineer is on the occurrence of any accident to make the same known to the commanding officer, or officer of the watch, as the case may be; and he is to use his best endeavours to explain the nature of the accident, its probable consequences, and the means he proposes to adopt for repairing the same.

21st. The engineer is not to consider as an improper interference with his duty, the commander or commanding officer making any inquiries or observations relative to the state of the machinery or the working of the engines; and if an officer misapprehends, it will be the duty of the engineer to explain and to set him right; and, far from withholding information, it is no less the duty than the manifest interest of the engineer to give the fullest and best information or explanation, as the case may be, for so the officers being more intimately acquainted with the nature of the machinery, shall be better enabled to estimate the nature and extent of the assistance which the engineer may on various occasions require.

22d. The commander of a Government steam vessel is not to quit the vessel he commands without acquainting the commanding officer therewith, and, should he not be on deck to receive his commander on his return, which it is his duty to do, the commander is to require his attendance that the chief or commanding officer may so be aware of his return. No officer or other person is to quit the vessel without the sanction of the commanding officer on board, and each person on his return to the vessel is required to report his return to the commanding officer.

23d. Every commander and officer in or belonging to any of the Honourable Company's steam vessels is enjoined to make himself acquainted with the name of each man of the crew;

Appendix, No. 2.

crew; and upon all occasions when an individual of the crew is called upon, to designate or address him by his proper name, which is a mark of respect due from those of the highes to those of the lowest grade.

24th. Commanders may, if it be necessary for the punishment and control of offences suspend officers from their duty, and place them under arrest, until the decision of superio authority be known; but during such suspension or arrest, such officer so suspended is to be permitted to take exercise on the deck at regulated intervals for the preservation o health, and if before appeal or representation can be made to superior authority, and orders be received thereupon, the services of such officer should be required, the commander may relieve such officer from arrest, and order him to return to and perform his duty, without any prejudice to the complaint that may be recorded against him; and any officer having been so placed under arrest, and afterwards ordered to resume his duty, will at his peril refuse to obey the command.

25th. Whenever an officer, serving on board or belonging to any Government steam vessel, shall have occasion to address any letter or petition or other document to superio authority, on any matter connected with the service, he shall submit such letter or petitio to the commander of the ship or vessel to which he may belong, and such commande under no circumstances shall refuse to forward such letter, but take the earliest opportunity of sending it to its address.

Steam Department, 16 April 1840. (signed) *J. H. Johnston*, Contr of Government Steam Vessels.

(True Copy.)

Fort William, Marine Superintendent's Office, 4 September 1852. *H. Howe*, Secretary.

(D.)

REGULATIONS for Manning, Promotion, and Services of the STEAMERS on the *Bengal* Establishment.

THE officers of the sea steamers belonging to the Presidency of Bengal are taken from the merchant service. Previous to appointment, they undergo an examination touching their qualifications for the appointment for which they are candidates. The rules of promotion for officers is seniority, when fitness is found. All appointments to command of sea-going steamers are submitted to Government. The appointments and distribution of the officers of inferior grades are made according as the head of the department thinks best for the interest of the service. Officers are considered as acting for the first year, and liable to be removed without formal trial and report to Government. No officer, after having served one year, is dismissed without trial, or without sanction of Government.

The Europeans shipped for vessels intended for war purposes, such as the "Nemesis," "Phlegethon," and "Pluto," which for many years past have been lent to Her Majesty's Government, sign articles as follows:—

"It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the Honourable East India Company's Steamer ' ' for general service, in the several capacities against their respective names, and for such time as their services may be required, not exceeding three (3) years from the date of this agreement.

"And the said crew further engage to submit to the laws and discipline as established for the government of the Indian Navy, and to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the commander, or his successor, in the event of his removal, from any cause whatever, and the officers of the ship, in everything relating to the ship, and the materials, stores, and provisions, or other articles thereof, whether on board such ship, in boats, or on shore.

"That one hour's absence from the ship, within twenty-four hours' previous to her intended departure from any port, or twenty-four hours' absence, without leave, at any one time, to forfeit one month's pay, or for further absence, at any time during their term of service, except by permission granted by the commander or commanding officer, to forfeit in proportion, unless urgent and sufficient cause can be shown for such absence.

"That any officer or seaman who shall have been sick or disabled at the time of his entry, and who shall have neglected to make the same known to the commander, such person shall not be entitled to any wages or compensation for whatever time he may be unfit for or absent from duty in consequence of such sickness or disease.

"That if any officer or seaman shall enter himself as qualified for duty to which he shall not prove competent, he will be subject to a reduction of the rates of wages hereby agreed for, in proportion to his capacity, as may be adjusted by the commander and one or more of his officers.

"That any seaman who shall actually desert the ship, shall forfeit his clothes and effects which he may have on board, and all wages and emoluments he might otherwise be entitled to receive.

"In consideration of which services, to be duly, honestly, carefully, and faithfully performed, the commander doth hereby promise and agree to pay to the said crew, by way of compensation, wages to the amount against the names respectively expressed.

"In witness whereof the said parties have hereto subscribed their respective names on the days mentioned against their respective signatures."

If any of the European seamen become ill and incapacitated for service during the period for which they have entered, they are provided with a passage to England. If they get disabled by wound in action, Government, with the sanction of the Honourable Court of Directors, grant them pensions. The men are provisioned by a scale as far as possible agreeing with that in use in Her Majesty's Navy.

The following is a List of Pay of Officers and Men:—

	Rupees.
Commanders of 1st class ships over 500 tons - - - - - - - -	500
Commanders 2d class, under 500 tons and over 300 - - - - - - -	400
Third class, under 300 tons - - - - - - - - - - -	300
First officer - - - - - - - - - - - - - -	175
Second ditto - - - - - - - - - - - - - -	150
Third ditto - - - - - - - - - - - - - -	100
Surgeon - - - - - - - - - - - - - -	250
Gunner - - - - - - - - - - - - - -	55
Boatswain - - - - - - - - - - - - - -	55
Carpenter - - - - - - - - - - - - - -	50
Purser's steward - - - - - - - - - - - - - -	35
Gunner's mate - - - - - - - - - - - - - -	30
Boatswain's mate - - - - - - - - - - - - - -	30
Quartermaster - - - - - - - - - - - - - -	26
Able-bodied seamen - - - - - - - - - - - - - -	24
Ordinary seamen - - - - - - - - - - - - - -	18
Boy - - - - - - - - - - - - - -	15

"It is agreed by and on the part of the said person, and they severally hereby engage to serve on board the Honourable East India Company's Steamer '*H. Howe*' for general service, in the several capacities against their respective names, and for such time as specified, not exceeding three (3) years from the date of this agreement.

"And the said crew further engage to submit to the laws as established for the government of the Indian Navy, and to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the commander, or his successor, in the event of his removal, from any cause whatever, and the officers of the ship, in everything relating to the ship, and the material, stores, and provisions, or other articles thereof, whether on board such ship, in boats, or on shore.

"That one hour's absence from the ship, within twenty-four hours previous to her intended departure from any port, or twenty-four hours' absence, without leave, at any one time, to forfeit one month's pay, or for further absence, at any time during their term of service, except by permission granted by the commander or commanding officer, to forfeit in proportion, unless urgent and sufficient cause can be shown for such absence.

"That any officer or seaman who shall have been sick or disabled at the time of his entry, and who shall have neglected to make the same known to the commander, such person shall not be entitled to any wages or compensation for whatever time he may be unfit for or absent from duty in consequence of such sickness or disease.

Secretary to the Superintendent of Marine.

Fort William, Marine Superintendent's Office,
4 September 1852.

(E.)

STATEMENT showing the NAMES and STATIONS of OFFICERS whose Conduct formed the Subject of INQUIRY and REPORT to Government, from 1841–42 to 1850–51.

NAMES.	STATIONS.	OFFENCE CHARGED.	DECISION.
Mr. R. S. Ross - Mr. Crawley - Mr. R. Roe -	Commander, - - Chief Officer, Second Officer, of the Honourable Company's steamer "Hooghly."	- - Running the steamer "Hooghly" into the barque "Borneo," in the Gasper Channel, in broad daylight, on the 15th December 1843; the barque being at the time on a wind working up Channel, and the steamer before the wind and under steam.	- - The decision of Government upon all the circumstances of the case was, that Mr. Roe, as the officer of the watch, and with reference to his previous conduct, should be dismissed the service; that Mr. Crawley, the chief officer, should be reprimanded; and Mr. Ross, the commander, reprehended for not more strictly enforcing discipline on his vessel.
Mr. W. M'Mahon	- - Chief Officer of the Honourable Company's steamer "Irrawaddy."	- - Disrespect towards his commander, and leaving the vessel on 4th March 1844, after having been refused permission to do so.	- - Reduced, by order of Government, from *Rs.* 250 to *Rs.* 150 per month.
Mr. Jas. Paterson	- - Commander of the Honourable Company's steamer "Tenasserim."	- - Running the "Tenasserim" on the Alguada Rocks on the morning of the 17th September 1846.	- - Acquitted by Government, but ordered to be warned for neglect of the lead.
Mr. S. Swinton -	- - Second Officer of the Honourable Company's steamer "Tenasserim."	- - Charged with, 1st. Ill-treating a number of the crew at different times; 2d. Being in a state of excitement from drink on the 8th November 1846; 3d. Firing one of the ship's guns at night in that state of excitement; 4th. Disobeying the chief officer's order on the 18th idem; and, lastly, Smoking a cigar on the quarter-deck, contrary to the rules of the ship.	- - Convicted of all the charges, and dismissed from the service by order of Government.
Mr. A. Cops -	- - Commander of the Honourable Company's steamer "Enterprize."	- - Running the vessel on the Oyster Reef, near Arracan, on the night of 14th September 1847, through neglect of the lead.	- - Acquitted by order of Government, except as regards negligence in not having the lead going.
Mr. Delafons -	- - Second Officer of the Honourable Company's steamer "Enterprize."	- - Being asleep, locked up within the quarter gallery, at 2.30 a. m. of 14th November 1848, in his watch, while the vessel was under-weigh.	- - Dismissed from the service, by order of Government.
Mr. A. Cops -	- - Commander of the Honourable Company's steamer "Enterprize."	- - Running the steamer into danger on the coast of Arracan, on the 28th September 1848, through want of due care and ordinary caution.	- - Suspended from pay and employment for three months, by order of Government.
Mr. S. Coverley -	- - Commander of the Honourable Company's steamer "Irrawaddy."	- - Grounding, and ultimate loss of the steamer in the Arracan River, in February 1850.	Acquitted, by order of Government.

Fort William, Marine Superintendent's Office, 4 September 1852.

H. Howe,
Secretary to the Superintendent of Marine.

(True Copies.)

Marine Department, East India House, 11 November 1852.

J. C. Mason.

East India House, 21 February 1853.

JAMES C. MELVILL.

Appendix, No. 3.

Appendix, No. 3.

CRIMINAL JUSTICE, 1833.

BENGAL (Lower Provinces).

Under Trial.	CONVICTED.				ACQUITTED.				Remaining for Trial.	Casualities.	Sent back for Re-Trial by Nizamut Adawlut.
	By Nizamut Adawlut.	By Circuit and Sessions Courts.	By Magistrates, Joint, and Assistant Magistrates.	TOTAL.	By Nizamut Adawlut.	By Circuit and Sessions Courts.	By Magistrates, Joint, and Assistant Magistrates.	TOTAL.			
69,560	526	1,871	27,420	29,817	208	962	32,935	34,105	5,567	198	6

NORTH-WESTERN PROVINCES.

Under Trial.	CONVICTED.		TOTAL.	ACQUITTED.		TOTAL.	Remaining for Trial.
	By Magistrates.	By Commissioner or Sessions Judge.		By Magistrates.	By Commissioner or Sessions Judge.		
41,208	15,735	1,985	17,720	20,077	1,321	21,398	2,515

FORT ST. GEORGE.

	Under Trial.	Convicted.	Acquitted.	Under Examination at End of Period.	Referred to other Courts or otherwise disposed of.
Foujdarry Adawlut - - -	731	309	195	189	38
Courts of Circuit - - -	6,284	1,803	2,080	490	1,901
Criminal Courts - - -	31,175	6,425	14,417	2,957	7,376
Magistracy - - - -	9,864	4,046	5,741	77	—
Total - - -	48,054	12,583	22,433	3,713	9,315
District Police - - -	95,400	30,478	61,296	3,533	93
Village Police - - - -	5,849	3,350	2,545	—	—
Grand Total - - -	149,303	46,411	86,274	7,246	9,408

(continued)

Appendix, No. 3.

BOMBAY.

Under Trial.	CONVICTED. By Sessions Judges and Assistants.	By Magistrates and Assistants.	By Native Authorities.	TOTAL.	ACQUITTED. By Sessions Judges and Assistants.	By Magistrates and Assistants.	By Native Authorities.	TOTAL	Under Examination at End of Period.
33,945	1,391	5,241	10,261	16,893	692	5,733	9,450	15,875	1,177

N.B.—No return for Foujdarry Adawlut.

CRIMINAL JUSTICE, 1849.

BENGAL.

	Number of Persons under Trial.	Convicted.	Acquitted.	Otherwise Disposed of, or Pending.
By Nizamut Adawlut - -	621	420	149	52
By Sessions Judges - - -	4,177	1,839	1,361	977
By Magistrates, Joint, and Assistant - Ditto and Native Judges - -	102,043	59,363	35,628	7,052
TOTAL - - -	106,841	61,622	37,138	8,081

NORTH-WESTERN PROVINCES.

	Number of Persons under Trial.	Convicted.	Acquitted.	Otherwise Disposed of, or Pending.
By Nizamut Adawlut - -	666	552	65	49
By Sessions Judges - - - -	5,254	2,751	1,278	1,225
By Magistrates, Joint, and Assistant - Ditto and Native Judges - -	85,463	45,863	32,842	6,758
TOTAL - - -	91,383	49,166	34,185	8,032

FORT ST. GEORGE.

	Number of Persons under Trial.	Convicted.	Acquitted.	Under Examination and otherwise Disposed of.
Foujdarry Adawlut - - -	207	141	57	9
Sessions Judges - - - -	2,310	822	1,083	505
Subordinate Judges and Principal Sudder Ameens - - - -	5,960	1,422	2,051	2,487
Sudder Ameens - - - - -	1,431	764	637	30
District and Village Police and Magistrates - - - - -	164,848	50,612	113,074	1,162
TOTAL - - -	174,756	53,761	116,902	4,193

Appendix, No. 3.

BOMBAY.

	Number of Persons under Trial.	Convicted.	Acquitted.	Deaths and Escapes.	Under Examination at End of Period.
By Foujdarry Adawlut - -	209	189	20	—	—
By Sessions Judges - - -	2,338	1,066	878	3	182
By Magistrates and Assistant Magistrates, and District and Village Police - - - -	70,342	29,920	39,706	40	885
TOTAL - - -	72,889	31,175	40,604	43	1,067

CIVIL JUSTICE, 1833-1849.

BENGAL (LOWER PROVINCES.)

	Pending on 1st January, and Instituted during the Year		Disposed of.		Pending at End of Year		Total Value of Suits and Appeals Depending at End of Year	
	1833.	1849.	1833.	1849.	1833.	1849.	1833.	1849.
							Rs.	*Rs.*
Sudder Adawlut -	976	668	312	299	598	369	52,79,161	1,07,44,136
Provincial Courts -	1,830	- -	949	- -	350	—		
Zillah and City Judges	50,148	18,119	7,890	3,408	12,959	4,503	- -	35,66,873
Registers - - -	- -	- -	73	- -	10	—		
Principal Sudder Ameens	- -	18,578	10,010	10,216	6,366	7,747	2,71,05,422 - -	7,12,92,901
Sudder Ameens - -	- -	2,827	8,746	1,363	2,562	1,228	- -	6,21,260
Moonsiffs - - -	150,695	1,21,203	95,616	86,676	46,203	31,557	- -	18,30,798
TOTAL - -	203,649	1,61,395	123,596	101,962	69,048	45,404	3,23,84,583	8,81,05,963

NORTH-WESTERN PROVINCES.

	Pending on 1st January, and Instituted during the Year		Disposed of.		Pending at End of Year		Value of Suits Pending 31 December.	Value of Suits Decided.
	1833.	1849.	1833.	1849.	1833.	1849.	1833.	1849.
							Rs.	*Rs.*
Sudder Adawlut -	1,756	356	213	207	1,543	149	1,02,26,241	7,77,258
Provincial Courts -	1,863	- -	224	- -	10	—		
Judges - - - -	- -	9,924	- -	3,822	- -	1,979		
Zillah and City Judges	22,919	- -	3,619	- -	6,895	—		
Commissioner, Superintendent Hill States, two Senior Assistants, one Junior Assistant - -	- -	4,470	- -	2,219	- - -	1,206	1,87,60,829	no return.
Principal Sudder Ameens	7,494	8,185	4,028	6,158	2,634	1,735		
Sudder Ameens - -	9,088	13,725	6,132	10,124	1,225	3,389		
Moonsiffs - - -	46,727	71,035	30,986	55,888	13,836	13,083		
TOTAL - -	89,847	1,07,695	45,202	78,418	26,143	21,541	2,89,87,070	—

MADRAS.

	Pending on 1st January, and Instituted during the Year		Disposed of.		Pending at End of Year		Value of Suits Decided.	
	1833.	1849.	1833.	1849.	1833.	1849.	1833.	1849.
							Rs.	*Rs.*
Sudder Adawlut -	19	144	10	93	9	51	- -	1,93,712
Provincial Courts -	412	- -	70	- -	317	—	—	—
Judges - - -	- -	4,438	- -	1,776	- -	2,028	- -	8,22,169
Zillah Courts - -	17,469	- -	7,683	- -	4,506	—	—	—
Agents - - -	- -	574	- -	83	- -	376	—	—
Subordinate Judges -	- -	3,946	- -	1,920	- -	1,661	- -	3,95,681
							34,04,443	
Principal Sudder Ameens	- -	5,239	- -	2,629	- -	2,426	- -	4,11,322
Assistants to Agents -	- -	455	- -	196	- -	201	—	—
Sudder Ameens and one Town Cauzee - -	- -	18,735	- -	10,679	- -	7,631	- -	8,98,548
Moonsiffs - - -	- -	85,992	- -	54,310	- -	30,442	- -	17,39,020
District Moonsiffs -	86,394	- -	59,276	- -	26,637	—	—	—
Village ditto - -	9,306	- -	4,769	- -	4,190	—	—	—
TOTAL - -	113,600	119,523	71,808	71,686	35,659	44,816	- -	44,60,452

BOMBAY.

	Pending on 1st January, and Instituted during the Year		Disposed of.		Pending at End of Year		Value of Suits Decided.	
	1833.	1849.	1833.	1849.	1833.	1849.	1833.	1849.
							Rs.	*Rs. a. p.*
Sudder Adawlut -	- -	- -	177	110				
Judges - - -	- -	- -	- -	2,395				
Judges and Assistants	- -	- -	2,207	—				
Subordinate Judges -	- -	- -	- -	2,622				
Native Judges and Commissioners - -	- -	- -	42,228	—				
Agents to Assistants -	no return of details		- -	759	no return of details		21,74,360	42,93,446 14 5
Collectors and Sub-collectors - - -	- -	- -	- -	1,651				
Principal Sudder Ameens	- -	- -	- -	6,549				
Sudder Ameens - -	- -	- -	- -	13,755				
Moonsiffs - - -	- -	- -	- -	60,956				
Punchayets - -	- -	- -	31	55				
TOTAL - -	51,136	1,04,787	44,643	88,852	5,363	15,865	—	—

Appendix, No. 4.

ACCOUNT of the Number of OFFICERS and MEN composing the MILITARY FORCE of the Three Presidencies of *India* in each Year, from 1828 to 1851 inclusive, and the Amount of the MILITARY CHARGES of *India* defrayed in each of those Years.

YEAR.	QUEEN'S TROOPS.			EAST INDIA COMPANY'S TROOPS.				GRAND TOTAL.	Military Charges, including Military Buildings.	REMARKS.
	Cavalry.	Infantry.	TOTAL.	Artillery and Engineers.	Cavalry.	Infantry.	TOTAL.			
									£.	
1828	2,291	17,337	19,628	17,758	21,811	*199,831	239,400	259,028	8,973,803	-- In 1826 the Army of India had numbered 291,145 men at the close of the war with Burmah, and the Siege of Bhurtpoor. In 1828 the army was in progress of reduction to a peace establishment, and was actually reduced the next year to a lower standard than in 1822-23, the year before the war with Burmah commenced, and eventually, viz. in 1834-35, to a number less by 107,385 than in the year 1826.
1829	2,432	17,716	20,148	17,658	20,182	185,460	222,300	243,448	8,195,796	
1830	2,577	17,731	20,398	18,046	19,962	168,160	203,168	223,476	7,911,882	
1831	2,684	16,922	19,606	18,124	16,174	143,094	177,392	196,998	7,490 ,52	
1832	2,680	16,779	19,459	18,178	15,907	139,424	173,509	192,968	7,292,660	
1833	2,788	16,328	19,116	17,597	15,658	137,745	171,000	190,116	7,323,969	
1834	2,631	15,410	18,041	17,312	15,582	136,931	169,825	187,866	7,240,041	
1835	2,720	14,959	17,679	17,505	15,324	133,252	166,081	183,760	7,041,162	
1836	2,724	15,936	18,660	17,423	15,389	134,567	167,379	186,039	6,847,096	
1837	2,618	15,906	18,524	17,213	15,491	135,303	168,007	186,531	6,885,851	
1838	2,530	15,025	17,555	16,941	15,446	135,364	167,751	185,306	7,141,439	-- On two occasions in the year 1838, ten men per company were added to the Bengal Native Infantry, and in 1839 one company to each regiment, the whole occasioning an increase of about 19,000 men. The movements on Affghanistan occasioned a large increase of Military Establishment and war charge. A further amount of expense, partly consisting of the pay of troops, was charged in the political department, as connected with the restoration of Shah Shoojah, from 1839 to 1842.
1839	2,574	14,771	17,345	16,432	15,350	157,518	189,795	207,140	7,607,514	
1840	2,793	17,424	20,217	16,819	19,111	179,296	215,226	235,443	8,454,208	
1841	2,981	18,924	21,905	16,580	21,178	191,359	229,117	251,022	9,006,433	-- At the close of the year 1841 the disaster befel the force at Cabool, and the army was augmented in consequence. Six Queen's regiments were sent to India in 1842, and the strength of those in India was increased. One company was added to each native regiment, occasioning an increase of 7,400 natives.
1842	2,939	21,214	24,153	16,490	21,819	192,275	230,584	254,737	9,193,745	
1843	3,538	25,090	28,628	16,556	22,701	199,788	239,045	267,673	9,562,524	
1844	3,578	24,782	28,360	17,493	22,795	194,172	234,460	262,820	9,558,306	-- In this year the military charges were increased by the formation of an army of observation on the north-west frontier, the rupture with the State of Gwalior, and the operations in Scinde.
1845	3,536	24,749	28,285	17,868	23,217	217,051	258,136	286,421	9,634,985	The irruption of the Sikhs in the first war with that power, occurred in this year.
1846	3,142	23,319	26,461	18,166	23,953	216,090	258,209	284,670	10,384,249	-- Peace with the Lahore State was signed on 11 March 1846. During that year eight regiments of irregular cavalry were added to the Bengal army, and one more in 1847.
1847	3,518	23,436	26,954	18,560	30,627	215,655	264,842	291,796	10,598,016	
1848	3,623	21,283	24,906	18,944	28,248	193,063	240,235	265,161	299,32,209	-- The reduction of number here shown was occasioned by the partial return to a peace establishment.
1849	3,464	23,770	27,234	19,089	28,157	202,543	249,789	277,023	10,739,647	-- The Queen's troops and the Bengal army which had been reduced after the peace with Lahore were again augmented towards the close of 1848 to meet the rebellion in Mooltan and the hostile movements of the Sikhs. The military buildings required in the Punjab also increased the amount of military charge in the later years.
1850	3,553	25,828	29,381	19,101	27,891	201,355	248,347	277,728	10,098,926	
1851	3,664	25,816	29,480	19,009	31,320	209,720	260,049	289,529	10,180,615	-- Four corps of Sikh local infantry, and a corps of guides, raised in 1847, are first brought upon the Returns of the Bengal army in April 1851, and five regiments of Punjab cavalry, and five regiments of Punjab infantry, raised in 1849, are first entered in those Returns at the same date, and together occasion the increase here shown.

* *Note.*—The Medical Establishment and Warrant Officers are included under this head.

East India House,
15 March 1853.

(Errors excepted.)

James C. Melvill.

Appendix, No. 5.

Appendix, No. 5. STATEMENT of the NAMES of the DISTRICTS in *India* coming under the denomination of "Non-Regulation."

Under the Authority of the Government of *Bengal*.

Cis Sutlej	Umballah. Loodiana, including Wudin. Kythul and Ladwa. Ferozepore. Territory lately belonging to Seik chiefs who have been reduced to the condition of British subjects in consequence of non-performance of feudatory obligations during Lahore war.
North-East Frontier (Assam)	Cossya Hills. Cachar. Camroop. Nowgong. Durrung. Ivorhat (Subpoor). Luckimpoor. Sudiya, including Muttuck.
South-West Frontier	Gualpara. Darjeeling. Arracan. Tenasserim Provinces. Sumbulpore. Ramgurh or Hazareebagh. Lohurdugga { Chota Nagpore. / Palamou. Singbhoom. Maunbhoom { Pachete. / Barabhoom.
	The Punjab, inclusive of the Julundur Doab and Koloo Territory. The Sunderbunds.

Under the Authority of the Government of the North-West Provinces.

Saugor and Nerbudda	Jalvun and the Pergunnahs, ceded by Jhansi. Saugor. Jubbulpoor. Hoshungabad. Seonee. Dumoh. Nursingpore. Baitool.
	The Butty Territory, including Wuttoo. Pergunnah of Kote Kasim. Jaunsar and Barvin. Dehrah Doon, Kumaon, including Ghurwal. Ajmeer. British Mhairwarra. British Nimaur.

Under the Authority of the Government of *Madras*.

Ganjam.
Vizagapatam.
Kurnool.

Under the Authority of the Government of *Bombay*.

Sinde - - - - - { Shikapore. Hydrabad. Kurrachee. Sattara.

Note.—In 1846 it was deemed expedient to exempt from the jurisdiction of the civil and criminal courts of the Bombay Presidency certain portions of the collectorates of Candeish and Ahmednuggur. To effect this object, Act XI. of 1846 was passed.

Statistical Office, East India House, 17 March 1853.

Edwd Thornton.

Appendix, No. 5.

Appendix, No. 6.

Appendix, No. 6.

PAPER delivered in by *David Hill*, Esq., 10 March 1853.

COMPARATIVE TABLE of CAUSES instituted in the late COURT OF REQUESTS from May to September 1849, and in the COURT of SMALL CAUSES from May to September 1850.

	May		June		July		August		September		TOTAL.	
	1849.	1850.	1849.	1850.	1849.	1850.	1849.	1850.	1849.	1850.	1849.	1850.
Judgments for Plaintiffs -	581	398	541	655	684	906	697	693	211	597	1,672	1,044
Ditto - - Defendants -	56	50	48	72	52	78	51	93	17	41	1,496	1,533
Nonsuited - - - -	259	255	247	267	282	325	312	497	139	433	1,782	2,361
Compromised - - -	775	340	655	533	799	828	930	763	416	722	2,093	2,047
Undecided - - - -	1	1	1	1	16	1	103	1	279	290	1,062	2,083
TOTAL Number of Suits -	1,672	1,044	1,496	1,533	1,832	2,361	2,093	2,047	1,062	2,083	8,105	9,068

RETURN of CAUSES instituted in the COURT OF SMALL CAUSES from May to September 1850.

	Not above 10 *Rs.*	Above 10 *Rs.*, not above 20 *Rs.*	Above 20 *Rs.*, not above 50 *Rs.*	Above 50 *Rs.*, not above 100 *Rs.*	Above 100 *Rs.*, not above 200 *Rs.*	Above 200 *Rs.*, not above 300 *Rs.*	Above 300 *Rs.*, not above 400 *Rs.*	Above 400 *Rs.*, not above 500 *Rs.*	Undecided.	TOTAL of each.	GRAND TOTAL.
May - 1850	580	176	152	62	41	17	9	6	1	1,044	
June - „	866	285	209	83	56	17	2	9	6	1,533	
July - „	1,526	391	266	92	69	10	9	1	2,361		
Aug. - „	1,307	344	273	57	42	13	8	2	1	2,047	
Sept. - „	1,209	297	183	53	33	10	7	1	290	2,083	
TOTAL -	5,488	1,493	1,077	347	225	76	36	27	299	- -	9,068

Appendix, No. 7.

Appendix, No. 7.

LIST of PETITIONS referred to the Select Committee on INDIAN TERRITORIES, Session 1852–53.

PRESENTED.	PETITIONERS.	PRAYER.
17 November 1852	Ministers and missionaries resident in Calcutta.	For inquiry into the social condition of the people.
19 November „	Charles Hay Cameron	For inquiry as to the propriety of adopting the recommendations of the Commission of 1834.
11 February „	Mahomedans of Bombay	For alteration of the system in the Bombay Court of Judicature, in cases of inheritance, marriage, &c.
11 February „	Sheik Ahmed Cubbay	Suggesting measures to increase the welfare of the inhabitants.
14 February „	Col. W. H. Frith	For inquiry into the claim of his late father.
14 February „	John Sullivan	Complaining of the intended annexation of the territories of native princes dying without natural heirs.
24 February 1853	Hindoo inhabitants of Bengal, Behar and Orissa.	For preserving to the Hindoos their ancient religion and customs.
24 February „	Retired servants of the Company, merchants and others.	That the right of choosing Directors might be granted to holders of the securities.
25 February „	Proprietors of East India Stock	For a tribunal to determine the claims of persons pretending to be heirs to native states.
28 February „	Ministers of the Gospel in Western India.	For the adoption of measures for the intellectual, moral and religious well-being of India.
22 February „ (referred March 1.)	Madras	For inquiry into the condition and government of British India.
3 March „	John Epps, M. D.	For justice to the ex-Rajah of Coorg.
3 March „	Rungo Bapojee	For the restoration of Sharoo Mahareij.
10 March „	Presidency of Bombay	Suggesting improvements in the administration of affairs, and praying for inquiry.
14 March „	British and other Christian inhabitants of Calcutta, &c.	Suggesting ameliorations and reforms in the future government, and praying for inquiry.
11 April „	Master Cutler and Cutlers' Company of Sheffield and Hallamshire.	For adoption of certain suggestions for the future government of India.
12 April „	Chairman of the Leeds Chamber of Commerce.	Suggesting improvements in any legislation for the future government of India.
18 April „	Sheffield	For inquiry into the subject of reform in the government prior to legislation.
18 April „	Sunderland	
18 April „	Members of the British India Association, and other inhabitants of Bengal.	Suggesting arrangements in the future government of India.
18 April „	Armenian inhabitants of Bengal	For securing the full benefits of the contract, on the faith of which they became settlers.
20 April „	President and members of the Blackburn Commercial Association.	For inquiring into certain measures of reform for the future government.
21 April „	Charles Hay Cameron	For the adoption of a system of education for the natives of India.
25 April „	Chairman of a Meeting at Manchester.	For the reform of the Home Government of India.
29 April „	Frederick Henry Lindsay	For a tribunal to investigate his claims in any future legislation for the Government of India.

The PETITION of the undersigned Ministers and Missionaries resident in Calcutta,

Humbly showeth,

THAT your petitioners are deeply interested in the welfare of the people of India; that they have been attentive observers of their social condition; and that they have devoted much labour to the work of their conversion from the service of dumb idols to the worship of the one living and true God.

That

That your petitioners observe with anxious attention the deliberations of the British Parliament on all subjects connected with India; and more especially now, when the charter of the East India Company is under consideration, they await the result with the most earnest desire that your Honourable House may be guided by wisdom from above, and may be led to the adoption of measures that will augment at once the power and the honour of the British nation, and the welfare and happiness of this great country.

That early in the present year some of your petitioners transmitted to both Houses of Parliament petitions praying that measures might be taken to ascertain the exact nature and extent of the connexion still subsisting between the Government of India and the Hindu and Mahomedan religions, and to dissolve and extinguish that connexion completely and for ever.

That the petitioners also, in the said petitions, called attention to a despatch of the Court of Directors in 1847, forbidding their servants to take part in missionary undertakings, and praying for a copy of that document.

That your petitioners feel much anxiety on these points, and earnestly pray that your Honourable House will direct your attention to them.

That some of your petitioners have recently addressed a memorial to the Governor-general of India in Council, praying that a certain draft Act for the final discontinuance of the grant which hitherto has been made annually by the Government of India to the Temple of Jagannáth at Púri may be passed into a law, and declaring the conviction of the said petitioners that no compensation whatever, in law or in equity, is due to that temple, and praying, therefore, that none may be paid.

That your petitioners await the result of that memorial with anxious expectation, having long and deeply mourned over the support by the Government of India of a shrine which for many ages has been the scene of gross idolatry and indescribable misery; and your petitioners pray that no final measures may be adopted for the renewal of the powers of the East India Company till effectual steps have been taken to remove that scandal, as well as to secure the complete separation of the Company's Government from the Hindu and Mahomedan religions, in all the various circumstances wherein there still subsists any direct or indirect connexion between them.

That your petitioners desire to call the attention of your Honourable House to other points that affect the interests of India, especially in the Presidency of Bengal, wherein your petitioners reside and labour.

That your petitioners have reason to believe that there is a vast amount of social disorganization, and of consequent suffering, in the whole country. Much of this your petitioners can trace to the fearful superstition of the people, to their ignorance, and to the debasing effects of a popular mythology, which presents as objects of worship deities who are examples of every vice, and which ascribes sanctity and divine honour to a priesthood which is the principal curse of India. But, speaking particularly of this great Presidency of Bengal, your petitioners would represent to your Honourable House the existence of evils which it falls properly within the scope of Government to meet and to control. The evils resulting from the religions of the country your petitioners believe to have been greatly diminished since the commencement of Christian missions; and they willingly accord to the Government of India the praise of having abolished satis, and checked infanticide, thuggism, and the once prevalent practice of self-immolation. Your petitioners do not now hear of the terrible occurrences with which their predecessors were familiar, of women drowning themselves publicly at the junction of the Ganges and the Jumna; of others sitting in pits to be smothered by heavy baskets of sand; and of devotees yielding themselves to death in the presence of multitudes, by means which require the active participation of heartless accessaries. A more just apprehension of their duty by the judicial officers of Government has restrained such suicides, by dealing with the accessaries as guilty of murder; and the enactment of several wise and salutary laws has restrained the other classes of crimes which your petitioners have mentioned. Your petitioners believe, however, that these results must in a large measure be ascribed to the growing influence of Christian missions, which have been blessed no less in raising the standard of piety and justice among the Europeans in India, than in the enlightenment of the consciences of the natives. But there are other evils with which the Government, as such, has to contend, and which your petitioners regret to declare appear to be on the increase. Your petitioners greatly fear that it will be found on inquiry that in many districts of Bengal neither life nor property are secure; that gang robberies of the most daring character are perpetrated annually in great numbers with impunity; and that there are constant scenes of violence in contentious respecting disputed boundaries between the owners of landed estates.

That your petitioners submit to your Honourable House that the radical cause of both these evils is the inefficiency of the police and the judicial system. Your petitioners find that the sole protection of the public peace in many places is a body of policemen (called village chowkedars), who are in fact the ministers of the most powerful of their neighbours, rather than the protectors of the people. The body of peace-officers appointed and paid directly by the State will, on inquiry, be found to be entirely insufficient for the great districts for which they are provided; but, few as they are, they also will be found to be oppressors of the people. The records of the criminal courts, and the experience of every resident in the districts of Bengal, will bear testimony to the facts that no confidence can be placed in the police force (either the regular force or the village chowkedars); that it is their

Appendix, No. 7.

their practice to extort confessions by torture; and that while they are powerless to resist the gangs of organized burglars or dacoits, they are corrupt enough to connive at their atrocities.

That your petitioners believe that a strict and searching inquiry into the state of the rural population of Bengal would lead your Honourable House to the conclusion that they commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace-officers, who are paid by the chowkedarry tax or by the Government.

That your petitioners believe that a well-organized police, with a more extensive and more effectual judicial system, would do much to check the outrages that arise from disputes about land. But your petitioners must also ascribe much of the evil which these outrages produce to the causes by which primarily such disputes are occasioned. Your petitioners must declare, that from the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts, there is so much uncertainty about the landed tenures and boundaries in Bengal, that capitalists generally dread to purchase such property; and those who do, too frequently keep bodies of clubmen to take and keep by force the extent of land to which they deem themselves entitled. Between contending proprietors, amidst scenes of constant conflict, and a prey to the corruption and the oppression of the police, the tenant is reduced not merely to beggary, but also, in many cases, to a state of the most abject and pitiable servitude.

That your petitioners attribute many of the evils that exist in this Presidency to the fact that (unlike the other Presidencies of India) it has no separate governor. While the North-western Provinces, during the past eight years, have enjoyed the benefit of the rule of the same able and experienced governor, the Presidency of Bengal in the same period has had eight successive changes of rulers; and in every case, whether the Governor-general or the Deputy-Governor was, for the time being, ruler of the land, he has been encumbered also with other and weighty duties, as a member of the Supreme Council of India.

That your petitioners attribute also to the want of a separate governor for this Presidency the fact, that while much has been done in judicious and beneficial public works in the North-western Provinces and the Madras Presidency, and very recently also in the Punjaub, this great Presidency, which contains 35,000,000 of people, and yields nearly half of the entire revenue of India, has been very greatly neglected, and cannot be said now to have more than one good road of any considerable extent; while a vast portion of the country remains altogether untraversed and uninvestigated, and, in fact, never has been visited by any of the Governors of Bengal from the day when the Company first obtained the Dewanny.

That your petitioners believe that justice calls for a separate Government for Bengal; and in order to render it as effective as possible, your petitioners submit that the limits of the Presidency should be curtailed, and that Arracan and the Tenasserim provinces, with Penang and Singapore, might be formed into a separate Presidency.

That there are many measures to which your petitioners would desire the attention of your Honourable House to be directed in connexion with the Government of Bengal. The principal of these your petitioners beg leave to submit as follows:

1. The appointment for the Presidency of Bengal of a separate governor, who shall be relieved of all share in the general Government of India.

2. The entire and thorough reform of the police, by consolidating the village or zemindarry chowkedars and the Government police, and the placing all under active, trustworthy, and efficient superintendence. Your petitioners believe that it is difficult to over-estimate the importance of a comprehensive, enlightened, and benevolent settlement of this subject, so that a police force, worthy of the British Government, and under the direct control of confidential and efficient officers, may at length be provided for this country.

3. The summary and severe punishment of perjury and forgery immediately on their detection, in judicial proceedings. Your petitioners regard a measure of this kind as one of the chief wants of this country, for perjury has almost ceased to be regarded as morally wrong; it constitutes the stock-in-trade by which numerous witnesses for hire subsist. The impunity and success with which systematic perjury, and the forgery of documents, are commonly practised, tend to encourage the already too prevalent habits of falsehood and deception among the great body of the people, and as a necessary consequence justice is now constantly mocked and defeated, or the powers of the law are used, without remorse, as engines of oppression and extortion, through the infamous arts of the traders in corrupt litigation.

4. The reduction of the size of the judicial districts, in which, at present, the chief station is commonly so far removed from the greater number of the towns and villages, that justice, in many instances, is practically denied, and in a very large number of others is obtained under difficulties and discouragements, and at a loss of time and money, that render every connexion with judicial proceedings a heavy calamity, alike to the suitors and the witnesses. Your petitioners believe that careful inquiry would prove that many persons of various ranks throughout the country are enabled by their distance from the seat of justice to set the law at defiance, and that the great expense of carrying witnesses so far, and of supporting them while detained, is one of the chief temptations that lead to the employment of the mercenary perjurers who infest every court and judicial station.

5. The

5. The increase of the number of judicial officers, and their suitable and satisfactory preparation for the important task of administering justice, so that the law may be administered in every district on a uniform system, and on just, definite, and intelligible principles.

6. The institution of all criminal suits on *vivâ voce* applications only; and the administration of justice on *vivâ voce* evidence only, to be taken by the judge or magistrate in person. Your petitioners admit that to a certain extent justice is already thus administered; but to a very great extent written depositions, taken down and read to the officiating officer by venal men, are used in the mofussil courts; and this practice, your petitioners submit, leads to much uncertainty, to constant misunderstandings, and great injustice; while, at the same time, it deprives the courts of the well-known advantages of personal conference with the witnesses in the presence of the parties.

7. A careful and complete survey of the country, to fix the boundaries of the villages and landed estates; and a renewal of the survey wherever the encroachments of the rivers, or other causes, render it desirable.

8. An Act for the registration of titles and deeds relating to land, carried out in a comprehensive and liberal spirit.

9. An Act to check the prevalent system of secret trusts, commonly called benamee transactions. The evils which a measure of this kind would meet are so extensive in this country as to become a marked peculiarity in its social system. Among these evils the prevalence of litigation and frauds on creditors are notorious; but other evils, of a less obvious, though not less serious nature, will on inquiry be found to arise from the benamee system.

10. A measure to encourage capitalists of enterprise and public spirit to purchase land, and also to encourage smaller holders to raise themselves to the position of independent freeholders, by providing such means as shall be just and equitable alike to the State and to the purchasers, for the permanent redemption or commutation of the present land-tax.

11. A measure for the promotion throughout the whole country of a cheap elementary system of vernacular education, and the removal of all restriction on the Christian teachers in any of the Government schools and colleges, affording instruction in Christianity when it is sought by the pupils.

12. The periodical publication of full and clear statistical comparative returns of the population, resources, and progress of this Presidency.

13. The prohibition, by law, of the public barbarities which accompany the Churruck Puja, and also the prohibition of every other public exhibition of fanaticism, whereby the moral sense of the community is debased and ruined, and human life is endangered.

14. The regulation of the practice of carrying sick persons from their houses to the river's bank, with the view of preventing the abuse of the popular superstition into a means of hastening death in fatal diseases, and rendering it inevitable in the case of any whose diseases are not of that character.

15. The introduction of a system of general visitation of the Presidency by the Governor for the time being, so that he may become closely and intimately acquainted with the qualifications of the subordinate officers of Government, with the general administration of public affairs, with the local wants and feelings of the people, and with the progress of the public works.

16. The extension of the means of internal communication by the increase and improvement of roads, and of the postal arrangements throughout the country. Your petitioners believe that few things would tend more rapidly to the social improvement of the country than the increase of the means of intercourse and communication.

17. The liberal encouragement of all public works which are calculated to develope and improve the resources and trade of the country. Your petitioners submit that such encouragement is very much needed, and as a proof they beg to state, that even in the immediate vicinity of Calcutta, the two canals by which, during eight months of the year, the great majority of boats leave or approach the commercial capital of India, are utterly inadequate to the immense traffic of which they are the channels. Your petitioners also apprehend that inquiry will prove that the resources of some districts are at present almost entirely lost and wasted, through the want of public works that would give vent to the industry of the inhabitants and the products of the soil.

18. The complete and absolute severance of the Government of India from all connexion, direct or indirect, with the Hindu and Mahomedan religions.

That your petitioners believe that from these measures, together with the constant operation on the Government of India of public opinion, and of the vigilance of the Parliament in Great Britain, results the most important and desirable might speedily be secured.

That your petitioners submit to your Honourable House that it is the paramount duty of the Government of India to promote the highest interests of the people committed to their care, and that all measures whereby revenue is raised to the detriment of the public morals is a violation of this duty.

Appendix, No. 7.

That your petitioners fear that on inquiry it will be found that the abkaree system, for the regulation of the sale of wines, spirits, and drugs, has in practical operation tended to foster among a people, whose highest commendation was temperance, a ruinous taste for ardent spirits and destructive drugs, by the efforts made to establish licensed new depôts for them, in places where the use of such things was little or not at all known before; and your petitioners therefore pray that your Honourable House will inquire into this matter, with a view to the abkaree system proving a check rather than an encouragement to the use of intoxicating drugs and spirits.

That your petitioners observe with much regret the continuance of the East India Company's extensive trade in opium. Your petitioners view the traffic carried on with China in this contraband drug as second only to the slave-trade in iniquity, and they regard the collection of a great revenue from the opium monopoly by the East India Company, under the sanction of the British Legislature, as a breach of faith with the Chinese Government, and as an odious participation in a guilty and ruinous trade, which they view with amazement and abhorrence.

That your petitioners earnestly desire to see the Government of India relieved from the fearful responsibility of raising revenue by providing annually an enormous quantity of a drug, which is notoriously purchased and shipped to China under British sanction, to gratify the morbid craving of multitudes of infatuated people for its enervating and fatal poison.

That your petitioners submit that good faith with the Government of China, and common humanity to the unhappy myriads who annually ruin their health and destroy their lives by opium in China, should lead the British Government in India, as well as in the China Seas, to check and to repress the wicked traffic by which the drug is supplied for the market in Bombay and in Calcutta, and is then shipped to and clandestinely sold as contraband in China.

That your petitioners are ready to acknowledge that there has been a great improvement in the spirit and measures of the Government of India since the Charter of 1813 was granted; but your petitioners have felt it to be their duty to bear testimony to the existing state and wants of Bengal, and they submit to your Honourable House that to secure the continuance and increase of the zeal of the East India Company for the improvement of this country, it would be better to limit the period of their powers to a shorter period than twenty years, so that the manner in which they have been exercised may again speedily come under review.

That your petitioners fear that the present year has been marked by so many unexpected public events, and by so much political excitement respecting the state of parties and the future policy of Government in Great Britain, that the subject of the East India Company's Charter has not been investigated so deeply as it would have been by your Honourable House in a period of greater public tranquillity; and your petitioners submit that this is another reason of much force and importance for the limitation of the Charter now contemplated to a period less than twenty years.

That your petitioners further submit to your Honourable House that it would be wise and expedient to make such changes in the home government of India as would tend to secure the services of persons who had gained local experience; and further to provide that in the distribution of the valuable patronage of the East India Company, a large part should be reserved for the reward and encouragement of superior and eminent talent and industry in the principal schools and colleges of Great Britain.

That your petitioners thankfully assure your Honourable House that they have been abundantly encouraged in their own efforts to improve the condition of India, and that the whole Protestant mission in the country have been favoured with many and remarkable tokens of the Divine blessing. Your petitioners beg permission to inform your Honourable House, that at the present time the number of ordained Protestant missionaries in India exceeds 400, and that they have gathered into the visible Church of Christ 103,000 converts; that they are receiving the aid of 551 native preachers, have upwards of 300 native churches, 1,340 vernacular day-schools, 73 boarding-schools, and 120 English day-schools, besides upwards of 440 day-schools for native girls; that the complete Bible has been translated into 10 of the languages of India, and the New Testament into five more; that a very considerable vernacular Christian literature has already been provided for the people; and that a spirit of inquiry, a desire for education, and a general feeling of respect for Christianity and for Christian teachers, have been excited in all the spheres of the missions.

Your petitioners deeply deplore the inadequacy of their numbers, and the partial extent to which zeal for the conversion of the heathen is manifested in Great Britain, and they earnestly and constantly implore the Lord of the harvest to awaken a wider and more affecting sense of India's destitution among all who profess and call themselves Christians; but, at the same time, they are bound to record with devout thankfulness the progress that has been made, and they anticipate with confidence increasing proofs that the ancient systems of superstition are fast crumbling away, and that the day is approaching when the light of the Gospel of Christ will bless all the families of this country.

Your petitioners gratefully record the passing of an Act by the Government of India in 1850, whereby the rights of native Christians are secured; but they regret that this and other measures of equal simplicity and justice were obtained only after great and harassing delays, and they now have to lament over the continuance of other evils which a more just, prompt

prompt and vigorous administration of public affairs might long since have removed, and the removal of which might have tended greatly to the improvement of the condition of the people, and their willingness to consider the Gospel, as well as to that independence and strength of mind and character which the profession of a new religion in scenes of ancient idolatry and superstition especially requires.

That your petitioners are deeply impressed with a solemn conviction that this great and populous country has been entrusted as a sacred charge and stewardship to the Government of Great Britain; that the hand of God was never more visible in the history of nations than it has been in the progress of British power in India; and that every consideration of interest and duty should combine to secure from the British Legislature every measure that is calculated to elevate and improve the class of its rulers, and its judicial and ministerial officers. The influence of India on the whole continent of Asia, your petitioners believe, has already been remarkably powerful and extensive; and that influence, if the country be governed in an enlarged spirit of wisdom and benevolence, and if the blessing of the God of nations rest on the efforts alike of the Government and of the preachers of the everlasting Gospel of peace, may ultimately prove the immediate cause of that great and universal change in the whole social and religious state of this continent, with its vast population of more than half mankind, which the Scriptures of truth lead the Church of Christ confidently to expect. Your petitioners therefore regard the present time, when the subject of the Government of India is under the consideration of your Honourable House, as a period of momentous importance; and they earnestly implore that your Honourable House may be so guided by the Spirit of the Lord into wise and righteous conclusions, that generations yet unborn may celebrate with thankfulness and joy this era in the annals of the British empire.

Finally, your petitioners earnestly pray that your Honourable House will be pleased to consider the premises; to apply to the subject of the government, and to the moral, social, and religious condition of India, and to her material resources and political difficulties, the most comprehensive, minute, and searching scrutiny; and, finally, to pass such measures as shall redound to the honour and glory of God, as well as to the happiness and prosperity of the people whom He has given to the dominion of Great Britain.

W. S. Mackay,
Missionary of the Free Church of Scotland.

D. Ewart,
Missionary of the Free Church of Scotland.

Jno. Smith,
Missionary of the Free Church of Scotland.

&c. &c. &c.

The Humble Petition of *Charles Hay Cameron*, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal,

Humbly sheweth,

That your petitioner was appointed a member of the Indian Law Commission in the year 1834, and continued in that body as member or president until the year 1848.

That in the course of the years intervening between 1834 and 1849 the Law Commission sketched out a system of law and of judicial establishments and procedure for British India, whereof the following parts have been fully elaborated, and reduced into the form of Acts of the Indian Legislature:

A penal code.
A plan of a model criminal court.
A plan of criminal procedure.
A plan of a model civil court, and of civil procedure.
A plan for the abolition of the Recorder's Court in the Straits of Malacca, and for the constitution of an improved judicature there.
A law of prescription and limitation.
A *lex loci* for British India.

That, so far as your petitioner knows, the home authorities have not felt themselves in a condition to pronounce a decision upon any one of the above propositions, except the plan of a model civil court and civil procedure.

That, so far as your petitioner knows, the Legislature of India has not felt itself competent to pronounce a decision upon any one of the above propositions.

That in the reports by which the Law Commissioners explained and justified the propositions above enumerated, and in various other reports, they have discussed a great number of important questions of jurisprudence.

The fusion of law and equity.
Special pleading.
Appellate judicature.

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Small cause judicature, and its fusion with general judicature.
The jury, or the association of the public with the business of judicature.
The training of candidates for the judicial office.

That the labours of the Law Commision; which, whatever may be their intrinsic value, have cost a great deal of public money, will, as your petitioner apprehends, be lost to the people of India, and that the similar labours of any persons who may be appointed to complete the task imposed upon the Law Commission by Parliament, in the Statute 3 & 4 Will. 4, c. 85, ss. 43 to 55, will in like manner be lost to the people of India, unless they should be referred to competent jurists, who may decide upon their merits.

That your petitioner has lately read in the Minutes of Evidence taken by the Select Committee of the House of Lords, appointed last Session to inquire into the operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's Indian Territories, the evidence of David Hill, Esq., examiner in the judicial department at the India House.

That in the said evidence is to be found the following passage, which seems to be confirmatory of your petitioner's statements:

"They (the Home Government) have little means of revising the legislative proceedings of the Indian Government, where a decision has been arrived at by the Governor-general, with his Indian councillors, and the fourth member of council, as well as by the Law Commission, consisting of the best men who could be selected to consider such a subject. There is no authority, either at the India House or the India Board, or anywhere else, to whom the case could be submitted for a higher opinion. It would be a reference from a higher authority to a lower, to ask any one else to pass judgment upon what has already been under the deliberate consideration of such men as Mr. Macaulay, Mr. Cameron, Mr. Macleod, and afterwards under that of the Governor-general and his colleagues. There are no means of revising it. Indeed there are no means of revising ordinary acts of the Indian Legislature. There is a power of disallowance given to the home authorities, but that has respect to the general effect of a law."

Your petitioner therefore prays,

That the above-mentioned propositions and discussions of the Law Commission may be submitted to the consideration of competent jurists, who may decide whether the recommendations of the said Commission are or are not fit to be adopted.

And your petitioner will ever pray.

C. H. Cameron.

15 November 1852.

The Humble Petition of certain Mahomedan Inhabitants of Bombay,

Showeth,

That your petitioners are of Bombay Mahomedan inhabitants, many of them for several generations, and others since the alienation and transfer of the island from the Portuguese Government to the renowned throne and paternal care of Great Britain. At the time of such transfer Bombay was, comparatively speaking, in a miserable condition and thinly populated; whereas now, under the fostering care of the British Government, it has risen gradually to its present eminence, and become the chief port and commercial city of Western India, containing a population of at least 500,000 souls, of whom one-fifth are Mahomedans. Such a great and beneficial change in the condition of any country cannot but reflect the highest credit on its rulers, to whom, under Providence, all its blessings and comforts are mainly due.

Your petitioners are Mahomedans, belonging chiefly to the "Shafai and Hanafi sects," whose creed it is to believe in one God, and the holy prophet Mahomed; may the blessing of God continually rest upon him, the selected and last prophet. We also believe his four Khalifs and their regular successors, as we are enjoined to believe; your petitioners are called "Sunnies" and "Ahla Sunnat Jummat." This subject is fully explained in the preliminary discourse to "Sale's Koran," wherein he gives a detailed account of the four orthodox Mahomedan sects, "Hanafi, Shafai, Malaki, and Humbali," prevailing throughout the world. A reference to that discourse, and also to that mentioned at the beginning of the first volume of Hamilton's translation of "Hidayah," will fully explain the whole subject. That when your petitioners enjoyed the benefit of the late Recorder's Court in Bombay, cases between Mahomedan plaintiffs and defendants, having reference to matters of inheritance, marriage, divorce, wills, gifts, &c., were invariably decided in strict accordance with the laws of the "Koran," laid down in the Mahomedan law books. Matters, however, have altered since the introduction of Her Majesty's* Supreme Court of Judicature at the Presidency; both the

* The Charter and Act 37 Geo. 3, c. 142, 1842, decreed that suits of inheritance should be determined, in the case of Mahomedan, according to the Mahomedan law and usage; the inference plainly is, Mahomedan usage, not Hindu or infidel usage.

the appointment of Mahomedan and Hindoo law officers have been abolished, and in several cases it now frequently occurs that a correct explanation of those laws is not made to the Court.

As a case in point, your petitioners would refer to the following particulars. In 1846, a case of disputed inheritance arose amongst one of the various Sunni sects, commonly known and called by the style of "Cutchy Memon," who were undoubtedly Sunnies of the Hanafi sect, performing the religious rites of worship, fasting, pilgrimage, building mosques, &c., in common with the usages in force amongst your petitioners. In that case the widow, to whom our holy Koran* has specifically defined one-fourth of her husband's estate, he having left no issue, and property to a large amount, applied to the heads of her castes for her lawful share. On their declining to recognise her rights, she filed a bill in 1845 in the Supreme Court. The defendants being the male party, and in possession of the large property left by the deceased, pleaded to the said bill, setting forth that they were Kutchy Memons, formerly of the Lowana infidel caste, that they were converted to Mahomedanism about 300 years ago, and that although they are now perfect Mahomedans, yet they retain their ancestral custom of depriving their females, mothers, daughters, sisters, widows, of any inheritance of the property of their respective relatives deceased. The complainant remonstrated with them upon the inconsistency and heresy of such a plea; for after that their forefathers had become Mahomedans, their descendants also became Mahomedans, and swore by the Koran, they had no right whatsoever to claim the privilege of the customs of their infidelity. Their duty plainly was to obey and follow the Mahomedan law of the Koran, in which sacred book it is distinctly laid down, "Whoso judgeth not according to what God hath revealed, they are infidels." It was further urged that the holy Koran instructed that men ought to have a part of what their parents and kindred leave behind them when they die, and women also ought to have a part of what their parents and kindred leave. This law was given to abolish a custom of the Pagan Arabs, who suffered not women or children to have any part of the husband's or father's inheritance, on pretence that they only should inherit who were able to go to war. But all argument was of no avail; the defendants stoutly refused to give the widow any share, insisting upon their ancestral custom; and at length issue was joined in this case, and the matter came on for hearing before the Court.

In due form of law the case was heard publicly, and the defendants being influential persons, and in possession of the immense wealth of the deceased, caused certain insignificant and illiterate persons to be set up as the Mookuddums of the caste, in order to prove their alleged customs, and these persons having adduced their witnesses to support their infidel views, they declared, that though they were Mahomedans, yet, in respect of the laws of inheritance, and giving a share to females, they do not obey the laws of the Koran, differing in this respect from its precepts, their females invariably being excluded from all participation in any property left behind them by their kindred.

Upon such evidence, the Court, without the least regard to the written law of the Koran and other Mahomedan law books, allowed the said alleged infidel custom to control and abrogate the holy law of the Koran, the production of other law texts from Sale's translation of the Koran, the translation of "Mishka't Shariff," or that of "Shirajea," by Sir W. Jones, and from Sir W. Macnaghten, distinctly declares, "that usage, legally speaking, is always inoperative in opposition to that which is sanctioned by law;" and yet an alleged custom, admitted on all hands to be in direct opposition to the plain and distinct law of the Koran, was allowed to rule the decision of Her Majesty's Judges† in the Supreme Court.‡ Thus has a great blow been struck, under the English authority at the Mahomedan religion, abrogating the written law of the Koran on the evidence of three or four insignificant individuals, whose bare assertion of a prevailing custom, unsupported by any documentary proof, was allowed greater weight than the established law. It was well argued at the hearing of the case, that the Mahomedan law being a part of the Mahomedan religion, no deviation could be allowed from the Koran, and no deviation from it of any nature whatever could be recognized in a court of justice. A person who becomes a Mahomedan does not embrace a part of the religion, but must become in the whole a Mussulman; he must be a Mahomedan or no Mahomedan; if the former, he can have no other law but the law of the Koran. The Mahomedans conceive their law to be an emanation from the Prophet; it is therefore a sacred law, and no court can depart therefrom. The illegality of any custom contrary to religion and law is obvious. But every objection, however

* *Vide* Sale's Koran, vol. I, p. 45, chap. 4; also Macnaghten's, vol. I, pp. 2, 3, and 38; in Sir W. Jones' Sirajiya, vol. 3 of, on Mahomedan Law of Inheritance.

† The Honourable Sir Erskine Perry was at this time acting Chief Justice, and had not a colleague on the bench.

‡ In November 1838, a late learned Chief Justice at Bombay, Sir Herbert Compton, declared in open court, "that he had been accustomed to hear judges say, that when they are to consider questions of Hindoo or a Mahomedan law they are in a Hindoo or Mussulman court, and in equity bound to adhere to the strict rules of Mahomedan or Hindoo law." In this fair view of the case, your petitioners would ask if the defendants in the case under notice would have dared to go into a Mahomedan court on the pleas set up in Her Majesty's court. No cazee would have entertained their customs for a moment; and, indeed, in a Mahomedan country, no man professing to be a Mahomedan would, except at the peril of his life, urge an infidel custom in opposition to the Divine law; yet the alleged custom was allowed the preference in Bombay.

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however strongly urged and maintained, was overruled; the illegal infidel customs of the defendants were supported; the plain unmistakeable wise law of the Koran was superseded; and the complainant deprived of her legal and lawful right to share in her late husband's property.

Such a decision cannot but be regarded as a grievance of no small magnitude by the Mahomedan Sunnies, and particularly so by the females of the sect; and it would have been appealed against to Her Majesty's Privy Council, but for the great expense of such appeal; the said complainant and her friends having exhausted all their means, to the extent of 10,000 rupees (1,000 *l.*), in the prosecution of their suit in the Supreme Court.

Your petitioners consider themselves aggrieved by this decision, not only in consequence of the personal injury inflicted on the complainant, but that it will form a dangerous precedent, and be quoted as authority for the decision in future of any disputes that may arise among either of the four sects alluded to, any one of whom may, in order to defeat the ends of justice and the lawful claims of an opponent, set up a vexatious and false statement of the customs of his tribe directly contrary to the plain law; and such acts, if permitted to pass unnoticed and with impunity, may eventually lead to the subversion and abrogation of the laws laid down in the Koran, which God forbid, and thus lead to the more fearful and imminent danger of abrogating in this part of the world the Mahomedan faith, a faith which is dearer to us than life.

Your petitioners and all Mahomedans are strictly enjoined to follow the Koran, the Prophet's Hadís, from which our principal laws are taken. It is the law, from which no deviation can be tolerated, that so long as we find a written law we are bound to adhere to it; much less can we follow any custom known to be in direct opposition to the law; of whatever standing such custom may be, it may be inoperative so long as it is opposed to that which is sanctioned by law. When custom is in any case contrary to the written law, then the law directs that all Cazees and Mahomedans shall break down such illegal custom, and to conduct themselves in strict obedience to the blessed laws of the Koran. The injunctions in this matter are positive and plain; *vide* pp. 17 and 117 of vol. 1 of Sale's Koran, "Whoso judgeth not according to what God hath revealed, they are infidels."

Under these circumstances, while thankfully acknowledging that not only your petitioners but all the inhabitants of this Presidency are highly privileged in enjoying happiness and comforts under the wise and benevolent rule of the British Government, and have no lawful cause of complaint against their honourable rulers, yet your humble petitioners pray that the circumstances set forth in this representation may meet with your gracious and wise consideration; and they pray you to afford them relief from their threatened and suffering distress, by the desertion in Her Majesty's Court of Justice of the strict law of the Koran for alleged infidel customs, which cannot be for a moment compared with the written law.

Your petitioners pray that your Honourable House will be pleased to enact, that for the future all disputed questions of inheritance, marriage, divorce, wills, gifts, &c., affecting any of the four great orthodox Sunni sects of Málaki, Hanafi, Shafai, and Hanbali, may be decided by the written law as laid down in the Koran, and other authorities subordinate to the blessed Koran, against the dicta of which no custom, however old or otherwise proper, ought on any account to prevail.

For the consideration your Honourable House may be pleased to bestow to this representation, your humble petitioners will, as in duty bound, ever pray for the prosperity, happiness, and welfare of the British Government.

(signed) *S. A. Cubbay*,
K. Kamaluddem,
Md. Ebrahim Jeetakur,
&c. &c. &c.

Dated this 19th November 1852.

The Humble Petition of *Shaik Ahmed Cubbay*, native Inhabitant of Bombay, and Landholder in that Neighbourhood,

Showeth,

That your petitioner is a member of the Bombay Association, a body recently organized here, "with the view of ascertaining the wants of the people of this country, and the measures calculated to advance their welfare, and of representing the same to the authorities in India or in England."

That your petitioner has read the draft of a petition proposed to be sent to your Honourable House by certain members of the said association, praying for certain changes in the manner of governing British India. That he cordially concurs in much of the same, but thinks it very defective as an exposition of the wants of the people of this country at the present time. That, moved consequently by a feeling of compassion for his suffering countrymen, your petitioner begs respectfully to request the attention of your Honourable House to some proposals which he has already submitted to the public of Western India, through

through the columns of the "Bombay Gazette," and which have met with general approval. That your petitioner, writing in a foreign tongue, craves forgiveness for any inaccuracies in the style of his English, which are not for want of respect to your Honourable House, but from his ignorance, which, however, he is sure the justice and generosity of your Honourable House will not allow to operate to the prejudice of the poor people of India. He therefore proceeds with his proposals, as follows:

The Governor of Bombay should receive his salary, 10,000 sicca rupees per mensem, without any extra allowance for travelling expenses, parties, or for any other purposes. The house at Parell and Malabar Point should be maintained at the expense of the State, but not Dapooree. The Governor should remain at the Presidency, that being his post, and should only be allowed to leave it the same as every other servant of the State, on certified ill-health, or two months in a year on private affairs.

The Commander-in-Chief should receive his salary of 5,000 rupees a month, and no more on any account; no demand for travelling allowances should be allowed on his account; he should have no seat in Council, and consequently have no allowance on that account.

Members of Council should be abolished as useless, and a drag on the impoverished finances of the country.

Haileybury College and the Military Seminary at Addiscombe should be abolished. Any money expended in fitting civilians and officers for their posts should be spent in India, the place from whence the money is drawn.

Appointments, civil, military, medical, and naval, should be sold at fixed rates; the parties to whom they are sold must be as qualified as they are at present. The proceeds should be thrown into a fund for the improvement of the resources of the country.

Natives of all castes and persuasions should be held qualified to hold any appointment under the State for which they may be fit, without distinction of the covenanted and uncovenanted.

Civil service in its present form should, therefore, be done away with. No man, merely because he holds a covenant, should be allowed, when known to be incompetent, to stop in the Government service, much less to advance, simply because he is covenanted; and, in any case, their salaries should be greatly reduced.

Roads and Tanks.—A fixed per-centage of the revenue of the country should be spent yearly, say five per cent., upon the necessary improvements, which, in time, will return back their first cost a hundred-fold; this sum should be spent in excess of sums expended on Government buildings, which do not improve the country.

Ecclesiastical Establishment.—Beyond the Christian ministers required for the soldiery, and actually attached to the regiments, the finances of India should not be burthened to maintain the Christian Church. It should be supported by the voluntary contributions of its members, and, in like manner, the Government should stand aside from all the other religions of the land, that is, as far as grants of money are concerned.

The Sudder Adawlut should be abolished, it being, as at present constituted, a great hindrance to the attainment of justice. Its jurisdiction should be transferred to the Supreme Court, and all the appeals from the Mofussil should be referred to the Supreme Court. At present, from delay of one kind and another, a case of appeal is seldom decided in less than two to five years.

In the provincial adawluts there are at present a Mahomedan and a Hindoo law officer. These appointments the Government intend to abolish upon their vacation by their present incumbents. This should not be permitted, as Mahomedans and Hindoos will not then be able to have their suits decided by their own law. A Mahomedan and a Hindoo law officer should be appointed to the Supreme Court, as is the case at Calcutta. The law suits of Mahomedans and Hindoos should be decided according to their own law upon the point, and not according to the usage of the city in which the case may be tried.

The recovery of the land revenue of the islands of Bombay and Colaba should be taken from the revenue judge, and the deciding of the revenue cases should rest with the judges of the Supreme Court, as in the zillahs when the zillah judges decide; these latter to be amenable to the Supreme Court in Bombay.

Pensions should be granted to the menial servants of the Government, instead of, as at present, after they are worn out with age in the service of the Government, discharging without any stipend, thus obliging them either to starve or beg.

All monopoly of salt by Government should be abolished, and the shameful tax levied at present by Government on this necessary of life should be at once and for ever abolished, and free trade allowed on every article of necessary and daily consumption.

That your petitioner begs leave further respectfully to represent, that hitherto, when reductions of establishments have been made, it has been customary to cut all clerks and peons and persons who cannot protect themselves 20 or 25 per cent., as the case may be; but the pay of civilians and others, who could best afford to lose a portion of their emoluments, has

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has been inviolable. In future, when emergencies of the State require a reduction of establishments, it should commence with the Governor, Commander-in-Chief, members of Council, and thence proceed downwards through the different classes of public servants.

That your petitioner further begs leave respectfully to submit to your Honourable House the following detached suggestions on questions of general interest:

1. *Cultivator's Sufferings.*—There was a rule of the Peshwa's government, and also of the British Government, by which, in the month of May or June, it was customary to make an advance to the cultivators, called tagaee, according to the quantity of ground cultivated by each, to enable them to purchase bullocks, ploughs, &c. at reasonable rates, which tagaee was repaid in the months of November and December, while the crops were ripe on the ground. This loan the Government has partially suspended, owing to the neglect of the native officials in not making proclamation and calling the cultivators to receive tagaee; and the cultivators suffer therefrom, and are obliged to ask loans from Banyans, Marwarees, and other people. They charge them premium, otherwise suwaee and deeree, which means for each rupee a quarter or half a rupee for six months, instead of 18 rean interest, and by such act the cultivators are totally ruined. Government should direct the advance of tagaee as usual. By advancing tagaee the Government will be benefited; they will get nine per cent. for their money, and the cultivators will be saved from sustaining the impositions of the Banyans, &c. Without such advance, consequent on the poverty of the cultivators, the country will be destroyed.

2. *Stamp Papers.*—On the 1st day of June 1816, the Government introduced a regulation, by which the use of stamp papers for each and every suit filed in the judicial courts became necessary, as will appear on reference to the Regulations XVIII. of A.D. 1827. By establishing this rate native British subjects have been entirely ruined. Previous to this Act there was a rule to pay five per cent. on the amount under litigation, and no further expense was necessary; and now for each and every document and witness produced before the court darkhast is required, by which, besides the costs of native pleaders, sometimes the cost of carrying on a suit through any court is at least one-fourth of the amount sued for. Government, instead of exacting such cruel taxes from its subjects, and so ruining them, should nourish them as a gardener nourishes the herbs and plants. Government should fix a small fee upon each suit, the amount of the sum sued for determining the fee.

3. *Suits.*—In several courts under the Bombay Presidency there are judges, principal sudder ameens, sudder ameens, and moonsiffs, who receive handsome salaries, and numerically are quite sufficient to do all the work before the court in proper time; but instead of this, suits brought into the zillah courts are delayed from year to year, sometimes extending to even four years. Parliament should direct that every suit be decided within two or three months from the date of its being filed in a court; there is no difficulty in such being done, for all the proceedings are in the native language, and are well known to the parties. In the Supreme Court, the plea side, cases are always decided within three months, that is, in the term following their being filed, and this is done notwithstanding the language used is English, and English pleaders are employed therein.

In the Small Cause Court, just established, suits are decided within a fortnight of their being filed, and this notwithstanding the cases decided are ten times more numerous than those decided in zillah courts; and in this court there are only three judges, while in zillah courts there are more than a dozen officers, both Europeans and natives.

4. *Sudder Adawlut.*—Any appeals from the decision of a zillah judge must be made to the Sudder Adawlut. Parties are obliged to purchase stamp papers of a considerable value upon which to write their appeals. An appeal filed for admission goes before a single judge, and to read this petition, and to decide whether the appeal shall be admitted or not, takes this single judge sometimes, without its being produced in full court, six months, seldom less, and sometimes a year, or even three years. Should the appeal be admitted, the appellant is very fortunate if he gets it decided in less than two years. Sometimes the parties are wearied by having to wait five years for the decision. Let Parliament, should it not see fit to abolish this court, which is a bar to justice, which I recommend, and to have three judges in Her Majesty's Supreme Court instead, direct that all appeals to it should be decided within six months. Appeals sent to England from the Supreme Court are there decided in six months, notwithstanding all the obstacles there are in the way to speedy decision.

5. *Mahomedan or Hindoo Family Disputes.*—In cases of family disputes in Mahomedan or Hindoo families, arising from evil and designing persons enticing away a wife or daughter for the vilest purposes, where such is brought before a magistrate, the magistrate decides according to the English law, and if the wife or daughter does not live with her husband or parent, she is at liberty to go where she pleases. This is quite contrary to Mahomedan or Hindoo law, and the usage of the country, which requires that a husband who ill-treats his wife should be duly punished, and bound by security to keep the peace towards her; and instead of her being told to go where she pleases, she should be directed to go with her husband before the cazee of the Mahomedans, or the moscadum of the Hindoo caste, and get reconciled. Should the decision of such cases by Mahomedan or Hindoo law be ordered by the new Charter, many families will have cause to bless the British Government.

6. *Enams.*—Lands granted in enam by the former Governments should be held sacred to the families descending from the persons to whom they were originally granted, and not be taken back by the present Government, without there is failure of direct issue. At present a great

a great number of poor people have been deprived of enams granted to their ancestors for various reasons, whereby much distress has been occasioned to classes that cannot make their grievances known to others than the local authorities. Tenure of enams from the time of the Peshwa's government, or other former governments, should be held to give the holder a perfect right to the enam.

7. *Taxes.*—New taxes should not be laid upon the people, as at present, without their being at all consulted in the matter, but some provision should be made by Parliament that no new tax should be levied without the heads of the villages or towns affected being consulted as to the propriety of their being levied, and even then they should not be imposed without the sanction of the Imperial Legislature.

That your petitioner prays the earnest attention of your Honourable House to these views, conceived, as will be seen, in a spirit of benevolent regard for the welfare of the people of Hindoostan, and that the same may pass into law with the sanction of your Honourable House, for which millions, as well as your petitioner, will be grateful.

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

Bombay, 1st November 1852. *S. A. Cubbay.*

The Humble Petition of *Warren Hastings Leslie Frith*, Colonel in the Bengal Artillery, in the service of the East India Company,

Showeth,

That your petitioner is the only son and sole personal representative of Lieutenant-colonel Robert Frith, deceased, formerly of the Bengal cavalry, in the service of the East India Company, and who was in the years 1782, 1783, and 1784 aid-de-camp to the late Warren Hastings, Esq., Governor-general of India.

That by a treaty between the Governor-general and the Nabob Vizier of Oude, Asoph-ul-Dowlah, known as the treaty of Chunah, in 1781, it was agreed that the fortress of Futty Ghur, in the kingdom of Oude, then held by the Company's troops, should be evacuated and delivered up to the Vizier to be occupied by his own troops, but it was stipulated that the troops should be under the command of a British officer appointed by the East India Company.

That your petitioner's father was the British officer selected and appointed to take the command of the said troops, and he accordingly assumed their command, the troops consisting of five battalions of sepoys, with eight field pieces, &c.; that he was to receive from the Nabob, in lieu of pay, table money, and all other emoluments, 5,000 rupees per month, his pay from the Company being in the mean time suspended.

That part of the troops were ordered to march to Futty Ghur, and the remainder detached into the Mofussel, to assist in realising the revenue; and that when the troops were about to move, the money necessary for their pay and subsistence not being supplied, application for means was made to the Nabob's minister, Hyder Beg Khan, who declared his inability to furnish the money, as all the resources of the country were required to make up a crore and five lacs of rupees, the arrears of a subsidy due to the East India Company, the Governor-general having peremptorily required immediate payment, and the money being pledged by the minister for such payment.

That the minister, Hyder Beg Khan, strongly urging Colonel Frith to raise money for the supply of the troops on his own, Colonel Frith's, credit and responsibility, promising that the loan should be repaid as soon as the above pressing demands on the revenue should have been discharged, Colonel Frith determined to raise the necessary money, in which he ultimately succeeded; and with the approbation of Major Palmer, the Resident at Lucknow, he advanced 40,000 rupees for the pay and subsistence of the troops, and they then moved to Futty Ghur.

That if such advance of 40,000 rupees had not been so raised by Colonel Frith for the pay and maintenance of the Sepoy troops under his command, the troops must have been disbanded, to the heavy pecuniary loss of the Company, as the collection of the Nabob's revenue could not have been effected, and the subsidy due to the Company would not therefore have been paid.

That in a few months after the departure of the Governor-general, Warren Hastings, to England, Sir John M'Pherson, the acting Governor-general, ordered the brigade of the Company's troops, who had before occupied Futty Ghur, back to that station, and, in consequence, the Vizier's troops, under Colonel Frith, were recalled, for the purpose of being disbanded; but the embarrassments of the Nabob's minister still continuing, he was unable to furnish the money for the payment of the disbanded corps, and Colonel Frith was again obliged to raise, on his own credit, a further sum of money; which loan was accordingly effected, and applied in payment of the troops.

That Major Palmer, the Resident of the East India Company, and representative of the British Government at Lucknow, resigned his office in July or August 1785, having refused to sanction the recall by Sir John M'Pherson of the troops from Futty Ghur, contrary to the treaty made by Governor-general Hastings; and, in making up his accounts of his office

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office as resident, it appeared therein that there was a balance due to Colonel Frith for advances made by him, which had been applied for the payment and subsistence of the troops, and also, for his pay and allowances of two lacs and 70,000 rupees, for which a bond, bearing interest at 12 per cent., was made out, under the seals of the Nabob and his minister, in favour of Colonel Frith, and was delivered to him officially by Major Palmer, the resident.

That Colonel Frith continued in the Nabob's service until July or August 1786, when he was recalled and ordered to rejoin his corps. At that period another year's allowance had become due, but, owing to the pecuniary difficulties that still existed, no part of the bond or allowance was paid until the year 1789, when Colonel Frith received certain tunkhors or assignments on the Nabob of Turrackabad, for one lac of rupees, in part payment of the bond, and which sum was paid by three annual instalments, in the years 1789, 1790, and 1791.

That Colonel Frith was, in the year 1790, ordered with his corps (first regiment cavalry) round to the coast, whence they returned to their station in 1792. That during this service his health was greatly impaired, and he continued gradually to decline until his death in 1800, and when he was unpaid any further part of the debt due to him.

That in the year 1797 the Vizier, Asoph-ul-Dowlah died, and his reputed son, Vizier Alli Khan was placed on the throne by the then Governor-general; but the new Nabob, being considered unfriendly to the British interest in India, was afterwards displaced by the East India Company, on account of his alleged spurious birth; and the Nabob, Saadut Alli Khan, the brother of Asoph-al-Dowlah, was raised to the throne, and a treaty was executed containing a provision, "That the just debts of the Vizier, Asoph-ul-Dowlah, shall be discharged by the Nabob Saadut Alli Khan, and that an arrangement for that purpose shall take place within twelve months after the elevation of the said Nabob, Saadut Alli Khan to the musnud, so that the whole shall be liquidated in three years after that date." Upon the faith of this treaty, Saadut Alli Khan obtained and accepted the sovereignty; but in further arrangements between the new Nabob and the Company, a further treaty was executed on the 21st day of July 1798, wherein the preceding article was wholly omitted, and no provision was made for payment of the then outstanding debts of the deceased Vizier, for the reason, as was afterwards stated by the Marquis of Wellesley, that the demands of the Company "precluded the possibility of preferring matters, however weighty in the scale of justice, of inferior consideration in a political and national point of view."

That on the 10th of November 1801, a treaty was concluded between the East India Company and the Nawaub Vizier Saadut Alli Kahn "for ceding to the Company, in perpetual sovereignty, certain portions of his Excellency's territorial possessions, in commutation of the subsidy then payable to the Company by the Vizier."

That your petitioner has made repeated endeavours to obtain redress from the East India Company by memorials to the Government of India, to the East India Company, and the Board of Control, and that your petitioner has been unsuccessful in all his appeals to the justice of the Directors.

That your petitioner is advised that he has no legal claim on the East India Company, though his claim on the Directors rests on unquestionable moral grounds.

That there are precedents of redress of similar acts of injustice to civil and military servants of the Company being afforded by the British Legislature, and that especially in 1832 (after a Select Committee of Inquiry) a public Act of Parliament (stat. 4 Will. 4, c. 112), directed a reimbursement of Captain James Arthur Murray by the East India Company under circumstances analogous to the case of your petitioner.

That your petitioner respectfully submits the following reasons for granting to your petitioner a Select Committee of Inquiry:—

First. Because the money was advanced with the sanction of the representative of the Bengal Government for the public service of Oude, under circumstances which rendered it subservient to the policy and interest of the East India Company.

Second. Because, prior to such advance, the Bengal Government had sanctioned the principle of interference, and had interfered for the payment of similar advances.

Third. Because (in the language of Sir Philip Francis), "since the East India Company have taken the government of the country in effect from the Nabob, an attempt to shift the debt personally upon him would be the same thing as not paying it at all."

Fourth. Because the East India Company, by taking from the Nabob the greater part of his territory liable to the debt, have deprived him of the means of payment.

Fifth. Because the East India Company, by expunging from the treaty made on the accession of a succeeding Nabob, the clause which obliged him to pay the debt of his predecessor, virtually, and, as the Nabob pleads, absolutely, absolved him from liability to payment.

Sixth. Because, by reason of the sovereignty of the East India Company, the petitioner cannot have relief in a court of ordinary jurisdiction.

Seventh. Lastly, because, without the credit and advance of Colonel Frith, the Nabob's troops must have been disbanded and his revenue uncollected; and therefore that such advances by Colonel Frith in fact secured the payment of the subsidy to the East India Company then due by the Nabob, and which otherwise would not have been paid.

That

That under these circumstances, and for the above reasons, and as all appeals to the justice of the East India Company have failed, your petitioner respectfully applies to your Honourable House for relief as his only remaining means of redress. Appendix No. 7.

Your petitioner therefore humbly prays that, as your Honourable House is now about to legislate for the future government of India, it may please your Honourable House to appoint a tribunal by which the claim of your petitioner, and any other claims of a similar nature, may be investigated and determined.

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

W. H. L. Frith,
Colonel Bengal Artillery.

London, 12 February 1853.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of *John Sullivan,*

Showeth,

That your petitioner is a member of the East India Company.

That that Company has proclaimed its intention of annexing to the British dominions in India the territories of all native princes who may die without natural heirs.

That it has already acted upon this resolution in three instances; and is, as your petitioner is informed, about to act upon it in a fourth.

That such confiscation is a gross violation of the inherent rights of those princes, and of our treaties with them.

That it is calculated, as your petitioner believes, to alienate the affections of all classes of the people of India from British rule, and to undermine British power in that country.

That your petitioner therefore prays your Honourable House to refer these allegations for inquiry to the Select Committee of your Honourable House, which is now employed in investigating the affairs of India, and to report upon the same for the information of your Honourable House.

And your petitioner will ever pray.

J. Sullivan.

The Humble Petition of the Hindoo Inhabitants of Bengal, Behar and Orissa, for themselves, and the other Hindoo Inhabitants of the said Provinces,

Humbly showeth,

That your petitioners and their Hindoo fellow countrymen of the abovementioned provinces are greatly aggrieved in the enjoyment of their ancient laws and customs, in regard as well to rights of inheritance and property as to religion, by an Act of Legislative Council of India, being Act No. 21 of 1850, entitled, "An Act for extending the Principle of Section 19, Regulation 7, of 1832, of the Bengal Code, throughout the provinces of the East India Company," a copy of which Act they annex to this their humble petition; and, having by petition and memorial, and every means in their power, first endeavoured to prevent the passing of the said Act, and subsequently to procure its disallowance by the honourable the Court of Directors, but without success, your petitioners earnestly appeal to your honourable House against the said Act for such relief and redress as it may be in the power of your Honourable House to give, and as the circumstances of the case may appear to require.

2. That from the title and preamble of the said Act, it might be supposed that the Act is a mere local extension to the other territories of the East India Company, of a regulation which was established in the year 1832 for Bengal; but such is not the case, as your petitioners will presently show.

3. That your petitioners are advised and believe that the intention of the said regulation was merely to protect from loss or forfeiture of property persons who should concientiously change their religion, and especially such natives of India as should embrace the Christian religion. But the said Act, besides having this object, to which they object, for the reasons hereinafter given, extends to other objects not contemplated, as your petitioners believe, by the authors of the said regulation.

4. Your petitioners think it may be necessary to premise, for the information of your honourable House, that all property of Hindoos, according to Hindoo law, descends in case of intestacy from the ancestor to the heirs, subject to the condition that these shall, on the death of the former, make the necessary funeral oblations, and perform during their lives the periodical rites and ceremonies enjoined by Hindoo law and religion for the deceased line of ancestors; and the Hindoo's confidence in meeting death and hope of a happy state after this life depend on his assurance that this condition will be religiously and faithfully performed. And by a just logical consequence the Hindoo law confines the right of inheritance to such persons as are willing and able to perform, or join in performing the said condition.

5. That

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5. That by Hindoo law there are many other rights, and not merely relating to property, but also to other enjoyments, the possession and continuance of which depend on the performance of conditions derived from morality and religion; and in this pervasive connexion between private right, and religious and moral obligation, consist the vitality and strength of the Hindoo social organisation. It is the common bond by which society has been preserved from dissolution during several periods of war, anarchy, and convulsion, and is preserved in the present day under British rule.

6. That the said Act strikes at the foundation of this system of property and obligation, and that your petitioners earnestly implore the attention of your honourable House to a brief analysis of the said Act, which they offer with a view to demonstrate its extensive operation. On an analysis it appears that it deals with certain persons and certain rights. The persons in the words of the Act are; 1. Persons renouncing the communion of any religion. 2. Persons excluded from the communion of any religion. 3. Persons deprived of caste. And in favour of these three descriptions of persons the Hindoo law is to the following extent repealed; viz. that it shall cease to inflict on them any forfeiture (1) of rights; (2) of property; and (3) that it shall cease in any way to impair or affect any rights of inheritance. Your petitioners are advised and believe, that these words, "rights" "property," and "rights of inheritance," though jurisprudentially ill selected and illogically arranged, comprise the whole body of civil and religious rights with which Hindoo law in any way deals in the case of the previously specified persons; and that the said designations of those persons comprise the whole body of persons whom Hindoo law regards as offenders in any way against Hindoo morality, law, or religion. It is hardly necessary for your petitioners to point out the great difference between these three classes of persons; in the first class the Christian convert may be reckoned, as he is a person renouncing the communion of the Hindoo religion; but persons who are excluded for other reasons besides that of embracing another religion, and still more, persons who may by Hindoo law be deprived of caste, include persons guilty of all shades, from the faintest to the deepest, of immorality, and crime. On this plain analysis, therefore, your petitioners humbly and confidently say, that by the said Act, every barrier which religion and law and custom have raised in the interests of Hindoo society is weakened, or broken down.

7. Your petitioners trust that they may, without abandoning their broad and general objections to the said Act, submit an illustration of the manner in which it may be made to operate on Hindoo social and family relations. A Hindoo widow is entitled by Hindoo law to maintenance out of her husband's or father-in-law's estate, and residence in the family house if there be one; and if she has had an only son who has died childless she would be entitled to the inheritance, in the place of her son, of a third part; for example, if the estate was the joint estate of three brothers, her husband having been one, and if living as a joint family at the time of his death, she would be entitled to residence in the family mansion. According to Hindoo law she would be liable to be deprived of caste by many kinds of immorality, say, for example, prostitution, if on being called to repentance and penance she persisted in them; and as a consequence of being deprived of caste, she would lose the said right to maintenance and right of inheritance. But by the said Act these rights are preserved to her notwithstanding. If her husband's brother were to sue for a partition, thereby recognising the right given to her by the Act, she would still remain in the family mansion in juxtaposition with the virtuous matrons of the family and their children and grandchildren, in apartments allotted to her under the partition, and by the Act made inalienably her own. One more illustration. A religious Hindoo, having an only son, looks to that son as his assurance that those religious rites will be duly performed on which he believes his salvation and that of his immediate ancestors to depend. If the son becomes a Christian, or from any other cause is deprived of caste, the father is entitled by Hindoo law to adopt another son, who would, by the same law take the inheritance. The Act in question, by severing the inheritance from the adoption, and securing it to the original son, virtually and practically annuls the Hindoo right of adoption.

8. That it would be impossible for your petitioners adequately to describe the manner in which the said Act may operate on Hindoo social relations; but the above illustrations are selected from a great variety which might be given, and they show, as your petitioners submit, that the said Act is of a tendency subversive of the interests of morality and religion.

9. That in the opinion of your petitioners, the said Act involves a breach of faith on the part of the Government towards the Hindoo nation, a persistence in which will affect the honour and glory of the British Crown. The first acquisitions of the British in India having been made by or in the name of the East India Company, your petitioners can only appeal to the acts and declarations of that body in support of the above proposition; and these acts and declarations have uniformly held out to the Hindoos the promise of the establishment of Hindoo law for Hindoos, and of their being made secure in the enjoyment of their ancient usages and religion. By such declarations and promises the British Government has gained the confidence and allegiance of the Hindoo people, and that the said Act is inconsistent with them. That such was the early policy of the East India Company, is attested by every respectable historian. That the administration or practice of the Government was in accordance with this its professed policy may be proved by authentic traditions, and is in the recollections of men still surviving a now bygone generation, and is besides strongly evidenced by the missionary literature of the present day, which is constantly endeavouring to bring obloquy on the officers of Government of former days for having respected the religion, laws, and usages of the people; and your

petitioners beg to add that, although the policy alluded to preceded all legislation, and was long maintained independently of legislation, and had a much wider scope than any legislation on the subject, it is in fact supported by legislation. In Bengal, in 1793, and in Madras in 1802, regulations of Government were passed by which the Hindoo laws were established here, as the laws to be followed in all suits regarding succession, inheritance, marriage, and caste with regard to Hindoos, and the same in 1781, was intended by Parliament to be made the law of the Supreme Court for the natives of the presidency towns. Referring, therefore, to this long and uniform course of policy, administration and legislation, your petitioners feel warranted in considering the said Act as a violation of their established rights as a people, whose virtually distinct nationality has been recognised by the British Crown, contrary to the good faith which the British Crown will maintain.

10. That your petitioners are also advised that the said Act is beyond the power and competence of the Legislative Council; but that, inasmuch as its legality cannot be disputed in the courts of the East India Company, your petitioners are remediless except by the aid of Parliament.

11. That your petitioners, having compared the said Act with the regulation of which it professes to be an extension, beg your Honourable House also to compare it with the measure originally proposed prior to the said Act, by the Indian Law Commission, and sanctioned by the Government. And for the purpose of enabling your honourable House to form a comparative judgment, your petitioners beg to premise a brief narration. In 1845 an Act was proposed by the Indian Law Commission, and published in draft by the Indian Government, for the purpose of establishing a substantive law of the place under the name of the Lex Loci, for the numerous classes in India, being neither Hindoos nor Mahomedans, respecting whom it was doubtful what kind of law applied to them. By the provisions of the proposed Act, as your petitioners are advised, converts from the native to the Christian religion would have been placed under the Lex Loci, and by three sections a (copy of which is annexed to this petition) provisions were alleged to be made on the principle of the regulation of 1832 for persons who should renounce or be excluded from the communion of any religion, meaning, as your petitioners understood, natives who should become Christians. In the various petitions and remonstrances of the Hindoo community against the measures alluded to, the Secretary of Government finally replied by the following paragraph in a public and official letter, par. 35, "It is the intention of Government for the more convenient arrangement of the new law, to remove the other sections from the Lex Loci Act, and place them in a separate Act." The Hindoo community thereupon expected that the obnoxious law would be passed, but passed as proposed, and substantially in its integrity. The separate Act alluded to is Act 21 of 1850, but it is not composed of the said three sections, and is not substantially the same measure, but on the contrary, is in some new respects new, and it more extensively outrages the feelings of the Hindoo people; and moreover, your petitioners would particularly point out to your Honourable House, that of the three proposed sections one was restrictive, and to the effect that the new law should not be specifically enforced when it would be likely to outrage the religious feelings of any party against whom the courts of justice might be called on to apply it. The Act 21 of 1850 contains no such restrictions, not even the qualification contained in the regulation of 1832, by which it was provided that that measure should be carried out in conformity with "justice, equity, and good conscience." And in considering this statement your honourable House will not fail to remark this important fact, that the much milder measure originally proposed was, in the opinion of the Indian Law Commission, adapted (as in fact it did) to outrage the feelings of the Hindoos, and was not a fit law to be passed without checks and restrictions.

12. That your present petitioners are the inhabitants of three different provinces, and by reason of some local differences between the Hindoo law of Bengal from that of Behar and Orissa, they are not all necessarily affected by the said Act in the same manner. In Bengal, but not in Behar or Orissa, nor generally in the rest of India, the Hindoos may legally make a will of the whole of their property, and thereby they have the power of securing it to those who will respect its consecrated uses and the trusts to which it is subject for the benefit of ancestors; but all your petitioners alike regard the Act in its entirety as subversive of Hindoo society.

13. That the objection of your petitioners being to the general operation of the said Act, your petitioners are disinclined to urge objections merely to its details, but they are struck with its great want of equity. The rights or supposed rights of its favoured classes have been abstractedly considered, and no regard has been paid to the eleemosynary and beneficiary interests which are recognised by all Hindoo families in the actual use and enjoyment of property. Such interests ought to be specially provided for in any new distribution of property. Your petitioners also beg incidentally to note that, as Hindoo law will cease to a great extent to apply to the classes provided for by the said Act, a new body of laws is required for the said classes, but is not provided by the said Act, and the omission may become extensively inconvenient to the Hindoo community.

14. That your petitioners do not feel called upon to defend their ancient laws and religion: they are of great antiquity, they have been for ages the inheritance and possession of a hundred millions of people, and are so to the present day, and generally they remain in perfect harmony with the faith and feelings of the people. Your petitioners, therefore, confidently submit that these laws ought not to be altered or superseded in any one article, except at the imperative call of humanity, justice, and reason united; and your petitioners beg to, respectfully and earnestly to add that no such grounds exist for the said Act, and

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that your petitioners regard the said Act as merely an encouragement to the spirit of religious proselytism, but at the same time going much beyond that object. Your petitioners are not insensible to the peculiar case of such of their countrymen, especially the young and inexperienced, as have been gained over to professing to be Christians. But your petitioners submit, their becoming Christians does not entitle them to the benefit of special legislation. Their desertion of the religion of their country opens to many of them a career of fortune in which their brother Hindoos cannot follow them, and no converts from the faith of a nation were ever so favourably circumstanced as are Hindoo Christians.

15. In conclusion, your petitioners humbly pray your Honourable House to take this their petition into your most serious consideration, and to take such measures as to your Honourable House may appear expedient to procure the repeal or annulment of the said Act of the Legislative Council of India, and said regulation of the Bengal Government, and as also may be necessary to preserve to the Hindoo nation the enjoyment of their ancient religion and customs.

And your petitioners shall ever pray.

Raja Radhahant Bahadoor
Raja Kalikrishna Bahadur,
Cossinauth Mullick,
&c. &c. &c.

The humble Petition of the undersigned retired Servants of the Honourable East India Company, Merchants, and others;

Showeth,

THAT your petitioners are severally holders of promissory notes of the East India Company, granted from time to time by succesive Governments of India on occasion of raising money on loan for its service.

That your petitioners have for the most part become possessed of such Government promissory notes during the course of a long residence in India; and, while such residence has made your petitioners practically acquainted with its affairs, and has given them a deep interest therein, your petitioners show that the fact that they are creditors to a large amount, of the Government of India, necessarily gives them a great stake in its financial properity, and in its general well-being.

That much the greater part of the proprietors of East India stock have never resided in India, and are therefore for the most part less acquainted with Indian affairs than your petitioners, and, inasmuch as by the last Charter Act the dividends on East India stock are made the first charge on the revenues of India, the proprietors of such stock have, by reason thereof, only a nominal interest in its government.

That, if it be the wisdom of Parliament to commit the government of India to a body (more or less numerous) having the same or similar functions to those of the present Court of Directors of the East India Company, it is expedient that such body should be chosen by a constituency more extended in its character than the present proprietors of stock of the East India Company, and having a real instead of a nominal stake in the welfare of India, and especially by a constituency more qualified than the present to judge of the qualifications of the candidates.

That your petitioners further believe that the granting to the holders of promissory notes of the Government of India the right of voting in the choice of Directors, will improve the value of the securities of the Indian Government, and will enable it to borrow money at a more easy rate.

Your petitioners therefore humbly pray your Honourable House, that should it be deemed expedient in any future arrangements to be made for the government of India, that such government should be vested wholly or partially in a body constituted like the present Court of Directors of the East India Company, the right of choosing the persons to compose such body may be granted, in such manner as to the wisdom of Parliament may seem fit, amongst others, to the holders resident in this country of the promissory notes or securities of the Government of India.

John Morgan, Col., C. B., Madras Establishment.
J. A. Arbuthnot.
Henry Harper, late Archdeacon of Madras,
&c. &c. &c.

The Petition of the undersigned Proprietors of East India Stock, and other Persons, British Subjects, interested in the welfare and good Government of India;

Showeth,

THAT from the year 1765 to the year 1792 the limits of the British territory in India remained almost stationary; that in the year 1793 the revenues of British India amounted to 8,276,770 *l.*, the charges 663,395 *l.*, so that the territory then yielded a surplus revenue of 2,209,846 *l.*, whilst the territorial debt amounted to 7,129,934 *l.*

That between the years 1793 and 1813, large additions were made to that territory.

That

That in the latter year (1813) the gross revenues of India amounted to 16,764,700 *l.*, the charges to 16,899,362 *l.*, showing an excess of charges over revenue of 134,362 *l.*; that the debt in this period of 20 years had increased from 7,129,934 *l.* to 26,970,786 *l.*, or to nearly four times its original amount.

That the Committee of the House of Commons on Indian Affairs, which sat in 1832, reported to your Honourable House, that up to that period the gross charges of the Indian territory had augmented in a greater proportion than the receipts.

That in the year 1833, twenty years after 1813, the revenues amounted to 13,680,165 *l.*, the charges to 13,630,767 *l.*, showing a surplus of revenue of 49,398 *l.*, but which surplus was partly derived from the sale of the Company's commercial assets in India.

That on the 1st April 1834, the debt amounted to 29,832,299 *l.*

That on the 1st April 1849, fifteen years after, when the whole of Hindostan had been brought under our sway, the revenues of India amounted to 18,227,350 *l.*, the charges to 19,700,465 *l.*, showing an excess of charges over revenue of 1,473,115 *l.*, while the debt had swollen to 48,124,119 *l.*

That from the year 1839–40 to 1849–50, the total charges of India were 183,369,206 *l.*, the total receipts 168,622,144 *l.*, showing an excess of charges over receipts during these 10 years of 14,747,062 *l.*

That in 1839 the debt of India amounted to 32,269,178 *l.*; in 1849, at the end of the next 10 years, it amounted to 48,124,119 *l.*, and that the debt has since increased, and is at this moment increasing.

That the revenues of India amounted in 1839 to 14,549,262 *l.*, in 1849 to 18,227,350 *l.*, showing that in this decennial period the debt has increased several times as fast as the revenue.

That this increase of revenue, moreover, arises mainly from a source over which the British Government has no control, viz., from sales of monopoly opium. That as the receipts from this source were diminished by one-half upon the breaking out of the last Chinese war, the same, or more aggravated results may be produced whenever the Chinese Government may choose to legalise the cultivation of the drug in China, or whenever other nations, such as the United States, attracted by its monopoly price in that empire, and now possessing boundless land in the Pacific adapted by natural fertility and a congenial climate to the growth of the poppy, shall turn their energy and attention to the supplanting of the Company's opium in China, as successfully as they have supplanted the Company's cotton in England.

That your petitioners entertain a strong conviction that it would be impossible, at the present moment, to supply a deficiency in the opium revenue from any other source in India; that the solvency of India, therefore, now depends, and has for many years depended, upon the stability of that monopoly.

That up to the year 1834, the profits arising from the Company's exclusive trade were applied in aid of the Indian treasury; that from that date all the home expenses, including the interest upon the home debt and the dividends paid to the proprietors of India stock, have been charged upon the territorial revenues of India.

That the confident predictions which had at all previous times been expressed, and which were again expressed by the minister of India in 1832, of the competence of the revenues to bear all these additional charges, have not been realised; that, on the contrary, every increase of territory has been followed by a greater increase of debt, making it manifest, that if England possessed the whole world on the same terms, and followed by the same results as she possesses in India, her condition would be one of irretrievable ruin.

That such results prove that India, regarded as a national acquisition, that is to say, as an acquisition made by British blood and British resources, and consequently as one in which every subject of the empire possesses a common right, and is entitled to claim an equal interest, was of far less real financial value in the year 1849 than it possessed in the year 1793, fifty-six years ago; for, whereas the surplus revenue of 1793 amounted to 2,209,846 *l.*, and would at the same rate have amounted, in the 56 years which have elapsed, to the sum of 116,217,610 *l.*, after paying off the then existing debt of 7,129,934 *l.*, and exclusive of any accumulating interest during the period, the actual debt of India is shown to have amounted in 1849 to 48,124,119 *l.*, thus making the total national loss, exclusive of interest, incurred in the course of half a century, no less a sum than 164,341,729 of pounds sterling.

That this sum, if it had accumulated at interest of five per cent. during 56 years, would have amounted to the sum of 625,290,172 *l.*, a sum which would more than have sufficed to pay off three-fourths of the national debt of England, without the acquisition of another foot of territory in India, or the imposition of an additional rupee of taxes on the people of India.

That the financial state of India is, therefore, in the opinion of your petitioners, such as to require a searching inquiry into all the departments of Government, both at home and abroad, in order that these may be placed upon a footing of the strictest economy consistent with efficiency; and in order that it may be determined, by the light now afforded by nearly a century of experience, whether a country so acquired and so ruled as India has been by the East India Company, is a real element of national greatness and strength.

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That, as the Government of India has assumed and exercises the rights of a landlord over all the soil of India, the obvious remedy for the financial embarrassment of that country is the employment of adequate sums for the development of its great productive resources, which are now either lying dormant or altogether crushed; that money raised by loan at low rates of interest, expended upon works of irrigation, in the formation of railroads, of common roads, and of bridges, and on the indispensable requirements of the rivers and harbours, almost wholly neglected, lying along a coast-line of the length of 7,500 miles—a line equal to one diameter and one quarter of the globe—would, in the conviction of your petitioners, at once lighten the taxation of the people, stimulate their industry, raise their condition, greatly augment the general commerce of the country, and consequently increase vastly the public revenues.

That there would be no difficulty in raising such loans in England to any prudent extent, if the Directors of the East India Company had publicly made known the small comparative cost at which the few public works they have attempted in India have been executed; if they had showed the great and yearly increasing profitable returns which those works are everywhere yielding upon the capital expended; if all works to be executed and their returns were offered to capitalists as the security for the loans to be raised; and if the faith of the British Government were pledged to the money so raised being scrupulously expended upon their execution.

That your petitioners beg to refer your Honourable House to the evidence given in 1851 before the Committee of Official Salaries, for proof that, while the law professes to place the Government of India in the East India Company, it really lodges that authority in the Minister of the Crown, who exercises it without direct Parliamentary responsibility, and under the name of the Directors of that Company; and that whenever the Secret Department is brought into operation, that body in which the law professes to place the Government of India, is entirely set aside.

That such a system is in principle unconstitutional, open to flagrant abuse, and inconvenient in practice; while it causes an enormous waste of public money and time.

Your petitioners further desire to bring to the notice of your Honourable House that from the first formation of the Board of Control in 1784 up to the present time, the instances in which the members of that Board have been actually resident in India are rare; that at this moment there is not an individual belonging to it who has ever visited India; that the Board, therefore, in which the Legislature has vested plenary powers for the Government of India is usually wholly ignorant of the character, the feelings, and the wants of the people of India.

That by section 87, 3 & 4 Will. 4, c. 85, it was enacted, that no native of India should be disqualified from holding office in India by reason of birth, caste, or colour.

That the avowed intention of the Legislature in passing this enactment was, that the natives should be allowed, to participate in offices which, up to that time, had been exclusively held by the covenanted servants of the Company.

That, in the opinion of your petitioners, this enactment has been rendered inoperative by that part of the present system which places the patronagé of India in the hands of the executive body of the East India Company, namely, the 24 Directors.

That it is the interest of this body to keep establishments in India at a maximum—their duty to reduce establishments to a minimum; it is their duty to give effect to the enactment above referred to—their interest to make it, as it has been made, a dead letter; because, in proportion as natives are admitted to office in India is the initiatory patronage of the executive body diminished.

That to the same cause must be ascribed, in the opinion of your petitioners, the entire failure of what was considered a most important feature in the plan that was ratified by Parliament in 1833, viz. the allotment of important powers and functions in the administration of Indian affairs to the Court of Proprietors of Indian stock, the immense patronage at the command of the executive enabling the latter at all times to command a majority in that court upon any question.

Your petitioners therefore earnestly solicit, that those who may be hereafter entrusted with the Government of India shall be adequately paid in money, and the patronage of India transferred to other hands.

That your petitioners beg to remind your Honourable House, that Parliament has twice declared it to be "repugnant to the wish, the honour, and the policy of the country, to pursue schemes of conquest and extension of territory in India;" that the Government of India has, nevertheless, recently expressed its determination to avail itself of every opportunity that may occur of extending that territory, by making forfeitures and escheats of native states; that your petitioners therefore solicit that the law on this subject, and the practice, may be made to harmonise.

That, as stated by one of the Directors of the East India Company in the Court of Proprietors, "our incessant encroachments and sequestrations of native territories make every native sovereign fear that he will be the next victim; while our constant territorial appropriations and resumptions of rent-free lands lead the people at large to fear that we are only anxious to make a government of officials on the one hand, and a nation of serfs on the other." That your petitioners are prepared with evidence to prove that this system of encroachment upon sacred rights has tended to alienate the affections of the people of India from British rule.

That,

That your petitioners therefore request that a competent tribunal may be created in India for determining upon the pretensions of all persons who may claim to be heirs according to the law of India, to any native state, principality, jagheer, or estate, before the British Government deals with any such as an escheat, or declares it to be forfeited and annexed to the British dominions.

That a commission was appointed in 1833 to frame and compile, as was stated, a code of laws for the people of India; that, though a very heavy expense has been ever since annually incurred in maintaining that commission, no such code has been framed. Your petitioners therefore request your Honourable House to institute inquiries into the cause of this failure, and into the cost of this legislative experiment to the people of India.

That when by the Act of 3d and 4th, passed in the reign of the late king, the Supreme Government of India, seated in Calcutta, was invested with a strict control over the subordinate Presidencies, it was the intention of the Legislature that such Government should be partly composed of persons in the service of those Presidencies; that during the currency of the existing Charter, only one individual from the Presidency of Madras has been appointed to the Supreme Council, and not one from Bombay. That as the affairs of those Presidencies are neglected and damaged by the absence from the Supreme Council of persons acquainted with them, your petitioners pray that inquiry may be made into the cause of this omission, and the manner in which it has affected the welfare of the subordinate Presidencies.

Your petitioners therefore humbly pray, that your Honourable House will refer the matter of this petition, and the facts and statements therein set forth, for the investigation and report of the Committee of your Honourable House appointed to review the conduct and affairs of the East India Company.

And your petitioners will ever pray.

Joseph Hume,
John Briggs,
Thos. Dickinson,
&c. &c. &c.

The humble Petition of the undersigned Ministers of the Gospel resident in Western India.

Showeth,

That your petitioners are members of various Protestant denominations, and most of them having resided a considerable time in India, have had many opportunities of becoming acquainted with the condition and character of the natives of this country, among whom most of your petitioners have been and are employed in labour, with a view to their enlightenment and conversion.

That your petitioners are very deeply interested in the welfare of India, and have accordingly watched with anxious solicitude the deliberations of the British Parliament on questions bearing on the advancement of this country; and that it is their most earnest hope and prayer that your Honourable House may be endowed with wisdom from on High, so as to be led to the adoption of measures, especially when the renewal of the Charter of the East India Company is under consideration, which shall tend to the honour of the British nation and the welfare of this great country, whose interests, under God, have been so wonderfully entrusted to the care of Britain.

That your petitioners intend to call the attention of your Honourable House at present only to a few of the many points craving careful consideration at this important juncture, as connected with the well-being of India, but that your petitioners by no means desire it to be inferred that they consider the points to which they may not advert to be unimportant or uninfluential. On the contrary, your petitioners believe that there are many things connected with the social and economic state of the country—the administration of justice, and other subjects, which deserve the most earnest consideration of your Honourable House.

That your petitioners intend to confine their remarks to matters bearing on the intellectual, moral, and religious well-being of India.

That your petitioners cheerfully and gratefully acknowledge that, in connexion with such vital subjects as have now been mentioned, the Government of this country, with the sanction of the British Parliament, has on several occasions successfully exerted its power with a view to the suppression of serious evils; and that especially the abolition of suttee, the efforts to suppress infanticide and thuggism, the discontinuance in many instances of Government connexion with idolatry, and the protection of the rights of conscience by the Indian Act XXI of 1850, form a ground of much joy and thankfulness on the part of all those who desire to behold the establishment of truth and righteousness in this land.

That your petitioners, nevertheless, are deeply convinced that great and serious evils still exist, to which it would not be difficult to apply a remedy.

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I. That, in the first place, your petitioners would direct the attention of your Honourable House to the relation which exists between the Indian Government and the religions of the natives of the land. Your petitioners would preface their suggestions by the remark that it is the duty of Government itself to prosecute inquiries into this vitally important subject; that, in a country whose administration is conducted, like that of India, on a principle of the strictest secresy, it is exceedingly difficult for parties unconnected with Government to obtain that precise and detailed information on which any appeal could be founded, even where deplorable evils undoubtedly exist. Your petitioners are convinced that the support still given to idolatry throughout India would, by its magnitude, astonish the Government itself, if all the ramifications of the subject were traced out. In the Parliamentary Returns the sum annually expended by Government for the support of idolatry, in the Bombay Presidency, is set down at seven lacs of rupees (Rs. 698,593. 7. 4.), but your petitioners believe that the amount is in reality considerably larger even than the enormous sum now specified. There is scarcely a village, however wretched, over the Maratha country, in which there is not some temple or shrine supported at Government expense; and your petitioners, after much inquiry, have been led to the conclusion that many of the charges connected with such institutions are either not embodied in the public accounts, or find their way into these under a name which does not show their real nature and application. Generally speaking, the same appropriations from the revenue are made by the British Government to temples, &c. under the general name of Grám Kharch, or village expenses, which were granted by the native princes at their own discretion, and without a chartered endowment. This arrangement has all the deplorable effects of a Government establishment of heathenism.

That your petitioners will not dwell on the evil as it exists in distant parts of India, and will merely confine their remarks to their own presidency; but they cannot refrain from expressing their deep regret and astonishment that the case of the temple of Juggernnath, which has acquired an unhappy celebrity throughout all the civilised world, should to this day remain in so unsatisfactory a position.

That your petitioners cheerfully acknowledge that in their own presidency an important step has been taken in the appointment of committees of natives to administer the revenues of native temples, but regret that a virtual connexion between Government and these temples is still in some cases maintained, inasmuch as these committees or trustees are theoretically the deputies of the Government. Your petitioners humbly beg that vacancies among such be filled up solely by the natives themselves, and that the management of temples and temple revenues be subject to revision only in a court of law at the suit of those concerned.

That your petitioners farther cheerfully acknowledge an important change that has taken place in their immediate neighbourhood in the case of Dukshina Fund in Poona, which, instead of being devoted to the support of Brahmans, is now administered so as to foster the growth of native literature and schools, a change that has been already accompanied with the happiest results, and the general satisfaction of the natives. Your petitioners earnestly beg that the principle which has in this case been acted on may be consistently carried out in similar cases. Your petitioners in this connexion would crave special attention to the fact that among the allowances to native religious institutions a very large number issued by the native rulers previously to the English occupation of the country were revocable, and were clearly understood to be such. With regard to such endowments there is no difficulty in their being applied to purposes of real improvement, such as the construction of roads, the support of schools, &c. Your petitioners are convinced that, while anything like a confiscation of such revenues to the general purposes of Government would excite alarm and displeasure, their application to purposes of local improvement would in most cases meet with no opposition, provided the rights of the present possessors of the endowments were respected, and their application altered only as these successively died out.

That your petitioners regret to think that, although an important change in the form of administering oaths to natives has been introduced into the courts of the Honourable East India Company, yet in the supreme courts of judicature at the presidencies, the oath is still administered to natives in such a manner as affixes the sanction of Government to the heathen religions.

That your petitioners would next bring to the notice of your Honourable House the honours paid to Hindu princes in their religious festivals, especially the Holee and the Dussera. It is a remarkable fact that the highest honours are not paid to Hindu princes on their birth-days, review-days, or other occasions in which their royal dignity is prominently brought forward, but are rendered only on those days on which the princes appear as leaders in idolatry. When the only occasions throughout the year when British troops are called out of their cantonments, and beyond their own limits to salute Hindu rajahs, are idolatrous festivals, and when the only regularly recurring visit paid in state by a British Resident to a Hindu rajah is on an idolatrous festival, your petitioners cannot be surprised that the natives should consider that the honour is paid more to the festival than the prince; nay, your petitioners humbly but earnestly suggest that, in the sight of God and man the British authorities are thus fully implicated in the support of that idolatry to which their presence gives eclat. Your petitioners regard the remedy as plain and easy. Let the honours to native rajahs be systematically rendered on occasions not idolatrous, such as those specified above; birth-days, coronation-days, or review-days.

That

That your petitioners trust it is not necessary for them to declare that in all the above suggestions they have scrupulously maintained, what in all circumstances ought to be maintained, the most perfect toleration and freedom of the rights of conscience. They desire no Government interference against idolatry; all that they crave is that there be none in its support.

II. That, secondly, the subject of Indian education deserves the earnest consideration of your Honourable House, the great mass of the population of this country being sunk in a degree of intellectual and moral darkness which to a resident in Europe is hardly conceivable; a grievous evil in itself, and the fruitful source of many other deplorable evils.

That of the three educational agencies at work in India, viz. the Government system, the missionary system, the native system, the first comprehends, even in the Bombay Presidency, in which it is comparatively larger than in other parts of India, according to the last report, under 13,000 pupils; the missionary one comprehends in all India between 60,000 and 70,000 pupils, male and female, a number seemingly large, but small in proportion to the exigency of the case; the native system of education is still more widely extended, but it cannot be reckoned as at all efficient; if it keeps the mind of India from retrograding, it has accomplished all that can be expected from it. An extension of the means of education, therefore, is one of the most pressing wants of India; especially of education in the country districts, and in the vernacular languages.

That your petitioners are well aware of the difficult problem which the Christian Government of India has to solve in accommodating an educational scheme to the inhabitants of a heathen country; and are willing and desirous to make every proper allowance for imperfections and evils unavoidable in such a condition of things. Nevertheless, your petitioners cannot refrain from solemnly declaring that they contemplate with great alarm the effects already resulting, and likely to result, from a national system of education from which Christian instruction is systematically and authoritatively excluded, even in the case of those who might be willing to recive it.

That your petitioners cannot omit to draw attention to one serious evil connected with Government education in Western India, viz. the encouragement extended to caste prejudices and intolerance. Although no specific regulation exists by which the lowest castes are excluded from Government schools in this presidency, yet it is the universal belief of the natives, that such castes are not admissible; and your petitioners are fully aware that applications for admission by low-caste men have been made, and, with the full knowledge and sanction both of Government and the Board of Education, have been rejected. That your petitioners are wholly at a loss to understand the grounds of such rejection of the lower classes, and earnestly solicit the redress of a grievance for which no grounds, even of expediency, not to speak of justice, can be shown. This exclusiveness in the Government system of education in Western India is the more intolerable because in Madras it has been emphatically repudiated.

III. That, thirdly, your petitioners contemplate with exceeding alarm the state of intemperance among the natives of Western India; it being an undoubted and most melancholy fact that intemperance has greatly increased for years past, and is still rapidly increasing; this being especially remarkable in the Maratha country, in which, previously to its occupation by the English, the use of intoxicating drinks was very limited.

That your petitioners cannot divest themselves of the apprehension that, unless recourse be had to some far more potent check than any now in operation, the most frightful demoralization and degradation are in consequence inevitable throughout a large portion of the native community.

That your petitioners are convinced that the licensing system at present in operation tends to the increase of the fearful evil of intemperance, especially because it removes, in the estimation of the natives, the stigma of disgrace which the native governments and the natives generally have hitherto attached to it. Although your Honourable House may hardly be prepared for the fact, a Government tax on liquor conveys to the native mind the idea rather of patronage than of toleration; and, in country districts at least, the farming system has been widely interpreted as affixing the high sanction of Government to this degrading and ruinous vice.

That your petitioners submit that an early application of some efficient remedy for this rapidly extending evil is exceedingly desirable; and that the natives themselves so earnestly desire it, that a recurrence to the practice of the native governments, which applied stringent restrictive measures to the use of intoxicating drinks, would receive the hearty approval of the more respectable classes of the native community.

IV. That, fourthly, your petitioners view with no less sorrow the traffic in opium carried on by the Government of this country. The evil to the inhabitants of India is exceedingly great; the use of this poisonous drug is rapidly extending throughout the opium-growing districts and those adjacent, such as Gujarat, and is producing the most baneful effects. Your petitioners farther cannot think of the contraband trade in opium with the Chinese empire without the deepest regret, since the revenue raised from opium by the East India

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Company, under the sanction of Parliament, implicates the British authorities as partners in this demoralizing and ruinous traffic.

That, finally, your petitioners earnestly trust that your Honourable House will accord to the points which have now been specified, and to all kindred suggestions connected with the well-being of this country, that deep and careful attention to which their momentous character entitles them; and that, under the guidance of Almighty God, who alone giveth wisdom, your Honourable House may be brought to such conclusions as shall constitute the present juncture a new and better era; the commencement of a period during which India shall itself pursue a course of true and solid happiness, and even cause the blessing to overflow to other lands; for, adverting to past ages, in which this country exerted a powerful influence on surrounding kingdoms, your petitioners will cherish the pleasing hope that, with the enriching favour of Almighty God, the day may ere long arrive when India, enlightened and blessed, shall wield an influence over the other nations of Asia not inferior in degree to that which she possessed of old, and greatly more beneficent in character.

And your petitioners will ever pray, that the Spirit of God may at all times guide the deliberations and resolutions of your Honourable House, so that the righteousness which exalteth a nation may, through your instrumentality, be mightily advanced throughout all the territories of the British empire.

D. O. Allen, A.M., of the American Mission.
H. Ballantine, of the American Mission.
George Candy, Corresponding Secretary, C.M.S.
Bombay, 17 December 1852. &c. &c. &c.

The humble Petition of the Madras Native Association, and others, Native Inhabitants of the Presidency of Madras;

Showeth,

1. That your petitioners, availing themselves of the Parliamentary investigation into the condition and government of British India, under the charter of the East India Company, now near the term of its expiration, desire respectfully to place before your Honourable House some few of the many grievances and wants belonging more immediately to the inhabitants of the Madras Presidency; claiming at the same time the indulgence of your Honourable House, should their statements be found less explicit than diffuse, from the impossibility of obtaining access to official documents, capable of substantiating so fully as your petitioners could wish the various complaints they have the honour to present; the local government having declined replying to a written application from the association (dated 15th April 1852) for permission to have copies of necessary papers, and the officers of Government being prohibited from furnishing them.

2. That the grievances of your petitioners arise principally from the excessive taxation and the vexations which accompany its collection; and the insufficiency, delay, and expense of the Company's courts of law; and their chief wants are, the construction of roads, bridges, and works for the supply of irrigation; and a better provision for the education of the people. They also desire a reduction of the public expenditure, and a form of local government more generally conducive to the happiness of the subject and the prosperity of the country; and to these main points your petitioners beg the consideration of your Honourable House, respectfully applying in behalf of themselves and their countrymen for those remedies and reforms which, in the wisdom of your Honourable House, may be deemed expedient and practicable. With this brief explanation, your petitioners proceed to detail:—

Revenue.

3. That, the Hindus being for the most part an agricultural people, the chief revenue of the state is derivable from its crops; which have been taxed or assessed under different modes by the Hindu, Mahomedan, and English Governments respectively. With the Hindus, the revenue was collected from each village, through the medium of persons making over to the officers of Government its division of the produce in kind, amounting from one-sixth in time of peace, and to one-fourth in times of war or state emergency, as laid down in the institutes of Manu, translated by Sir William Jones, chapter vii. verse 127, "Let the king oblige traders to pay taxes on their saleable commodities; of grain an eighth part, a sixth, or a twelfth, according to the difference of the soil and the labour necessary to cultivate it;" and in chap. 10, v. 118, "A military king who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin;" and, v. 120, "The tax on the mercantile class, which in times of prosperity must only be a twelfth part of their crops, may be an eighth of their crops in a time of distress, or a sixth, which is a medium, or even a fourth, in great public adversity."

4. That this proportion continued to be exacted till the invasion of the Mahomedans, as is apparent from Frisht, translated by Briggs, where it is found, page 453, vol. iv., "One of the earliest acts of the first king of Cashmere in the year A.D. 1325 was to confirm for ever the ancient land-tax, which amounted to 17 per cent., or about one-sixth of the whole produce of the land;" and in the Ayeen Akbery, vol. i. part ii. p. 245, it is stated, "In

"In former times the monarchs or rajahs of Hindostan only exacted one-sixth of the produce from the cultivator." But in the early part of Mahomedan rule, according to Ferishta, the King of Delhi raised the tax to one-half the produce; that of the wet cultivation being delivered in kind, and of the dry, generally in money, at a fixed commutation; and the zamindary system having been then introduced, the payments were made to the zamindars, who were either farmers of the assessment, or persons to whom districts had been granted by the ruling power, in return for past, or the expectation of future, services. Ap

5. That when the British Government first assumed territorial property and rights in this part of India in 1759, they found the Northern Circars divided into zamindaries, pallams, and ain-lands. In the last-mentioned, the ryots paid government dues to the servants of the state, or to renters, who farmed the revenues; in the two former, the dues were paid to the zamindars and poligars, who held their property hereditarily and disposably, so long as they paid the peishcash or tribute, in consideration of which the management of the lands had been made over to them; and this practice was permitted to continue unaltered till the year 1769, when three boards, or councils, were established, who managed the revenues, and ruled the country till the year 1789, when a fixed settlement was made with the zamindars, whose revenues were estimated, and they were made to pay one-third of their rental to the Government; and the lands hitherto managed by stipendiary officers, or farmers, being placed under the control of collectors, were parcelled out into divisions, called moottahs, and their tenures sold by public auction. The same plan was acted upon in the new acquisitions of the Honourable Company, till the year 1799, when the permanent settlement of Lord Cornwallis was ordered to be introduced, although in the interim, on the occupation of Baramahal and Dindigul in 1793, Colonel Read had been making out a new plan, which, on the failure of that of Lord Cornwallis, after a trial of three years, 1803-4-5, eventuated in the ryotwar system, which, with very slight modification, is now prevalent in 17 out of the 20 collectorates forming the Madras Presidency, under which the entire assessment is collected in money, and from each individual cultivator, directly by the deputed servants of the State.

6. That your petitioners, as Hindus, and naturally attached to their national and ancestral customs, have had, and continue to have, the greatest repugnance to the innovations of both the zamindary and ryotwar systems, the more so, as they are both the instruments of injustice and oppression, but especially the ryotwar, the operation of which has reduced the agricultural classes to the deepest poverty and destitution.

7. That this system was introduced for the double purpose of preventing the accumulation of landed property by the natives, the zamindarships being hereditary, regarding which, when recommending the ryotwar system, Sir Thomas Munro records in his minute of the 15th August 1807, the following observation:—"That the great zamindar defies all authority, and will keep the ryots as poor as they have always been, and the small one, or mootahdar, will endeavour to imitate him in his state and armed followers; that though most of the mootahs will finally resolve into ryotwar farms, many of the greater ones will assume the character of zamindaries or poligarships; that the country will be filled with petty armed chiefs, who may hereafter combine to disturb the public tranquillity; and that the system is, on the whole, detrimental to the country, and dangerous to Government." And the desire of rendering each individual cultivator immediately dependent on the authority of the State, while it was imagined that it would altogether exempt him from the vexatious intermeddling of the subordinate servants of the Government; consequently it involved the parcelling out of the whole country into innumerable small portions, varying from one to ten or more acres, or whatever standard of land-measure might happen to be that common in the district. That could not be effected without a complete measurement of each province into which the system had to be successively introduced, and of course the separate valuation of every minute portion, in order to fix the precise rate of its individual assessment.

8. That this most intricate and at the same time gigantic plan was commenced without the aid of a single surveying instrument, except a chain of 33 feet, on a glimpse of scientific knowledge beyond that of the native cutcherry gomastahs or clerks, who, as a part of their duty, were to instruct others in the art of mensuration, an art in which, being completely untaught themselves, they had to acquire from no better education than the progress of their own survey. These clerk surveyors were paid 21 rupees per month, and "were encouraged to be expeditious by the hope of gain, and deterred from being inaccurate by the fear of dismissal;" and when to the utter incompetency of these clerk measures is added the fact that the fields of a village are often confusedly intermixed, not only among themselves, but with the fields of other villages, as, for instance, in a part of the Shealley talook of the Tanjore Collectorate, where, within the space of two and a half square miles, there are parts of 17 villages, and even these parts of villages are each not a single connected piece of land, but the combination of several detached fragments, while in some places two or more villages are composed of fields belonging to one and another village alternately, and others where four-fifths of a single field belong to one village, and one-fifth to another, it will be manifest that anything like a correct survey, or even an approximation to it, must have been an absolute impossibility, and it is a well-known and positive fact that there is not, and never has been, any establishment whatever for land surveying, neither has a correct survey been made of any individual portion of the Madras territories up to this day.

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9. That one of the immediate consequences of this gomastah measurement was a vast increase in the quantity of land over the ancient measurement by the curnums of villages, the persons who are stated by Sir T. V. Stonhouse, a revenue officer of acknowledged ability, in his "Observations on the Ryotwar of the Madras Presidency," "to have certainly the best knowledge of land measuring of any other class of persons in India." This increase in some districts was so great as 75 per cent, and, as it was impracticable to augment the revenue in the same proportion, the new measurement in these particular cases had to be adjusted by the old, a convincing proof that the attempt was a hopeless failure.

10. That in proceeding from the survey to the classification of the land the task was scarcely less formidable, and it was begun by sending two assessors to classify the space measured by ten surveyors; their business was to arrange it under the principal divisions of wet, dry, and garden land, subdividing these again into various classes according to the presumed quality by a process so perfectly arbitrary, that in some districts the wet land had 12 classes, the dry 20, and the garden land as many; in others the wet had four classes, the dry 12, and the garden four, while it was of continual occurrence that two fields adjoining each other would be entered in different classes, and even single fields were placed in the same improbable if not impossible category. As might have been expected, these assessors, partly from ignorance, and partly from the persuasion of bribery, made a great many erroneous classifications, and accordingly it was thought advisable, for the sake of producing uniformity and checking abuses, to appoint five head assessors selected from the body of subordinate ones; but even these could not be trusted for judgment and impartiality, and the whole of their revisions had to undergo a complete examination at the collector's cutcherry.

That the classification having been thus settled, not by the returns of the assessors, but by the arbitrary opinion of the cutcherry, the next step was to fix such a sum as it was thought would be the fair assessment for the district in its then present state, that furnished by the assessors being mistrusted equally with their classification, which operation immediate reduced the assessors' estimate from 5 to 15 per cent. on the aggregate; and the next step was to distribute the sum fixed as the aggregate of the district among the different villages it contains, thus causing a second alteration in the assessors' estimates, and by which what was deducted from one set of villages was added to another; after this a third alteration had to be made at the end of the year, causing a further reduction on fields asserted by the cultivators to have been over-assessed, and it usually amounted from one to one and a half per cent.

12. That, having thus briefly alluded to the utter futility of the measurement, and the fallacious classification of the land, your petitioners would next call the attention of your Honourable House to the amount of the assessment, and its commutation into money. The amount exacted under the Hindu princes never exceeded one quarter, or 25 per cent on the gross produce; this the Mahomedans doubled, acting on the principle that the rights of a conquered country cease and determine by the act of conquest, the proprietary right of the land being transferred to the conquerors, and that, as it is lawful to take the whole of the persons and property of infidels, and to distribute them among the Musselmans, it follows that taking only half their incomes was an act of mercy.

13. That this amount of revenue, fixed by the principles of the Koran, has continued to be exacted by the East India Company, but your petitioners apprehend, without the same appearance of justice, for to say nothing of the difference of creed, the way in which the Company obtained possession of the country is strikingly dissimilar. The Mahomedans conquered by and for themselves, but from the earliest date of the Company's acquisitions on the coast of Coromandel, they have always had the assistance of the natives of the country; first, as armed peons, and subsequently as trained soldiers, who have stood by them in all their battles, whether against other European powers or the Mahomedan dynasties from whom the conquest was achieved, and who now form seven-eighths of the military force by which the British territories are defended; consequently the people claim to be regarded by the English as friendly allies, rather than infidels and vanquished enemies; and, as the Company profess to govern for the benefit of the country as well as for their own, something more ought to be left to the cultivator than the miserable pittance required for the support of himself and family, and for seed; and yet even so much as this pittance is not left him under the operation of the ryotwar system.

14. That, adopting the amount of one-half as the revenue due to the State, the authorities of the day commuted this share into money, in what way your petitioners cannot say, as Colonel Munro, the principal agent and authority, has not explained it in any of his reports, nor has he imparted any information as to the data and principles on which he formed his tables of rates for the different classes of lands, and even up to this date there is no fixed system of commutation, but different modes are practised, not only in different districts, but even in the various subdivisions of each district. The immediate consequence of this commutation was a gradual and general fall in the price of all grains, which, for a long series of years past, has been so low as to reduce all but the most substantial ryots to a state of almost beggary; thus, for instance, as in the southern division of Arcot, where the price at the date of its survey was five cullums per pagoda, on a piece of land producing 100 cullums, the half share of 50 cullums being converted into money, paid the Government the sum of 10 pagodas; but as the present price is seven cullums per pagoda,

the ryot must dispose of 70 in order to meet the assessment, retaining for his share only 30, which gives him 42-7ths pagodas in the place of 10, while the Government receives 10 pagodas as the half share of 142-7ths pagodas, the selling price of the 100 cullums; and a similar deterioration in the value of grain has taken place throughout the whole presidency.

15. That the extent of this evil is shown in a voluminous Minute of the Board of Revenue, dated 5th January 1818, which acknowledges that, "while the ryotwar survey assessment professed to fix an equal and moderate tax in money on each field, in almost every instance it greatly increased the Government demand upon the country. In Dindigul it nearly doubled the public assessment. In Baramahal it increased it 21 per cent. In the northern division of Arcot, the additional imposts and illegal exactions of the renters under the (former) native governments were, by the ryotwar survey, incorporated with the land rent. In Nellore the highest rate of teerva (money payment) fixed on the finest land was alone declared to be the ultimate limit of the Government demand upon all land; and even in the ceded districts, where it was perhaps most moderate, the demand on the land was raised so high as to be in general greatly beyond the resources of the people."

16. That, Sir Thomas Munro having returned to Europe in the year 1807, and these evils of the ryotwar exceeding all bounds, the Government of Madras had recourse, in the year 1808, to the partial introduction of the village settlement; first for three, and subsequently for ten years. Under the triennial settlement the lands were rented out to contractors, the average collection being taken into consideration, and the highest proposals accepted; and, this being found but little less objectionable than the ryotwar system, the next resource was the decennial settlement, on the principle of assessing for the said term of years a fixed sum as public revenue; and in consideration of the payment of that sum, making over for that period the Government right to the public revenue from the entire land of the whole village, both arable and waste, to the village community, by a direct settlement with the whole body of ryots collectively, or with the heads of the village. When the village was not rented in this manner the public revenue was collected either by an intermediate renter or by the officers of Government, and in kind or money, as might be the local custom.

17. That this system was progressing in a manner most favourable to the ryots and the public revenue, when, in the year 1818, the Court of Directors having determined upon enforcing the ryotwar, ordered it to be resumed and prosecuted under a modified form, called the field ryotwar; and when, in the year 1820, Sir Thomas Munro arrived in Madras as Governor of the presidency, the exorbitant taxation of the old system was sought to be alleviated by a reduction of the assessment, to the amount of 25 per cent. on dry and wet lands, and 33 per cent. on garden lands, in the ceded districts, where the Board of Revenue esteemed the assessment "most moderate." A reduction of 12½ per cent. was also made in the district of North Arcot, and similar reductions were directed to be made in other districts, conditionally. Remissions are likewise taking place on account of failure of crops from year to year; but these partial changes, forced upon the Government by necessity, have little or no effect on the evils inherent to the system, which press the more heavily on the ryots, because it is almost entirely under the management of the collector's deputy, the tehsildar, who, as his executive officer, possesses all the power of the collector, fiscal, police, judicial, and miscellaneous, and the control not only of his own immediate establishment, but over all the village officers within his district, which contains, on an average, from 100 to 300 villages, with a revenue from one lack to two and a half lacks of rupees.

18. That the tehsildar of each talook—such is the denomination given to his division—on the 12th day of July in every year, proceeds (in some places by himself, in others by his subordinates), to fix the quantity of land to be taken up collectively and individually for the year ensuing. By this settlement, called the dittum, or fixation, each ryot ought, by the 4th section of "Standard Manual of Rules," dated 10th January 1850—"occupants of land are at liberty to enlarge or contract their holdings in both cases (*i. e.*, as to increase or decrease) by entire fields"—to have only such land as he chooses to accept; but really, owing to the tehsildar's authority, he is compelled to take such as this officer is pleased to appoint, and it is only by the force of bribes, smaller or larger, according to circumstances, that the ryot is permitted to escape from an oppressive allotment as regards its quality.

19. That at the time of this settlement all the poorer ryots, by far the more numerous of the entire body, stand in need of advances for the purchase of bullocks lost during the past year, as well as for seed, the repair of their own wells, and implements; and in order to procure hired assistance from those who have not taken up any dittum; and the Cirkar or Government generally allows advances of money, called tuccavy, to be made on this account, security bonds being taken from the surety; but as the allowed sum is always far too little to meet the wants of all the applicants, there is necessarily a competition for the tehsildar's favour in its distribution, for which he obtains from the successful candidates a bonus or deduction from their respective advances, averaging ten per cent. upon the whole tuccavy; and thus the ryotwar system, whilst it professes to raise the ryot from poverty to independence, by inducing him to cultivate on his own account, actually tends to saddle him with an annually augmenting load of debt, and converts him from a poor but free labourer into a beggar and a slave. On the general effects of this system of encouraging cultivation, your petitioners quote the following remarks from the work of Sir T. V. Stonhouse, before quoted:—

"As

No. 7. "As regards tuccavy, or advances for cultivation, it was a principle of Sir T. Munro's ryotwar that tuccavy was to be gradually discontinued; and has it been so even in the ceded districts, although a period of nearly 40 years has elapsed since that rule was made? Are not tuccavy advances still made year after year to the ryots of Bellary and Cuddapah? The records of the Board of Revenue and of the Government can supply the answer. The tuccavy advances in Bellary are so large, as very recently, I believe, to have attracted the notice of Government, and to call for explanation; and it is only in consequence of the stringent orders from the Court of Directors, four or five years back, that the annual advances for tuccavy in the several districts have been considerably reduced. The average advances of the last five years have been only 3,52,872,* while that of the preceding five years was 6,73,579 rupees,† and in previous years still larger; and the discontinuance of tuccavy in the course of time, like the rest of the advantages expected from the introduction of the ryotwar system, has proved a mere illusion, and one of the many fanciful theories of the system doomed to end in no practical result."

It often happens, when impoverished ryots absent themselves on the day of dittum, to avoid having again forced upon them the occupancy of lands by which they incurred loss at the previous jummabundy, that these lands are forced by the tehsildar on one or other of the ryots who are present; and when there is a failure of rain for the cultivation of the dry lands, which pay a lighter assessment than the wet, if the ryot should have recourse to the water of the tanks or reservoirs, instead of being charged the fixed water fee levied on wet lands, he is compelled to pay the full assessment for a wet crop.

20. That the aforesaid water fee is levied for the declared purpose of repairing the tanks and keeping up the usual means of irrigation; but, notwithstanding the tax is levied for this purpose, the ryots are compelled to make all the repairs required, within a certain amount; and whenever the means of irrigation is impeded, as it always is when in the monsoon rains the water floods fill up the channels with sand, the ryots are forced, under penalty of heavy fines, to quit their agriculture in order to clear out the channels, although many miles distant from their habitations, hiring labourers to do their work in their absence, and without receiving any remuneration for their labour; and the overseers of this business being the Government servants, they have thus a perpetual occasion for the exercise of oppression and injustice; for the tehsildar, being invested with magisterial powers, can and does confine at his own cutcherry all ryots who resist his demands, and whom he carries in custody along with him from place to place, as he shifts his cutcherry, until he coerces them to obedience.

21. That these are a few of the many grievances endured under the ryotwar, between the settlement of the dittum, on the 12th July, and the fixation of the kist or money amount of the assessment, called jummabundy, which takes place from the month of December to that of March following, when another officer of the collector, called the sheristadar, or head revenue officer, aided by his subordinates, proceeds to examine the dittum, and to declare the amount payable by each individual ryot, according to the previous settlement of the tehsildar, after having deducted the Government remissions, on account of crops that have fallen short, owing to damage from the weather or drought from an insufficiency of irrigation.

22. That it is an easy thing to make this jummabundy an instrument of the grossest tyranny, the single word of the sheristadar being that which determines whether there shall be any remission, and how much, or none. On the wet lands, or those cultivated by irrigation, no remission is permitted unless the produce has fallen short of the average to the amount of ten per cent.; the ryot may then apply for a remission; but, as by the Government regulations the verification of the sheristadar is indispensable in order to render the application successful in the ear of the collector, the sheristadar has every applicant at his mercy; besides which, during the whole time of this settlement, the collector's establishment has to be supplied with provisions by the ryots gratis.

23. That,

	Co.'s Rupees.
* 1839–40	3,82,366
1840–41	3,16,704
1841–42	3,51,555
1842–43	3,53,559
1843–44	3,60,178
Average	3,52,872

	Co.'s Rupees
1834–35	7,10,909
1835–36	6,67,930
1836–37	6,01,761
1837–38	6,42,624
1838–39	5,44,674
Average	6,73,579

23. That the only check upon these multitudinous and never-ceasing oppressions, viz., an appeal to the superior officer, is the addition of mockery to misery. The tehsildar will receive no complaint against his inferiors, and when the ryot would approach the collector, his petition would be stopped, if possible, in its way by the jewabnevis, or interpreter; or should the petition reach its destination, it is read to the collector by this officer, who, having generally the opportunity of a previous perusal, and taking advantage of the collector's imperfect acquaintance with the vernacular, adroitly omits the most important parts, and foists in qualifying language of his own; but should a hearing be eventually granted, in spite of all obstacles and trickeries, if the ryot can produce no witness, every ryot being more or less afraid to come forward from dread of future injury, his complaint is rejected as unworthy of credence; and if he produces several witnesses it shares the same fate, on the plea that he has hatched a conspiracy in support of a falsehood. Should the ryot then carry his appeal to the Board of Revenue the complaint is transmitted to the collector, who, in reply, gives the wrong to the ryot and the right to the Government servants, and in virtue of this reply the ryot is denied further inquiry. Sometimes, indeed, the appeal is carried as far as the Governor in Council, and even, though very seldom, to the Court of Directors. But, as the Court sees through the eyes of Government, the Government through those of the Board of Revenue, the Revenue Board through those of the collector, and the collector through those of his sheristadars and tehsildars, the ryot is in every case handed over to his original tyrants and tormentors, to whom he must make pecuniary amends for his fruitless attempt to obtain redress, or stand the consequences at the next arrangement of the dittum and jummabundy, by the very Government officers from whose vexatious exactions it was pretended to set him free, by the introduction of the ryotwar system.

24. That the jummabundy having thus finally determined by the end of March the amount payable by each ryot, he is bound to liquidate it prior to the ensuing month of July, the period for the settlement of the next dittum; and, as the three intervening months are precisely those in which the price of grain is at the lowest, in consequence of the recent harvest, he has to undergo a third series of losses and misfortunes, from the circumstance of his being compelled, within that time, to turn so much of his crop into ready money as will suffice to realise the sum specified for the Government kist.

25. That, although the space of three months is nominally allowed for the realization of the kist, still the tehsildar, with whom the collection rests, is very anxious to obtain the instalments as early as possible, in order that he may at once preserve the good opinion of the collector, and avoid the fine to which he is liable, should not the whole or the greater part be liquidated before the period of limitation has expired; and accordingly he is constantly urging the ryot to dispose of his crop, which he has been permitted to reap, on giving security to the village officer that the money shall be paid, and liquidate, if not the whole, at least a part of the amount; this urging comprehending the sending for the ryot, and confining him in the cutcherry until he shall have undertaken, in presence of witnesses, to pay a stipulated instalment on a certain day, by which the ryot, in addition to the loss he sustains by being detained from his labour perhaps a week or ten days at a time, is forced to part with so much of his crop, whether cut or standing, for any price which the nearest grain merchant, taking advantage of his pressing necessity, chooses to offer. And this process of urging on the part of the tehsildar, and of sacrificing his property on the part of the ryot, continues till perhaps, for the occurrence is not unfrequent, the disposal of the entire crop failing to raise the money payment of the amount due to the State, the poor ryot has to sell his bullocks, his farming utensils, and the little rest of his property in order to make up the deficiency.

26. That in order to possess your Honourable House with some idea of the cruelties under which the ryotwar system can be, and actually is, exercised by the Government servants, your petitioners will quote an instance occurring in the year 1851, when certain ryots in the zillah or collectorate of Guntoor, unable to obtain redress from the collector, the commissioner, and the Board of Revenue, presented a petition to the Governor in Council, to the following effect:—That at the dittum settlement of the previous year, on their refusal to accept the dittum offered to them by the tehsildars of six different talooks, because it included lands that had been relinquished, and others which were not liable to assessment; and because the lands bearing assessment were then re-measured with new ropes, shorter by one cubit than the legal measure, some of them were compelled, by imprisonment and corporal punishment of various kinds, to put their names to the dittums; and when others ran away from their talooks to avoid the like treatment, the curnums of the villages forged the names of those who had absconded to the dittums that were assigned to them; they who remained complained to the collector, who said the dittums should not be altered, and refused redress; and when the jummabundy came round, on their refusal to pay the excess of the assessment, the houses of the ryots were stripped of their roofs, their ploughs, ploughing cattle, grain seed, and forage for their grazing cattle were seized by attachment and sold by auction. Some ryots were arrested as security for the balance still unpaid from the proceeds of the auction; the houses of others were broken into and plundered by the peons, who were paid batta from the proceeds of the sales; their herd cattle were not permitted to graze, and their families prohibited taking water from the tanks and wells for domestic purposes. Their petition to the Governor in Council was transmitted to the collector in the usual way, when that officer applied for two years' leave of absence, and

Appendix, No. 7.

and there the matter rests to this day; and, although your petitioners confine themselves to a single and recent example, they do not scruple to assert that, in a greater or less degree, these practices are prevalent throughout every division of the presidency.

27. That while such are the evils of the ryotwar, as respects the state and condition of the people, it entails no small share of evil upon the government, from the large establishment which has to be entertained for the collection of the revenue; on which point your petitioners beg to solicit the notice of your honourable House to the description given by Sir T. V. Stonhouse, in the work to which they have already referred.

"The cause of the heavy charges of management under the ryotwar system, is its endless and varied details, requiring a multiplicity of revenue officers in the talooks to keep the accounts, and so on through every gradation of office, from the tahsildar to the Board of Revenue. I do not hesitate to say that at the very lowest, one-third of the public expenditure now incurred in maintaining the ryotwar system would be saved, under a village lease or Atmany settlement, and more especially the establishment of a native board of revenue would be saved. I do not mean to affirm that this establishment is necessary even for ryotwar management, for I do not believe it to be so, and the Board of Revenue conducted its duties as efficiently before its creation. With practical revenue officers as members of the Board of Revenue it cannot be required, and its expense is not confined to itself, as the Sheristadar cannot be supposed to know the language of all district servants who are entertained in the several collectorates to render the accounts into Mahratta, that they may be intelligible to the Board's Sheristadar, his deputy, and establishment. The formation of this unhealthy excrescence on the charges collection of this presidency by Sir T. Munro, would have looked better, had not his old and favourite ceded district servant been selected by him to fill the principal offices created by it. The charges collection of this presidency have increased on an average from 12 to 15 lakhs of rupees per annum, since the introduction of the Ryotwar system, and the difference would have been still larger, but for the abolition of the principal collectorships, and other reductions made in late years in the salaries of collectors, and of their establishments, the effect of which has been to leave the latter inefficient and insufficient to carry on satisfactorily a system of revenue management so complicated and detailed as that of the ryotwar.

"During the decennial rents, or from 1809–10 to 1819–20, the charges collection for the year amounted on an average in round numbers to 25,76,000 rupees. The charges for each year are exhibited in the margin.* The charges collection since that period, or from 1820–21 to 1843–44, a period of 24 years, have averaged 38,49,000, exhibiting an average excess of annual charge compared with the former period of 12,73,000 rupees, but the average of a similar period of 11 years, or from 1830–34 to 1843–44, is 40,74,000, and gives an excess annual charge of 14,98,000 rupees, or nearly 15 lakhs of rupees. The charges collection in each year exhibited in the margin.†"

"If there are advantages therefore in the ryotwar system, the Government pays dearly for them. It might be fitting a great and enlightened Government to make such sacrifices for real and admitted benefits; but, so far from being admitted, they have from first to last been questioned, the system denounced as vicious by many of the ablest revenue officers of the Government, and their existence, in no way substantiated even by the advocates of Ryotwar, or by practical results.

"It is not on the score merely of an expensive establishment that the ryotwar system proves so heavy a drag on the finances of the Government. There is further expense inherent in it, from which other systems are comparatively free, viz., charges for the repairs of

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	Co.'s Rupees.
* 1809–10	24,18,074
1810–11	23,76,847
1811–12	24,11,354
1812–13	26,63,864
1813–14	23,98,741
1814–15	24,34,426
1815–16	24,41,683
1816–17	26,46,143
1817–18	27,40,360
1818–19	29,21,152
1819–20	28,88,462

	Co.'s Rupees.
† 1833–34	37,70,351
1834–35	39,30,127
1835–36	40,33,118
1836–37	40,32,928
1837–38	41,31,461
1838–39	41,37,519
1839–40	41,64,394
1840–41	41,43,481
1841–42	40,92,919
1842–43	41,37,218
1843–44	42,45,247

of tanks and other sources of irrigation. This is a heavy annual drain upon the revenue of the country, and much of it, owing to the defectiveness of local check and supervision, unprofitably spent, or rather not spent at all, but which finds its way into the pockets of the public servants. Even so far back as 1828, the Court of Directors noticed the heavy charge it occasioned on the finances of the country, and observed that, although they were far from entertaining a wish that anything necessary for so desirable an object as the irrigation of the country should be withheld, it was of high importance that these charges should be under the strictest control, and be distinctly brought to their notice at the periods of their necessary occurrence. The amount expended on this account from 1805-06 to 1843-44 has been upwards of 243 lakhs of rupees, and the average expenditure of the last five years has been upwards of six lakhs.* Appendix, No. 7.

"Under a zemindary settlement the Government is relieved from this heavy annual expense, and under a village settlement is relieved of a great portion of it; for, under a village rent fixed on the low scale adopted for a Ryotwar settlement, there would be no necessity for the Government to undertake or be responsible for repairs beyond those of masonry works. All earthwork to bunds of tanks and the clearing of channels should devolve upon the villagers, who would do it much more effectually in their own way, and at not a third of the amount disbursed by Government on such works. Such a measure would only be a return to the usage of the country. Another disadvantage of this system, of throwing the whole expense of tank, &c. repairs on the Government, is that it forces cultivation and militates against that principle of the ryotwar system which leaves the cultivator at liberty to cultivate as much or as little as he pleases. This is a fundamental rule of the ryotwar system. 'It must be clearly understood,' say the Board, 'that the revenue is to continue as at present, subordinate to justice; that freedom of labour to the Ryots is, by the Court of Directors themselves, declared to be the basis of the new settlement; and that, therefore, no restraint whatever, inconsistent with it, can be imposed upon them.' The same principle was also clearly prescribed by Sir T. Munro himself during his government. 'The ryots should be allowed to cultivate as much or as little as they please: they will always occupy as much land as they can cultivate profitably, and it is not the interest of Government that they should cultivate more.' Minute, 5 January 1818. From Government, 8 September 1820, to Board of Revenue.

"Every revenue officer knows that, if this rule were observed, the Government would scarcely receive half the revenue it now does. If ryots were allowed to cultivate as much or as little as they please, or, to use the language of Government, those lands only which they could cultivate profitably, a very large portion of the land now under the plough would be thrown up. In practice it is altogether different, and, whatever impressions may be entertained by the Board of Revenue, the Government, or the home authorities, the truth is, that cultivation is forced all over the country. The tahsildars, in spite of rules and regulations, will not allow of the relinquishment of lands, for this reason, that, as tahsildar, it is his endeavour, for his own credit and character, to bolster up the revenue of his talook. I say that cultivation is forced all over the country, and it is right that it should be so, to a certain extent, with reference to lands dependent on sources of irrigation, for the preservation of which the Government incurs an annual heavy expense. It was a principle laid down by Sir T. Munro himself, and how he reconciled it in his own mind with his principle of an entire freedom of occupancy, and with the privilege he accorded to the ryot of cultivating as much or as little as he pleased, I am unable to discover. In his Minute of the 31st December 1824, Sir T. Munro declares that 'Government, by the construction of tanks and watercourses, supplies the water, which is the chief article of expense in wet cultivation, and has a right to see that the lands on account of which it has incurred so heavy a charge are not, without necessity, left uncultivated or exempted from their share of the public burthens.'"

28. That, at the same time, the system can boast no superior excellence as affecting the improvement of the revenue, as is apparent from the annexed quotation, taken from the same work: "The

	Co.'s Rupees.
* 1839-40	6,52,877
1840-41	7,11,163
1841-42	6,10,184
1842-43	5,32,819
1843-44	5,10,558
Average	6,03,520

Appendix, No. 7.

"The marginal statement* exhibits the land revenue of Madras from 1820, from which time the ryotwar has been generally the mode of settlement up to 1844. The average of the first six years is 331,98,788 rupees; of the next six years, 311,53,725 rupees; of the next six years, 304,24,093 rupees; and of the last six years, 330,51,584 rupees. During the second six years the average fell below the preceding six about 20 lakhs of rupees; during the next six it experienced a further fall of about 7 lakhs, and, though the average revenue of the last six shews an increase of about 26 lakhs over the preceding six years, it is still below the average of the first six years. During the last six years there has been a succession of most favourable seasons and abundant produce, and hence the exceeding low price of grain which has been so much felt all over the country for the last four or five years. These results, however, go to prove conclusively that the ryotwar system is not calculated to improve the revenue. The land revenue of Bellary and Cuddapah since 1820 is exhibited in the margin, and it will be seen if there has been much improvement even there.

Report, 15 August 1807.

"Sir T. Munro has stated that, under a ryotwar settlement, the annual fluctuations in the amount of revenue will never be so great as to cause any serious inconvenience. It would never in any one year exceed 10 per cent. in an aggregate of six or eight collectorates, though it might be more in a single one. It would gradually diminish as the ryots became proprietors, and would in 10 or 12 years scarcely ever be above 5 per cent.

"Now, a glance at the marginal statement will demonstrate whether Sir T. Munro's expectations can in any degree be considered to have been realised, even with his low assessment of the government tax, being only, as in the zamindary settlement, one-third of the gross produce. In Bellary, we find the revenue in 1827 falling nearly four lakhs of rupees below the preceding year; in 1833 we find it falling three lakhs below that of the preceding year; and even as recently as 1838, falling nearly four and a-half lakhs of rupees below the revenue of the preceding year, or from 20 to 25 per cent. In Cuddapah we find it in 1832 falling five lakhs, or to rupees 13½ lakhs, from 18,80,000 which it had been in the previous year. The total revenue of Bellary, for the first 12 years of the period embraced in the marginal statement given above, was, in round numbers, 257,83,000; in the last 12 years, 255,01,000; or a diminution of 2,82,000. So much for improvement and an augmented revenue from the waste lands! In Cuddapah the results have been still more unfavourable. The total land revenue received from that district during the first 12 years of the period indicated was, in round numbers, 236,71,000; in the last 12 years 230,68,000, or a diminished amount of six lakhs. View the ryotwar in any way we please, either in regard to its principles or to its fiscal results, I can discover nothing to recommend it but the statements of Sir T. Munro; I cannot discover any of those beneficial results which he expected would flow from its adoption, but, on the contrary, much evil, and, not the least, the destruction of the village constitutions. But the Court of Directors seem to think that it has been successful in Coimbatore. 'As we entertain a high opinion,' the Court say, in a revenue despatch, to the Bombay Government, 'of the ryotwar settlement, which has been successfully introduced into the province of Coimbatore, we desire that you will obtain from the Government of Fort St. George information respecting the nature and principles of that settlement, with the view of introducing similar arrangements in all practicable cases into the provinces under your presidency.' Even in Coimbatore

23 May 1827.

YEARS.	Co.'s Rupees.	YEARS.	Bellary.	Cuddapah.
* 1820	328,63,353	1820	22,78,817	23,62,350
1821	325,88,266	1821	24,16,166	21,33,612
1822	339,78,987	1822	23,81,179	22,13,651
1823	311,14,471	1823	19,68,642	17,43,159
1824	351,35,820	1824	21,73,923	19,28,795
1825	335,11,824	1825	22,74,787	19,02,645
1826	324,69,795	1826	22,52,552	20,25,103
1827	308,12,258	1827	18,90,391	17,99,465
1828	319,02,757	1828	21,93,984	18,48,984
1829	309,32,388	1829	19,31,665	18,42,840
1830	308,66,127	1830	20,15,352	19,30,602
1831	299,39,024	1831	20,05,976	18,80,170
1832	266,06,577	1832	16,97,926	13,51,213
1833	312,92,925	1833	20,93,708	18,59,458
1834	314,60,450	1834	20,41,783	19,14,051
1835	311,53,567	1835	21,21,246	18,98,381
1836	295,59,089	1836	20,37,127	18,61,483
1837	324,72,653	1837	22,45,300	20,76,367
1838	315,67,386	1838	17,92,189	17,27,566
1839	335,66,699	1839	22,54,346	21,23,602
1840	326,00,170	1840	21,88,897	20,22,382
1841	323,03,013	1841	23,25,823	21,10,208
1842	329,75,129	1842	23,10,960	20,73,560
1843	352,97,108	1843	22,70,961	20,50,678

batore it would be seen from the marginal statement * that there has been retrogression, not improvement, in the land revenue. The aggregate revenue for the first 12 years was 267,96,000 rupees; for the last 12 years, 241,81,000 rupees; or a diminished amount of revenue in the latter period of 26 lakhs of rupees. The advocates of ryotwar can hardly therefore, I think, ground their predilections in favour of the system on the score of its tendency to augment and improve the revenue when such have been the results in the most favoured districts; and, as regards fluctuations, I find that even in Coimbatore the revenue fell in one year nearly six lakhs of rupees; namely, from 20,97,000 rupees, which it was in 1835, to 15,11,000, the amount of the land revenue of 1836." And again, "Let us look now to the revenue of those districts where there has been little or no ryotwar, Tanjore, for instance, which has been under the wolungoo or village settlement of Mr. Cotton.

"In the margin † is exhibited the land revenue collections of this district in each year. The total amount for the first 12 years was 395,43,524 rupees, while for the last 12 years it was 313,76,385, or an increased receipt of upwards of 18 lakhs in the latter period. So far, therefore, as improved revenue is a consideration, the comparison, it must be confessed, is in favour of the village settlement.

"It may be said that, although the revenue has not improved under ryotwar, the circumstances of the ryots have. I have always been led to suppose that improvement in the revenue went hand in hand with improvement in the circumstances of the ryots, but here we find increase of substance in the cultivating community coupled with diminished revenue. If the ryots of Bellary and Cuddapah had really improved in their circumstances, how could the great fluctuations which it has been shown have occurred in the annual revenue, take place? Whence the necessity of the large advances of tuccavy, which are now annually made in these districts? These are fair deductions from general principles. There is, however, more positive testimony as to the real state of some of the districts. In Salem, where the ryotwar was first introduced, we find the collector stating in 1833, that the ryots were so poor as to be living from hand to mouth. We find the collector of Trichinopoly, in 1831, stating that in a district so long under the Company's management as Trichinopoly, with a very extensive market in the neighbourhood, it would have been natural to suppose that a large portion of the soil would have been under tillage, but that the reverse was the fact, and that of the dry lands in three out of four dry talooks, not more than one acre in ten was cultivated. We find even Mr. Sullivan, on quitting Coimbatore, in his Report of the 20th January 1830, stating that at the time of the survey, a tract of country which yielded an annual revenue of nearly a lakh of rupees, was then (when he wrote) in the possession of elephants.

Evidence of Colonel John Munro, on the renewal of the Charter in 1382.

"The only province which may perhaps be taken as the most successful application of the ryotwar settlement, and of field assessments, is Travancore. The land tax is there fixed, and is based upon a revenue survey, but a fresh survey is made every 10 or 12 years, in which alterations are inserted according to the lands brought into cultivation, or those thrown up. The periodical surveys are stated to have been the established habit of the native government. The original survey comprehended the whole country, waste and cultivated. The occasional service included the cultivated lands only. Every field, with its rent, was inserted in the survey, with its proprietor, and it was entirely a ryotwar settlement. The mode of determining the field assessment seems to have been, to fix it at certain ratios of produce to the quantity of seeds sowable, which were determined by the quality of the soil.

"The partial success, however, of the ryotwar system in Travancore, may be accounted for; it has existed from ancient times, and is the established usage of the province; the land

	Co.'s Rupees.		Co.'s Rupees.
* 1820	21,57,920	1832	20,87,804
1821	21,47,050	1833	19,35,357
1822	22,31,743	1834	20,64,073
1823	21,63,482	1835	20,97,729
1824	22,65,357	1836	15,11,803
1825	22,98,895	1837	20,10,742
1826	23,12,456	1838	20,08,480
1827	23,03,096	1839	19,79,928
1828	22,76,129	1840	20,28,629
1829	22,56,841	1841	21,18,769
1830	22,46,761	1842	21,52,753
1831	21,36,592	1843	21,85,672

	Co.'s Rupees.		Co.'s Rupees.
† 1820	29,22,193	1832	37,21,950
1821	30,26,436	1833	36,43,032
1822	33,09,593	1834	34,39,633
1823	38,80,406	1835	32,54,176
1824	49,27,489	1836	33,81,321
1825	33,67,668	1837	35,10,303
1826	27,64,922	1838	35,88,768
1827	23,48,588	1839	35,66,447
1828	33,42,204	1840	33,74,098
1829	32,15,294	1841	28,94,782
1830	32,40,773	1842	35,36,942
1831	31,97,958	1843	34,94,934

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land assessment is extremely low, the district has many valuable productions, as pepper, betel, cardamoms, and teak wood, and I believe the real cause of its success is the revision of the survey, which takes place every 10 or 12 years, in direct opposition to Sir T. Munro's principle of declaring the survey assessment permanent. But even in Travancore, it did not afford that protection to the ryot which is stated to be one of its chief advantages."

On which your petitioners beg to remark that Travancore is not a collectorate under the Company, but a tributary state, having a Maharajah, and its own government, to which an English resident is attached.

Zamindary

29. That having thus explained the operations of the ryotwar, your petitioners proceed to the zamindary system, which still obtains to a great extent in the three districts of Ganjam, Vizagapatam, and Masulipatam, and in some few parts of the 17 ryotwar collectorates; where it places the cultivators in a condition not materially better than the ryotwar. A few of these zamindaries existed prior to the occupation of the districts by the British; but the larger part are of more recent creation, in which their possessors occupy the position of farmers of the revenue; of which they are to pay a sum nominally estimated at 35 per cent. to the Government, take 15 per cent. as their own share, and leave the remaining 50 per cent. to the cultivator; the estimated 35 per cent. is, however, fixed at a certain permanent sum, the amount of which can never be varied by either the Government or the zamindar; it must be paid in money, without remission of any kind, to the zamindar for bad seasons, and without any demand upon him for an increase in the cultivation; the cultivators, on the other hand, are to pay the zamindar in kind, and he is to grant them the same remissions which are granted to the ryots of the Government.

30. That the half share of the produce due to the zamindar is subject to no charges for cultivation, the whole of which fall upon the cultivator; who has likewise to pay durbary and other expenses, best explained by the following statement, adapted to the collectorate of Masulipatam, and extracted from a Report by Mr. Russell, the collector of the district, dated the 20th March 1819, and to be found in the Appendix to the Report from the Select Committee, in the year 1832;—

"A ryot who has two ploughs will cultivate one cutty of mettah or dry land; and that extent of ordinary soil, in a favourable year, will produce 4 p. 10 t. of jonnaloo, and other grains and pulse.

				M. Rs.	a.	p.
"Value of 4 p. 10 t., at 22 Madras rupees per pootty, which is a high computation, since it is reckoning the whole produce at the same rate as jonnaloo*				99	0	0
Deduct Circar share				49	8	0
Deduct durbary charges on 4 pootties 10 tooms, at 2 Madras rupees per pooty	9	0	0			
Ditto Nuzzer cuttoy, &c., at 3 Madras rupees per cent.	1	8	0			
Batta to Mahasooldars, Anchanadars, &c., at 16 per cent.	8	0	0			
				18	8	0
Remains to the Ryot				31	0	0
Deduct charges of cultivation:—						
Value of 2½ tooms of seed grain	3	0	0			
Subsistence to two slaves for six months, at 1 seer of jonnaloo per diem	10	12	0			
Two Cumbalies	1	0	0			
Charges incidental to the replacing of cattle, one year with another	6	0	0			
Wear and tear of ploughs, &c.	0	8	0			
				21	4	0
Balance in favour of the Ryot				9	12	0

"In paddy lands two ploughs are not equal to the culture of more than 10½ veesums, and eight pootties are a good crop for that extent of land, in a favourable season.

"Crop

* This is the average price of jonnaloo.

				M. Rs.	a.	p.
"Crop eight pootties, value, at 20 Madras rupees per pootty				160	0	0
Deduct Circar portion				80	0	0
Ryot's share				80	0	0
Deduct durbary charges, at 1½ rupees per pootty			12 0 0			
Nuzzar cuttoy, &c., at 3 per cent.			2 6 6			
Mahasooloars, &c., charges, at 16 per cent.			12 12 6			
Total deductions				27	3	0
Remains to the Ryot				52	12	0
Deduct charges of cultivation:—						
Four tooms of seed grain, at 20 Madras rupees per pootty			4 0 0			
Subsistence of two slaves for six months, at two Seers of paddy each per diem, 18 ts. value thereof, at 20 Madras rupees per pootty			18 0 0			
Two Cambalies			1 0 0			
127 planters, at the average rate of 30 men for every toom sown			10 8 0			
Charges incidental to the replacing of buffaloes,* one year with another			8 0 0			
Wear and tear of ploughs, &c.			1 0 0			
				42	8	0
Remains to the Ryot				10	5	0

"34. As the fees which the ryot receives at the threshing-floor are given to his slaves, and constitute their means of support during a part of the year, I have calculated their subsistence for six months only, and for the same reason I have omitted to include these items among the receipts of the ryot.

"35. The principles by which I have been guided in estimating the charges incidental to cultivation, were not dictated by any speculative opinions of my own, but were deduced from a careful examination of original accounts, obtained from various sources, where I have no reason to suspect deceit, because there could be no motive for deceiving me. It may, however, be satisfactory to inquire how far the results regarding the charges for bullocks, &c., may tally with others prepared according to the plan observed in Mr. Colebrook's Husbandry of Bengal. That gentleman calculates interest at two per cent. per mensem on the money laid out in the purchase of cattle and ploughs, and considers that allowance to cover the expense of replacing casualties.

"36. In the foregoing accounts I have reckoned the ryot to have two ploughs and four oxen in a dry-grain village, or four buffaloes in one where paddy is cultivated."

"METTAH LAND.

"The price of a bullock, at a low computation, must be taken at 12 Madras rupees, and of a plough and other implements of husbandry at 1 Madras rupee 1 anna.

	M. Rs.	a.	p.
"Four bullocks, therefore, must be considered to cost the ryot	48	0	0
"And two ploughs, &c.	2	2	0
"The value of his stock then is	50	2	0

"And the interest on the sum for 12 months, at the rate of two per cent. per mensem, Madras rupees 12, or nearly double any former calculation.

"LOW LAND.

"Eight Madras rupees is the usual price for a ploughing buffalo.

	M. Rs.	a.	p.
"Four, therefore, must be reckoned to cost	32	0	0
"And two ploughs, &c.	2	0	0
Total amount of stock	34	0	0

"Interest on 34 Madras rupees, at two per cent. per month, 8r. 3a., or 13 annas less than my estimate.

"If

* Buffaloes are much shorter-lived animals than bullocks, and in the end more expensive; but they do their work better in this sort of cultivation.

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"If it be admitted that those statements are correct, it follows that the mere profits of husbandry must, under this system, be inadequate to the maintenance of the ryot's family.

"37. We will suppose, for example, that the family consists of five persons, which I take it is the usual average, and that it is composed of the ryot, his wife, two children, and a female relation.

"The daily consumption of grain cannot be estimated at less than four seers. One pootty and a half, therefore, must be allowed for the expenditure of the year; and, as that quantity of jonnaloo even will cost 33 Madras rupees, it is obvious that the mere article of grain alone will amount to more than the surplus which now remains to the ryot. Such is, in fact, the real result of the system. The plough itself affords little towards his support, and were it not that it gives him the valuable right of pasture for his cattle and ground for his pumpkins, he could not subsist. A single she buffalo will yield him eight rupees per annum in ghee alone, and the profit he derives from this source, added to the labours of his women, enable him to procure the necessaries of life; but even these aids will not always afford him the means of subsistence, and for two or three months of the year the fruit from his pumpkin garden, mixed up with buttermilk, or a very small proportion of meat, is the daily diet of his family.

"38. Under these circumstances, the indigence we find so prevalent among the agricultural classes, and the distrust which exists between them and the zamindars, cannot be a matter of surprise. Deprived as they are of the fair return of their industry, it cannot be expected that they will omit to avail themselves of any opportunity that may offer to pilfer the grain while it remains on the ground, and hence arises the necessity for the precautions which the landlord is obliged to resort to.

"39. It may, perhaps, be said that the introduction of village rents would improve the condition of the peasantry by relieving them from the ruinous expenses attending the present system of espionage) and so in fact it would, if the zamindars would found their assessments on a moderate scale; and the distrust which has for ages existed between them and the ryots could be converted into mutual confidence; but as long as the demand of the Circar shall remain at its present standard; as long as the 'durbary kurchooloo' shall be considered to be a lawful branch of revenue; as long as the collections actually realised under the several heads, which have heretofore been customary, shall be looked upon as the proper basis for future assessment; as long, in fact, as the demand of the landlord shall absorb the just profits of the cultivator, so long will it be in vain to expect any confidence between them; so long will the demand of the year depend on the actual harvest, and all engagements continue nominal; and so long will there be a positive necessity for the zamindar to guard against the clandestine removal of his crops.

"40. At present all engagements are nugatory. The rents are so high that it is impossible to realise them, unless the crops prove more than usually favourable. The annual demand of the zamindar, therefore, still fluctuates with the seasons; and as he knows the ryots will do all in their power to deceive him, he is obliged to ascertain their actual resources by means of appraisers, and the settlement is in effect concluded in the same way as if no agreement existed."

31. That without dilating upon the vexations innumerable occurring under the zamindary system, complaints of which are referable to the collector, your petitioners will merely point out that by it the ryot's nominal share of one-half the produce is actually reduced to one-fifth of the half on dry lands, and to one-eighth on wet or paddy lands, yielding as the annual return for his agricultural labour 20 rupees and 1 anna, an amount quite insufficient to procure grain for himself and family; putting aside clothing, salt, and vegetables, and the expenses of religious ceremonies at births, marriages, and deaths, all which he has to procure as best he may, from the milk of his herd cows or buffaloes, and the labours of the female members of his family.

32. That although the Minute of the Board of Revenue, to which your petitioners have referred, states that "the situation of a zemindary ryot is considered by many as superior to most of those placed immediately under collectors and their native officers," it is still more miserable at this time than it was at the date of Mr. Russell's Report; and, as the zamindarships are hereditary, and cannot lapse to Government except for failure in the payment of the Peishcash, or permanent rent; your petitioners represent the imperative necessity for definite and effective regulations to retain the zamindar from the continual practice of oppressive extortions, in taking away the best lands from their original holders, for the purpose of bestowing them on his own relations and favourites; compelling the ryots to cultivate such lands without payment; and obliging the ryots to buy the zamindar's grain at prices far above the market value; as likewise for granting greater facilities to the ryots for preferring their grievances, and for the due and early inquiry into and settlement of them by the collectors, instead of their being, as they are now, obliged to enter into an expensive litigation in the civil courts of the Government, notwithstanding the existing regulations that summary justice shall be afforded them by the collector.

Village system.

33. That, as the ryotwar system prevailing in 17-20ths of the whole presidency is always the substitution for the zamindary when lapses occur by the failure of Peishcash, your petitioners earnestly pray that, as there can be no obstacle either of hereditary right,

right, vested interests, or any other, to prevent its summary and total abolition, the ancient system which obtained in the country, prior to its subjugation by the Mahomedans, may be again reverted to; viz., the village system, or the collection of the revenue from the land by means of villages instead of individuals, without the interference of zamindars or middlemen on one hand, and free from the harassing oppressions of Government servants on the other. This system your petitioners beg to state has been tried by the Madras government, in what was called the Triennial and Decennial Settlements, alluded to in the former part of this petition, regarding which the Minute of the Board of Revenue before mentioned states:—

* * * * * * * *

"280. It differed from the ryotwar chiefly in the assessment being fixed on the entire aggregate lands of the village, not on each distinct and separate field; in its being concluded with all the ryots collectively, not with each individually: and in its giving up to the ryots not only the revenue to be derived from the arable lands, but that also to be obtained by after-exertions from the waste also. In fact, in leaving, in consideration of a contract to pay a given sum as public revenue, the entire internal administration of the affairs to the village community.

"281. The object in view was to adapt the revenue administration to the ancient institutions and ancient usages of the country, to which the Hindoos are proverbially attached; to suit the system to the people, and not to attempt to bend the people to the system. Mr. Place quoted, by some mistake in England, as an advocate for ryotwar, has well described the village settlement, and it is curious to observe the accuracy with which he predicted the consequences resulting from an attempt at the introduction of ryotwar in the Tamil country.

"It would," says he, "be superfluous, impracticable, and impolitic to ascertain with greater precision than has already been done, the measured extent of each share, or of each man's proportion of meerassay; because, in the first place, it would strengthen those suspicions which have arisen; and in the next, it could only be done by personal survey and the most unremitting attention, which, I think, hardly any one man can give to the completion of such a work, independent of innumerable variations that would take place while it was in hand; and it would be unwise, because not only it will be ever the most beneficial mode to let the lands of every village jointly to the inhabitants at large, both with a view to security and to good cultivation; but to let them separately, would tend to create divisions and dissensions, to the undoubted embarrassment of themselves, as well as of the public. No difficulty occurs in fixing the value of all the lands together of one village, but it would be nearly impossible to assign to every small allotment its proportion so exactly, and with such due regard to fertility of soil and other circumstances, that some should not benefit and others suffer; yet the latter would not receive the assistance of the former, in case of failure in their engagements.

"At present every village considers itself a distinct society, and its general concerns the sole object of the inhabitants at large; a practice, surely, which redounds as much to the public good as to theirs, each having, in some way or other, the assistance of the rest. The labours of all yield the rent; they enjoy the profit proportionate to the original interest, and the loss falls light. It consists exactly with the principles upon which the advantages are derived by a division of labour: one man goes to market, whilst the rest attend to the cultivation and harvest: each has his particular occupation assigned to him, and insensibly labours for all; but if each had these several duties to attend to, it is obvious that all the inhabitants must be absent together at those times that are most critical, both to them and to the state, and that many must want those abilities necessary to the performance of the various employments that would arise.

* * * * * * *

"On the whole, I cannot but consider that any reform tending to do away the union, or, if I may be allowed the expression, the unity of the inhabitants, and to fix each exclusively to his property, will be attended with danger."

"285. It was apprehended by some, that where the collective body of the ryots would not consent to assessment fixed by the collector on the village, and it became, consequently, requisite to enter into a settlement with the head only of the village, he would exercise over the inferior ryots all sorts of oppression; but it was conceived that his petty tyrannies could never equal those to which the ryot was liable from the more powerful Tehsildar. On the contrary, it was thought that his more intimate acquaintance with the affairs of the village, his superior knowledge of all its localities, his fellow-feeling for his unfortunate brethren, the assistance and forbearance which he knew when and how to afford to each ryot much better than the Tehsildar, the interest he possessed in supporting his popularity among the village community by a system of conciliation, and, above all, his entire dependence on the ryots themselves to enable him to fulfil his engagements, would render him a much more acceptable superior to them than the collector's severe and authoritative deputy, connected with the ryot by no ties of dependence, friendship, or fellow-feeling, and dependent for all his prospects in life chiefly on the state of his treasury and the precision of his collection."

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34. That the objection referred to in the above quotation from the Board of Revenue's Minute is, as far as your petitioners are acquainted, the principal, if not the only one, that has been urged against the village system; and the Court of Directors have adopted it in their Revenue Letter to the Goverment of this Presidency, dated the 12th December 1821; when alluding to the propriety of assessing the lands of a village in common, they observe, it "appears, according to all the information before us, liable to this conclusive objection, that the principal ryots are enabled in villages of this description to relieve themselves at the expense of the inferior;" but your petitioners submit that with only common and proper regulations for the guidance of the managing Ryots, equal justice could be easily distributed: there is no record that the contrary has, at any time, been the case under the short operation of the decennial settlement; while there is abundant testimony to the beneficial effects it is capable of producing towards the entire village community: as, for instance, the Honorable Mounstuart Elphinstone, when Governor of Bombay, recorded his opinion that the system was less objectionable, "because there are many ties on the potail (or head ryot of the village), to prevent his oppressing the people with whom he has been brought up, and among whom he is to pass the remainder of his days. It is not by any means so unpopular among the people. It gives to the person whose business it is to direct and encourage the labours of the ryots, an interest in their success; it strengthens the influence of the potail, so much required in revenue, police, and in settling disputes, and so likely to be undetermined by the introduction of an officer of government." Mr. Martin, Resident and Chief Commissioner at Delhi, speaking of the same class of persons in the Upper Provinces of Bengal (Letter to Government, 31st May 1831) observes, "Independently of the numerous ties by which they are connected with several subdivisions of the village, and which constrain them to the observance of an equitable regard to the rights and interests of all, the process of internal distribution among themselves of the share which each of the subordinate proprietors shall contribute to the payment of the Government demand, regulated as that process is by principles and usages which are familiar to all, constitutes, in my opinion, a sufficient safeguard against the undue preponderance of sinister interest in the engaging partner, and produces that harmonious regulation of the village economy, which results from the free co-operation of its members in the settlement of their affairs, and which appears to be no less conservative of the moral interests of the community, than conducive to an equitable assessment upon each proprietor, according to the extent and value of his share in the aggregate demand of Government.

35. That your petitioners will adduce further testimonies to the excellence of the village system, when preserved in its integrity: The first being that of the influential personage who has been the main introducer of the ryotwar system, Sir Thomas Munro, in his report of the 15th May 1806, states, "Every village is a little republic with the potail at the head of it, and India a mass of such republics. The inhabitants during war look chiefly to their own potail. They give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire, they care not to what power it is transferred. Wherever it goes the internal management remains unaltered. The potail is still the collector, magistrate, and head farmer." And the second is derived from the authority of the late Lord Metcalf, "The village communities are little republics, having everything they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution, Hindu, Pattan, Mogul, Mahratta, Sikh, English, all are masters in turn; but the village communities remain the same. This union of village communities, each one forming a separate state in itself, has, I conceive, contributed more than any other to the preservation of the people of India throughout all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence."

36. That both the Madras Government and the Board of Revenue, who witnessed the effects of the decennial assessment, were highly satisfied with the result, and recommended its general adoption; combating the objections against its introduction in the following language, copied from the minute on which your petitioners have already drawn so largely:—

"287. The judgment which has been pronounced in England against the village system, of which the outline is given above, is founded on a very partial and unfavourable view of its results; for it does not appear that the authorities at home had, at the time when that judgment was passed, any information before them respecting any other portion of it than its commencement, the triennial settlement. It is hoped that the reports which have since been forwarded, in elucidation of the effects of the decennial settlement, will enable them to form a more correct opinion of the tendency of the village system.

"288. Nothing, however, that has been urged at home, appears to contravene any of the fundamental principles of the village system. The whole of the evils arising from the triennial settlement, or which have been attributed to it, may distinctly be traced, not to its intrinsic principles, but to its over assessment, which it must be allowed has been justly condemned; for it was nearly everywhere a mere rack-rent. Under the pressing orders received from England, about that period, requiring from this country a surplus revenue of a million sterling, accompanied by a threat from the honourable Court of Directors to take the revision of the establishments into their own hands, not only was the most rigid economy enforced in all departments of the state, but the triennial settlement of each village

village where the ryotwar system had existed was too generally determined with reference to the payments under the survey rent; in other words, with reference to the collections under the ryotwar system, when all was taken from the people that they were able to pay.* The over assessment during this period, therefore, arose from the triennial settlement having in a great degree been founded upon the fallacious data of the ryotwar collections; and if any inference is to be drawn from this circumstance, it is one against the ryotwar, not against the village settlement. Appendix, No. 7

289. "The practical error, with some others of a similar nature, which had inadvertently crept into the triennial settlement, and are attributable entirely to a deviation from its principles, was in general avoided in the decennial settlement, which, as embracing a longer period and a greater vicissitude of seasons, is the standard by which a fair judgment may be formed of the result of the village system.

* * * * * * *

"290. That although this system has not been equally successful in every district, yet even where, as in Bellary, it has been the least so, the collectors are unanimous in opinion that it has most materially improved the condition of the great agricultural population of the country, and that it is the great body of the ryots, and not the mere parties with whom the settlement was concluded, who have chiefly benefited by the village settlement. The ryotwar teerwas have nearly everywhere been greatly reduced; and instead of the head ryots oppressing their inferiors, most of the collectors have been obliged to prop their weakened authority by that of their tehsildars. This, without any material exception, is the universal language of all their reports, and it is a result which may be confidently offered as conclusive evidence that the system has generally answered the expectations of those by whom it was introduced; but where the settlement has been best conducted, as in Cuddapah and the northern division of Arcot, a picture of prosperity is drawn, of which the parallel may in vain be sought for throughout the revenue records of this presidency."

37. That, notwithstanding this decided testimony to the superiority of the village system, as regards the prosperity both of the revenue and the cultivator, the Court of Directors ordered the village system to be superseded by the ryotwar, as before stated by your petitioners; and, with a professed view to remedy the evils attending it, issued orders which declared that the labour of the ryot should be henceforward free from compulsion; that private property in lands on this side of the Peninsula should be acknowledged, and that the over-assessment should be reduced; but, however well-intentioned those orders may have been, ryotwar is still the curse of the country, the over-assessment continues unaltered, the ryots are compelled to cultivate at the pleasure of the tehsildar, and the acknowledged right of private property in no way prevents the oppression of the owner, nor his gradual and sure depauperation. That while your petitioners apply to your honourable House for a return to their old revenue system on the broad ground of justice to the cultivators, they beg to point out a few particulars in which the change will be advantageous to the Government:—1. It will be relieved from the loss and corruption entailed by the ryotwar system; 2. It is secured from all loss arising from unequal land tax; 3. The rent will not depend upon the correct assessment of the cultivation; and, 4. The charge of collection will be considerably decreased; yet even were there no immediate advantage likely to accrue to the Government, your petitioners would represent that a lighter and more reasonable assessment, coupled with the removal of the vexations and oppressions accompanying the present mode of collection, would ensure a much larger cultivation, and thereby the revenues of the state would be improved; and that the people of India are therefore entitled to seek and to obtain from the paramount authority of the Imperial Parliament, the necessary and equitable redress of the weighty and multiform grievances brought upon them by the introduction of the system under which they groan; and their claims to the mode of redress they have pointed out are rendered still stronger by the fact, that a settlement by villages nearly resembling that which your petitioners seek for themselves, is actually now in full operation in the north-western provinces under the Bengal Presidency, where the leases are held on a term of 30 years' duration.

38. That the next grievance regarding which your petitioners appeal to your Honourable House, is the moturpha, or tax upon trades and occupations, embracing weavers, carpenters, all workers in metals, all salesmen, whether possessing shops which are also taxed separately, or vending by the road side, &c. &c., some paying impost on their tools, others for permission to sell, extending to the most trifling articles of trade and the cheapest tools the mechanic can employ, the cost of which is frequently exceeded six times over by the moturpha, under which the use of them is permitted. Moturpha.

39. That this tax, although of Mahomedan origin, as might well be supposed only from its oppressiveness, without the proof that it was so, contained in the Arabic word "moturpha," was never universal at this presidency, and was declared to be general only 20 years ago by Reg. V. of 1832, whereby it was enacted, that "the not having been actually charged with the said tax for any length of time, or residing at a place where it has not been actually

* See Report of the Board of Revenue to Government, dated 25 April 1808.

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actually levied, shall not entitle any person to exemption from it;" while such is the extreme irregularity of its collection, that whereas in the district of Tanjore it does not exceed the average of a farthing per head, in Kurmool, where the land assessment is much greater than in Tanjore, it amounts to no less than 9 *s.* 4 *d.* per head; while in the district of Canara it has been remitted since the year 1842, and in that of Madura it remains unenforced to this day.

40. That the last place to which it has been extended is a part of the district of Chingleput, and its introduction there in 1843 was attended with a serious disturbance; so great is the aversion of the people to this obnoxious impost, which compels them to go to the collector for their pullats, and often to be away from their occupation three or four days at a time, costing them as much for their own expenses, and frequently more than the amount of the tax they have to pay; in many parts the poor are taxed while the more affluent are exempted; and in all instances it falls more heavily upon the indigent than upon the wealthy, while the discretionary power under which it is collected affords a wide field for the perpetual practice of inquisitorial visits, extortion, and oppression, as suits the pleasure or the cupidity of the irresponsible collectors, with whom it is no unusual thing to resort to imprisonment and fetters in order to compel their exactions. That the whole sum raised by this impost is but little above 100,000*l.* sterling; and, as it has already been entirely abolished at Bengal and Bombay, your petitioners request that the same advantages may be extended to Madras.

Small farms and licenses.

41. That closely allied to the moturpha impost is the grievance of small farms and licenses, intended for raising what is called extra revenue, and which consists in the annual leasing out to individuals of certain privileges, such as the right of measuring grain and other articles; the right to the sweepings of the goldsmiths' workshops; the right of dyeing betel nut; of cutting jungle wood; of grazing cattle; of gathering wild fruit and wild honey; of catching wild fowl; of cutting grasses used in thatching; basket rushes and cow dung; and innumerable other such rights of levying taxes from the poorest of the poor, who feel them to be a most intolerable burthen, not only in the amount but in the vexations attendant on the collection of the money. Your petitioners therefore pray that these grinding imposts, the moturpha and the small farms and the licenses, may no longer be permitted to oppress the suffering people of this presidency.

Salt monopoly.

42. That the next grievance to which your petitioners would draw the attention of your Honourable House is the salt monopoly, a source of revenue introduced into this presidency by the East India Company; the manufacture of this article under the former governments having been subjected to no other restriction than that of a trifling duty; but under the British Government the right of manufacture began to be farmed or rented by individuals upon such terms as enabled the manufacturers to sell it on the coast at the price of 10 pagodas or 35 rupees per garce of 3,200 measures; and up to the year 1805, the revenue derived from that source did not exceed 80,000 pagodas or 280,000 rupees per annum.

43. That in the year 1806, the Government established an agency for the control and management of the salt department, the first consequence of which was the doubling of the price of the article, which was then fixed at 70 rupees the garce, when the annual average consumption for the space of three years amounted to 31,685 garces, at the end of which time, in the year 1809, the price was again raised from 70 to 105 rupees the garce, being three times as much as it had been prior to the Government monopoly; but, as the enhanced price naturally decreased the consumption, the price in 1820 was again fixed at 70 rupees; but after a course of eight years, the price was again fixed at 105 rupees, which was still further raised to 180 in the year 1844; but in the same year it was reduced to rupees 120, at which price it has ever since continued: that this being the wholesale price, it is of course sold to the retail dealer at an advance, who, as necessarily, adds his profit, to be paid by the consumer; and while the poorer classes are able to purchase a much smaller quantity than they could consume when living nearest to the salt pans, those who reside at a distance have to pay the expenses of the carriage, at the average rate of a rupee on each garce for every mile; so that it comes to them, according to the distance, 50, 100, and 200 per cent. dearer than at the coast; and the consequence is, that either the people go without salt altogether, or substitute an unwholesome article obtained from common earth impregnated with saline particles, which they manufacture at the risk of punishment, the procurement of salt other than that of the monopoly being prohibited under penalty of fine and corporal punishment, inflicted at the discretion of the collector or his tehsildar.

44. That your petitioners submit the great probability, amounting almost to a certainty, that the revenue derivable from this article might be obtained, if not even exceeded, were the monopoly reduced to the original price of 70 rupees the garce, as may be intelligible from the calculations following. By the revenue accounts for this presidency, during the four years commencing with 1846-47, and ending 1849-50, printed by order of your Honourable House in May, 1851, and which are the latest accessible to your petitioners, it appears that the annual average gross revenue is 46,41,868 rupees, the actual amount for the last year, 1849-50, being 46,45,946 rupees; and the sale price being 120 rupees per garce, the quantity consumed will amount to not more than 38,716 garces, or enough to supply the wants of 6,882,844 individuals, 18 measures per annum being the average quantity consumed by each individual who can afford to purchase: but the population of the 20 collectorates,

lectorates, including that of the city of Madras, amounted in 1850–51, as per return of census, published by the Board of Revenue of Fort St. George, to 22,301,697; to which, if there be added the population of Mysore, Travancore, and the recently-acquired province of Coorg, which in the year 1839 was estimated at 3,419,754, there will be found a total of 25,721,451, out of which there may be calculated that 20,000,000 are, or would be if they could procure it, consumers of salt, allowing 5,721,451 for infants under five years of age who do not use the article; and these 20,000,000 consuming as they would do, on an average, 18 Madras measures per annum each, would require a supply of 112,500 garces, or nearly thrice the quantity of the present actual consumption, without including the salt required for the cattle, which is a large quantity, and would be increased materially by the diminution of the price. Appendix, No.

45. That according to the published accounts above quoted, it will be found that the cost and charges of the manufacture is something under 21 rupees the garce; and, consequently, if from these 38,716 garces, sold for 4,645,926 rupees, there be deducted the actual cost and charges of 8,12,614 rupees, the net profit to the Government will be 33,33,312 rupees; but the sale price of 112,500 garces, at 70 rupees per garce, is 78,75,000 rupees; and deducting for cost and charges the sum of 25 rupees the garce, amounting to 2,812,500, the net profit to Government will be 50,62,500 rupees, or 10,29,188 rupees in excess of the revenue now obtained at the sale price of 120 rupees per garce: that the excess of revenue just quoted is equal to 23,274 garces, sufficient for 4,137,600 people; so that should the consumers be no more than 16,000,000, instead of 20,000,000, the present net revenue will suffer no deterioration, and the Government will still have a gain upon the article of more than 180 per cent.: your petitioners, therefore, pray your Honourable House that, as the lowering of the price will do no harm to the Government, while it will relieve so large a portion of the people from a most oppressive and injurious tax, affecting not only their comfort but their health likewise, that the Government charge for the article may return to the rate first introduced by the monopoly.

46. That another serious evil of which your petitioners have to complain is the increased and increasing consumption of spirituous liquors at this presidency, owing, as your petitioners are compelled to state, to the encouragement given to their use by the local government, and from which, in the capital alone, it now derives a gross revenue of 60,000 *l.* per annum. The liquor generally known by the name of arrack is made at the Government distilleries, and thence supplied to licensed venders to the number of 150, by whom it is sold in small quantities in every direction. In the interior, the manufacture and sale of the article is committed to contractors or farmers, who compete for the privilege annually at public auction, the sales realizing, on the average, 250,000 *l.* a year; and as the sale price is extremely low, the quantity consumed and the number of consumers is immense. Drunkenness, with all miseries, is consequently common throughout the land, and its baneful effects are a full counterpoise for whatever real or imaginary benefits have been derived by the lower orders of India from her connexion with Great Britain. Your petitioners have not memorialized Government in order to obtain the repression of this evil, not only because memorials to the Bombay authorities have totally failed, but because the amount of revenue thus derived from native demoralization is too great for your petitioners to indulge the slightest hope of procuring even a diminution of so profitable a vice, forbidden by Hindoo and Mahomedan law, and comparatively unknown before the ascendancy of European dominion. But your petitioners venture to indulge an expectation that your Honourable House will view the pestilence in its true light, and provide the remedy which so wide-spread and ruinous a calamity imperatively demands. Abkary.

47. That your petitioners will now advert to some other subjects requiring redress, such as the Post-office, which, besides being very tardily and slovenly conducted, acts, by the exorbitance of its charges, like a dead weight upon commercial correspondence and the circulation of knowledge; and which weight would be considerably lightened were the conveyance of official papers, which form three-fourths of the mail conveyed by tappal placed to the expense of the Government: this would make the Post-office revenue four times the amount now credited, and of course would permit of a corresponding reduction in the cost for carriage: a letter or package which now is taxed at 1*s.* might then reach its destination for the cost of 3*d.*, and still the returns of the department would more than cover the expenditure, even without an increase of correspondence, which, however, would certainly take place to a considerable extent, as a consequence of a diminution in the rates of postage. Post-office

48. That a necessary auxiliary to the increase of correspondence is a thorough reform in the management of the Post-office departments, beginning at the capital, and extending to the remotest boundaries of the presidency, which, although containing an area of upwards of 140,000 square miles, has no more than 130 post-offices, controlled by 30 post masters, a number totally inadequate to the wants of the public, to meet which efficiently your petitioners suggest that there should be at least one or more officers in every talook, according to its size, so that no inhabited part of the country should be more than 10 miles from a post-office. At present, the arrangements for distributing the letters among the native population, even at the stations where the offices are situated, are most defective and imperfect; the agents employed are of an inferior description, who frequently retain the delivery for days, till the parties to whom the letters are addressed submit to some unauthorized demand; while as regards places at a distance from the post stations, the evil is much greater

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greater; enormous delay, extending not unfrequently to weeks, is incurred, and a heavy charge besides; while, after all, the delivery of letters is uncertain, and wrong parties are sometimes permitted to obtain their possession.

49. That these combined circumstances, the paucity of offices and their inefficient supervision, the delays, exactions, and uncertainties, cause the Post-office to be greatly less trusted than it would otherwise be by the native public, who, in very many instances, have established dawk transit at their own expense, thereby depriving the State of a part of its income, to an extent necessarily unknown, but as necessarily of no trivial importance; and your petitioners therefore request that there may be a thorough reform in this department, reaching to the whole of its branches: and that every paper or package passing through it shall be made subject to the same uniform rate of charge.

Mahratta Dufter.

50. That another office, constituting useless expense to the Government, is that of the Maharatta Dufter, or native revenue establishment, by which all revenue accounts have to be translated from the Telugu, Canarese, Malayalum, and Tamil languages, in which they are originally kept and furnished, into the Mahratta; from which they are again rendered into English; this plan has been pursued at this presidency since the year 1824, and up to the present year has cost little short of 90,000 *l.*; the money being absolutely thrown away, besides increasing the amount of public business, together with a proportionate amount of official perplexity and confusion.

Irrigation.

51. That your petitioners now proceed to direct the attention of your Honourable House to the Maramut department, by which is intended the construction and preservation of reservoirs and channels for the purposes of irrigation, upon which not merely the fertility of the soil, but the practicability of its cultivation, is mainly dependent on the eastern side of India. Both the reservoirs and the channels are of the remotest antiquity, and were in former times extremely numerous, but at the present period not more than four-fifths of those still existing are kept in repair, while others have altogether disappeared, causing a decline in the agriculture of the presidency, equally hurtful to the ryot and the revenue, and this evil is occasioned partly from the unwillingness of the Government to disburse a sufficiency of funds, partly from what it does disburse being unsystematically applied, and partly because the execution of the works is entrusted chiefly to the tehsildar, to whom are committed the purchase of materials, the engagement of the labourers, and the payments due for each, he being held responsible both for the manner and time in which the work is completed; and the powers of this officer being almost unlimited, as he possesses, with very little abatement, the authority of the collector, he is able to compel the supply of materials and labour below the market price, to diminish the quantity of that actually furnished by short measurement of the work performed, and to delay the settlement of accounts almost indefinitely at his pleasure.

52. That although an impost is annually levied upon the ryots for the repair of the reservoirs and channels, there being a distinct charge consolidated in the land assessment for the use of the water, and although the construction of new reservoirs, where they are needed for an increased cultivation, will always give a return from 50 to 70 per cent. on the capital laid out; yet, in the province of Tanjore, whose general fertility entitles it to be called the granary of the Madras Presidency, it appears by the latest published Report of Captain A. Cotton on that district, the annual expenditure for repairs and other purposes connected with irrigation amounts to no more than about two per cent. upon the gross produce, and he remarks, "There are at this moment passing to the sea by the Colleroon at least 100,000,000 of cubic yards of water per day, sufficient for a crop of paddy in 8,000 cawnies; in a good fresh, sufficient water for a crop on 30,000 cawnies runs to waste daily. In a moderate season enough is lost to water certainly at least a million cawnies, or a tract double the extent of Tanjore, which would provide grain for about 2½ millions of people." And if such is the slender disbursement upon irrigation in the best watered province of the presidency, it must be trifling indeed in those districts which are more neglected, and as a natural consequence contribute to the revenue in a far smaller proportion; the results of this negligence being, that immense tracts of land lie everywhere uncultivated, simply for want of requisite irrigation, while numerous large rivers are hourly rolling their surplus waters into the ocean, along a coast extending from 800 to 1,000 miles along the eastern side of the peninsula, dooming reclaimable and virgin lands to sterility, and causing in great part the periodical famines, which with their concomitant, the pestilence, sweep away the wretched inhabitants by myriads at each time of their dreadful visitation. "Had a hundredth part," observes Captain Cotton, "of the time, labour, and money that has been lost by droughts or expended in trying to obviate the effects of scarcities been expended in providing against them, very much might have been effected; it is undoubted that in the worst year that ever occurred, enough water has been allowed to flow into the sea to have irrigated ten times as much grain as would have supplied the whole population." And the indifference of the Government on this head is the more remarkable, from its being a known fact, that proper irrigation is computed to increase fivefold the produce and the value of the land watered.

Roads.

53. That, closely connected with the irrigation of the country, is the construction of roads, to enable the cultivator and the manufacturer to contribute to the wants of each other, and thereby increase the prosperity of the inhabitants in general, and in regard to which your petitioners have the greatest causes for complaint, it being a melancholy fact that

that the sum expended for this purpose at the Madras Presidency is scarcely above one half per cent. on her revenue; in the North-Western Provinces it is two and a half, and in Bengal more than one and three quarters; while Bombay, with a far smaller revenue, and half the number of inhabitants, has more than 37,000 *l.* expended upon her roads and canals, while Madras has only 30,000 *l.*

54. That the condition of the roads at Madras, however bad, is just what could be expected under such circumstances; but as it is impossible for your petitioners to get at official documents on this head, the Government having declined complying with the request of the association, and all public officers, civil and military, being prohibited to communicate official information, they will draw upon an article contributed to the "Calcutta Review," No. 32, for a few facts by way of elucidation. The number of principal or trunk roads, as set down in the return of public works, printed by order of your Honourable House in 1851, is only 11, but very few of these are finished, and not one of them is kept in a state of efficient repair; the only road that is always in good order is that leading from Fort St. George to the head quarters of the artillery at St. Thomas's Mount, a distance of about eight miles; the longest road is that from Madras to Calcutta, 900 miles estimated length, but it has never been completed, and, although it is called the Great North Road, and is used by all travellers proceeding to the northern parts of the presidency, yet even a few miles from Madras it is not distinguishable from paddy fields, and piece goods have to be brought on the heads of coolies from Nellore, 110 miles distant, and situated on this very road; 50 miles farther it passes over a wide swamp, causing carts and travellers to skirt its edge in mud and water, as well as they can, during six months of the year; on another part of the same line near Rajamundry, a gentleman was lately four hours in travelling seven miles on horseback; parts of this road have been at various times repaired, but these portions have afterwards been totally neglected and allowed to fall again into ruin; for the most part the line is unbridged, and in the places where bridges have been constructed they have been neglected, till the approaches have been wholly cut away by the rains, leaving the bridges inaccessible, and consequently useless. From this road another branches off towards Hydrabad and Nagpore, but though it is only 22 miles in length, the money expended upon it has been thrown away, and it is never in a fit state for traffic; and such is the general condition of all the rest of the trunk roads, with the exception of that leading to Bangalore, which, and which alone, is practicable, and that only latterly for post carriages and horses, proceeding at the rate of four or five miles per hour.

55. That the country is in an equally desperate condition as regards district roads. The district of Cuddapah, measuring 13,000 square miles, has nothing that deserves the name of road; there are tracks, impassable after a little rain; and everywhere carts, when used, carry half their proper load, and proceed by stages of half the usual length; while the trunk road from this district is so notoriously bad, that the Military Board use it as a trial ground to test the powers of new gun carriages, which are pronounced safe if they pass over this severe ordeal. This district is one of the finest cotton fields in South India, but has its prosperity impeded and kept down by the wretched state of its internal roads, and of its communication with the coast, the natural outlet for its commerce. Other districts might be named only second to this in extent, and hardly inferior in capabilities, in which the internal communications are no better; and there are few districts in which country roads, as distinguished from the chief trunk roads, have received any attention whatever, and to all but these few the description of Cuddapah is applicable; the principal exception being the Collectorate of Salem, which as it is a level country, without any large rivers, has, under Mr. Orr, received considerable improvement at a trifling expense of about 4,000 *l.*, and the forced labour of the district; but it is still without main routes of communication with the surrounding districts.

56. That the entire extent of road practicable for bullock carts, scarcely exceeds 3,000 miles for the entire presidency; mostly without bridges, impracticable in wet weather, tedious and dangerous in the dry season; not an individual talook possesses roads correspondent to the number of its population, and where there is the greatest improvement, as at Salem, it is of no benefit to the other parts of the country, and to them is all the same as if it had no existence.

57. That the unwillingness of the Company and the local Government to expend money on the construction of roads requisite for the interchange of traffic from province to province, and from the interior to the shipping ports along the coast, would be incredible if it were not a notorious and substantial fact; and it is still worse that they should pretend the ryots ought to make them at their own expense, for pressed down, as they are, by a heavy load of taxes, which renders them too poor to purchase Company's salt for their miserable food of boiled rice and vegetables, the latter too frequently wild herbs, the spontaneous produce of the uncultivated earth; unable to supply themselves with clothes, beyond a piece of coarse cotton fabric, worth 2*s.*, once in a twelvemonth, it is impossible for them to find the means or time for road-making gratis, even if they possessed the skill requisite for the purpose; and your petitioners submit that it is the bounden duty of the State, which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the resources upon the improvement of the country whence they are derived than it does at present. It can find money to carry on wars for self-aggrandisement, to allow immoderate salaries to its civil service, to pension off the whole of its members on 500 *l.* a year each, and to pay interest at 10 per cent. to the proprietors of East India Stock, all from

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from the labour of the ryot; and when he requires roads by which he might find the means of bettering his condition, and that of the revenue, he is told that he must make them for himself.

58. That the refusal of the local government to effect the necessary improvements, on the ground of financial incapacity, has indeed much appearance of truth; owing to the circumstance that the Supreme Government of India will not allow any money to be assigned to the purpose of improvements at this presidency, unless she contributes to the general revenue of the Company the quota of 50 lacs of rupees over and above her own expenditure; and as the surplus revenue for the year 1849–50 was only 43,16,761 rupees, and all preceding years very much less, Madras on these terms can hope for but a small allowance; but the fact is that she is dealt by most unjustly, in being compelled to furnish military protection to various districts, the revenues of which are paid into the treasuries of Bengal and Bombay; the cost to her of the troops thus supplied amounts to 79,83,000 rupees, making, with the surplus already quoted, the sum of 1,22,99,761, nearly 73 lacs above her assigned quota, and, were she allowed to spend her own surplus, there would be ample funds both for public works and for relief from injurious and impolitic taxation; while the construction of good roads throughout the presidency would go far to abate the severity of periodical famines, by permitting the easy transport of grain from one province to another, which is absolutely impossible under present circumstances, when a journey of any length would occasion the consumption of the grain for the support of the drivers and their cattle long before they could reach their destination. Your petitioners, therefore, beg for that portion of redress which your Honourable House shall judge to the necessities of the people and the prosperity of the presidency.

Company's Courts of Law.

59. That your petitioners now come to the representation of the grievances under which they labour in connexion with the administration of civil law in the courts of the East India Company; the process of which, besides involving large unnecessary expense, is slow, complicated, and imperfect. These courts comprise those of the moonsiffs, with a jurisdiction in suits under 1,000 rupees; of the sudr ameens, with a jurisdiction below 2,500 rupees; of the principal sudr ameens, or subordinate judges, within 10,000 rupees; and of the zillah, or civil judges, with jurisdiction unlimited; finally, the Court of Sudr Adawlut, the highest court of appeal in the country, having also discretionary power to call up certain suits from the civil courts for original investigation.

60. That from the decisions of the moonsiffs, sudr ameens, principal sudr ameens, or subordinate judges, an appeal lies to the civil courts; decrees of these latter are similarly appealable to the Sudr Adawlut; and in suits involving 10,000 rupees and upwards, a further appeal to the Privy Council is open; also, cases appealed to the civil courts can have a special appeal to the Sudr Court, should there be any inconsistency with some law or usage in respect of which there may exist reasonable doubt. The moonsiffs, sudr ameens, and principal sudr ameens, are either Europeans, East Indians, or natives, but the subordinate, civil, and Sudr Adawlut judges are covenanted civil servants.

61. That in all suits, whether in courts of the first instance, or in appeal, every paper presented to the court, the power of attorney to the vakeel, the pleadings, the exhibits of whatever kind, must be on stamped paper of a certain value, varying, in an ascending scale with the jurisdiction of the courts, and four annas (sixpence) to four rupees (eight shillings) per sheet of 30 lines, independently of an institution fee, payable in every court through which a suit may be carried, according to the following scale:—In suits for sums not exceeding 16 rupees, one rupee; above 16 rupees, and not exceeding 32, two rupees; from 32 to 64, four rupees; from 64 to 150, eight rupees; from 150 to 300, 16; from 300 to 800, 32; from 800 to 1,600, 50; 1,600 to 3,000, 100; 3,000 to 5,000, 150; 5,000 to 10,000, 250; 10,000 to 15,000, 350; 15,000 to 25,000, 500; 25,000 to 50,000, 750; 50,000 to 100,000, 1,000; above 100,000, 2,000; this fee is to be the stamp on the first sheet of the plaint or petition of appeal; and all further sheets to complete the pleading must have each a stamp, varying, according to the court of jurisdiction, from four annas to four rupees. All proceedings in every suit are matter of record to meet the privilege of appeal.

62. That the vexatious delays arising out of the present judicial system, and the injury thereby inflicted on the suitors, attracted the notice of the Court of Directors so long ago as the year 1814, as will be apparent from the following extract from a despatch to the government of this presidency, dated the 29th April in that year, and printed by order of your Honourable House on the 1st July 1819:—

"17. What also occasions the great arrears of suits in all our tribunals, both European and native, is the process and forms by which justice is administered. This process, and these forms, are substantially the same as those of the superior tribunals in England, and even pass under the same names. The pleadings of the court are almost in every case written (as well as the evidence of witnesses), and they proceed by petition or declaration, replication and rejoinder, supplemental answer and reply.

"18. Such a minute and tedious mode of proceeding, in a country where the courts are so few, compared with the vast extent and population of it, must be quite incompatible with promptitude and dispatch. Causes must be long pending, and slowly got over off the file; and the tardiness with which they are brought to a settlement must, in innumerable instances, be a greater evil than the original injury sought to be redressed, to say nothing of

of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors, as well as to those who may be summoned to give evidence. On one description of persons it must, according to the information we have received from Colonel Munro, operate with peculiar severity: we here refer to the heads of villages. "They are (he observes) subject to great inconvenience and distress, being summoned as witnesses in every trifling litigation that goes before the judge from their respective villages. They are supposed to know the state of the matter better than anybody else, and are therefore always summoned. They are detained weeks and months from the management of their farms, and are frequently no sooner at home than they are called away 50 or 100 miles by a fresh summons about some petty suit which they could have settled much better on the spot: and crowds of them, as well as of the principal riots, are always lying about the courts, and very often without its being known to the judge that they are there." Appendix, No. 7.

63. That in order to exemplify the lediousness of the protractions to which suits are liable, your petitioners will select a few cases from "Decisions of the Sudr Adawlut,"—published by that court,—embracing the last half year of 1849:—

Date of Proceedings of Sudr Adawlut.	Nature of Decision.	Year of Original Suit.	Time occupied.
2 July 1849 -	Special Appeal Suit decided -	1840	9 years
„ „ -	Suit remanded to Civil Court -	1845	4 „
„ „ -	Ditto ditto -	1843	6 „
„ „ -	Ditto ditto -	1846	3 „
20 Aug. „ -	Suit remanded to Original Court -	1846	3 „
„ „ -	Suit remanded to Civil Court -	1847	2 „
23 „ „ -	Decrees of Lower Courts reversed -	1841	8 „
22 Oct. „ -	Suit remanded to Civil Court -	1846	3 „
12 Nov. „ -	Ditto ditto -	1845	4 „
24 Dec. „ -	Decree of Courts below reversed after two remands in 1840 and 1844 -	Uncertain	Above 15 „

64. That the above extracts are from cases first exhibiting the dates of the original suits; and they disclose a principal feature of the progress of civil suits, viz., a remand to the inferior courts for re-investigation and decision de novo, sometimes causing the litigation to be re-opened ab initio, and involving a second course of appeal; and, although in these cases a portion of the stamp dues is remitted, still the pleaders must be paid, and other disbursements incurred, besides the fatigue and waste of time in journeying between the several courts, which, added to the uncertain and distant prospective of the final issue, are so harassing to body, mind, and pocket, that it would frequently be preferable to the successful party to have abandoned his rights, rather than to have exposed himself to the annoyance, expense, and interminable troubles of the Company's courts of law. And under all these considerations it will be obvious to your Honourable House, that where the value of the property in dispute is trifling, the lawful claimant would choose rather to forfeit his claim than prosecute it at an expense beyond its worth; and when the property is large, the heavy institution fee must act as a bar to the man of small means seeking the recovery of his rights by the appalling process of the courts of the Company; your petitioners consequently pray that trial at bar may be granted on a fixed day, with immediate decision, instead of an examination of witnesses from day to day, as they may delay their appearance; and shorter modes of executing the decrees.

65. That great as are the evils of delay and expenditure, another, scarcely less formidable, is to be found in the imperfectness of the machinery, to which, in point of fact, the two first mentioned evils principally owe their origin; and consisting in the absence of sound judicial capacity in the presiding officers, especially those of the lower tribunals; scarcely one of whom has even a moderate acquaintance of the vernacular language of the district in which he exercises his functions, has previously devoted any portion of his time to the study of jurisprudence, or experienced even a limited training in a judicial court; and this evil is further aggravated by the injudicious manner in which they are appointed or removed. The heads of the judicial courts are in a state of perpetual transition; when one of them goes away from his post he is generally replaced, ad interim, by the judge of another court, whose post also receives a temporary incumbent from a third court; and so on in a greater or less ramification of changes; all leaving many suits pending which have been partially heard by each of the judges prior to his temporary transition. Where these are intricate, the locum tenens usually allows them to lie over till the return of his predecessor; or, if the current business cannot be delayed, they are imperfectly investigated and hurriedly disposed of, manifestly to the prejudice of the suitor in either case.

66. That the indifference of the local government to the interests of the suitors in their courts is further apparent, from the circumstance that a party acquainted with the native language of one district is appointed to another with the vernacular of which he is wholly unacquainted

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unacquainted; and one instance has lately occurred where Mr. * * who is acquainted with Tamil only, was appointed to the Telugu district of Vizagapatam, where the administration, as governor's agent, of both civil and criminal justice devolves on him; while Mr. * *, acquainted with Telugu, was transferred from Cuddapah, a district in which that language is spoken, to Chingleput, with the vernacular of which district he is totally unacquainted. The consequence of such appointments and exchanges is, that the judge is necessarily thrown into the hands of the subordinates of his new court, at whose mercy the suitors find themselves almost entirely placed, with all the pernicious effects resulting from such an anomalous position.

67. That in connexion with the injudicious appointments to which your Petitioners have referred in the preceding paragraph, they beg leave to exemplify to your Honourable House a few recent and striking instances. In 1847 Mr. * * was appointed a judge of the Sudr Adawlut, the highest court of appeal in this Presidency, when the whole of his experience in the judicial line—and that nine years previously—amounted to no more than five years and three months. In 1847 Mr. * * who had been eight years, nine months, and twenty days in the same line, his whole period of civil service being only seventeen years, was sent as commissioner to Kurnool, such being chiefly a revenue appointment; and subsequently, in 1850, as collector of Salem; while Mr. * * only eleven months in the judicial line, saving a little experience while commissioner in Kurnool, was nominated civil judge of Combaconum, one of the most frequented courts in this Presidency. In 1850 Mr. * * who had never done a day's duty as a judicial officer, was made civil judge (an appellate office, and with unlimited jurisdiction as a court of the first instance) of the important district of Coimbatore.

68. That as regards removals your petitioners will instance the case of Mr. * * judge of the Sudr Adawlut, who, in 1850, was ordered to proceed as a commissioner to Ceylon, to investigate some matter concerning a military officer (in which the people of this Presidency had no interest whatever), and during whose absence suits, partially investigated by him, could not be disposed of, to the injury of the suitors therein, and in one case to a suitor's utter ruin from the delay; on which occasion Mr. * * who, out of a civil service of twenty-two years, had passed less than two years in the judicial line, and that also very long ago, was temporarily appointed to the place of Mr. * * ; and they will also quote that of Mr. * * who was taken from his seat on the Sudr bench in this year to proceed on a government mission into Malabar, on which he has now been absent nine months, and with the usual consequence of all suits examined or acted on by himself being suspended until his (uncertain) return; while, to conclude, the general character of the Company's judicial service with its common appellation in this country it is a "refuge for the destitute," all those persons who are too incompetent for the revenue department, being transformed into judges and dispensers of the criminal and civil law of the Mofussil.

69. Your petitioners, when thus submitting to your Honourable House the grievances endured by the people of this Presidency in the administration amongst them of civil law, are unable to lay down what might be deemed a fitting remedy; but they may respectfully, yet earnestly, press upon the consideration of your Honourable House, that the evil of delay acknowledged to exist in 1814 is still unremedied, and that a more summary adjudication of civil suits than can now be obtained is essential for the welfare, comfort, and happiness of the people; that this cannot be obtained without altering the present system of appeals; that in doing away with much of these appeals it is indispensable that the courts having summary and final jurisdiction should be presided over by two or more trained, experienced, and legally qualified judges; and that experience shows such heads of courts are not to be found in the civil servants of the East India Company, while, as at present, untrained and not specially educated for such responsible situations. Your petitioners would also suggest the propriety, amounting almost to necessity, of the class of superior judges being rendered incapable of displacement at the mere pleasure of the local government, in order to insure impartiality and justice in their decisions, especially in cases where the East India Company or the local government are parties to the causes to be adjudicated.

70. That besides the better training and more thorough education of the judges in a course of legal knowledge, your petitioners beg for a complete reformation in the practice of pleading, so that vakeels and pleaders may likewise be previously subjected to a course of sound and thorough instruction, and obtain licence to plead only upon regular certificates granted by the Sudr Adawlut, in regard to the necessity of which your petitioners beg to quote the language of the despatch already referred to, in paragraph 62.

"22. The defective and superficial acquaintance of the vakeels themselves with the Regulations, and their general inaptitude for the discharge of their duties, has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by Colonel Leith, who was employed under your government in framing the original code of laws and Regulations, and who has, in his letter to the Chairman to the Court of Directors, of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the vakeels, in terms which have particularly attracted our attention. There is perhaps (he says) no part of the judicial system which has been attended with worse consequences than the vakeel branch of it. They are, in general, extremely illiterate,

illiterate, and their situation gives them various opportunities of committing abuses which are not easily detected. In particular they have been accused of promoting litigation, by holding forth false promises of success to their clients. Their habits of intercourse with the natives, and their being, in a manner, the only persons who are acquainted with the Regulations, makes it easy for them to do so. I do not hesitate in saying that one great cause of the litigation and delay in law-suits has arisen from the native pleaders.

23. Your Board of Revenue also, in the report to which we have already referred, have distinctly averred that the licensing of pleaders in vakeels had led to a series of fraud and corruption in the zillah and provincial courts, and they therefore recommend that in the revenue courts, which it was then in contemplation to establish at the Presidency, 'pleading ore tenus should be adopted, instead of petitions, replications, and rejoinders.' We therefore direct you to instruct the courts of Sudr Dewanny and Nizamut Adawlut, and the inferior courts, to communicate their ideas on this subject, and that you do thereupon revise the respective powers, together with the forms of process in both departments, with the view of rendering the proceedings in civil cases as summary as may be compatible with the ends of substantial justice;" and to inform your Honourable House that all things above noticed as injurious to suitors, arising from the ignorance and dishonesty of the vakeels, are as bad and common now as they were when Colonel Leith recorded his opinion.

71. That should it seem good to your Honourable House to do away with the oppressive system of ryotwar, and substitute in its place the ancient village system of the country, referred to in a former part of this petition, your petitioners pray that it may be restored in its integrity; the potail or head of the village and his village servants being invested with the superintendence of the local police, an appeal against his proceedings to the courts of justice being allowed; the institution of the village punchayet, which is now only optional, being rendered imperative, and composed of respectable ryots to be selected by the villagers in monthly rotation, the punchayet to take cognizance of civil causes for simple debt up to 100 rupees, with the power of passing a final decision when the amount does not exceed 20 rupees.

72. That a district punchayet be formed for a certain number of villages, the members being elected annually by rotation, having jurisdiction in suits to the extent of 500 rupees, to which appeals may be carried from the village punchayets in all cases within their cognizance above 20 rupees, and that an office of registry be established in each village, in communication with the collector's cutcherry, for the prevention of frauds. And your petitioners beg to refer your Honourable House to the 48th and following paragraphs of the same judicial letter from the Court of Directors to this Government, for a full and favourable account of the punchayet system, to which they have adverted; the paragraphs being too many to be quoted at length within the compass of this petition.

73. That the criminal courts of the Company are on a par with the civil courts; the judges being without any distinct legal training, excepting what is to be obtained in the revenue department, where they have all previously held the appointment of magistrate and justice of the peace; and although they have regulations furnished for their guidance, framed by the Sudr Adawlut, the members of which are persons selected from their own body, and whose whole stock of judicial information is derived from their experience in more subordinate situations, their proceedings are too frequently heterogeneous and based upon misapprehension of the regulations, and their insufficiency may be inferred from the facts that, in the year 1850, the latest date to which your petitioners have access, in one district, that of Rajahmundry, the disproportion of the persons punished to the number summoned was nine per cent. of the former to ninety-one per cent. of the latter, one hundred men having been brought up for every nine that were convicted; in other districts the ratio has been in some seventeen per cent., and in others ten per cent., while the average ratio in all the districts throughout the Presidency showed that the number brought up to the magistrate was twice that of the convicted parties; and these inconveniences, amounting very generally to injuries, are chiefly occasioned by the European magistrates giving their principal attention to their revenue duties, leaving those of the magistracy to be performed by their subordinates. That in two districts alone, those of Combaconum and Tinnevelly, the number of individuals against whom the charges were declared to be wilfully false and malicious was 2,064; while the number of persons punished for bringing those charges was no more than 136. In the whole Presidency, for petty offences before the police, 51,602 persons were detained for periods running from three days to sixty and upwards, of whom 11,823 were detained above thirty days; and as the number punished altogether was only 45,829, it follows that many were detained who were not offenders. Again, it is to be remarked, that 12,543 persons were detained from three to upwards of thirty days for crimes and misdemeanors, while the provisions of clause 4, section 27, Regulation XI. of 1816, limit the time for inquiry to forty-eight hours.

74. That these few facts, taken from the report of the Foujdaree Adawlut, sufficiently demonstrate the ill-working of that part of the administration of criminal justice which is entrusted to the police; much of which might be remedied if the magisterial power were taken away from the collectors and their subordinates, who have full employment for all their time and talents in the performance of their duties connected with the collection of the revenue; and on account of which, as above remarked, they depute so much of their functions connected with the police to the tehsildars; that, although your petitioners cannot distinctly

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distinctly discover, from the report of the Foujdaree Adawlut, the individual crimes of the accused parties in the police cases, they are yet perfectly sure that the far greater portion have been made to arise from the demands for the revenue; the tehsildars being able, in their magisterial capacity, to trump up false accusations, and to involve any number of persons in their charges; this circumstance accounts for the number of parties brought up to the police who were ultimately discharged; for the admitted number of false and malicious charges; for the paucity of punishments affecting the authors of the charges; and for the numerous detentions in violation of the Regulations: besides this, the police being all under the collector, and always more attentive to the exaction of the revenue than to the preservation of the lives and property of the people,—the natural consequence is that burglaries, highway and gang robberies are more or less prevalent in every district; which could not be the case if the police were efficient, and performed its proper duty. Your petitioners pray, therefore, that this anomalous state of things may be rectified; that the police may be made a separate department, as it was before the Regulation of 1816; and that it may be enlarged to the extent necessary for the effective protection of the country.

75. That the "Select Reports of Criminal Cases" determined by the same court, afford abundant instances of the ill-working of that part of the administration which is committed to the higher class of criminal judges, of which your petitioners will briefly quote a few cases. At Masulipatam, at the third quarterly session of 1838, a person named Kota Ramudu and fifteen others were tried for gang robbery and murder, in an attack on the talook treasury at Ellore, two of whom were convicted and sentenced to fourteen years' hard labour in irons; on the case coming before the Foujdaree Adawlut the sentence was changed into transportation for life; subsequently to which, further evidence was produced, which the said court considered conclusive as to the innocence of the condemned parties, and orders were given for their release, but in the interval one had died at the place of his transportation, the other was brought back, and, to quote the language of the reports, a "present of money was bestowed upon him by Government by way of compensation for the hardships he had undergone!" At Coimbatore, in October 1845, Ramadattan and four others were tried for murder, when the session judge convicted them all, and recommended that they should be severally sentenced to death. In this recommendation, the first and third puisne judges of the Foujdaree Adawlut, Mr. * *, and Mr. * *, coincided, but the second judge, Mr. * *, expressed his conviction that the murder had been perpetrated by two of the witnesses, and proposed that the trial should be laid before the chief judge, Mr. * *, who concurred with Mr. * *, when an additional judge, Mr. * *, was appointed to go into the case, and he concurring with Mr. * * and Mr. * *, the prisoners were acquitted, and the session judge was reproved for not having properly attended to the Regulations. In June 1848, Madiga Potaraza Karra Tippadu and two others were tried in Kurnool, before the agent to the Governor of Fort St. George, on the charge of murder. The agent convicted Madiga, and recommended that he should be hanged, and that the second prisoner should give security. The court of Foujdaree Adawlut considered "the evidence too weak and inconclusive for the conviction of, or even for a requisition of security from, any of the prisoners charged," acquitted Madiga, directing his unconditional release, and issued orders for the annulment of the requisition of security under which the second prisoner had been placed. After this sentence of acquittal had been passed by the Foujdaree Adawlut, the agent received information that the commission of the murder had been perpetrated by an unsuspected person named Sanjivigadu, who had confessed his guilt and surrendered himself to the police. The agent of the Governor at this period was Mr. * *, whose eleven years of judicial experience would have hanged three innocent persons, upon evidence insufficient to demand a requisition of security from any one of them. In August 1850, Govind Row was tried at Coimbatore for murder and robbery. "The session judge, Mr. * *, in concurrence with the Mahomedan law officer, considered the evidence to be conclusive as to the prisoner's guilt, and referred the trial for the final judgment of the Foujdaree Adawlut, with a recommendation that he should be sentenced to suffer death." The Court observed that the examination was defective, and that there were discrepancies and omissions in the evidence for the prosecution which vitiated the proof of several circumstances. They accordingly acquitted the prisoner of the crime charged, but ordered that he should find two securities in fifty rupees (5 *l.*) each, for good behaviour and appearance when required within three years.

76. That your petitioners restrict themselves to these four cases, because they are desirous not to lengthen their petition unnecessarily; but they would request the attention of your Honourable House to the last instance quoted, it having come under the cognizance of Mr. * *, the officer whom your petitioners have mentioned in an earlier paragraph, as having been appointed judge at Coimbatore, without having ever done a day's duty as a judicial officer. It is not, therefore, surprising that his examinations should exhibit discrepancies, defects, and omissions, nor that he should be obliged to lean on the Mahomedan law officer for support and guidance; which would have cost the prisoner his life except for the interference of the superior court; when Mr. * * could go as far wrong as he, after a duty of eleven years in the judicial department.

77. That these four instances are enough to show the absolute necessity for a change in the judicial system as regards the appointment of judges holding jurisdiction over the lives and persons of Her Majesty's subjects in this Presidency; and your petitioners may desire a change in the laws or Regulations also, by the introduction of a better code than that of the

the Mahomedans; by which, to name only one particular, adultery is made a criminal offence; whereas by English and Hindu law it is one of civil action for pecuniary damages. A comprehensive code, published in English, and translated for the information of the public, would do away with the necessity of muftees or Mahomedan law officers; while the restriction of judicial employment to a separate class of persons, trained to an acquaintance with it, both by theory and practice, would render the judges at home in their own courts, and instil a confidence among the people which is, and must ever be, wanting in the Regulations and judges of the Company as at present constituted. Appendix, No. 7.

78. That great inconvenience is continually resulting to the people from the impossibility of getting access to the public records and documents of the various offices, of which your petitioners will give two or three instances. In the year 1846, the Hindu community forwarded to the Court of Directors, through the local government, a memorial, the receipt of which was acknowledged by the chief secretary, with the remark that the memorialists ought to "refrain from representations touching the proceedings of Government, whilst the facts and official documents which alone contain the true record of these facts are unknown to them;" and when, on this intimation, an application was made for certain information connected with a second memorial then in course of preparation, the same chief secretary replied that the application was irregular, and instead of supplying the information, referred them to the former letter. In the present year the Madras Native Association applied for access to official data, necessary to enable them to draw up this petition to your Honourable House, when no notice was vouchsafed to their application; and, lastly, about five months ago, on the 9th July, application was made on behalf of the memorialists for the second time, requesting to be informed if the orders of the Court of Directors—which the Government had stated in reply to a previous application it was then awaiting, in consequence of the Court's despatch not being sufficiently explicit—had been received; and if so, that they might be communicated to the memorialists: the chief secretary ordered it to be recorded, but has given no answer up to the present date. There are also innumerable instances in which natives accused of misconduct, are constantly refused copies of office documents by which to establish their defence and free themselves from false accusations. Your petitioners therefore request that parties on making application may be entitled to take or to receive copies of such papers as they may wish to possess for such purposes; as well as that all official papers of general interest may be printed for sale at cost price: by this practice the Government would be considerable gainers, as its acts and the reasons of them would thereby be rendered public, together with their attendant circumstances; and they would no longer be subject to misrepresentation and misconstruction, as they are, and must continue to be, under the operation of the present system of official secrecy. Public Records.

79. That your petitioners will next advert to the state of national education in this Presidency, in the hope that your Honourable House will take measures for enforcing the obedience of the local government to such future Regulations as the wisdom of your Honourable House may lay down for its guidance in the time to come. Your petitioners will trace the subject no further backwards than to the year 1826, when Sir Thomas Munro, being Governor, proposed in a minute, dated 10th March, that the system of native education should receive assistance from the State, which should be small at first, but increasing gradually till it extended to the formation of 40 collectorate schools, and 300 tehsildary schools for the entire Presidency, the estimated expense, when in complete operation, being calculated at 48,000 rupees. The Court of Directors, in a despatch, dated the 16th April 1828, sanctioned the annual appropriation of 50,000 rupees for this purpose; and immediately on the receipt of this sanction the proposed plan was put into partial operation, and continued till the year 1834, when the College Board for Native Instruction declared it a great failure. On this the Government proposed a modification of the plan, extending the expenditure to 90,000 rupees, which on being referred to the Supreme Government was disapproved of by that authority, which recommended an effective seminary at Madras for instruction in English, and provincial English schools, as far as the allowed funds should be available. From this time projects were formed but not carried into effect, till, on the 12th December 1839, the Government deemed it expedient to establish a central collegiate institution at Madras, which was to be self-supporting, by means of public donations and the exaction of fees from the pupils. The institution was opened on the 14th April 1841, when it was publicly stated that, should it "appear to answer its design, and require in its early existence some small pecuniary help at the hands of Government, the School Board would recommend with confidence its interests to the Government;" but no donations being forthcoming, and the number of pupils few, from that period to the present, the annual sum of from 25,000 rupees to 30,000 rupees has been regularly granted to the institution. Education.

80. That it will thus be apparent that, instead of education being shared equally among all the districts of the Presidency, it is confined altogether to the town of Madras, in which a single school, attended by 160 pupils, on the average of its ten years' existence, absorbs more than one-half of the grant awarded for the entire population of twenty-two millions, while the other half of the grant has lain useless in the Government treasury ever since the grant was in existence.

81. That while the Presidency of Bombay, with a population of ten millions, and instead of yielding a surplus revenue, has a deficiency of 50 lacs of rupees annually, enjoys a grant of a lac and a quarter of rupees, and communicates instruction at 185 schools, frequented by

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by 12,712 pupils, Madras, with her actual surplus revenue of 73 lacs of rupees, and more than twice the population, is stinted to two-fifths of the amount, and by the parsimony and indecision of her local government, has been deprived of one-half of even this small allowance ever since the grant was made by the Court of Directors.

82. That your petitioners desire from your Honourable House the increase of this grant proportionately to the number of the population, and the establishment of efficient schools throughout all the districts of the Presidency, their number and location to be totally irrespective of the schools established by the various missionary societies for the purposes of conversion; and, as the English language is at present but very little known in the interior, they desire that the teaching of the vernaculars, instead of being neglected as at the Presidency, shall meet with the attention they so greatly need, and to that end that provision be made for the translation of useful and scientific works from the English, for which special purpose there could be appropriated the eight lacs of rupees now lying in the Government treasury, and being the remaining surplus of the pagoda funds or revenues accruing to the Hindu temples whilst under the management of Government officers.

83. That with reference to the subject of national education, your petitioners are anxious to bring to the notice of your Honourable House certain proceedings which are now in train, in order to appropriate part of the educational grant towards the assistance of missionary or convertising operations, as they exist at various stations throughout this Presidency, under the name of a "Grant-in-aid System," by which it is proposed to extend the pecuniary assistance of Government "to other institutions which are now or can be made the instruments of imparting a sound and liberal education, whether conducted by missionary bodies or others;" with which view the Government has issued a circular in the Public Department to the different collectors, in which each is directed to "furnish the Government with the best and fullest information in your power regarding the educational institutions within your district, whether conducted by private parties, or missionary or other public bodies;" and has further recorded in Minutes of Consultation, dated 1st November 1852, "The Governor in Council is not of opinion that any Government schools should be set up at stations in the provinces where private missionary or other public seminaries have already been established, and have been found adequate to the instruction of the people. To that opinion he will now add, that he considers it very desirable to extend moderate pecuniary assistance to such schools, as a means of diffusing education on sound and unexceptionable principles, and he proposes that the honourable Court be solicited to entrust the Government with a discretionary power on this point."

84. That your petitioners would point out for the consideration of your Honourable House that this proposed appropriation of the education funds to the support of Christian institutions was rejected by the Court of Directors in a despatch to this Government, dated 24th August 1844, in reply to an official application in behalf of an institution at the Presidency, called "Bishop Corrie's Grammar School," on the ground that it did not come "within the object of the funds set apart for the promotion of native education." There is also on record a letter of the Court of Directors with reference to the introduction of the Bible as a class-book into the schools to be established from those funds, which says, "The provincial schools and the Madras University are intended for the especial instruction of the Hindoos and Mahomedans in the English language and the sciences of Europe; we cannot consider it either expedient or prudent to introduce any branch of study which can in any way interfere with the religious feelings and opinions of the people. All such tendency has been carefully avoided at both the other Presidencies, where native education has been successfully prosecuted. We direct you therefore to refrain from any departure from the practice hitherto pursued."

85. That your petitioners hereupon represent to your Honourable House, if it be contrary to the intentions for which the educational grant was bestowed, to devote any portion of it in aid of an institution where convertism is neither professed nor practised, as at Bishop Corrie's Grammar School, or to permit the establishment of a Bible class in any of the Government schools, although the attendance at such class was to be left entirely optional with the pupils, it would be a much wider divergence from the object, and a much greater "interference with the religious feelings and opinions of the people," to apply the funds especially at the discretion of the Madras Government, at all times notorious for its proselyting propensities, in support of missionary institutions, wherein the study of the Bible is not optional but compulsory, and which are avowedly set on foot and maintained for the single object of convertising the pupils, to whom on that account education is imparted free of charge; and your petitioners conceive that the support of such institutions by the Government would be productive of the worst consequences, as it would distinctly identify the ruling authorities with the one grand object of such schools, the proselytism of the natives; the only difference between which and the undisguised practice of convertism in the schools supported solely by the State would amount to this:—Government would pay twice the price for a convert of its own direct making which it would have to pay under the "Grant-in-aid" to the seminaries of the missionaries; at the same time it would place itself at the head of all the missionary societies in the Presidency, doubling their pecuniary resources, enabling them to increase the number of their agents, and to extend their convertising operations, exactly in proportion to the "discretionary power" with which this government, in the Minutes above quoted, desires to be entrusted.

86. That

86. That your petitioners cannot avoid remarking, that the desire of the Madras Government with regard to rendering the educational funds committed to its trust subservient to the purposes of proselytism, is of some standing. The Marquis of Tweeddale, while entertaining the proposition of the Council of Education, to adopt the Bible as a class-book, recorded his approbation of the measure, observing, in a Minute dated the 24th August, 1846, "The value of a religious and practical education to fit our countrymen for the various duties of life has been established beyond all doubt;" and again, "The reports and complaints so constantly made to Government against the integrity of the native servants are sufficient evidence that something is wanting to ensure a faithful service from them;" and again, "It requires a more solid foundation than is to be found in the Hindu or Mahomedan faiths to bear the change which learning operates on the mind of those who are placed by their superior ability in responsible situations in the employ of Government." And the present Governor in Council in his Minute, approving of the "Grant-in-aid" to the missionaries, has deemed it expedient to record, "Although it is perhaps not immediately relevant to the subject of these proceedings, yet as it is a momentous point in looking at the general question of education to the natives, the Governor in Council is compelled to state, both from observation and sedulous inquiry, that he has arrived at the conclusion that the people of this part of India, at least, have neither by any means had their minds expanded and enlarged to the degree that might have been anticipated through the instruction and care that has been bestowed upon them, nor has he seen any sufficient reason to indulge a belief that their innate prejudices have been removed or even lessened, or their moral character and sense of veracity, integrity, and proper principle improved. He does not deny but that there may be occasional bright exceptions; but he is of opinion that, whatever system of education may be enforced hereafter, its chief aim ought to be directed to moral improvement, combined with extirpating the foul vices of untruthfulness and dishonesty, which are hardly now held by the great masses to be a reflection, unless discovered." Appendix, No. 7.

87. That your petitioners do not consider this the proper place to remark upon the gratuitous insult offered to their whole community by the Government, in recording such an opinion for the sole purpose of transmission to the governors of the Madras University, one-half of whom, to the number of seven, are natives, under its constitution; but they beg to observe that it ill becomes the Government to taunt the natives with "the instruction and care that has been bestowed on them," whilst it has for so many years declined disbursing one-half of the educational grant, and contented itself with keeping up a school of 160 pupils, established so far from the town of Madras as to make it inconvenient for persons to send their children, besides charging a school fee beyond the means of payment by the masses: and when, besides this ill-located and over-charging institution, there is not a government school over all the 140,000 square miles comprising the Madras territories.

88. That the sweeping condemnation, if it be justly founded, which your petitioners are rather loath to believe, seeing that Sir Henry Pottinger has never been known to mix with the natives, except now and then when he may have presided at the annual university examinations, and other such meetings, and with the servants of his household, exhibit the fallacy of both the past and present governments, in imagining the study of the Bible to be a panacea for the "vices of untruthfulness and dishonesty;" for, as the whole of the instruction and care bestowed on the natives, beyond that bestowed upon the 160 pupils of the university, has been missionary care and instruction, devoted to the study of the Bible, and that in the proportion of thousands to tens, it must be apparent that the "sound and unexceptionable principles" adverted to in the minute, have done literally nothing for the "moral improvement" of the pupils into whose minds they have been so sedulously instilled, and therefore there can be no valid reason for extending a "grant-in-aid" to institutions which have thus essentially failed; but there is a very strong reason against such aid being given, in order to assist in the conversion of the people, with whose religious feelings and opinions the Court of Directors has so frequently pledged itself not to interfere; and with regard to which the present Charter Act, passed by the Imperial Parliament, enacts and requires, that the Governor-general in Council shall by laws and regulations provide for the protection of the natives within the British territories from insult and outrage in their persons, religions, or opinions.

89. That your petitioners being aware, from several sources, that both the Anglican and Scottish state churches are making great efforts, both in this country and in England, for an increase of clergymen upon their respective establishments in India, respectfully, but most determinately, remonstrate against any increase to either. They admit the propriety of military chaplains for the European troops, but repudiate the injustice of the people of this country being compelled to support a couple of state establishments, for a mere handful of foreigners, professors of a foreign creed; and, while they will not object to the number of clergy already in the country, they desire to see them appropriated entirely to the military service, and that whatever augmentation be needed, the requisite funds shall be provided by the individuals by whom such services may be requested. The community to which your petitioners belong supports its own religion; so do the Mahomedans and the various dissenters from the Church of England at this Presidency; even the Anglicans have commenced to do the same, and justice demands that they should be left as much to themselves as all other sects are; and your petitioners earnestly pray your Honourable House that the people of this country may be no further taxed for the maintenance of a number of individuals who Church Establishment.

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who are of no earthly use to them; but that their expenses may be borne wholly and solely by those persons to whom their ministrations are necessary and acceptable.

Exorbitant and ill-used power of the Legislative Council.

90. That your petitioners would be wanting in their duty towards the entire Hindu community, from one end of India to the other, if they omitted to complain to your Honourable House respecting the enormous power granted to the Governor-general in Council, and the unjust partiality with which that power has been exercised, in what it has been pleased to term the Lex Loci, by which is meant an enactment subverting in one of its most essential and venerated points the Hindu law of inheritance, guaranteed to them on various occasions by the local government and the Court of Directors, and further sanctioned and secured to them by special Act of Parliament, 21 Geo. 3, c. 70, which provides that the "inheritance and succession to lands, rents, goods, &c., shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans; and in the case of Gentus, by the laws and usages of Gentus; and where only one of the parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant:" and again, "that all the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the Gentu or Mahomedan law, shall be preserved to them respectively within their said families."

91. That the subversion of the rights thus guaranteed by the Indian and home authorities, as well as by the Imperial Parliament, was first openly attempted in the year 1845, when an Act intituled the Lex Loci was drafted, and the draft published, for general information, on the 25th January; immediately consequent upon which publication, remonstrances from the majority of the three Presidencies were sent up to the Supreme Government, and the Act did not pass into law; between that date and the year 1849, it was discovered that, so far back as the year 1832, there had appeared in the middle of a Bengal Regulation, about revenue matters, zillah judges, moonsiffs, ameens, &c. &c., and consisting of 18 sections, a few lines, forming section 9, directing that, "in civil suits wherein the parties are of different religious persuasions, the Mahomedan and Hindoo laws shall not be permitted to operate to deprive of property to which, but for the operation of those laws, the parties would be entitled."

92. That this section, with whatever intentions it may have been originally framed, never had more than one instance of practical application during the 13 years subsequent to the Regulation, viz. in May 1849, after the correspondence on the Lex Loci had occasioned the discovery that these sections were in existence, and it was during all the previous time unknown to the bulk of the population, whose attention was first attracted to it by its reproduction in 1849, in order to render it applicable to the whole of India. That in rendering it so applicable, the law member of the Legislative Council, Mr. Bethune, recorded the following observations, "I have prepared an Act for this purpose, though with some lingering doubt of the justice of the measure. According to Hindoo notions, the right which a son has to succeed to his father's property is commensurate with his obligation to perform his funeral obsequies, from which the outcaste is necessarily excluded. Put the case of property bequeathed in England to a man on certain conditions, which conditions he by his own voluntary act renders himself incapable of performing, what should we say to a law which nevertheless secures the property to him?" Mr. Dick, a judge of the Sudr Dewanny Adawlut, also recorded, "This Act differs essentially in principle from Regulation VII., 1832, section 9. That did not in any way interfere with the religion of the Hindoos; this does. The law of inheritance of Hindoos is founded on their religion."

93. That, notwithstanding Mr. Bethune's confession of its injustice, and Mr. Dick's remark that the Act proposed was so "essentially" different from the Regulation, the Act was determined upon by the four members of Council, Messrs. Bethune, Littler, Currie, and Lowis, and passed into law under the declaration that it was merely the extension of the principle of the Regulation from the Presidency of Bengal to all the territories subject to the government of the East India Company, with the concurrence of the Governor-general, Lord Dalhousie, who recorded that he could "see no semblance of interference with the religion of the Hindoos, nor any unauthorized interference with rights secured to them."

94. That the Act thus passed in 1850 has been stretched, even beyond the principle on which it was professedly framed, by * * puisne judge of the Supreme Court of Judicature at this Presidency, in the following instance. A married Hindoo, named * *, became the convert of a missionary agent, named * *, by which act the convert renounced his caste, and thereby forfeited all claim to his former relationship, including that to his wife, to whom by the Hindu law he became virtually dead, and she herself bound to perform his funeral obesquies. The wife, adhering to the faith of her country, refused to associate with him in his new condition, and remained with her own relations for some time, until she was ordered to appear in court, under a writ of *habeas corpus* granted on the application of the said * *, and served upon the woman's father, by whom the affidavit of the convert stated that she was, against her will, detained.

95. That the return to this writ was a denial by the father that his daughter was, or had been, in his custody; and it was supported by an affidavit, that "neither he nor any one by his order had ever exercised any constraint over * * " his daughter. In the meantime, however, * * had been inveigled to come into court at the persuasion of her father's legal adviser, upon the false assurance that she would be permitted her free option of going to her husband or returning to her relations. She accordingly came forward on being called for, and after counsel had been heard on both sides, * * having first refused

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the request of the father's counsel "to ascertain the wishes of the girl," proceeded to give an elaborate opinion, concluding with the assertion, that "the Act passed in 1850, in this country, has swept away, as to all force in courts of law, that system in India which was equally tyrannical and oppressive," and with this declaration he ordered * * * to be delivered over to the custody of her husband. "This order for the delivery of * * * to her husband," your petitioners quote the words from a printed pamphlet, entitled "The Case of * * * " edited and prefaced by * * * "was no sooner made known to her, than she manifested a decided unwillingness to be given over, and on the approach of * * * to take her by the hand, she sharply repulsed him, saying, 'You have nothing to do with me.' At the same time also her aunt, by whom she was accompanied, began to utter loud wailing and lamentations, and clung to her niece with a view to prevent her being taken away. Eventually the judge was compelled to direct one of the officers of the court to separate * * from * * *, and to remove the latter to one of the rooms in the court, where * * joined her. The scene was altogether most exciting. The wailing of the aunt and the screaming of * * * as she was being carried out of court caused painful sensations. Added to this, the Brahmins and others present, by their vociferations and gestures, exhibited the rage and displeasure they felt at the decision. For a time the tumult was so great as to wear a threatening aspect, but, through the excellent management of the magistrate, Mr. * * and his police, the place was cleared, and * * was conveyed to Sullivan's Gardens in safety." Sullivan's Gardens, your petitioners beg to state, are the residence of the converting missionary, into whose carriage, and with whose assistance, she was violently thrust by the officers of the court, and whose prisoner * * remained till he had converted her, and procured a government situation for her husband, which, being a very common mode of enticement practised by certain of the Company's convicted officials, was no doubt, among others, an inducement that led * * to apostatize from the faith of his forefathers.

96. That this compulsory conversion of * * * under the auspices of a judge already notorious for carrying his proselyting inclinations to the bench of the Supreme Court, and there acting upon them, proves that, although * * could see no semblance of interference with the religion of the Hindoos, when he concurred in passing the Act of 1850, it is, in point of fact, a ready and most powerful instrument of such interference, in the hands of such judges as * * * minds, whose judicial opinion respecting its interpretation, with regard to "rights and property," the convert can not only claim and seize upon property to which he has no title, except under the law which declares his forfeiture of it; but in all cases of coparcenary, cases that more or less exist in every Hindu family, he can violate and trample upon the rights of his relations, by introducing himself over the pagodas, choultrees, and houses, which are family property, claiming the full right to their ingress, occupancy, and the share of their management, and the direct and perpetual interference with all the social and religious privileges of the Hindus, from which he is shut out by the law under which he obtained them, and to the enjoyment of which, to the annihilation of that law, he is restored by the Act of 1850, as interpreted, laid down, and put in operation by * * *.

97. That your petitioners cannot but consider the decision of * * as erroneous as it is tyrannical and oppressive, for in a more recent instance at Bombay, wherein a Hindu convert sought to recover his wife by means of a *habeas corpus*, the Chief Justice, * * refused to let it issue, and delivered his reasons in open court, referring at the same time to the decision of the Madras puisne judge, as reported in the following sentence—"With reference to the case decided at Madras, his Lordship admitted that it militated very strongly against the principle he had laid down, but, bound as he was to pay every respect to the opinion of * * he * * felt it his duty to say that he differed from it entirely. His Lordship had therefore no hesitation in refusing the present application."

98. That your petitioners, feeling themselves highly aggrieved by the practice of * * in deciding cases in which missionaries and Hindus are the opposing parties, by his religious feelings rather than the principle of justice, beg to advert to two of his former decisions; the first of which was passed in the year 1846, in which a Hindu boy, named * * was produced in court, his father asserting that he was not of age according to Hindu law, the missionaries on the contrary asserting that he was of age, when the puisne justice, not being otherwise able to favour the missionaries, said he should decline resting what was his view of the case upon the mere point of age, and that it was not years but discretion that was to guide the court in this matter. He accordingly put a few questions to the lad, one of which was, "Does Christ forgive sins as God or Mediator?" To which she reply was, "as Mediator." After which he observed, "He is choosing good for himself, he is choosing that which he believes will be for his salvation;" and, making his good choice the evidence that he was of age to choose, he delivered the lad into the hands of the missionaries.

99. That the second instance happened in 1847, the child in dispute being a female, named * * upon which occasion * * alluding to his former decision, in the case of * * acknowledged, that, "had the object of his choice been bad, I should have come to another decision." There was, however, no occasion this time to substitute discretion and a good choice in the place of age, as an affidavit was put into court from two doctors in the Company's service to this effect, "We, upon our oaths, say that we did, at the request and in the presence of the reverend * * on the 19th April 1847, examine and inspect the person of * * and that we are of opinion that the said * * is of the age

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age of 12 years, or thereabouts;" with reference to which the puisne judge remarked, "We know that there is no circumstance, no temptation, no consideration, no interest, that would lead these gentlemen to deceive this court. We know what they state they have seen and do believe;" and accordingly the court adjudged the possession of the girl, thus shamelessly and insultingly submitted to examination and inspection by three men, one of them a Christian minister to the missionaries, although the fact that she was not of the age of puberty was incontestably proved, from the very circumstance of her being allowed to attend Mr. * * school,—Hindu females, after that period, not being permitted to go abroad, unless they are married women.

100. That from these circumstances, as well as others wherein * * has expressed himself inimical to the Hindu community, in open court upon the bench, your Petitioners earnestly beg that no more judges affected by a religious bias which induces them to carry their peculiar creed to the bench of justice, and there to follow its impulses in their decisions of cases brought up for their adjudication, may be appointed either to the puisne or chief justiceship in the supreme court at this Presidency; conduct like that to which your Petitioners have been referring being calculated to inflict great misery upon the Hindu community in their social relations, and to create public disturbances, leading to the most mischievous consequences, among a people patient and submissive under every change of government, and roused to the open expression of their feelings only by what they consider to be grossly insulting and cruelly oppressive towards a religion of some thousand years' establishment, and which has been handed down to them as the most sacred deposit from their ancestors.

Subordinate Presidencies.

101. That your Petitioners, as subjects of the Madras Presidency, beg to represent to your Honourable House the injustice and injury they suffer from the system which places the whole of its resources at the disposal of the Supreme Government, by which the improvement of this portion of India is retarded, and the poverty of the population impoliticly augmented. Not only is the local government prohibited from disbursing the public revenue raised within it to local purposes; but a large portion of it is so brought upon the general books of the Supreme Government as to depreciate the value of the Presidency as a distinct portion of British India, and to make other portions of it appear more valuable than they really are; and this factitious system of accounts is made a reason with the paramount authority for denying the improvements of which Madras is so deplorably in need, and to which she is most undoubtedly entitled.

102. That, as an instance of this injustice, your Petitioners will explain, that many years ago the sum of 50 lacs of rupees, or 500,000 *l.*, was fixed as the amount which Madras ought to contribute to the general expenses of the Indian empire, over and above her own charges; and from 1821 to the present time it has been the constant practice with the Supreme Government to press retrenchment and economy on this Presidency, and to refuse sanction to expenditure or improvements essential to her advancement, on the plea that her surplus fell short of that required amount; and thus Madras is screwed down to the lowest point, on the false ground that she does not pay her fair quota of revenue, while Bengal, on the reputation of an enormous surplus, is allowed to make disbursements too frequently bordering upon wasteful extravagance.

103. That this different treatment observed towards two component parts of the same empire, even if the case stood as is fallaciously pretended, would be scarcely just, most certainly ungenerous, and singularly impolitic: but if the case be otherwise, the treatment of Madras is not simply unjust and impolitic, but becomes an act of tyrannous oppression; and that the case is otherwise your Petitioners proceed to show. The surplus is counted over the 50 lacs settled as the amount of her own expenditure, which includes the military charges incurred on her own account only; but for a series of years past a large part of these charges has been incurred on account of troops garrisoning countries the entire revenues of which are paid into the treasuries of Bengal and Bombay, viz., the Sauger and Nurbadda country, Mhow, Nagpore—the subsidiary force, Cuttack and Balasore, Tenasserim coast, the Straits settlements, and Aden, belonging to Bengal; and the southern Maharatta country, belonging to Bombay: the Madras force in all these several districts or stations amounts to four regiments of native cavalry, and 16 of infantry, together with one troop of horse artillery and 10½ companies of foot artillery, the charges for which are within a fraction of 80 lacs of rupees, or 800,000 *l.* per annum, which, though defrayed by her, are no part of "her own charges," and amount to 30 lacs over and above the surplus at which her revenue was rated, in order to entitle her to draw upon her own treasury for local "expenditure and improvement:" but, besides this, the official statements, published by order of your Honourable House, have given her a credited surplus for several years past, the latest your petitioners have access to being that of 1849–50, in which it is set down at 43 lacs and upwards, which, added to the 30 lacs arising out of the military expenses incurred on account of Bengal and Bombay, give her for that year no less than 73 lacs beyond her quota towards the general expenditure of the empire, and which, as such, ought to have been at her own disposal.

104. That besides this giant injury, there are many others occasioned by the centralization of authority in the Supreme Government. No alteration of salaries, no revision of office establishments, can be made without the previous concurrence of the controlling power, and the difficulties and delays in the way of obtaining this concurrence are such, that the heads

heads of offices will put up with experienced inconveniences, both temporary and permanent, rather than seek so laborious and troublesome a remedy. Instances have been known in which such applications received no notice for nearly two years, and, when a reply was again solicited, the answer was a request that copies of the papers might be sent, as the originals were lost. Sometimes it has been proposed by the Madras government to modify establishments by reduction in one quarter, in order to strengthen another, and the result of the application has been, that the reductions have been sanctioned and the additions refused. Very recently the engineer officer of the 1st division, Colonel Arthur Cotton, having satisfied himself by local inquiries that reasonable ground existed for believing that the River Godavery might be rendered navigable for 400 miles inland from the sea, applied to the Madras government for a small sum of money to enable him personally to explore the river in a small steamer he had himself built for the service of the Godavery annicut; but on the sanction of the Supreme Government being requested to an outlay for this purpose not exceeding 1,000 *l.*, it was refused, because the President in council did not see what advantage could be gained by this project, although by its accomplishment the culture of cotton in the province of Berar would have been indefinitely extended for the consumption of the Manchester manufacturers, and the grain-producing districts in the delta of the river would have found access to markets from which they are now permanently excluded.

Modification of the councils.

105. That this utter preclusion of all improvement to this Presidency, from the systematic obstructiveness of the Supreme Government, compels your petitioners to request that in the arrangements of your Honourable House for the future government of India the Governor in council at Madras may be allowed the free use of its functions, necessary for providing for the welfare and prosperity of the people entrusted to its care; and that its construction be modified after the precedent of the neighbouring Crown settlement of Ceylon, where the council is composed of official and non-official members, and, among the latter, natives of this country are included. That your petitioners would suggest that this council be composed of officials and non-officials in equal number, six or seven of each; the former to be nominated by the Government on taking their place at the council board in virtue of their office; the Advocate General being one, and the latter to be selected by the Governor, out of a list of 18 or 21 persons, chosen by the votes of the ratepayers in Madras, and of persons eligible to serve on the grand and petty juries, or in such other manner as your Honourable House may deem preferable; that as the official members, in conjunction with the casting vote of the Governor when requisite, could always carry any point of absolute importance, there could be no hindrance to the safe working of the suggested plan, while a sufficiency of information on all subjects would be afforded; which, together with the discussions being carried on as at Ceylon, with open doors, could not fail to be of the utmost utility to the advancement and prosperity of the people and the Presidency.

106. That all minor subjects should be definitively determined by the Governor in council; but, on all questions of importance, their decisions should be transmitted to the government of India, there to be again publicly discussed, prior to sanction or rejection; and also that on any minor subject, determined by the casting vote of the Governor, there should be an appeal from the minority to the Supreme Council; and, as your petitioners are aware that a more economical public expenditure is imperatively necessary, they would propose that the salary of the Governor be fixed at seven thousand rupees per mensem, and that the salaries of all persons composing what is now termed the covenanted service be reduced prospectively, in similar proportion; that the members of council shall draw no salary for that appointment, and that, as is now the case in Ceylon, the holders of official situations shall constitute the service, instead of an appointment by covenant conveying a claim to be employed by the State exclusively to all others.

107. That, in the deliberate opinion of your petitioners, legislative councils thus or similarly constituted, and entirely distinct from the executive, are as feasible on this continent as in the neighbouring island of Ceylon; and that their constitution is the great desideratum for the just and efficient government of each presidential division of the vast empire of British India; all general questions of political importance, involving peace and war, and the movements of the military and marine forces consequent thereon, together with the requisite, but salutary, control of the subordinate councils, being vested in the Supreme Government for all India. That a single council for the whole of India, although constituted on the same popular principle, would never be able to distribute justice and effective government to a hundred and twenty millions of people, spread over an area of upwards of a million and a quarter of square miles, and comprising so great a variety of races and languages: the more distant provinces, as is the case at present, would be neglected and oppressed; while the nearer ones would absorb all its attention, and engross the whole of its indulgence: whereas, by granting to each Presidency a local government for the management of its internal affairs, the members of it would watch over the interests of the whole circuit committed to their charge; of which, from their local knowledge, they would be enabled, and from their sympathy would be induced, to seek and pursue the welfare and progressive improvement.

108. That with respect to the Supreme Council, your petitioners suggest that it should, in some degree at least, partake of the popular element recommended to be embodied in the councils of the Presidencies; which should have their respective interests equally represented by a like number of members, the whole of whom should be allowed a reasonable and respectable salary; they being prohibited from holding any other office in conjunction with

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with that of councillors; and that, besides the presidential representatives, there should be three others appointed from England, who, besides being members of the legislative council, should constitute the executive council, the Governor-general being the president of both, the executive of the subordinate Presidencies consisting of the Governor, and the members ex-officio to the number of three, in addition to the president.

109. That your petitioners, knowing from experience the inexpediency of the home administration by a Board of Control and a Court of Directors, from neither of which can the people obtain any redress, nor even the slightest notice of their petitions and memorials—would suggest the desirableness of fusing these two bodies into one, or of substituting another in their place, presided over by a Secretary of State for the Affairs of India, and having its chief secretary appointed by the Crown, so that it may be amenable to Parliament, as any other board or office; its president being a member of the cabinet, and receiving the same salary as the Chief Secretaries of State in the other departments. That, as regards the members of this council, their qualifications, and the mode of their appointments, your petitioners have no suggestions to offer, beyond that of their having, at least, one-half of them, some tangible interest connected with this country; as well as a general knowledge of its condition and requirements, obtained by a personal residence in the country during a specified term of years; the remainder, who have neither of these qualifications, to be recommended by intellectual ability and habits of business.

Employment of the natives by the State.

110. That, in whatever manner the superior branches of the administration, both at home and abroad, may be modified, and modified your petitioners presume they must be, to suit the altered condition of men and things which has taken place in the lapse of the last twenty years, justice to the masses of the people in general, and towards the more intelligent of them in particular, requires that the hitherto prevalent system of governing the country through the exclusive medium of a covenanted civil service should be, if not wholly, at least partially, abandoned, for the following reasons:

111. That young men under this privilege are sent to India fresh from school, and without any knowledge of the world, without habits of business, or even the desire and intention to acquire them. Ignorant of the customs and language of the people, they are placed almost immediately on their arrival in India upon large allowances in the position of assistant collectors and magistrates, and, being on a level with their superiors in office, as component parts of the same exclusive service, they consider their own ease and pleasure as the first advantage to be derived from their new situation, and look upon the zealous and proper discharge of their official functions, in promoting the benefit of the people, with the natural indifference of persons sure of their salaries and immunities by the simple fact of their first appointment from home.

112. That an assistant collector has generally placed under his immediate authority one or more divisions of the collectorate, termed talooks, within which he represents his superior, both as regards the collection of the revenue and the performance of magisterial duties; and, as a matter of unavoidable necessity, he is able to execute his functions solely by the instructions and assistance of the native moonshee, or interpreter, without whom he would be utterly incapable of doing any business at all, as the said moonshee is obliged to advise and guide him on every point and occasion, his own functions being confined to deciding according to the dictates of the moonshee, and putting his signature to the different papers prepared by the latter; while, so well is it understood by the superior authority that the assistant is incapable of self-guidance, that his mistakes, when considered important enough for visitation, are furnished by the collector with the dismissal of the moonshee. The lamentable consequences of this ignorance, incapacity, and negligence, on the part of each assistant collector, to some 150,000 of the native population, in the delay and denial of justice, and in the commission of injustice and oppression, are too numerous for detail by your petitioners, and will be readily apprehended by the wisdom of your Honourable House.

113. That the inefficiency and evils of this system would be most materially remedied, if the educated and trained natives, now acting as proxies in the performance of the functions nominally assigned to these young and incompetent civilians, were placed, under their own personal responsibility, according to their fitness and qualifications, in all the subordinate branches of the revenue and judicial lines; and that very many are sufficiently qualified is proved from the facts, that they already perform the duties of such situations in the revenue department; and that in the judicial department, according to the trust reposed in them, they have been found, to say the least, fully equal to their superior European officers, as evidenced in the public testimony borne to their worth and ability by Sir Erskine Perry, late chief justice of Bombay, in his address at the Elphinstone Institution in the month of February, in the present year, in the following language: "All the civil business in the Company's courts is conducted, generally speaking, by native judges; they are what the French would call judges of the First Instance, and from their decisions appeals lie to the European judges, from whose judgments again an appeal lies to the Sudr Adawlut. It naturally follows that on these latter appeals a close comparison is made between the decision of the native and European functionary; and I learn from the judges of the Sudr Adawlut that it was publicly stated in open court by the two leading members of the Bombay bar, that, with a few distinguished exceptions, the decisions of the native judges were in every respect superior to those of the Europeans."

114. That the statistics of judicial business conducted in the Bengal Presidency, and printed for public information, also shew that in the quantity and quality of the work performed the natives are on a par with the Europeans, and, could the statistics of Madras be come at by your petitioners, they feel confident that the case would be the same; but, not being able to obtain access to these documents, they will quote the opinion of Mr. John Shepherd, chairman of the Honourable Court of Directors, delivered in a speech to the students at Haileybury on the 15th of December, last year, as to the general capacity and competency of the natives: "Let me call your attention to the exertions making by the natives of India in the present day. European science and European literature are now studied in India, not only with diligence, but with success. The examinations on those subjects passed by native students show little, if any, inferiority in comparison with Europeans. They have become competitors on our own field of action, and on ground hitherto untrodden by them, and unless you sustain the race with additional zeal and energy, they may pass you. Should this occur—should the natives of India surpass us in intellectual vigour and qualifications, can we hope to remain long in possession of the powers and the privileges we now enjoy? Certainly not." Appendix, No. 7.

115. That on the basis of these facts, and of the two-fold admission of Sir Erskine Perry and Mr. John Shepherd, your petitioners would represent that the natives, having already equalled the Europeans in the race of intellectual attainments, deserve, on the admission of the Chairman of the Court of Directors, to be admitted to some portion, at least, of "the powers and privileges" enjoyed by the young men educated at Haileybury; and upon the same admission they desire the abolition of the college of Haileybury as a useless expense, and an unjust incubus on the finances of India: and that in its place the means of better education may be extended to this country, by the establishment of more complete and more useful institutions, including a fuller course of instruction, open to the natives of the soil, as well as to all who seek employment under government, or to qualify themselves for the general pursuits of practical life.

116. That Haileybury either imparts a better education than can, or would, be given in this country, or it does not. If it does not, and it certainly cannot impart the same knowledge of the vernacular languages, the manners and customs of the people, then the money required for its support is mis-spent and thrown away. If it does, then it is manifestly unjust to confine that better education to a small number of privileged persons, while it is invidiously withheld from the many, equally desirous, equally capable, and equally entitled to its participation, as the necessary means to enable them to avail themselves of Section LXXXVII. of the Charter Act, which enacts that no native, or natural-born subject of Her Majesty, residing in British India, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the government of the country. And your petitioners, therefore, pray that, whatever institutions shall be deemed requisite to educate persons for accession to government employ, may be established and maintained in India, so that the money derived from the revenues of the country, by which they are supported, may be spent within it, and that those who contribute to the revenue may, in this instance, enjoy the benefit of its expenditure, together with that advancement in the public service which the chairman of the court has pronounced to be the equitable reward of individual merit and acquirements.

Power of the Supreme Courts injuriously controlled by the acts of the Legislative Council.

117. That your petitioners would feel the present representation to your Honourable House essentially deficient, were they to omit all notice of the inefficient condition in which Her Majesty's supreme courts of judicature have been placed by a recent Act of the legislative council, styled "An Act for the Protection of Judicial Officers;" by which it is enacted that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the country courts for any judgment, decree, or order of the said courts, nor against any person for any act done by or in virtue of the order of the said courts; and that no judge, magistrate, justice of the peace, collector, or other person actually judicially, shall be liable to be sued in any civil court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time in good faith believe himself to have jurisdiction to do the act complained of.

118. That your petitioners have always understood that the establishment of Crown Courts was intended the more effectually to secure the administration of justice by checking the irregularities of frequent occurrence in the courts of the Company—an end that was attained so long as the misdoings of the Company's judges were amenable to the supreme courts of judicature at each Presidency; but this Legislative Act, by depriving those courts of the power entrusted to them by the Crown, operates as an encouragement and reward to malpractices and oppression, which are becoming numerous, especially in Bengal, since it passed into Indian law; the only punishment for which, when the wrong-doing is too flagrantly notorious to be openly tolerated, is the removal of the delinquent to a more lucrative situation.

119. That your petitioners, under these unjust and oppressive circumstances, solicit the protection of your Honourable House, in the recision of this Act of protection for judicial delinquents, and the restoration of their original power to the courts of the Crown; as also that, for the better security of wise and impartial administration in the highest appellate court of the Company, one or other of Her Majesty's judges may be president, or chief

Appendix, No. 7.

judge in the court of Sudr Adawlut, in the room of a Company's servant, as is at present the case in the person of the senior member of council.

120. That your petitioners likewise pray for redress against another enactment of the legislative council, which vests in a single magistrate the powers, formerly shared by two or more, to fine, imprison, and flagellate, at his discretion: as they consider the authority summarily to inflict these punishments is too great to be safely entrusted to one individual, especially as by the Protection Act all redress for injury or wrong inflicted is denied to the sufferer; but even if redress were attainable by instituting a suit in the Supreme Court, as was formerly the case, your Petitioners conceive that a check to the commission of evil is far preferable to the exaction of inadequate retribution after the evil has been perpetrated.

Nominal continuation of the present Charter.

121. That while your Petitioners extremely regret that, owing to want of sufficient time, and to the insufferable difficulty of obtaining access to official documents, they have been unable to exhibit so amply and definitely as they could desire, the vast number of major and minor grievances to which they are subject under the operation of the existing system of government, they earnestly entreat that those which they have thus imperfectly touched upon may meet with the patient consideration of your Honourable House, as well as that the opportunity may be afforded of substantiating the facts they have submitted, before an impartial commission of investigation and inquiry, assembled in India, composed of persons both in and out of public employ, and of Europeans and natives conjointly, chosen partly in Europe and partly in this country, as the sole means by which the real state of these territories, and the true condition of their population, can be elicited; and that, for the accomplishment of this object, the present charter of the East India Company may be annually renewed till the investigation is completed.

Periodical discussion of Indian affairs.

122. That, in conclusion, your Petitioners would respectfully suggest that, whether the government of India be continued in the hands of the East India Company, or otherwise provided for, the new system, whatever it may be, shall be open to alteration and improvement from time to time, as the well-being of the country may require; and that the working of its internal administration may undergo at stated intervals—if practicable triennially, but quinquennially at the latest—public inquiry and discussion in the Imperial Parliament, in order that the people of this vast and distant empire may have more frequent opportunities of representing whatever grievances they seek to have redressed, and that the local governments may be stimulated to the diligent execution of their functions, under the influence of a constant and efficient supervision of their conduct by the higher authorities at home.

And your Petitioners, as in duty bound, shall ever pray.

T. Ramatawmy M (*illegible*), Chairman.
T. Sambasevah Pillay.
C. Rungasawez Naidoo.
&c. &c. &c.

Madras, 10 December 1852.

TO the Honourable the House of Commons of Great Britain and Ireland, in Parliament assembled.

The Petition of the undersigned,

Humbly sheweth,

That your petitioner has observed, with the greatest regret, that oppression is the marked feature of the conduct of the East India Company in India, in reference to the native Princes.

That your petitioner has observed with indignation the harsh conduct of the Board of Directors against the Ex-Rajah of Coorg, in refusing him permission to stop in this country unless on the condition of his being deprived of the grant they allow him, refusing, at the same time, to restore to him 100,000*l.* of his money invested in the Company's funds, or to pay him the dividends thereon; an injustice rendered the more flagrant by their order to him to apply to the local government respecting this money, when they know the local government will not heed his application.

Your petitioner, therefore, prays your Honourable House to adopt measures by which justice will be done in this case; and your petitioner, as in duty bound, will ever pray, &c.

89, Great Russell-street,
1 March 1853.

John Epps, M. D.

Appendix, No. 7

THE Petition of *Rungo Bapojee*, the next Friend, and by Will one of the appointed Guardians of Shahoo Maharaj, an Infant and Minor, who is the sole Male next-of-kin and also the lawfully adopted Son and Heir-at-law of his late Highness Pertaub Shean, Rajah of Sattara, deceased, and also the nearest Male next-of-kin and Heir-at-law of his late Highness Appa Sahib, also Rajah of the said State, deceased,

Showeth unto your honourable House,

THAT his late Highness Pertaub Shean, above named, was the sixth Rajah of Sattara in descent from Sevajee Chuttraputtee, who founded the empire of the Mahrattas, and transmitted it to his descendents.

And your petitioner further showeth, that in the year 1817 the late Bajee Rao, being then the peishwa or prime minister of that empire, but who had usurped its government, and made the Rajah Pertaub Shean his captive, made war in the name, but contrary to the desire of his master, the rajah, against the East India Company, and that, in consequence thereof, and by the advice of the Rajah Pertaub Pertaub Shean, the Honourable M. Elphinstone, then being the British Commissioner at Poonah, duly appointed and acting under the authority of his Excellency Marquis Hastings, Governor-general of India, did, on the 11th day of February 1818, publish a proclamation, addressed by and in the name of the Rajah Pertaub Shean, to the Mahratta nation, warning all its princes, chiefs, nobles, and people to refrain from hostilities against the East India Company, and commanding them to abandon the peishwa, under pain of treason in case of disobedience to him the rajah. The proclamation also stipulated, in the name of the Governor-general of India, that when and so soon as the rajah should be released from the peishwa's captivity, he should be "placed at the head of an independent sovereignty," adequate to his dignity and lineage.

And your petitioner further showeth, that on the 20th day of February 1818, at Ashtee, in India, the Rajah Pertaub Shean, being then detained against his will by the peishwa in the midst of the peishwa's forces, who were actually engaged in battle with the British forces, did leave and abandon the forces of the peishwa, and go over to the British, bringing with him his mother, his two brothers, and others his kindred, and that on arriving amongst the forces last mentioned, the rajah surrendered himself, family, and attendants to Captain Pringle Taylor, now a lieutenant-colonel in Her Majesty's service, and that thereupon, and in consequence of such abandonment, the peishwa and his forces left the field of battle, dispersed, and fled, whereupon the commander of the British forces, the late Lieutenant-general Sir L. Smith, in token of the manner in which the victory of Ashtee was gained, hoisted on the walls of the fort of Sattara the royal standard of the rajah, and caused the same to be saluted by the whole of the British forces.

And your petitioner further showeth, that, in performance of the stipulation aforesaid, a solemn treaty, bearing date the 25th day of September 1819, was made and concluded between the East India Company, in the name of the English Government, of the one part, and the Rajah Pertaub Shean of the other part; by the first article of which treaty the territory constituting the state of Sattara was confirmed and guaranteed "to the Rajah of Sattara, his heirs, and successors, in perpetual sovereignty," under the protection of the Crown of Great Britain, which treaty was duly acknowledged and ratified by the English Government.

And your petitioner showeth, that the Rajah Pertaub Shean was in the year 1836 accused upon certain secret and ex-parte charges by the East India Company, and was in the year 1839 declared by them, they being his accusers and judges, guilty of those charges, without having been heard in his defence; and was thereupon, and in consequence of such declaration, deposed from his sovereignty, forcibly deprived of his property and effects, real and personal, public or political, as well as personal or private, and he himself taken from Sattara, removed under the custody of a military guard to Benares in Bengal, and there kept a prisoner in such custody down to the 14th day of October 1847, when the rajah died, without having obtained any hearing of or reparation for his grievances, notwithstanding his many applications to the East India Company for such hearing and reparation, and notwithstanding his continued denials of the truth of the said accusations, and his offers to prove their falsehood before any British tribunal.

And your Petitioner further showeth, that at the time the Rajah Pertaub Shean was removed captive from Sattara, the East India Company, by Sir James Rivett Carnac, Governor of Bombay, gave the rajah a written guarantee and pledge, dated 30th August 1839, in the words following; "An annual allowance will be assigned from the Sattara revenues for the support and respectability of himself and those members of his family who may choose to accompany him." "Further, that all property belonging to him *bonâ fide* private, and not appertaining to the State, will, on his peaceable submission, not be interfered with." Which written guarantee was three times repeated subsequent to such deposal.

And your petitioner further showeth, that immediately upon the deposal of the Rajah Pertaub Shean, the East India Company, recognising the validity and unbroken obligation of the treaty of 1819, acknowledged and declared his late Highness Appa Sahib, the surviving brother of the deposed rajah, to be his heir and successor in the principality, and did proclaim Appa Sahib to be the Rajah of Sattara accordingly; and did furthermore, in and by a second formal treaty, which was, at the dictation of the East India Company, made and concluded on the 4th day of September 1839, between the Rajah Appa Sahib of the one part and the East India Company of the other part, and was duly acknowledged and ratified, solemnly and for the second time assure and guarantee the state of Sattara to the rajah thereof,

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thereof, his heirs and successors, in perpetual sovereignty, and did also confirm the first treaty of the 25th September 1819.

And your petitioner showeth, that by a proclamation, bearing date the 5th day of September 1839, at Sattara, being the day after the date of the second treaty, the British Resident there, acting under the orders of Sir James Rivett Carnac, Baronet, Governor of Bombay, notified by proclamation to the people of Sattara that the East India Company, having no views of advantage and aggrandizement, had resolved to invest the brother and next in succession to the deposed rajah with the sovereignty of the state, according to the limits fixed by the first treaty, and all persons residing within his territory were required to render to him allegiance as Rajah of Sattara; which proclamation was afterwards duly recognised and approved by the British Government.

And your petitioner further showeth, that the Rajah Appa Sahib departed this life on the 5th day of April 1848, at Sattara, without issue.

And your petitioner further showeth, that the Rajah Pertaub Shean did, according to Hindoo law, adopt as his son the infant, Shahoo Maharaj, and by his will, dated 10th October 1845, which was executed and published by him at Benares according to the forms of that law, he declared and directed that Shahoo Maharaj should succeed him in his rights, property (private and public), titles, and in every thing appertaining to his rank, station, and person; and that the rajah did immediately, publicly, and in a formal manner, notify this adoption to the East India Company through Lieutenant-colonel Carpenter, the officer then having the custody of the rajah at Benares; which adoption the East India Company at that time never questioned.

And your petitioner showeth, that Shahoo Maharaj is by birth the lawful and only son and heir of the late Bulwunt Rao, commonly called Balla Sahib Sennaputty, who, in his lifetime, was thus described by Sir Robert Grant, Governor of Bombay, in a minute dated 30th January 1837: "The question is as to Balla Sahib Sennaputty; he is the near relation of the rajah (Pertaub Shean), and supposing that the rajah and the rajah's brother (Appa Sahib) set aside, the proper representative of the family." Balla Sahib was carried away captive from Sattara with the Rajah Pertaub Shean, and expired of grief on the journey to Benares, leaving Shahoo Maharaj, born on that journey, a fatherless infant.

And your petitioner showeth, that, by the Hindoo law universally obtaining, it was absolutely obligatory upon the Rajah Pertaub Shean to adopt in his lifetime a son and heir according to that law; and that such obligation was not only a legal, but also of a highly solemn and religious character, and binding upon the conscience of Pertaub Shean, and not to be evaded or dispensed with; and that the son so adopted according to Hindoo law acquires immediately, upon and by means of such adoption, the style, character, and capacity of a lawful son of the body, as well as of heir, of the prince or person so adopting him.

And your petitioner further showeth, that, according to the laws of nations, being part and parcel of the municipal law of the British realm, and also according to the laws and customs of the Mahratta state and the other native states of India, and likewise according to the law and practice of the British Indian dominions, the right of a rajah of any Mahratta or Hindoo principality to give succession to the same by means of male adoption is, and hath ever been, an indisputable and immemorial right, and your petitioner humbly submits that the same cannot now be lawfully questioned by the East India Company, or by any person or persons whomsoever.

And your petitioner further showeth, that, upon the death of the Rajah Appa Sahib, the sovereignty of the state of Sattara and the public property, which by express letter and spirit of both treaties above mentioned descended of right to the next heir of the deceased rajah, were claimed and seized by the East India Company upon the pretence of a failure of male heirs to both rajahs.

And your petitioner further showeth, that the infant Shahoo Maharaj, being not only the adopted son of the Rajah Pertaub Shean, but also his male next of kin, and also the sole male next of kin and heir of the Rajah Appa Sahib, even if the act of adoption had not taken place, he would according to law and to the second treaty have equally inherited upon the death of the Rajah Appa Sahib in such his character of male heir and next of kin, and that therefore, both by adoption and by blood, Shahoo Maharaj is now the undoubted lawful heir of the Rajah Pertaub Shean, as also of the Rajah Appa Sahib.

And your petitioner showeth, that Shahoo Maharaj also claims to be entitled as heir to the private property and effects, real as well as personal, of the Rajah Pertaub Shean, and which were taken possession of by the East India Company on the rajah's captivity and removal to Benares in September 1839, and which were guaranteed to him by the East India Company expressly in addition to the annual allowance settled upon him at that time.

But your petitioner showeth, that the East India Company have hitherto wholly refused to accede to his applications made in this behalf, and have hitherto retained, and still do retain, possession of the state of Sattara and of the public and private property and effects belonging to Shahoo Maharaj, and claim in the name of the British nation the right to retain and appropriate the same, and that they have retained and appropriated the same accordingly; and that in particular, by a proclamation, dated the 12th day of May 1849, and published in India, the whole of the state of Sattara hath been, and is, in violation of the above treaties, and in confiscation of the rights of Shahoo Maharaj, annexed and declared to be annexed unto the Indian territories; and that the East India Company, in order to colour such unlawful appropriation and spoliation, pretend that the succession of the two rajahs, Pertaub Shean and Appa Sahib has lapsed by failure of heirs, whereas your petitioner has shown, and does show, and is ready to verify the contrary of such pretence to be the truth; first, by the written testimony above cited of Sir Robert Grant, Governor

Governor of Bombay; secondly, by the evidence of H. B. E. Frere, esq., the Company's Resident at Sattara, affirming that no such failure hath occurred, the Resident having declared, in his letter to the Bombay Government, dated 23d September 1848, "that there were numerous claimants to the throne [of Sattara] who would be able to establish a very good *primâ facie* case, in any court of justice in India, to be the rajah's heir by blood as against the British Government;" and having further written as follow: "I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party whose claim may be negatived the fullest possible opportunity, not only of himself stating the grounds of his own claim, but of answering all objections."

And your petitioner further showeth, that he hath repeatedly presented to the East India Company his complaints touching the grievances and wrongs done to Shahoo Maharaj, and sought reparation for the same, but that all his complaints have been unheeded, or rejected without examination or inquiry; and that, to add to these grievances, and also with the view of compelling Shahoo Maharaj to renounce and abandon the prosecution of his claims in that behalf, the East India Company did for several years deny to him and to the widow or ranee of the Rajah Pertaub Shean, both detained prisoners at Benares (where the infant has been kept since his birth), the means of subsistence for himself and the said ranee, and for their retainers, until such time as they should agree to such written renunciation or abandonment; and as evidence of this conduct, your petitioner humbly begs to refer to the following papers: No. 669 of 1850, laid before your Honourable House and ordered to be printed on the 5th day of August of that year, that is to say, a despatch bearing date "Fort William, Foreign Department, 6th April 1850," signed Dalhousie, J. H. Littler, F. Currie, J. Lowis," and addressed "to the Honourable the Court of Directors of the East India Company," and a despatch in reply thereto, bearing date, "Foreign Department, India House, 10th July (No. 19), 1850," signed "J. Shepherd, J. W. Hogg, &c. &c." and addressed to "our Governor-general of India in Council."

And your petitioner further showeth, that, in furtherance of their purpose of forcibly compelling this infant to agree to such renunciation and abandonment, the East India Company have, by withholding from the ranee, for about four years the means of subsistence for herself and her household, procured from her some document whereby she hath (as they allege) debarred herself of her right to concur with your petitioner in his present petition; but your petitioner is advised and submits that, inasmuch as the ranee hath no jurisdiction over Shahoo Maharaj, nor power to sign away his rights, he being an infant and a minor, any such document, even if the same be genuine or valid as against the ranee, and even if not extorted from her under duress and starvation, must be and is, as against Shahoo Maharaj, wholly inoperative and void.

And your petitioner lastly showeth, that the amount of the annual revenues of the state of Sattara, so appropriated by the East India Company, is officially admitted now to be more than 142,000*l.* and prospectively to be from 400,000*l.* to 500,000*l.* per annum, and that the amount in value of the public property and effects belonging or incident to the state exclusive of the revenues, is more than 45,000*l.*, and the amount in value of the private or personal property and effects appropriated exceeds 300,000*l.* Further, that of the separate income derivable from real property, bought and left by the Rajah Pertaub Shean, and now appropriated by the East India Company, a portion is derived from lands situated in the territories of the East India Company, and is returned by Viscount Falkland, Governor of Bombay, as of the annual value of rupees 25,529, or 2,552*l.*

That, by reason of Shahoo Maharaj being treated at Benares as a political prisoner, although denied to be a rajah either by birth or adoption, the local courts of the East India Company are prohibited from entertaining the matter of his complaint in the premises, while by reason of the forcible detention of his person by the same power which refuses to hear him, at the very same time that it degrades and beggars him, he is prevented from placing himself within the jurisdiction of Her Majesty's Supreme Courts in India, and seeking justice from them.

Your petitioner has, therefore, no possible hope nor human means of obtaining inquiry and redress for Shahoo Maharaj, except from the justice of your Honourable House, and from the supremacy and impartiality of British law.

And therefore your petitioner humbly prays your Honourable House will be pleased either to direct the restoration of Shahoo Maharaj to his rights and property in the premises, or else to refer the matter of this petition, and the case and circumstances therein set forth, to the consideration of the Committee of your Honourable House now appointed to review the conduct of the East India Company in India, with instructions to take all evidence which shall be deemed requisite, and to require the production of all proceedings, correspondence, and documents in the possession or power, or under the control of the East India Company, or their servants, relating to the premises, or of true and exact copies of such particulars respectively, and to report thereon to your Honourable House.

And your petitioner will ever pray.

Rungo Bapojee,
Vakeel of his Highness Shahoo Maharaj, Rajah Sattara, now at Benares.

Appendix, No. 7.

The humble PETITION of the Members of the *Bombay* Association, and other Native Inhabitants of the Presidency of *Bombay*,

Sheweth,

THAT the nature, constitution, and practical working of the Indian Government being now under the consideration of Parliament, your petitioners beg respectfully to lay before your honourable House the views which your petitioners have formed with respect to the existing system of government, and some of the improvements of which it is susceptible.

2. Your petitioners are fully sensible of, and are glad to acknowledge, the many blessings they enjoy under the British rule; but these they attribute to the British character, rather than to the plan of government which it has hitherto been deemed expedient to provide for India; and which, being the result of circumstances, and not of design, is but little suited to the present state of the country, and to the fair demands of the people of India.

3. Even the 3d & 4th Will. IV., c. 85, under which India is now governed, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854," was confessedly a concession of principles, in order thereby to effect the final settlement of complicated questions of property, and to obtain the relinquishment by the East India Company of certain exclusive rights of trading secured by royal charter; and the correspondence between the Board of Control and the Directors of the East India Company, contained in the 17th volume of the "Papers" printed in 1833 by order of the Court of Directors), "respecting the negotiation with his Majesty's Ministers on the subject of the East India Company's charter," clearly establishes that it was fully understood at that time, on both sides, that the nature of the arrangements for the future government of India was to remain an open question.

4. The formation, therefore, of a good system of government for the millions of peaceful and loyal British-Indian subjects being now, for the first time, freed from all antecedent difficulties connected with the acquisitions, rights, and position of the East India Company, and resolving itself, as it now does, simply into a question, How can India best be governed? your petitioners believe that it will be found easy by your honourable House to devise a constitution for India which, while it shall contain all the good elements of the existing system, shall be less cumbersome, less exclusive, less secret, more directly responsible, and infinitely more efficient and more acceptable to the governed.

5. Your petitioners need not point out to your honourable House the nature of the home Government under the present arrangement; but whilst in theory, and doubtless to a very great extent in practice, it consists of a minister of the Crown, aided by a Court of 24 persons, many, though not all, of whom have passed through an Indian career, yet, according to very high authority, the views of the Court of Directors can be put aside by the minister at pleasure, and the former be forced, in their own names, and as their own act, to issue orders to the local government to which they are entirely opposed.

6. The right honourable the Earl of Ellenborough, in the evidence recently given by him before a committee appointed by the late Parliament to inquire into East Indian affairs, is represented to have stated that he did not know by whom India was in general governed; that it seemed to be so, in general, by a parcel of clever clerks; that when he (Lord Ellenborough) was chairman he governed the country himself, and on his own responsibility; and that he did not think of taking counsel with his brother ministers, or advising with any member of the Court of Directors as to the course to be pursued. The following question was put to Mr. Courtenay, Secretary to the Board of Control from 1812 to 1830, by the Select Committee appointed by Parliament in 1832:—

"Has the existence of these co-ordinate authorities, in their several relations to each other, tended, in your opinion, to promote the despatch of public business, or otherwise?"

His answer was, "To retard it in a most extraordinary degree; and, in retarding it, to make the whole more unsatisfactory. The length of time that elapses between an occurrence in India which is the subject of a despatch, and the receipt in India of the opinions of the home authorities thereupon, is necessarily very considerable, under any circumstances. Some not inconsiderable time must be taken up in England in preparing an answer to the despatches; but the time is increased in an immense proportion by the necessity of every despatch going through the two establishments being, in many cases, the subject of lengthened controversy between them."

The inutility and inefficiency of two such clashing authorities as the Court of Directors and the Board of Control are thus described by Mill, in his History of India:—

"If the whole power of Government is necessary for the Board of Control, what use is there for another governing body, without powers? This is to have two governing bodies, the one real, the other only in show. Of this species of duplication the effect is to lessen the chances for good government, increase the chances for bad; to weaken all the motives for application, honesty, and zeal in the body vested with power; and to furnish it with an ample screen, behind which its love of ease, power, lucre, vengeance, may be gratified more safely at the expense of its trust."

7. It

7. It is, moreover, commonly asserted and believed, that some of the most important events which have occurred during the existing Government of India, attended with an enormous drain on the revenues of the country, have been ordered by the Board of Control, in opposition to the express wishes of the Court of Directors.

8. Your petitioners, therefore, submit that an Indian Council, not placed under a minister of the Crown, but of which the latter should form the president, and be directly responsible to Parliament, would form a more simple, efficient, and responsible home Government than that now existing.

9. Whether the members of this Board should consist of 12 or 24 persons, by what title they should be designated, how many of them should be nominated by the Crown, and how many elected, and by whom elected; how they should be remunerated, and how and when displaced,—are details on which it is quite unnecessary for your petitioners to offer an opinion to your honourable House beyond this, that your petitioners would suggest that the remuneration attached to a seat at the Board should be such as to secure the services of the most able men of the day; and that, with the exception of the minister of the Crown, a previous residence in India should be an indispensable qualification for office.

10. Your petitioners would further suggest, that the elective body should be composed of persons having a real and substantial interest in the good government of the country.

11. With reference to the local governments, your petitioners conceive that they are conducted, under the existing system, with a secresy which, however justifiable and necessary in the early days of the British rule, is not at all called for in the present day; and, on the contrary, is most injurious to the character and best interests of the Government itself, and most unsatisfactory to the governed.

12. Your petitioners would also point out, that the efficiency of the local Governments of Madras and Bombay, under the existing law, is very much impaired, and the despatch of public business considerably retarded, by the necessity for continual reference to the supreme Goverment at Calcutta for its sanction for the most trifling matters; and changes recommended by the local Government, and supported by the authority of its experience, are frequently rejected by the supreme power, with no local knowledge to guide its decisions.

13. That this would be the effect of centralising all legislative and so much executive power in the Governor-general of India in Council was foreseen and expressed by the East India Company in a petition presented by them to your honourable House in the course of the discussions on the present Charter Act. Their words are as follows:—"Your petitioners further humbly represent that the said Bill proposes to effect a serious change in the constitution of the local Governments in India, which, in the judgment of your petitioners, will, if adopted, place an excessive power in the hands of the Governor-general, and prejudicially diminish the power and influence of the Governments of Madras and Bombay." The experience of the last 18 years has completely verified the truth of the above prediction.

14. Your petitioners submit that the cost of administration in India is unnecessarily great; and considerable reductions might be made, without the slightest detriment or injury to any one save the patrons or expectants of office, by abolishing sinecure offices, and retrenching the exorbitant salaries of many highly paid offices, whose duties are so trifling, or involve comparatively so little labour or responsibility, that they might with advantage be amalgamated with other offices, or remunerated in a manner commensurate with the nature of the duties to be performed.

15. Your petitioners respectfully submit that the time has arrived when the natives of India are entitled to a much larger share than they have hitherto had in the administration of the affairs of their country, and that the councils of the local governments should, in matters of general policy and legislation, be opened, so as to admit of respectable and intelligent natives taking a part in the discussion of matters of general interest to the country, as suggested by Lords Ellenborough, Elphinstone, and others.

16. It is often alleged that the natives are incompetent to fill high situations. Similar objections were raised by the Court of Directors in 1832, to the appointment of natives to the offices of justice of the peace and grand juror, when the Bill relative to such appointments was proposed to be submitted to Parliament by the Right Honourable Charles Grant, M.P., then President to the Board of Control, and now Lord Glenelg. That eminent statesman, in his correspondence with the chairman and deputy-chairman of the East India Company on the above subject, bears the following testimony to the qualifications of natives for service under Government, in a letter dated 6th March 1832:—

"In the pursuits of private life, as well as in those branches of the public service in which they have hitherto been permitted to engage, the natives of India have evinced no deficiency either in habits of application to business, or in the skill and acuteness required for its successful prosecution; nor can it be maintained that they are insensible to that stimulus to exertion which arises from the hope of honourable distinction. Those natives who are entrusted with the administration of justice, and the collection of the revenue in the interior, qualify

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qualify themselves for those duties by studying the regulations of the government under which they are to act. Why then should we anticipate a different result in the case now under consideration?"

The result of the appointment of natives to the distinction of justices of the peace and grand jurors, your petitioners believe they may safely assert, has fully realised the expectations which seem to have been formed regarding the measure by the distinguished statesman from whom it emanated. They have honourably filled their office, and performed their duties equally with their European colleagues, with much advantage to the public interests concerned. Sir Erskine Perry, also, the chief justice of Bombay, when presiding in his capacity of President of the Board of Education at a public meeting held in the town-hall of Bombay on the 9th February 1852, expressed himself as follows, in respect to the administration of justice as exercised by native functionaries in the interior of this presidency:—

"All the civil business in the company's courts is in the first stage conducted, speaking generally, by native judges; they are what the French would call judges of the first instance; and from their decisions appeals lie to European judges, from whose judgments again an appeal lies to the Sudder Adawlut. It naturally follows that on these latter appeals a close comparison is made between the decisions of the native and European functionary: now I learn from the judges of the Sudder Adawlut that it was publicly stated in open court, by two leading members of the Bombay bar, that, with a few distinguished exceptions, the decisions of the native judges were in every respect superior to those of the Europeans."

The above testimony of distinguished individuals, to which might be added many others of a similar character, will, your petitioners hope, remove any impression which may exist as to the sometimes alleged unfitness of natives for situations of trust and responsibility in the service of the State. Experience hitherto has shown a result directly opposed to such impressions; and in the present advanced state of the native mind, compared with what it was when the last discussions on the charter of the East India Company took place 20 years ago, it is not too much to presume, judging from the past, that the further advancement of natives to more important offices will be followed by equally favourable results.

A native judge in the Small Cause Court at Calcutta, and a native magistrate in the same city, are admitted on all hands to conduct their duties most satisfactorily. But no such appointments have been made in this presidency, nor, as your petitioners believe, in Madras.

17. Your petitioners would further observe that the 87th section of the 4th and 5th Will. 4, c. 85, which declares that no native of India, or natural-born subject therein, shall be disqualified from office by reason only of religion, place of birth, descent, or colour, has hitherto remained nearly a dead letter; and it is for your honourable House to make due provision for the more extensive employment of natives of India suitably qualified for the government service, and for their elevation to the highest offices of the State.

18. With respect to the administration of the government itself, it is perhaps unnecessary to remind your Honourable House that every civil post of any value or importance, throughout the territories, is filled by a privileged and exclusive service called the Covenanted Civil Service of the East India Company.

19. Your petitioners admit that the 103rd and five following sections of the 4th and 5th Will. 4, c. 85, contain the outline of provisions adapted to secure an honourable, and, on the whole, efficient body of servants for very many offices under the Indian Government; but, although the students of Haileybury College are, by virtue of the above clauses, to undergo examination, the incompetent, as well as the competent have equally the parliamentary right to supply the vacancies in the civil establishments in India."

20. It must be apparent to your Honourable House that the education given at Haileybury College does not and cannot qualify a young man to administer the law, civil and criminal, Hindoo and Mahomedan, to a whole district; and yet no provisions exist, either in England or in India, for carrying on the education of the civil servants intended for judicial employment, nor are they required or expected to prepare themselves for the judicial office by any previous study.

21. Once admitted to the service, they rise by seniority, whether industrious or idle, competent or incompetent; and they are transferred from one department to another without due consideration of their aptitude or previous experience; the judicial sends its members to the revenue department, and the revenue to the judicial. Unlike the officers of the army, they are practically exempt, except in cases of extreme delinquency, from all fear of punishment for incompetence or misconduct. Regarded as the privileged governors of the country, and claiming all the important offices under Government as of right, the gravest errors are only visited with expostulation, or, at most, with a removal from one office to another, whilst the local governments are debarred from availing themselves of European and native talent at hand, simply because the possessor is not one of the privileged order.

22. So long as the present exclusive system of employ shall continue to exist, it is manifest that it will be impossible to secure the greatest efficiency in any one department of the Government, whilst the courts of justice will, as a general rule, be handed over, as at present, to those who have shown themselves the least qualified to collect the revenue of the State. The result of placing judicial power in the hands of those not trained, or by nature

qualified

qualified to exercise it, is that, in order as far as possible to prevent injustice, it is necessary to allow a number of appeals and reviews; and thus, under the system of Mofussil judicature, a final decision in civil suits is often not obtained under ten years, and rarely before three years. Then the litigation in the company's courts, where a large amount is in dispute, is of the most expensive character, owing to the heavy stamps to which all law proceedings in the Mofussil are subject; and thus, from delay, expense, and inefficient judges, the administration of the law in the company's courts is altogether of a most unsatisfactory nature; and no department of the Indian Government calls more loudly for reform.

23. Your petitioners would respectfully suggest that, if a Parliamentary service, having a right to exclusive civil employ, is to be retained for India, its sphere of office should be confined to the discharge of strictly revenue, financial, and political duties; and that the system of seniority and right of promotion, involving, as now in operation, frequent and most inconvenient transfers of officers from one department to another, should be abolished, and that public merit should be the only avowed principle of promotion; and further, that a high standard of qualification should be exacted from all who are appointed to judicial offices in India.

24. Your petitioners would, moreover, add, that the Indian civil service now costs the Government three millions and a half of pounds sterling, each officer receiving on an average 1,750*l.* per annum, from youths just arrived in India to the highest grade. These salaries are adequate to command the very highest political, financial, and judicial talent, and impose on the Government the moral obligation of providing the best servants for the Indian Government.

25. But your petitioners submit that the salaries paid to the Indian civil servants are excessive. Your petitioners see it stated before the Select Committee of the House of Commons that the public service is most ably conducted by members of the native uncovenanted branch, at a mere fraction of the charge of covenanted servants; that a much greater number of natives ought to be employed than at present, the general conduct of native officials being most exemplary.

26. There are numerous offices under the Government, the post-office for example, in which the head of the department must necessarily be to a great extent, from want of training for the discharge of his duties, and dependent, therefore, on his subordinates. They are held for some transient period, so that there is little inducement for the most conscientious men to study the duties of the office. Within the last ten years there have been eight different postmasters at this presidency, drawing between 2,000*l.* and 3,000*l.* a year, while the work has been chiefly performed by a deputy, receiving 700*l.* per annum; and the post-office, as a system, is believed to be infinitely below what it would have been had a qualified person been sent out from England to take permanent charge of it.

27. Your petitioners, whilst on this subject, cannot forbear calling the attention of your Honourable House to the opinions of the East India Company on the best means of providing good servants for the Indian Government, as expressed in the petition presented by them to Parliament in 1833, and which your petitioners submit, deserve great consideration:—

"Throughout the correspondence which has passed with his Majesty's ministers, your petitioners have declared upon this point, that the arrangement which shall most effectually provide the means of giving Government servants to the Indian empire, is that which shall assuredly meet the views of the court, whatever its effects may be on their patronage; and it is because your petitioners are deliberately convinced that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the court confidently ask your Honourable House to abolish the college."

28. Your petitioners now beg to represent to your Honourable House the extreme deficiency of the means of internal communication in this presidency, that this want discourages increase of production, by shutting out the producers from any remunerative market, and prevents, in periods of distress, the scarcity of one district being mitigated by the plenty in another. Instances are recorded wherein the supplies designed to relieve famine in a district were, in the course of transit, consumed before they reached their destination. Were this obstruction to the industry and resources of the country taken off, by the construction of railways, roads, piers, wharves, and other useful works, large tracts of land now lying waste, more particularly in the cotton districts, would be put under cultivation, and the supply of this most important article of export to Great Britain would be increased at least tenfold. Your petitioners beg leave to quote, in corroboration, a passage from a memorial addressed by the leading merchants and bankers of Bombay to the present Governor-General of India, in 1850:

"So miserably inadequate are the means of communication in the interior, that many valuable articles of produce are, for want of carriage and a market, often left to perish in the field; their way to this port is enormously enhanced, to the extent, sometimes, of 200 per cent. Considerable quantities never reach their destination at all, and the quality of the remainder is almost universally deteriorated."

Several able letters addressed to the editor of the London "Times," in November and December 1850, and again in September 1851, by a distinguished engineer officer of the Bombay army, clearly point out the deficiency of the present means of communication in the

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the interior, and particularly in Gujarat, and to which your petitioners would solicit the earnest consideration of your Honourable House.

29. Your petitioners suggest that five per cent. of the amount of land revenue should be annually expended in the district whence it is levied, in making roads, bridges, tanks, and other works of similar utility. All such expenditure would be speedily repaid in the increased revenue arising from the impulse given to production, by opening up new markets for the sale of produce. Your petitioners observe that this most important recommendation has been made repeatedly to the local and supreme Governments here, by some of its most eminent and experienced officers, but they have learnt with deep regret that it has been as frequently set aside by the home authorities.

30. Your petitioners would further observe, that the Government grant of 12,500*l.* for educational purposes is quite inadequate to the wants of this presidency, with its population of upwards of 10 millions, and yielding a net land revenue of 1,028,285*l.* Your petitioners beg to draw the special attention of your honourable House to this subject, and believe that all the reforms and all the improvements sought for, or in the power of your honourable House to make, are but secondary in importance compared with the necessity of introducing a complete system of education for the masses of the people. That such expenditure would eventually increase the revenues of the country, both by teaching the people new and better modes of production, as well as habits of economy and prudence, cannot be doubted; and your petitioners would suggest the propriety of establishing in each presidency an university, after Mr. Cameron's plan, for the purpose of qualifying persons to practice in the various professions, and rendering them eligible for Government employment.

31. Your petitioners therefore humbly pray your Honourable House to embody in any measure of legislation which may come before you for the future government of India, the principles hereinbefore set forth; and that your Honourable House will not rest content, but adjourn the final settlement of the plan of the Indian Government until all available information from trustworthy, competent, and disinterested sources, has been laid before you; and your petitioners venture to hope that your Honourable House will limit the period of existence for any future Government of India to 10 years, in order that the interests of so many millions of British subjects may be more frequently brought under the consideration of Parliament.

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

(signed) *Manackjee Jamasjee.*
Nesserwanjee Manockjee.
Bomanjee Jeejeebhoy.
&c. &c. &c.

Bombay, 28 October 1852.

The humble PETITION of the undersigned British and other Christian Inhabitants of *Calcutta* and the neighbouring Parts, in the Lower Provinces of *Bengal*,

Humbly sheweth,

1. THAT your petitioners feel themselves called upon by the approaching period for the renewal of arrangements for the future government of India, to convey to your Honourable House some expression of their opinion with reference to those arrangements.

Objects of the last Charter Act not carried out.

That your petitioners advert with satisfaction to the provisions of the last Charter Act, especially when read in connexion with the historical evidence of the intentions and objects of Parliament. That, reading the Charter Act by this light, a distinction palpably arises between those objects which were completely established by the Act of Parliament, such, for example, as the abolition of the trading powers of the East India Company, and those which for any reason were left to the good faith of the Government to realise. With respect to the latter class, your petitioners beg to express very great disappointment; for although the Government was furnished by the Charter Act with new powers and machinery to accomplish what then appeared, and whatever in future might appear desirable, many of the intentions of Parliament remain neglected. Thus, for example, no means have been taken to form for India a properly qualified body of judges, or to open the judicial service to qualified persons, though the want was demonstrated by a large body of evidence before Committees of the Houses of Parliament. The criminal laws of the East India Company's courts, in their application to natives, were condemned 15 years ago by the Indian Law Commission, which was appointed, under a direction in the Charter Act, to inquire into the state of the laws; but the criminal laws remain for the most part unchanged. In a spirit generally deemed as impolitic as illiberal, the Government has repeatedly proposed to bring British people under these laws, though so declared unjust towards the natives who were accustomed to them. The want in the East India Company's courts of laws adapted to the requirements of trade and commerce is well known; the English law could furnish an equitable commercial code, but English law is excluded from these courts, and no other rational system has been enjoined upon or adopted by them, although the Charter Act expressly

expressly directs the preparation of laws adapted to all classes of the public. The great want in the courts of the East India Company of a body of laws, both civil and criminal, for the East Indians, to whom as Christians the native laws were not justly applicable, was specially brought under the consideration of Parliament, and the peculiar hardship of the case drew forth the sympathy of several eminent men. Practical relief has been proposed to Government by the Indian Law Commission, under the name of a Lex Loci Act, but relief has not been given. Parliament abolished all disabilities for office or public employment, by reason of race, creed, colour, or origin; but distinctions are maintained in administration between previously excluded classes and the privileged classes, which place the former in a state of official and social degradation. The state of the police is as bad as before the last Charter Act, and it is no protection to the people. Other instances might be given, and hence your petitioners express their disappointment, and have again to bring these subjects, together with others, under the consideration of Parliament.

State of the Law and Courts; Subject divided.

2. That your petitioners first beg to bring under the consideration of your Honourable House the state of the law, and in connexion with this the state of the courts of justice, as respects both their executive and judicial functions. On a moment's reflection, the close connexion of these subjects is apparent. If a bad state of the law be supposed, it is impossible to conclude otherwise than that ill effects must result, though the judiciary body were meritorious; and equally clear is it that good laws must in a degree fail, if the judges are deficient in knowledge, skill, honesty, or other proper judiciary qualifications. And good laws and good judges together must always depend in a considerable degree for practical success on the character of the executive officers and establishments. The necessity, therefore, is apparent of keeping all these subjects in view together, or as parts of one whole.

Law of the Supreme Court.

With respect to the law, it will be necessary to distinguish what it is in Calcutta and the Supreme Court, from what it is in the country beyond and courts of the East India Company. In the Supreme Court three different codes of law are established: English law for British subjects, and Hindoo and Mahometan law for Hindoos and Mahometans on civil matters, but English criminal law for all classes, natives, British and foreigners, who are inhabitants of Calcutta; and for nearly 80 years these different codes have been administered by this one court generally with satisfaction to these different races, thereby establishing the important fact, that judges practically qualified in English law become qualified for the native system of law to which they are originally strangers, and presenting, as will hereafter appear, a striking contrast to the East India Company's judges. And although it may be admitted that the Supreme Court has an extent of jurisdiction geographically inconvenient, the remark has no application to the law of the court, but the blame rests with the Government, which has done nothing towards supplying other courts, or making the East India Company's courts competent to take part of the jurisdiction of the Supreme Court, as respects British subjects.

Law of the East India Company's Courts.

That the law in the East India Company's courts is on matters of succession, inheritance, marriage, caste, and religious usages and institutions, the Hindoo and Mahometan law for Hindoos and Mahometans respectively, with the addition of a body of Regulations and Acts chiefly relating to procedure and revenue, and in which is prescribed this general rule as to all other matters, namely, that the courts shall decide according to justice, equity, and good conscience in cases not provided for by the said Regulations and Acts; but the Regulation which prescribes this rule is not accompanied by a code of equity, nor any maxims or principles, but has left it to the courts to work out a system of equitable jurisprudence, which after 60 years they have not done or begun to do, and to the present day the supplementary provision for equity remains a barren verbal rule, which may confidently be described as having no effect beyond that of giving the judges of all degrees and castes —Hindoos, Mahometans, and English—a discretion which they are incapable of wisely exercising, and thereby rendering all rights, and the result of all litigation in these courts, extremely uncertain. The cases to which this remark applies are all cases on contracts of all kinds, including sale, hiring, partnership, and, in short, all business arising out of commerce and dealing in which British people and interests are concerned. That the laws above mentioned are the only civil laws administered in the courts of the East India Company; and thus it clearly appears that the civil law administered in those courts is most defective.

Procedure of the East India Company's Courts.

That the law of procedure is in as unsatisfactory a state as the other parts of the law. From repeated and numberless alterations, and the peculiar form of many of them, the code itself is obscure, confused, and of uncertain meaning; that by practice and construction it has acquired a highly technical character, as is evident from the printed decisions of the courts and the very large proportion of cases on questions of form. In the courts of every degree suits of all kinds and all amounts, except where the revenue is directly or indirectly concerned, are conducted by means of written pleadings, consisting of a plaint, answer,

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answer, replication, and rejoinder, and no security is taken for truth in pleading. At each step time is necessarily given to the adverse party, and a decision may be followed by two, and in some cases by three, appeals. The procedure, therefore, is slow and dilatory. That your petitioners, having now experience of both systems, can confidently state that the reform procedure of English law is more simple and expeditious, and more conducive, by its greater variety of resources, to the ends of substantive justice.

That the appeals (already alluded to) are permitted to an extent unparalleled in any other system of law, on the ground avowedly of distrust of the courts. That, formerly, the petty courts of moonsiffs and sudder ameens were partially excepted from this system; but by a recent Act it has been extended to them, and consequently the petty dealer who may have to sue a poor ryot for 5*s.* must not only sue by a written petition or plaint, but may have his suit dismissed after two months for want of a replication, and a decision either for plaintiff or defendant may be followed by two appeals; and thus it appears that the East India Company has no courts analogous to the Court of Small Causes in Calcutta or to the County Courts in England, with a partial exception as above, where the revenue is supposed to be concerned.

That evidence in all the courts is required to be taken in writing, which leads to the practice of its being taken by a native clerk often out of hearing of the judge, who may be engaged in other business, and decides on the evidence thus taken on reading it, or its being read to him; but the officers are notorious for tampering with the evidence, and those who are personally acquainted with the country very generally complain of abuses, and condemn this mode of taking evidence.

That, in connexion with this subject, the legal agency established in the courts, should be mentioned, as aggravating all the faults of the system. It is carried on by means of persons called, according to their different branches of the business, mooktears (managers), vakeels (attornies), and pleaders; a body of men generally (in the inferior courts) belonging to the dregs of native society, who are notorious for the most wicked practices which can be used in their business, a pest to the courts, and a cause of the corruption of the people to whom they minister.

Stamp Duties.

That to the evils already enumerated your petitioners have to add a heavy taxation on all law proceedings, by means of the obligation of using stamped paper, which rises in a series of duties in all regular actions from 2*s.* to 200*l.* on plaints or petitions alone, and admits of no exceptions even for the smallest debt or demand, and waylays the suitors at every subsequent step, and obliges the judge to stop his speech or that of his pleader with the question, "Where is your stamped paper?" and will not permit the reception of the evidence of a witness until after an application on stamped paper of 2*s.* or 4*s.* each, and, if the proof consists of a series of letters, imposes on each letter a stamp of 2*s.*, and an error in a stamp is often irremediable, and the constant cause of nonsuits and other failures of justice. That the stamp duties are still more vexatious and impolitic in criminal proceedings. That your petitioners represent these details to show that the system is not less oppressive than that of the taxes on law abolished in England at the united call of justice, humanity, and all general reasons.

Courts of the East India Company's Native Judges.

As respects the courts of the East India Company, the civil courts, having an original jurisdiction, differ so widely from those having only an appellate jurisdiction, that it is necessary to premise this distinction between them.

That before the last Charter Act the natives had been entirely removed from civil judicature (except as to debts of 5*l.*) on account of their universal corruption. Since the last Charter Act they have been restored to, and are almost in exclusive possession of, all original jurisdiction. The judges having original jurisdiction are of three grades: (1.) Moonsiffs (dispensers of justice); (2.) Sudder Ameens (chief commissioners); and (3.) Principal Sudder Ameens. The jurisdiction of the first class extending to 30*l.*, of the second to 100*l.*, and of the third to all amounts beyond; and, in amount, many suits are not surpassed in the courts of equity or law in Westminster Hall. The moonsiffs, sudder ameens, and principal sudder ameens in the lower provinces, consist of about 320 persons, of whom there are, at present, not more than one-fifteenth of Christian denomination. That the natives first appointed to those offices on the change of system were, for the most part, the officers (amlahs) of the existing courts—a body of persons notorious for corruption; and, their salary being small, the practice of corruption for several years, if not to the present time, prevailed, probably to nearly an equal extent, though in a different form, as in Mahometan times, when the salary was a mere honorarium or retaining fee, and the real reward was in the wages of corruption. It is notorious that, after holding office for a few years, large estates or fortunes were amassed by many of them, and others lived in the display of affluence.

That the salaries of these classes, though slightly raised, are in no fair proportion to the importance of their offices and jurisdiction. The moonsiffs receive 120*l.*, and a few 180*l.* per annum; the sudder ameens 250*l.* per annum, and the principal sudder ameens 480*l.*, and a few after long service 700*l.* per annum. Such salaries indicate a low appreciation on the part of the Government of the judicial office, as well as of the personal status of the officials themselves; and in fact they do generally belong to an inferior grade of native society,

society, and are without any proper legal knowledge or professional training, for it is impossible to regard as such the little knowledge requisite to pass an examination.

That your petitioners are fully sensible of the difficulty of establishing charges of corruption, and they make them with reluctance; but the proof, recognition, or acknowledgment of the fact must precede an attempt to remove or correct the evil. As some corroboration, your petitioners beg to state that corrupt practices were charged against these courts in a memorial to the Bengal government within the last 18 months, which was signed by a very respectable body of British and other Christian inhabitants of different parts of the Lower Provinces, including some Calcutta firms largely interested in silk and indigo, and other Mofussil concerns; that the means taken by the Government to ascertain the truth of the complaint were, as your petitioners are informed, the requisition of a report on the subject from the civil service judges, and the conclusion was, not the exculpation of the courts, but a general report that they were improved.

That the Government has ever lent an unwilling ear to representations of this kind, and has taken utterly futile means of effecting a reformation. Small remedies of a topical kind manifestly must fail; one of the latest may be cited as an example of the spirit in which the Government has dealt with the enormous evil. As an inducement to merit, and to counteract the force of temptation, Government has within a few years made it a rule to fill up the higher grade of principal sudder ameen from the lower grades by promotion. The bright motive and reward thus held out to purity is just one chance for one out of from six to eight persons, and of promotion from 180*l.* or 300*l.* to 480*l.* per annum, and which chance can occur only once in 10 or 12 years, there being but one principal sudder ameen in each zillah, and from six to eight moonsiffs and one sudder ameen; and it may be added that, if this could possibly avail in a small degree, it has a counterbalancing evil, namely, of confining the important office of principal sudder ameen to the class of persons who can accept, in the first instance, a very inferior office, and a salary of 120*l.* per annum, and presumably, therefore, the rule of promotion excludes all persons qualified by legal and general education. It is obvious, also, that it leaves the principal sudder ameen without any inducement, although the higher office of a judge of appeal might have been opened to this class, and presumably it is better qualified for an appellate jurisdiction than the class of civil service judges, who, under existing arrangements, have no original jurisdiction, and whose training and experience do not qualify them to correct the inferior civil tribunals.

That your petitioners deprecate being supposed to impute to natives any want of capacity to acquire the proper legal qualifications, or to rise to a proper standard of morals, but they describe what they believe to be the state of facts at present.

Civil Service Judges.

The appellate jurisdiction in civil cases has next to be described. It is almost exclusively exercised by the civil service judges, of whom there is one in each zillah, who is chiefly a criminal judge (called in the latter capacity sessions judge), but also a civil judge for appeals up to 500*l.*, beyond which sum the appeal lies to a court (the Sudder Dewanny Adawlut) composed of five civil service judges. These five judges together receive in salary a sum exceeding the aggregate salaries of all the moonsiffs in the Lower Provinces; and added to the zillah judges, the entire body consists of 37 persons, who received 120,000*l.* in the year, in which the salaries of moonsiffs, sudder ameens, and principal sudder ameens amounted only to 55,000*l.*; a striking contrast of the care with which this class has been guarded at one of the avenues of temptation; and your petitioners readily admit their general abstinence from the practice of corruption of every kind, but more than this negative praise cannot be awarded to them; and your petitioners confidently represent that their administration of justice is the subject of universal complaint and dissatisfaction, and which are founded, as your petitioners believe, on experience of their want of proper qualifications, and the bad quality of their decisions; and, although it would be impossible to justify this opinion in detail in a petition, the few following facts may be mentioned, namely, that they come to India, and are appointed to the judicial office, without professional qualifications; that for 60 years they have been in exclusive possession of the whole or some important part of the administration of justice, and yet have furnished the inferior courts with no body of general rules or principles; that, though required to follow equity, they have built up no system of equitable jurisprudence, but the inferior courts still possess only the barren verbal rule expressed in the regulations; that by "circular orders" and "constructions," the sudder courts have prescribed rules and legislated somewhat as the emperors did by their rescripts; but these "orders" and "constructions" are among the worst parts of the law, and have increased its uncertainty, and the difficulties of all the inferior judges; and lastly, that for some years the decisions of these courts have been printed, and form a considerable body, but they are obscure and uninstructive. By all these circumstances (and others might be adduced) may be proved that the civil service judges want the proper qualifications for judges, and the public dissatisfaction be justified.

Opinions of British Inhabitants.

That in consequence of this state of the law in the courts of the East India Company, and of the courts themselves, the British inhabitants offered a strong opposition to the Act passed in 1836, and which has been followed by others, for bringing them under the civil jurisdiction of those courts. But to reconcile them to it, the public was assured by the organs of Government that the law and courts would be improved, if from no other cause,

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from the necessity of conforming to a more certain and higher standard of right, in order to satisfy British suitors. But this assurance has not been fulfilled, and the bad state of the law and the courts of the East India Company forms one great disadvantage against which British enterprise and character has to struggle in India.

The Criminal Law.

That the criminal law of the East India Company's courts is fundamentally Mahometan; as much a foreign law, therefore, as the English in relation to the Hindu part, which is a great majority of the population. That with respect to Hindus and others not of the Mahometan faith, the opinion (futwa) of the Mahometan law officer, who is in the nature of an assessor attached to every criminal court, may be dispensed with; and some difference may, on the requisition of the parties accused, be made in the mode of trial of persons not Mahometans, all which are equitable modifications of pure Mahometan law so far as they go, but they leave the foundations of the system Mahometan; and the chief effect, as your petitioners believe, of permitting the judge to decide without the Mahometan law officer, is not to introduce a different system of law, but to place persons accused (when they avail of the privilege) more at the judge's discretion. That such a state of the criminal law would be intolerable to British people, and therefore they have always resisted and still protest against its extension to them. That accordingly your petitioners pray your Honourable House to take their case in this respect into special consideration, and to provide that English criminal law, divested in a great degree as it is now of technicalities of procedure, shall be universally administered to them and to all persons of Christian denomination or faith, whether British, East Indian, or foreign, with such modifications only of procedure as may be passed by the Governor-general of India in Council, with the previous assent of Her Majesty in Council.

The Police.

That the police of the Lower Provinces totally fails as respects its proper purposes, the prevention of crime, apprehension of offenders, and protection of life and property; but it is become an engine of oppression, and a great cause of the corruption of the people. That your petitioners desire to state a few facts in connexion with these propositions. The Lower Provinces, concerning whose police your petitioners are now speaking, are divided into 32 counties (zillahs), and contain an estimated population of 30 millions, and comprise an area larger than France. The proper police force in these counties consists of superintendents (dorogahs), serjeants (jemadars), and constables (buckendauzes), amounting in the whole to 10,000 or 11,000 persons, and to these have to be added the village watchmen, who are paid by the villages and not by the Government, and are so rarely known to prevent a theft or other crime, or to apprehend the criminal, that they must count for very little in an honest appreciation of the general system. That these numbers are insufficient with reference to the existing state of the population of Bengal; and that in the present state of crime, an exclusively native police, however numerous, can hardly be made sufficient.

That a native police, as this exclusively is, requires constant and close superintendence, and power of superintendence is given to the magistrates; but from a variety of causes no effective superintendence is or can be exercised by them. Among these causes may be mentioned: 1. The paucity of magistrates, for which no remedy appears practicable, so long as the exclusive privileges of the civil service are upheld; 2. The size of their districts; there is one magistrate and an "assistant," or pupil of the civil service and a deputy magistrate, to a zillah, the zillah being, perhaps, as large as Yorkshire, or of an area of 6,000 or 7,000 square miles, and containing a population of one million; and, 3. The judicial duties of the magistrate, which are alone sufficient to occupy all his time, are by their nature incompatible with the activity and locomotion required for superintendence. It may, therefore, safely be affirmed that effective superintendence over the native police there is and can be none under the existing institutions.

That your petitioners will make a brief statement in illustration of the practical bearing of the existing system on the condition of the people. That in case of the apprehension of an offender, and in order to prosecute him, it is necessary for the injured party and his witnesses to go before the magistrate, but this may be a journey of from 15 or less, to 50 miles or more, in consequence of the extent of his district, and when arrived at the magistrate's office, he may be detained days or weeks from a variety of causes; that in fact a magistrate's compound in the Lower Provinces often presents the spectacle of hundreds of persons thus kept in detention for weeks; and if the offence is of a grave character, or beyond the jurisdiction of a magistrate, he and his witnesses may be required to take a second journey of the same distance to the sessions, and be there detained days or weeks waiting for a trial. At the sessions also, hundreds of persons are constantly detained at great distances from their homes. That to avoid these inconveniences, the population render little or no aid to the police for the enforcement of the law, but on the contrary they are generally averse to do so, and hence has arisen a practice which is a great reproach to the police system, namely, that witnesses generally and prosecutors often are made prisoners, kept under arrest, and sent to the magistrate, and afterwards to the sessions in actual custody. That from this state of the law and police result the following among other evils: persons robbed deny the fact of a robbery, or if they complain, the persons who could be witnesses deny all knowledge of it, the immediate interests of these classes being arrayed, by reason of the state of the law and jurisdictions, against the objects of law and justice. Often under these circumstances the native policeman, to do his duty, employs the means of terror, and torture is believed to be extensively

extensively practised on persons under accusation, and the injured party for not assisting him becomes an offender. All the evil passions are thus brought into play, and ingenuities of all kinds, both by people and police, are resorted to. Another result is the constant device of proving a true case by witnesses who know nothing about the matter; justice is supposed thus to be satisfied, but convenient perjury becomes familiar, and perjury loses its criminal character among the people. Thus, and in a thousand other ways, the law and police operate to corrupt the people and spread corruption; moreover, the very circumstances which repel the honest, attract those who have revenge to gratify, rivals to injure, enemies to destroy; and for these and other dishonest purposes the police and criminal courts are resorted to, and police and law under the present system are terrible evils.

That a further aggravation of evil results from some powers possessed by the native police, which practically are magisterial, such as the power of receiving confessions, and in all cases of taking (though not on oath) the deposition of witnesses, which powers are exercised by the serjeant (jemadar) in the absence of his immediate superior (the darogah), and thereby practically the course of criminal justice takes its direction from them, and thus the police control the magistrate's functions instead of his superintending and controlling the police.

The Civil Service.

That among the subjects on which evidence was taken by the Committee of the House of Commons previously to the renewal of the last Charter Act, one was, the education given at Haileybury, and the means existing in India of completing it, before the cadets of the civil service, chiefly appointed from that institution, entered on their public duties. That a deficiency of qualifications was proved, and a plan was adopted by Parliament and embodied in the Charter Act which preserved Haileybury, but according to which only one-fourth of the candidates in the Haileybury College were to receive appointments, which plan would probably, as intended, have secured the following objects: 1. The suppression of what was proved to be an abuse, of making every nomination of Haileybury virtually an appointment to a highly-privileged and important branch of the Indian service: 2. The exclusion of the unworthy, for which, as proved particularly by the learned professor Mr. Empson, some provision was necessary; and, 3. Competition among the candidates, under such conditions as should secure the eventual preference to merit and raise the average and standard of it. That this plan incidentally reduced the value of the nominations to Haileybury, and before it could come into practical operation it was repealed by statute, and with it all security ceased for the desired objects, no other plan having been substituted. That the qualifications of the cadets of the civil service are no better in the present day, and there is reason to believe, from historical evidence, that the service produces a smaller proportion of distinguished excellence than formerly. That in every kind of office superiority is given indiscriminately to this portion of the service, and virtually it has the unity, strength, and narrow interests of a close corporation, though not legally constituted as such; for example, two and sometimes three members of the Supreme Council, all the secretaries and under-secretaries of the supreme and local governments in the civil departments, all the members of all the civil boards and their secretaries and under-secretaries, all the judges of appeal both in the metropolitan and zillah courts, all the commissioners of revenue, all the collectors, all the magistrates, and (every) here) all the heads of office, as at the Treasury and in various miscellaneous offices, are exclusively of the so-called civil service. That this monopoly of high office is highly prejudicial to the public interests, and exceedingly unjust towards other public servants, who are universally subordinated to this privileged service, and who, by no recommendation of qualification or merit, or length of service, can rise from official insignificance to the privileged order, though their duties and offices are often the same, only with different names, and usually of equal importance. The principal sudder ameen, for example, whose duties have been already described, can never rise to the grade of a (so-called) civil or sessions judge, nor the deputy magistrate to be a magistrate, though he may have the full powers of the latter, nor the deputy collector to be a collector; nor is this the only injustice. The salaries of the uncovenanted service are in no fair proportion to those of the civil service, as is exemplified by the comparison already made between the salaries of the covenanted and uncovenanted judges, and as it must be added is the fact as respects all other offices; a deputy magistrate for example of the first grade, one who has been vested with the full powers of a magistrate by special order of Government, and therefore after long trial and experience of his merit, has about the same salary as the inexperienced and untried civilian when first posted and placed really in pupillage as an "assistant" to a magistrate, or as the civilian suspended for misconduct. In the matter of pensions the injustice is of the same glaring kind, as well in respective comparative amount as of the different conditions on which they are granted, to the two classes; and the same complaint applies to the furlough and other leave of absence rules, and to many occasional advantages, such as deputation allowances, extra pay, and duplication of offices, which are exclusively possessed by the civil service. That in the matter of punishments, trials, and complaints the same disparity exists. That, allowing the necessity for a severe control, it ought to be exercised in the same manner, but is not, over all public servants. It is a common remark, and in a great degree true, that official negligence, unfitness, abuse even of authority, and other faults on the part of a civilian are generally visited only by removal to another appointment of the same rank and emolument. Even when under suspension for some grave offence, the civilian has a very considerable allowance; and he cannot be dismissed from the service even by the Governor-general in Council; suspension is his worst punishment; and upon being suspended he becomes entitled to a certain fixed and considerable allowance. That there

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appears to be a striking deficiency of principle in the appropriation of offices to the privileged service. Many of these offices have duties simply of clerks and accountants, and which would be better performed by persons brought up for such employments, or without high pretensions. That the only special qualifications which the civil service ever generally has are gained not by study or professional training, but by actual practice and experience at the public expense, and which never or rarely rests on a basis of education and science, and consequently they are not intrinsically superior to the qualifications of other classes of public servants. That the practice of promotion by seniority appears to set aside all considerations of qualification; the magistrate or collector is raised to be an appellate judge in civil causes, having previously been employed in the active business of police, and chiefly criminal law and miscellaneous business of revenue; and from being a judge he is made a commissioner of revenue, as far as appears, only because the salary of a judge is a few pepper-corns less than that of a commissioner: in short, changes of employment take place in rapid succession, apparently without reference to aptitude, general or special, or to any consideration but the tastes, interests, or connexions of the individual, or his length of standing; and one consequence is that civilians are constantly found at the head of departments, offices, and courts, about which and their business they know little or nothing.

The East India Company's system was founded on the supposition that the Hindu and Mussulman population on the one side, and on the other the Company and its servants, were the only persons who had a right in the country, and could have a legitimate part in the government: the civil service is a remnant of this system, is constituted on this supposition, and is, in fact, a monopoly of the best employments. The institution in this respect is unjust both to the native and Christian population, and in the former class a considerable part of the latter class may properly be included, for great numbers of pure European as well as mixed blood have been born in the country, therefore are natives of it, and have no other home. That the East India Company's commercial interests depended on its civil service system may be true, but the ascendancy of the Crown can better be promoted by a liberal policy in all respects to the Christian inhabitants. Your petitioners beg your Honourable House to take a survey of the general character and condition of the classes to which your petitioners belong in Lower Bengal. First, in Calcutta they have increased in numbers, as the foreign commerce of India has increased, and they are essential as its instruments; they are the security on which the British capitalist relies for his information and returns. They are essential also as aids to the natives in their commercial relations. In Calcutta also are established a large body of British-born and country-born tradesmen, who carry on many of the trades of Great Britain which were formerly unknown in India; by these classes is diffused among the natives a practical taste for a thousand new means of enjoyment supplied by the manufacturers of England. To these two classes must be added the legal profession in both its branches, and the medical; and if they are only found in Calcutta, the cause is that the rest of the country is practically closed to them, not by any deficiencies or want of enterprise of their own, but by the East India Company's system. If a Sir William Jones, for example, were to desire to be a Company's judge, he could only become a moonsiff at 120*l.* per annum, in the first instance, and the English bar could find no scope in courts whose judges are not jurists, nor brought up in habits of discussion. Secondly, out of Calcutta the Christian inhabitants are connected with capitalists and merchants in different parts of the world, and they are engaged in superintending and urging production of indigo, silk, and other things which form the exchanges with Great Britain. As a whole, therefore, these classes may be described as comprising men of all ages and occupation—the mercantile, agricultural, professional, scientific, and mechanical—they present a fair image and representation of British capital, enterprise, acquirement, ingenuity, and talent, and of the middle classes of England. It is by these also that the British people become known and their character understood by the native population. Yet the East India Company's system, in a great degree, ignores these classes, refuses to them proper laws, and offends them, for the sake of its civil service, by one general exclusion from public employment on every fair principle, and leaves it to be supposed that British ascendancy depends on their exclusion; as if cadets, who come out at the age of 22, and whose life is passed in narrow official trammels, could alone be loyal. That the privileges of the civil service are not only unjust in these respects, but they are direct obstacles to the most necessary reforms; but this topic, leading as it does to questions of administration, cannot be satisfactorily treated of in a petition. Your petitioners therefore pray for such a change in the arrangements for supplying the public service in the civil departments as to your Honourable House may under the circumstances stated above appear desirable; and particularly they submit to your Honourable House the expediency and necessity of inquiring into the nature and number of public employments in India, the salaries and emoluments attached to them, and the principles on which, if at all, the public service ought to be supplied from England.

The East Indians.

That your petitioners also beg to bring under the consideration of your Honourable House the case of the East Indians, a class all of whom are of Christian denomination, and, though of mixed blood, British in education, habit, and family ties and connexions, but not British subjects within the technical signification of the term, and consequently they have no proper legal status, but are subject to the same criminal law as the natives, and they have no civil law, out of Calcutta. This state of the law in relation to them is an admitted grievance, and the same grievance exists in the case of all foreigners, not being Hindus or

Mahometans,

Mahometans, such as French, Germans, and other foreign people, and to whom also may be added the class of natives become Christian. That to provide an equitable status for all classes not being British subjects, nor Hindus or Mahometans, a law, known generally by the name of the *Lex Loci*, was prepared by the Indian Law Commission, and it would have relieved the East Indians, but it has not been passed, and therefore your petitioners press on your Honourable House the said case of the East Indians and other said classes of persons.

Education.

That your petitioners desire to represent, on behalf of the East Indians and others of Christian denomination, who by circumstances are permanent residents in India, the want of collegiate institutions for the higher branches of education, and a university to grant diplomas of qualification; that in the former, especially, law should be taught as a science, and a class of persons might thus be formed, qualified, in the first instance, for professional employment in the courts, and eventually for judicial office; and a very considerable body of permanent Christian inhabitants desire that their claims and interests should be considered in all arrangements for the education of the people.

Public Works.

That there appears to be on the part of Government a lamentably defective appreciation of the importance of roads and other public facilities of intercommunication. There is only one metalled road in the Lower Provinces, the grand trunk road, and it is the only road supported at the expense of Government; the other roads are made by the landholders, on the requisition of the magistrate, or with local funds, and generally they are designed to connect the different police stations, and not to open traffic or benefit the country people, and from the nature of their materials most of them during the rains are nearly impassable. Other roads there are none; and the grand trunk road itself, for want of bridges and sufficient repairs, is usually impassable for carriage traffic during a part of the rainy season. It is a striking proof of the little regard paid to the public convenience, so far as this great highway is concerned, that of two small bridges which were carried away by floods in 1847, neither is yet rebuilt, though the situation is in one of the most populous and highly cultivated districts, where the traffic is great, and within 35 miles from Calcutta; but in the place of one only a ferry was for some years established, though both these bridges appeared in the Report published by the House of Commons as public works which had been sanctioned; and to the present day they are replaced only with temporary erections insufficient for the traffic, and on one of them tolls are established where there were none before.

Of course, a government which makes no roads, builds no bridges across the great rivers, much though they be needed. Public ferries there are, but many more there ought to be, and their management is much complained of for delays and want of safety. On some rivers tolls are taken for keeping open their navigation, but the navigation derives little benefit, and appears to be left to nature. The country offers singular facilities for canals, for shortening the lines of communication from various districts to Calcutta and other places, and opening the country generally, but they are not constructed. A canal which terminates in Calcutta is allowed to remain so narrow as to be constantly choked up with traffic-boats, though it produces a large profit, and admits of enlargement. A large surplus is derived from ferry tolls and similar local sources, and is appropriated by promises and law, but not applied to public improvements, except that in the year 1850–51, a few hundreds of pounds were so applied from the ferry funds, and distributed among several zillahs, each containing an area of several thousand square miles.

Your petitioners cannot pass unnoticed the subject of the railway. Its construction appears to be proceeding with slowness which no company of capitalists unguaranteed would or could afford to tolerate, and which, therefore, must be ascribed to the influence of checks applied by Government to secure economy and prevent fraud, but which usually do neither, as experience has proved, but are mere impediments, and have the sole merit of giving to Government an amount of patronage.

That the Government has not at its disposal the variety or amount of scientific and engineering skill requisite for the proper prosecution of public works of utility; to the Military Board, which has their superintendence, they are secondary objects, and works are constantly stopped from officers being called away to their military duties, and therefore your petitioners think new provisions necessary for the prosecution of such works.

The Course of Legislation.

That your petitioners beg to represent to your Honourable House a few traits of the course of legislation. The early legislation presents some great measures, which are clearly referable to the impulse temporarily given by the discussions in Parliament. Among these the establishment of the liberty of the press deserves the first and most grateful mention; it has been justified by its fruits; the press has proved its worth by, what is a great merit in a community so much under official influences, its general independence; and it is equal to any colonial press in activity, in diffusing information, in intelligent discussion, in assisting the formation of public or political opinion, and in enlightened criticism on and appreciation of the conduct of Government. The attacks industriously made upon it of late from official quarters give your petitioners much concern; and, if its merits should come under

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under the consideration of Parliament, your petitioners trust your Honourable House will rather take your appreciation of it from your petitioners and the classes to which your petitioners belong than from the official classes, many of whom appear to desire to restrain and abridge its freedom.

Your petitioners also refer with unqualified satisfaction to the abolition of town and transit duties—another very early measure of the new Legislative Council. So long as the East India Company's monopoly lasted, these duties were maintained; their repeal was the inevitable consequence of commercial emancipation, and therefore really of Parliamentary origin. The new customs duties on exports and imports also deserve a favourable mention, as being moderate, but they were not established in Madras until some years later than in Bombay and Bengal, and their uniformity has been again broken by a recent Act, which raises the customs duties at Bombay alone; and therefore the sincere gratulations of the public are given, but with some doubt of the integrity of the fiscal principles of Government.

An uniform coinage for India also was early established, and, more recently a ship registration and other beneficial and similar commercial regulations.

In the department of English law there is much ground for grateful remembrance. The Wills Act has brought to India the recent statutory law of wills, and the law of dower and inheritance has been altered as in England; but these changes and others of the same kind are due to the influence of the legal profession. In the Supreme Court, the modes of procedure have rapidly followed the reforms of procedure in England, not through legislation, but mainly in consequence of a wise provision in the constitution of the court itself—that its practice shall conform to the Courts of Westminster Hall. It would be praise undeserved to ascribe this large branch of legislation and reform to the spirit or judgment of the Indian Government; the praise is due to those who have no place in the East India Company's system. On the other hand, on matters over which British people have little or no influence, legislation is much less commendable as a whole.

That when the civil jurisdiction of the East India Company's courts was universally extended over British subjects, it would have been fair to have enlarged the appellate jurisdiction which the Supreme Court already possessed, under statute 55 Geo. 3, c. 155, s. 107; but, instead of this being done, the same Act which extended the jurisdiction of the Company's courts repealed the appellate jurisdiction of the Supreme Court. The preservation of the appellate jurisdiction of this court would have been some protection against bad procedure and misdecision.

That recent legislation is distinguished by a great number of enactments, creating powers of an extraordinary kind unnecessarily, or conferring powers on persons not fit to exercise them. Of the former kind in Calcutta, for example, where all legal authority reasonably exercised is respected, to an officer called the collector of Calcutta (not the collector of customs or of municipal taxes, but of the land rents of the East India Company, in its ancient right of a zemindar or landholder) has been given, by a recent Act, power to punish for a contempt to himself with a fine of 20*l.*, and in default of payment to one month's imprisonment; thereby creating (1) a new offence, and (2) denying the ordinary redress for wrong; inasmuch as the Act referred to obliges any one who may be wronged to seek redress out of Calcutta in a court of the East India Company in the country; while (3) at the same time it empowers the officer himself to avail himself, in addition to the usual powers of distress, of the Calcutta courts and magistrates. The collector in this case belongs to the privileged service, and it is impossible not to surmise that the offence would not have been created in favour of a common tax or rent collector. As an instance of powers conferred on improper persons may be mentioned an Act authorising native police officers to fine for an infraction of the salt laws, and to imprison for a fortnight. The Act Book abounds in legislation of this character.

That the legislation respecting crime is equally unsatisfactory. By reason of the state of the police, every landholder, planter, banker, considerable trader, and storekeeper, is obliged to keep men, often in very considerable numbers, armed according to the custom of the country, to defend his property against midnight gangs, called Dacoits, and other robbers. Such irregular forces, though necessary for self-protection, are of course liable to be employed by neighbours at enmity against one another, and by circumstances to become aggressive; and hence the frequency of affrays, which are to be deplored. But the primary evil, in the whole set of circumstances, is the state of the police, and its reform is the proper and essential remedy. Instead of which, mere legislation against crime is resorted to; ingenuities are exerted to bring the propertied classes within the criminal categories; the laws on paper are made more severe; increased judiciary powers are given to the magistracy; but the real evil remains unabated. It is obvious that legislation of this kind is only acceleration on the road to ruin.

Act for relieving Magistrates from Responsibility.—That in 1850 an Act was passed for the protection of magistrates and others acting judicially from responsibility to law. That the said Act, in the obvious meaning of its terms, protects them in any illegality not clearly referable to a malicious object or intent; it protects ignorance, negligence, and incapacity, and is inconsistent with a government according to law, and with justice to the community. That if inferior judicial officers are thus protected, the Government will be called on and ought to give redress to parties illegally injured, and that thus, indirectly but inevitably, the said Act also places the entire magistracy and inferior judicial officers in a state of responsibility for their law to the Executive Government, and destroys their judicial independence, and therefore the said Act is also contrary to all sound principles of public policy.

Postage.—That your petitioners have still to desire the recognition on the part of the Indian Government of the principle on which postage rates in England have recently been reduced by Parliament, and a general reduction of postage rates in conformity with this principle. That your petitioners believe that on inquiry your Honourable House would find that the existing inland postage rates defray the cost of the carriage, not only of all private letters and heavy post-office establishments, but also of all the correspondence of the Government of India, presidency governments, and their numerous military and civil departments.

Tolls on Roads and Bridges.—That your petitioners deprecate the establishment of tolls on any of the great highways made or kept up at the expense of Government, and for which an authority has been recently given to the presidency governments by an Act of the Legislative Council passed in 1851; and the said Act extends to bridges also. The only previous Acts of the kind were two Acts passed in 1837 and 1838 for local tolls at the Bhore Ghaut, in or near the town of Bombay, and which tolls had long before existed under local regulations. Under the new Act, a toll has been established on a bridge which is not strong enough to bear an elephant, and an elephant which, for want of a proper bridge, is obliged to ford the river still pays a new toll of 2 *s.*

The East India Company's Spirit License.—That your petitioners cannot pass unnoticed one cause of great injury to the poorer classes of people. Temperate as has always been supposed by nature, their temperance as a habit is fortified in the case of the Hindus by the rules of caste and the Hindu religion, and in the case of the Mahometans by the commands of their prophet and all the principles of the Koran, and in the case of both by native public opinion. That indulgence in spirituous liquors consequently was discountenanced by the people in general, and was confined to the very lowest classes, or the two lowest classes, in the long settled parts of Bengal, and the united action of religion and public opinion probably would have prevented its spreading. That within a few years Government has extended to large villages the licensing system for the sake of revenue, and its effect has been to lead to the establishment all over the country of shops for the sale of spirits. The license of Government is found to discountenance the public opinion of the native community, and in every considerable village there is a licensed shop, where, until the license was established, there was no such shop at all. Religion, caste, and public opinion are ineffectual against the license, and the whole agricultural and labouring population is thus being corrupted, and falling into habits of indulgence in a new form of intoxication.

That this is a great evil to the employers, as well as to the people, and British residents in the country universally attest its progressive increase, and generally ascribe it to the East India Company's licensing system. That there is no hope of the abolition of this system without the interference of Parliament, and your petitioners pray for an immediate inquiry, under the direct authority of Parliament, into the extent and cause of the alleged evil.

Salt Duties.—That the salt duties appear to your petitioners deserving the consideration of Parliament, as pressing with considerable severity on a very poor population, and the occasion of numerous small oppressions and some other evils. It is true that the duty is no longer founded in a monopoly, but its amount is upwards of 400 per cent. on the natural cost of the article, and its cost to the consumers is still further enhanced by the means necessarily used for the protection of the revenue. Many proofs that the duty presses with very great severity might be given, but one must here be sufficient, namely, that out of Calcutta, as far as the North-west Provinces, pure salt, as sold by the Government or imported, is almost unknown to the mass of the people; adulterations of all kinds are resorted to to reduce its price to their means of purchasing; a wholesome condiment is thus often rendered unwholesome, and as to all purposes for which pure salt is necessary the duty is a prohibition. Moreover, the revenue can be protected only by a severe system of fines, penalties, and confiscations, and a very inconvenient interference with general traffic. On the banks of all the great rivers within the tidal limits, salt guards are stationed to prevent smuggling, and all traffic-boats are subject to molestation from native officers, who levy small contributions on them. In the interior, and on different parts of the frontier in the North-west Provinces, there is a jealous excise system; and in the Punjab the means employed to prevent smuggling are a source of great irritation. It should further be mentioned that the manufacture of saltperre was very recently proposed to be put under new regulations of a most injurious kind to the saltpetre trade, for no purpose but to prevent the production of an article for the adulteration of salt, which the saltpetre works are supposed to supply to the dealer in that article. And to protect the inferior salt of Lower Bengal, that of the North-west Provinces is subject to a differential customs duty.

That under two sections of the Charter Act, viz., the 81st and 82d, British-born subjects are restricted to provinces acquired before the year 1800, except with license. The restriction probably has remained to a great degree inoperative, but it is a stigma derived from the policy of former days when all, except the servants of the East India Company, were regarded as interlopers and oppressors. In the opinion of your petitioners every British subject ought to have free access to every British province, except perhaps in time of actual war (*flagrante bello*). Your petitioners therefore desire the abolition of the said restrictions.

In adverting to the course of legislation, your petitioners must also deplore the little use made of the Indian Law Commission, which was appointed under the authority of the Charter Act to prepare laws for all classes of people.

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The Supreme Government.

That the above facts and circumstances press on all rational men the consideration of the constitution of the supreme authorities.

With respect to the Supreme Government of India, your petitioners beg to point out the paucity of its members, at no time exceeding six, and usually only five persons, and its necessary consequence, that the same persons, with the exception of one, form the Executive Government and the Legislative Council, including in both the Governor-general, and that therefore practically the only real distinction is between the Governor-general in his separate official capacity and the rest of the council, and that the distinction between the Executive Government and Legislative Council is a nominal one. When, therefore, it is considered that the political and legislative authority of the Supreme Government extends over all India, and to many foreign oriental relations, that it has exclusive authority to act or decide on some subjects of the greatest difficulty and importance, that the local governments are entitled to resort to it for advice and direction, and in many matters are not qualified to act without its concurrence; that its authority is embarrassed by subordination to greater powers at home, whom, as their agent, it has to keep informed, and to receive instructions from them, and that in this respect it has to keep up a certain harmony of ideas and operations, it may well be believed that five persons or six are insufficient for such extensive, complicated, and diversified functions.

That your petitioners also beg to point out how the paucity of the members operates on the choice of persons, and consequently affects the quality and composition of the government. The Governor-general is always one of necessity; one is a military man, one is a lawyer for legislation, the remaining two must be selected for their Indian experience, but Indian experience, though essential, is narrow, being gained usually in one department of civil duties, and in only one presidency, namely, in Bengal, in Madras, in Bombay, in the North-west Provinces, or in the Punjaub (may now be added), and the population, institutions, revenue, and judicial systems of the different presidencies widely differ. And therefore your petitioners, without even questioning the fitness of any individual, may still regard the council as very deficient, and especially as wanting in variety of composition, and as of too limited attainments and experience—deficiencies which would account in some degree for the little progress made in all great improvements, and the retrogade tendency of government.

That by the facts above stated, and these reflections, your petitioners are inevitably led to recommend a considerable addition to the Legislative Council, and especially the admission to it of non-official persons from the commercial and professional classes.

That the office of Governor-general requires adaptation to the empire as it exists at the present day. That your petitioners believe there is not to be found any exact account or definition of the separate powers of the Governor-general. That for the last 20 years the Governor-general has been more than half the time away from the seat of government, and your petitioners believe that the ordinary affairs of the government are occasionally put to much inconvenience by his absence. That it is obvious that the emergencies which require his absence would generally leave him little leisure for distant concerns. That the most eminent capacity for deciding in a council is often a very insufficient qualification for deciding alone. That the Governor-general is obliged to delegate to the council, under a temporary president, the decision of matters on which his personal advice and orders must be desirable, and when, as may and has happened, either the Governor-general or the council declines or is legally incompetent to act without the concurrence of the other, the public business stands still, arrears accumulate (of which some are swallowed up by mere lapse of time), private interests suffer, public interests suffer, and government falls, first into disorder, then into apathy, and much which requires to be done is finally left undone.

That your petitioners also beg your Honourable House to reflect on the prejudicial influence which the absence of the sole representative of the Crown must have on the spirit of the administration, he being also the sole British statesman by profession in the Government, the only member of it who has been brought up among the public men of England, who knows their mode of thinking and understands the parliamentary system, and can appreciate the importance of non-official and public opinion.

The Home Authorities.—That your petitioners also submit that the present opportunity should not be lost of revising the manner in which the home authorities are constituted, and their functions are arranged. That since the last Charter Act, the Court and Board have been opposite litigant parties in the Court of Queen's Bench, apparently in consequence of a mutual misunderstanding as to their respective powers. That a contest also arose between the same authorities respecting the recall of a Governor-general, the two cases together presenting the following anomaly, namely, that the Court is bound to transmit to India, for the Governor-general, the mandate of a particular policy, without exercising any discretion; but, on the other hand, has the power to recall a Governor-general who may be specially charged with the execution of that policy, and may have done his duty satisfactorily to the Queen's Government; and hence their respective powers appear not well arranged, nor well understood. That of these bodies, one appears deficient in that knowledge of the country and people which the other body possesses, while the latter appears deficient in the higher qualities required in the governors of a great country; and hence the laws, the courts of justice, the police, and other institutions remain in the state already described, so unworthy of the British authority and the British name.

That your petitioners, consequently, feel themselves bound to declare their opinion, and,

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as they believe, the opinion of the public of India generally, to be unfavourable to the present double Government of a Board of Control and Court of Directors.

That the manner in which the Directors of the East India Company are appointed is most objectionable, in the following and some other respects, namely, (1.) That, although their functions are politically of the highest order, and affect the well-being of India, they are self-proposed, in the first instance, and without any security for their being qualified, or proper persons to be entrusted. (2.) That they are elected by a proprietary body, whose capital is now guaranteed by Parliament, and which, therefore, has lost that interest in the Government of India which formed the basis of their elective privilege; and (3.), which body requires to be canvassed, and gives its votes on a well-grounded calculation of a return of benefit in the distribution of patronage; and (4.) That such a system has the effect of preventing highly qualified persons from ever becoming directors.

State of the Country.—That, from what is above stated respecting the law, the law courts, and the police, your Honourable House will be able to draw, with the fullest assurance of truth, many conclusions respecting the condition of the country. It might appear paradoxical to deny its prosperity in the face of the vast increase which has taken place in the foreign commerce; but it is undeniable that, contemporaneously with this increase, crimes of a violent character have increased, and law and police are also regarded as affording little security either for rights of persons or property. Hence the limited application of British capital to agriculture and mines; and the limited employment of British skill in India (the former being confined to a few valuable articles, such as indigo—for the cultivation of which the soil and climate are so superior as to afford the profits almost of a monopoly—silk, and a few others); and hence, also, small capitals can rarely be employed in India. The planter or capitalist in the interior never or rarely leaves his capital when he himself quits the country in consequence of its insecurity; and from this cause results the high rate of interest of money. Landholders pay 25 and 30 per cent., and the ryot or cultivator is in a worse relation than of servitude to the money lender. Your petitioners, therefore, think that inquiry ought to be instituted by Parliament into the state of the country, in order to provide some probable remedy for the evils adverted to.

That, adverting to the inadequate manner in which the objects of the last Charter Act have been carried out, and to the several facts above stated, your petitioners suggest the expediency of making the new arrangements of the Government for a shorter term of years, and at first only for one year; and, in conclusion,

Your petitioners pray your Honourable House to take the several matters aforesaid into your fullest and most serious consideration, and to take such measures as to your Honourable House may appear necessary to establish the several ameliorations and reforms desired by your petitioners.

And your petitioners shall ever pray.

P. Clarkson Reed,
Zemindar of Purneah and Calcutta.
Hindsey Reed,
Barrister-at-law of Calcutta.
Theodore Dickens,
Barrister-at-law and Advocate of the Supreme Court,
&c. &c. &c.

The Petition of the Master Cutler, and the Cutlers' Company, of Sheffield and Hallamshire, in Meeting assembled,

Showeth,

That, Her Majesty's Ministers having announced an intention to submit to Parliament during the present Session some measure for the future government of India, your petitioners are anxious to record their dissatisfaction with the limited extent of our commerce with that country, and their regret that so little progress has been made in the development of its rich and varied resources.

That your petitioners are of opinion that in any enactment for the future government of India the following suggestions should be adopted:

1stly. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

2dly. That beyond making useful experiments the Government should not be permitted to become cultivators, manufacturers, or traders.

3dly. That in conducting their financial operations the Government should be forbidden to become purchasers of any kind of produce on their own account, or to receive by hypothecation produce purchased by any other party.

4thly. That the Government be compelled to expend a portion of the revenue collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view such public works should be promoted as are calculated to facilitate intercourse with, or improve the physical condition of, the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

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5thly. That ten per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals, the erection of piers, and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country.

6thly. That the application of a portion of revenue allotted to useful public works be under the control of a Board of Works, established and conducted in India, the members of which should have full, extensive, but defined powers, and be nominated jointly by the Imperial Government and the Indian executive.

7thly. That the Government should give every facility for the permanent occupation of land, by removing the objections so often urged to a fluctuating land-tax, by encouraging the purchase, for cultivation of the waste and other lands of India, and by giving such certainty of tenure as will insure the safe application of capital to the universal cultivation of the soil.

8thly. That prompt attention be paid to the removal of evils now existing in India, consequent upon the uncertainty of the due administration of justice and the prevailing ignorance of the people.

9thly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your petitioners commend the foregoing propositions to the favourable attention of your Honourable House, and humbly and earnestly pray that the same may have statutory effect in any legislation for the future government of India.

And your petitioners will ever pray, &c.

Michael Hunter, Master Cutler.

The Petition of the ~~Leeds Chamber of Commerce, by~~ their Chairman,

Humbly showeth,

THAT, as the period is now rapidly approaching when Her Majesty's Government will have to submit to your Honourable House their plans for the future management of our East India possessions, your petitioners are desirous of recording their dissatifaction with the limited extent of our commercial transactions with that country, and at the same time stating their regret that comparatively little progress has hitherto been made in the development of its rich and varied resources.

That your petitioners are of opinion that the following suggestions should be adopted in any future legislation for the government of that country:

Firstly. That it be regarded as the imperative duty of the Government of India to remove all obstacles which impede the progress of industry, and to promote the cultivation of the soil.

Secondly. That, beyond making useful experiments, the Government should not be permitted to become cultivators, manufacturers, or traders.

Thirdly. That the Government be compelled to expend a portion of the revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view such public works should be promoted as are calculated to facilitate intercourse with or improve the physical condition of the population, to increase the production of valuable raw material; as also to encourage a system of general industry, and the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals, the erection of piers, and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country.

Fourthly. That the Government should give every facility for the permanent occupation of land, by removing the objections so often urged to a fluctuating land-tax, by encouraging the purchase for cultivation of the waste and other lands of India, and by giving such certainty of tenure as will insure the safe application of capital to the universal cultivation of the soil.

Fifthly. That prompt attention be paid to the removal of evils now existing in India, consequent upon the uncertainty of the due administration of justice and the prevailing ignorance of the people.

Sixthly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a minister of the Crown.

Your petitioners commend the foregoing propositions to the favourable attention of your Honourable House, and humbly and earnestly pray that the same may have statutory effect in any legislation for the future government of India.

And your petitioners will ever pray, &c.

(signed) *Geo. Goodman*,
President of the Leeds Chamber of Commerce.

The Petition of the Mayor, Aldermen, and Burgesses of the Borough of Sheffield, in Parliament assembled, Appendix, No. 7.

Showeth,

THAT it is the duty of all governments to promote the happiness and improvement of the people under their control.

That the history of the British Government of India has been one continued scene of war and annexation, and that the consequences of such a course of proceeding are manifest in the present commercial position of the East India Company.

That petitions have recently been sent from the people of India to the British Parliament detailing the manifest grievances under which they suffer.

That it is desirable, just, and necessary that these petitions should be thoroughly investigated before any Act for the renewal of the Indian government is determined upon.

That it is also desirable, that the present anomalous Government of India should be superseded by a government more directly responsible to Parliament, and that the local institutions of India should, as far as practicable, be made to approximate in principle to the institutions of England.

Your petitioners therefore pray that, before the renewal of any Act relative to the Government of India be determined upon, a thorough investigation may be made into the general state of that country and into the proceedings of the East India Company, and that in the future a government may be established which shall be directly responsible to the British Parliament.

And your petitioners will ever pray, &c.

William Anthony Matthews, Mayor.

Sheffield, 13 April 1853.

The Petition of the Mayor, Aldermen, and Burgesses of the Borough of Sunderland, in Council assembled,

Showeth,

THAT your petitioners consider that the shipping, mercantile, and industrial interests of Great Britain are to a large extent involved in the welfare of the Indian empire, and they are of opinion that the manner in which its affairs have hitherto been conducted by the Imperial Government, the extraordinary power possessed by the East India Company, and the way in which that power has been exercised, have been alike detrimental to the general interests of the one hundred and fifty millions of inhabitants of India and the people of this country.

Your petitioners therefore consider that the time has come when it is imperative that the Government of India ought to be thoroughly reformed, but they deprecate any hasty legislation on the subject, especially if it should have for its object the renewal of the chartered privileges of the East India Company.

Your petitioners therefore pray that a searching inquiry may be entered upon, embracing the evidence of eminent natives of India as well as the employés of the India Company, and Government officials, with a view to the introduction of such a measure for the future Government of India as shall remedy the evils complained of, and secure to the people of this country and the natives of India the benefits they would derive from responsible and honest government.

James Hartley, Mayor.

The humble Petition of the Members of the British Indian Association, and other Native Inhabitants of the Bengal Presidency;

Showeth,

THAT your petitioners are desirous of bringing to the notice of your Honourable House the sentiments entertained by themselves and the most intelligent part of their native fellow-subjects all over the country on those points which, in their humble opinion, ought to be taken into consideration at the period of the termination of the charter granted to the East India Company by the Act passed in the reign of his late Majesty King William the Fourth, entitled "An Act for effecting an Arrangement with the East India Company, and for the better Government of his Majesty's Indian Territories, till the 30th day of April 1854." As subjects of the Crown of Great Britain, the natives of this country entertain the deepest sentiments of loyalty and fidelity to Her Majesty, and sincerely desire the permanence of the British supremacy in India, which has ensured to them freedom from foreign incursions and intestine dissensions, and security from spoliation by lawless power. Placed by the wisdom of Parliament for a limited time, and on certain conditions, under the administration of the East India Company, they have enjoyed the blessings of an improved form of government, and received many of the advantages incidental to their connexion with one of the

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greatest and most prosperous nations. They are impressed with a sense of the value and importance of these and similar benefits, and of their obligations to the nation from which they have, under Divine Providence, derived them. They cannot but feel, however, that they have not profited by their connexion with Great Britain to the extent which they had a right to look for. Under the influence of such a feeling, they regarded with deep interest the inquiries conducted by Committees of both Houses of Parliament, between the years 1831 and 1833, preparatory to the passing of the late Charter Act. The fact of such inquiries being on foot, suggestive as it was of great administrative reforms, induced the people, who were unaccustomed to make any demonstration of their sentiments respecting the acts and measures of their rulers, to await the result of the deliberations of the Imperial Parliament.

2. That the principal changes made, by the abovementioned enactment, consisted in the increase of the powers of the Crown and the Board of Control over the Court of Directors, and those of the Supreme Government over the subordinate governments; in the power of legislating for all classes which was conferred on the Supreme Government, and as auxiliary thereto the appointment of a law commission, and of one member not of the civil service to the Supreme Council; in the extension of the powers of the Governor-general when absent from the Council; in the admission of British subjects to trade in China, and to hold lands in India; and in the increase of the ecclesiastical establishment for the benefit of professors of the Christian religion at the expense of the general revenue of the country. But no provision was made for introducing those benefits which the circumstances of India notoriously required; such as the relaxation of the pressure of the revenue system, by lightening the land-tax where it was variable, or erecting public works of utility calculated to develope the resources of the country, and promote the growth and increase of commerce and manufactures; the improvement of the system of judicial administration, by the selection of qualified officers, the appointment of proper ministerial officers, the abolition of stamps on law proceedings, and other salutary measures; the protection of life and property by the employment of a police adequate to the purpose in point of numbers and discipline under the control of a proper number of experienced magistrates; relief from the gigantic monopolies which the East India Company maintained very inconsistently with their position as rulers; the encouragement of the manufactures and commerce of the country, which had been greatly depressed in consequence of throwing open the trade with India, the education of the people on an adequate scale, for which the grant of a lac of rupees, authorised by Parliament in 1813, was manifestly insufficient; arrangements for the appointment to the higher offices of persons better qualified by their experience, capacity, and knowledge of the languages and laws of the country than those who were heretofore sent out, usually before they had emerged from the state of adolescence; and the admission of the natives to a participation in those rights which are conceded by all constitutional governments, and which would qualify them to enjoy the benefit of free institutions at a future period. The only privilege conferred on the natives was the declaration in section 87 of the abovementioned Act, "that no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company."

3. That the natives of this country were disappointed in the expectation they had formed, that the charter of the Company, if renewed, would be so modified as to provide for some of those administrative reforms which were called for, and also to secure to them some of those civil and political rights which they considered themselves entitled to, even without reference to their position as subjects of the British Crown. That feeling of disappointment has been, if possible, deepened by their perceiving that, notwithstanding the declaration just recited, the natives of India, with one or two exceptions of very recent date, have not been appointed to any but subordinate offices under the company, such as were very inferior in point of respectability and emolument to the posts held by the youngest of their civil servants.

4. That, after being in much uncertainty as to the intentions of Her Majesty's Government to make inquiries into the affairs of India, with reference to the approaching termination of the Company's charter, your petitioners have learnt with satisfaction of the appointment of Committees of both Houses of Parliament to take into consideration the mode in which the government of the British possessions in India is in future to be conducted. They cannot disguise from themselves the difficulties which those Committees will experience in endeavouring to ascertain the nature and results of the administration of the East India Company. The evidence accessible to them will be chiefly of parties who are more or less interested in the maintenance of the present system of the British India administration, and who cannot be expected, even were some of them free from a natural bias, to enter into the feelings and wants of a people widely differing from them in religion, manners, and habits. But your petitioners rely on the wisdom and justice of your Honourable House to give due consideration to the representations which they are emboldened to submit, by the consciousness that, though differing in religion and colour, they are your fellow-subjects, and that their claims as such will not be disallowed.

5. That your petitioners submit that it is for many reasons fit and proper that the period of such arrangements should be shortened, in order to bring the merits and working of them sooner under the review of Parliament. The governments of remote dependencies of the empire are generally liable to be ill-conducted, particularly when those dependencies are of

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the magnitude to which Her Majesty's dominions in India have at this day attained, and when there are various and dependent boards, and the grounds of their proceedings cannot be scrutinized by the public, except by the publication of correspondence by order of Parliament. It seems of paramount importance, therefore, that the administration of India should be more frequently brought under the revision of the supreme authority. An appeal to facts will corroborate this argument. By the last three charters, the government of the British Indian territories was continued to the East India Company for terms of twenty years; but, however urgently reforms and improvements in the system of government might seem to be required, none could virtually be introduced till the expiration of that long period. Accordingly, it required that period before British subjects were permitted to exercise their natural right of residing in, or even of trading with, this part of their sovereign's dominions, and another like period before they were permitted to enter into the trade with China, which was open to all other nations. If British subjects had to wait such protracted periods, in breaking through a monopoly, the natives of India cannot have a better prospect of obtaining reforms which they may pray for, or rights which may be admitted to be unjustly withheld from them. Your petitioners are therefore most anxious that the term of the arrangements which may be next entered upon for the government of this country should not be extended beyond ten years.

6. *The Home Government.*—That your petitioners submit that the existing system for the management of the affairs of India by the Court of Directors and the Board of Control is objectionable on account of its complexity and expensiveness as well as on other grounds. The Court is composed of 24 directors, elected for five years each, who receive each a salary of 300 *l.*—a sum which is manifestly inadequate to secure the services of persons qualified to assist in the government of a vast territory, and willing conscientiously to devote their time and attention to that great undertaking. But in reality the services of the directors are compensated by the extensive patronage which each of them enjoys, consisting in the right to dispose of certain lucrative civil and military and other offices in India. For the manner in which that extensive patronage is used by them they are under no sort of responsibility. Being originally a body of merchants, delegated by their fellow-merchants to carry on the trade with India for their mutual benefit, they received a suitable salary for the extra attention they gave to their joint concern; and it was a part of their functions to select the men whom they sent out to India as merchants, factors, or writers, to look after their enterprises, prepare investments of goods for the English market, and assist in the performance of other details of their commercial speculations. The salaries and emoluments given to their servants in India being small in proportion to the extent of their business, the selection of proper employees was a responsible duty, and not a source of extensively coveted patronage. The directors themselves were chosen for their knowledge of commercial transactions and capacity for commercial pursuits without reference to administrative qualities; but since, in consequence of the change in the character of the East India Company, the directors are required to be qualified not as merchants, but as Indian statesmen, it is obvious that the principle on which and the persons by whom they are selected should undergo a corresponding alteration. The Board of Control was appointed with reference to the inconsistency of placing under a body of merchants the government of extensive territorial possessions, and with a view to the political acts of that body being under the actual direction of Her Majesty's Government. Accordingly it was and is composed of a portion of Cabinet Ministers, but the chief responsibility is commonly understood to be left with the President of the Board, who holds no other appointment in the ministry, and alone receives a salary as a member of the Board. The control of the Board extends to a part only of the acts of the directors; the latter, therefore, are in many respects, particularly in the disposal of their patronage, without any check or responsibility. In those matters in which the responsibility of the directors to the Board has been provided for the control exercised is either indirect or liable to be resisted. The directors may be compelled to issue orders affecting great political interests without knowing, or at least without approving, their tenor. The same directors may recall a governor-general who is in the confidence of the Ministry, but is adverse to the objects of the directors' patronage, and thus defy the powers of the Board set over them. They have the powers of instructing the Legislative Council of India to enact what laws they please, and of abrogating any laws that have been passed by that council; and it will be in vain for the people of India to offer any remonstrances to a body so constituted and vested with such powers. The people of India too are often at a loss to comprehend from whom certain measures emanate, whether from the local government by whom they are promulgated, or from the directors, under whose instructions the Government act, or from the Board of Control, who have the right to prescribe the instructions which shall be sent to the Government for their guidance. Hence, they are precluded from offering remonstrances, not knowing but that the authority remonstrated with may have been acting entirely under dictation. Although it is fit that the general direction of the affairs of India should rest with Her Majesty's Ministers, subject to the controlling authority of Parliament, yet it seems obvious that the persons who have to deliberate on the questions which arise relative to the good government of the country should be men not only of great abilities, but sufficiently acquainted with the country whose destinies are to be placed in their hands, and at the same time taken from such different classes as to ensure a freedom from all class and other sinister influences. Your petitioners therefore submit that, on the grounds set forth, the future management of the affairs of British India should be vested in one body, consisting of not more than 12 members, half of whom may be nominated by the Crown, and the other half elected by a popular body, but all of them

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them holding the appointment for five years, and going out of office by rotation; that a suitable salary should be attached to the office, not only to secure men of the best abilities, and to ensure their giving a sufficient portion of their time to their duty, but also to serve as a compensation for the loss of patronage which may ensue from any arrangements which Parliament may see fit to make. In the formation of a Board for the management of the affairs of India on the principle above adverted to, your petitioners submit that the preference ought to be given to those candidates who have resided in India for a certain number of years, whether in or out of the service of the East India Company; and a method may be easily devised by which such candidates may be returned before those who do not possess that advantage; while, on the one hand, a board so constituted will be more directly under the control of Parliament than two distinct Boards with differing powers and divided responsibility, it will, on the other, be maintained at a less cost, and the government of the country will be carried on without those dissensions and other consequences which must arise from an opposition of interests.

7. That your Petitioners submit that the election of the members of the Board should not be wholly confided to the proprietors of East India Stock, who are a body comparatively small in number, and therefore easily liable to be brought under improper influence, and without sufficient motives to seek for the good government of the country. When the proprietors carried on their exclusive trade, they had the right to elect the directors by whom it was to be managed. At the present day they have no concern with India beyond receiving the dividends which have been guaranteed to them by the British nation as the condition of throwing open that trade. It is proper, therefore, that other parties should be associated with them as an elective body, who have a deeper and more direct interest in the welfare of the country and the improvement of the administration. Your petitioners accordingly submit that native and European British subjects, resident in India or in England, who are holders of the East India Company's promissory notes of 4 or 5 per cent. to the value of 25,000 or 20,000 rupees respectively, should be allowed to vote in the election of members of the Board of Management for the affairs of India, and with that view should be allowed to transfer the same to a local India stock at the rate of interest they now receive, and that, after 12 months' registry *bonâ fide* in their names, they should be allowed to vote, in person or by proxy, under the same rules which govern the votes of the present proprietors. Your petitioners also submit that the privilege enjoyed under section 26 of the Charter Act by proprietors of East India Stock resident in England to vote by attorney should be extended to proprietors resident in India, and that these should have power to send their letters of attorney to England within six months of the date fixed for the election of members of the Board for the management of the affairs of India. It should, however, your petitioners think, be made a rule that proprietors of stock of either description who hold office under Government should not be allowed to vote during their incumbency.

8. *The Government of India.*—That the constitution of the Government of India is calculated to prevent due attention being given to the internal administration. It is at present employed about the political and military concerns of a vast empire, in legislating for the several Presidencies, and making arrangements for and governing the newly-acquired territories, and in exercising a general supervision over the acts and proceedings of the several subordinate governors and other authorities. The Governor-general, or in his absence from the seat of Government, one of the members of Council, has also the immediate charge of the Government of Bengal. Duties so multifarious cannot be satisfactorily performed; and, as political and military matters claim primary consideration, all that concerns legislation and the civil administration is treated as matter of very secondary importance. Your petitioners are therefore of opinion that, to ensure the well-being and good government of these extensive territories, the functions of the Supreme Government should be limited to the objects which more appropriately belong to it,—namely, the disposal of political and military affairs, a control over the governors of the several Presidencies, and a veto on the laws proposed by a legislative council specially appointed. The Supreme Council may consist of three members, immediately appointed by the board of management from among persons who have been employed in the civil departments, or otherwise have had local experience; and the Commander-in-Chief may be an extraordinary member thereof, but having a voice only as to military and political questions.

9. *Relations of the Governor-general with the Council.*—That your petitioners are humbly of opinion that both experience and expediency require a modification of sections 49 and 70 of the Charter Act. The former, by authorising the Governor-general to act on his own responsibility, contrary to the opinions of the Council, practically invests him with absolute power. Such power, if given at all to an individual, should be confined to extreme cases; and the occasions on which it may be exercised should be accurately defined. The authority conveyed by the latter section to the Governor-general to go to any part of the country without the council in effect nullifies the design of appointing such a body, and at the same time furnishes him with a motive for leaving the seat of government, to the detriment of public business.

10. *Legislative Council.*—That the union of political or executive power with the legislative is not only anomalous in itself, but pregnant with injury to the interests of the people. It prevents sufficient attention being paid to the internal administration, so that the most important measure which are pressed on the attention of the Government either receive a superficial consideration or are postponed for indefinite periods. On the other hand, the interests

interests of the Government, or considerations connected with the Court of Directors or the objects of their patronage, are attended to as matters of primary importance, to the neglect or prejudice of the interests of the people, who have no direct mode of representing their sentiments to their rulers, and no reason to be satisfied that their representations will produce their due effect. Your petitioners therefore submit that the legislature of India should be a body not only distinct from the persons in whom the political and executive powers are vested, but also possessing a popular character, so as in some respects to represent the sentiments of the people, and to be so looked upon by them.

11. *Laws are now made by the Executive.*—That it is an unprecedented circumstance that, though the natives of India have for the best part of a century been subjects of the Crown of Great Britain, they have not to this day been admitted to the smallest share in the administration of the affairs of their country, but have continued under a government that unites in itself the legislative and executive functions, and avails itself of those powers to make such laws as may subserve its own financial purposes, often without reference to the interests and wishes of the people. It is known to your Honourable House that, from the commencement of that Government, the power of making laws and raising taxes has been exclusively in the hands of the Governor-general in Council, appointed by the Court of Directors; and that, till within a few years, the people knew nothing of the intention to pass laws till after they had been passed, and translations sent to the courts in the interior; and that though at present it is the practice to publish drafts of intended laws, yet, as there are no organized bodies to take their provisions into consideration, such publication is in almost all cases wholly insufficient. Moreover, the deliberations of the legislature are carried on with closed doors, and the people have no opportunity either of learning the grounds on which the laws are enacted, or of being heard by counsel, when desirous of submitting their remonstrances.

12. *No attention paid to Remonstrances.*—That not only are laws enacted without reference to the people, but they are enforced against the strongest complaints and remonstrances. Thus, in violation of the pledge given by the Regulation XIX. of 1793, "that the claims of the public (meaning the Government) on their lands, provided they register the grants as required, shall be tried in the courts of judicature, that no such exempted lands may be adjudged to the payment of revenue until the titles of the proprietor shall have been adjudged invalid by a final judicial decree," a new species of court was created by the Regulation III. of 1828, which was presided over by collectors of revenue officers who were in every respect unqualified for the judicial office, but whose orders, when confirmed by one or more of the special commissioners, another special tribune at the same time erected, where declared to be final, contrary to the meaning and intent of the 21st section of 21 Geo. III. chapter 70. But, though several petitions were at the time presented to the Government from several parts of the country, complaining of the innovation as well as of the hardship of the resumption proceedings, which were carried on under the orders of the Government, no attention was paid to them, nor was any explanation vouchsafed as to the grounds of the law or the justice of the proceedings. From the Appendix to the Report from the Select Committee of your Honourable House, on the affairs of the East India Company, printed in 1832, your petitioners find that the Government, in reporting on the subject on the 23rd February 1830, to the Court of Directors, "to whom alone," as they state, "they felt it incumbent on them fully to explain the grounds of their proceedings," remarked, "that to object to the inquiry and award of the collector on the ground that he is a Government officer, and must therefore be a partial judge, was a mere prejudice." The Court of Directors, in their reply of the 28th September 1831, your petitioners find, informed the Government that, after full consideration, they had "come to the conclusion that collectors should not be the judges in resumption questions;" but they gave no orders to rescind the objectionable law. From these facts, which are especially alluded to because the proceedings of the authorities therein have been published, it will be apparent to your Honourable House, that even the power given to the Court of Directors to disallow laws passed by the Government, is inefficacious even as regards such laws as are contrary to all sound rules of policy.

13. That, as a further example of the inattention of the Government to remonstrances, even when violating (to use the terms of the Charter Act of 1813) "the principles of the British Government on which the natives of India have hitherto relied for the free exercise of their religion," your petitioners refer to the Act XXI. of 1850, which, under the guise of extending the principle of section 9, Regulation VII. of 1832 of the Bengal code to the other presidencies, the provisions of which had never come into operation, alters the rules of inheritance of the people of this country, which are well known to be based upon their religious tenets, by allowing persons excluded from caste, whether on account of immoral or infamous conduct or of change of religion, to inherit contrary to the express rules of the Hindoo law. On learning the intentions of the Government many of the people of Bengal and Madras united to remonstrate against it, on the ground of the guarantee given them that their laws and customs should be respected, and of its being the tendency if not the design of the intended law to facilitate proselytism to other religions. But these remonstrances were not even noticed by the Government, although sound policy and the positive pledges given to the people required that no alteration should be made in the rules of inheritance without their consent, especially when it could not be asserted that any public inconvenience had attended the operation of those rules.

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14. *Plan of a Legislative Council.*—That, for these and other reasons too numerous to be detailed, your petitioners consider the power of making laws and raising taxes conferred exclusively on the Governor-general in Council to be impolitic as well as unjust to the native subjects of the British Crown, even with the reservation of the power of disallowing laws made by them which has been vested by the Charter Act in the Court of Directors. Hence they are desirous that the legislature of British India be placed on the footing of those enjoyed by most of the colonies of Her Majesty, and that legislation be carried on with open doors, so that the people may have full knowledge of the proceedings, and an assurance that their wants and interests will not fail to be cared for. They accordingly submit for the consideration of your Honourable House the propriety of constituting a Legislative Council at Calcutta, composed of seven members, three selected from among the most respectable and qualified native inhabitants of each Presidency, to represent the natives thereof; one member appointed by the governor of each Presidency from among the senior civil officers on its establishment, to represent the interests of the Government; and one member appointed by the Crown, in the same manner as the fourth ordinary member of Council is now appointed, who shall be a man of legal education, and preside over the Council. The members of the Council should continue in office for five years, during which time they should hold no other office under Government. To ensure their acting independently of the influence of the Government, they should not be removeable even by the Crown, as, under section 74 of the Charter Act, the servants of the Company are removable at will by the Crown; but any member who may be accused of misconduct may be liable to prosecution in the Criminal Court. The members shall receive, during their continuance in office, honorary distinctions, such as are given to members of legislative bodies in Great Britain and the Colonies, besides a reasonable salary. Until the people are considered qualified to exercise the right of electing their own delegates to the Legislative Council, the native members may be nominated by the Governor-general in communication with the governors of the several Presidencies; but certain rules may at the same time be framed, by which the people of any presidency or province may have the power of objecting, on specified grounds, to any appointment so made, for which purpose the appointments should be notified in the English and vernacular gazettes of the Presidencies. The Law Commission, which was established by sections 53, 54, and 55, of the Charter Act, should be abolished, as the purposes for which it was appointed will be fulfilled by a Legislative Council formed on the comprehensive basis herein suggested.

15. *Powers of the Legislative Council and the Supreme Council.*—That in the event of the formation of a Legislative Council, distinct from and independent of the executive, being approved of by your Honourable House, your petitioners submit that that body should have the same powers, in regard to the proposing, making, and cancelling of laws as are now vested in the Governor-general and the four ordinary members of Council, but that the laws framed by them should be submitted to the Supreme Government for confirmation. The Governor-general in Council and the Governors of the Presidencies, as well as any portion of the people by petition, should have the power of proposing drafts of laws to the Legislative Council, in the manner and on the conditions prescribed with respect to governors by section 66 of the Charter Act; that is to say, that the authorities named may propose drafts or projects of laws, with their reasons for proposing the same, and that the Legislative Council shall take the same and such reasons into consideration, and communicate their resolutions thereon to the authorities by whom the same shall have been proposed. The laws which may be framed by the Legislative Council should be submitted to the Supreme Council, with all the documents on which they may be based, or which may elucidate their object and tendency, and should receive the early attention of that Council; and, as all the preliminary enquiries will have been made by the Legislative Council, and great weight will be due to their opinions as representing the interests of the whole community, it will not be improper to require that the Governor-general in Council should communicate his sentiments thereon, within three months from the time they are submitted to him; or that on the lapse of that period his concurrence should be implied, except in the case of his previously informing the Legislative Council of his inability to come to a conclusion within that period. Whenever the laws so framed and submitted are disallowed by the Governor-general in Council the grounds of disallowance are to be communicated to the Legislative Council, and that body are to have liberty to move the Imperial Parliament to pass the laws in question.

16. *Control of Parliament.*—That the power conferred on the Court of Directors by section 44 of the Charter Act, to rescind any laws passed by the present Legislative Council, is inconsistent with the independence and dignity of a legislative body. Your petitioners submit that such power should in any case be taken away, and that the laws framed by the Legislative Council and approved by the Supreme Council, on the plan above suggested, should not be liable to repeal or alteration save by the paramount authority of Parliament. But if any Bill be brought in Parliament to repeal any Act of the legislature of India, or make a new law on any point affecting the inhabitants of India, twelve months' notice thereof should be given, to allow the Legislative Council, or any portion of the people, to take measures for being heard by counsel at the bar of both Houses on the subject of the Bill.

17. *Declaration of Non-interference with Religion of the Natives.*—That your petitioners take this opportunity to submit to the consideration of your Honourable House the propriety of embodying in the Act which may be passed for the regulation of the affairs of India

India a declaration that the use of their religious laws and institutions is guaranteed to the natives, and that no laws subversive thereof shall at any time be passed by the local legislature or the Imperial Parliament, unless they be in consonance with the general feelings of the natives themselves. Your petitioners have had reason hitherto to be satisfied as to the consideration entertained by Parliament towards the religion of the natives, an instance of which is to be found in the instruction contained in the 85th section of the Charter Act, to provide with all convenient speed for the protection of the natives of the territories thrown open to Europeans "from insult and outrage in their persons, religions or opinions." But so far from that instruction being complied with, the local legislature have, as already set forth, endeavoured to set aside laws founded on the sacred books, both of Hindoos and Mahomedans, and turned a deaf ear to the remonstrances which have been offered by large bodies of the former religious persuasion. Your petitioners are aware that a declaration made in the present day will not hinder a subsequent Parliament, if so minded, from passing a law contrary thereto; but they are also aware that when the rights of the people of England have been endangered, declaratory statutes (of which the petition of right is a signal instance) have over and over been had recourse to, and have been found to be highly valuable for the assertion and maintenance of those rights.

18. *Local Governors.*—That the appointment of the Governor-general to be also Governor of Bengal, and in his absence a member of Council to be Deputy-governor thereof, is very disadvantageous to the public interests. The Governor-general being usually a person without any Indian experience, and the Deputy-governor having in more than one instance been a military officer without experience in civil business and the peculiar revenue and judicial systems of the country, and having no councillors to supply their deficiencies as to local matters, have necessarily been dependent to a certain extent upon the secretaries. On the other hand the administration of the government of Agra has in more than one instance been conducted in a satisfactory manner, in consequence to a certain extent of their Indian experience, by governors without a council; while the affairs of the Presidencies of Madras and Bombay, under governors who generally come to their governments unacquainted with the state of the country and the institutions of the people, and are compelled to rely on the aid of highly-paid councillors, are not more satisfactorily conducted than those of Agra. Your petitioners, with reference to these facts, submit that the public service will be best promoted by providing that each Presidency should be under the management of a separate governor, but without councillors; that neither the Governor-general, nor any member of the Supreme Council, should in any way participate in the government of any Presidency, or any other portion of territory, and that the governors should be selected by the Board of Management from among the ablest civil officers of their Presidencies to which they are appointed, or other persons of suitable qualifications and local experience, due care being taken to supply vacancies by making provisional appointments. Your petitioners also submit that to such government there should be a secretary, qualified by his knowledge and experience in the revenue and judicial departments to give useful advice to the Governor, whom it should be the duty of the Governor to consult, and who should be required to offer his opinion in writing to the Governor in all matters; that in all important cases in which the Governor may disregard the opinion of the secretary, both of them should record their opinions for the eventual consideration of the Governor-general in Council or the Board of Management; and at that, under the secretary, there should be a sufficient number of deputies in each department.

19. *Appeals from the Governors.*—That by sections 65 and 68 of the Charter, the several governments have been placed in dependency on and subjection to the control of the Governor-general in Council; but your petitioners submit that to render that subordination of practical benefit, an appeal to the Supreme Government from the orders of the Governors should be allowed under certain limitations. On the other hand, to allow public officers to perform their duties with confidence, it should be a rule that no officer directly appointed by Government shall be removable from office except after a regular trial before a competent court for official delinquency. On the same ground your petitioners are humbly of opinion that the power vested in the Court of Directors by section 75 of the Charter Act, to dismiss their officers and servants at pleasure, should not be maintained as regards public servants in India holding civil offices by the appointment of the local governments. The power of removing a public officer ought to be exercised only on public grounds. Therefore officers of the several governments in India should not be removable by the Board for the management of the affairs of India, except upon grounds recorded by them previously to removal, and every servant so removed should have the right of appeal to the Privy Council.

20. *Economy in the Public Service.*—That all improvements in the administration, however urgently called for, are now postponed on the ground of insufficiency of resources. It is also generally admitted by all persons qualified to judge of the subject, that the higher offices in India are too highly paid, but the lower ones very inadequately. Your petitioners submit therefore, without raising any question as to the method in which the revenues of the country are applied, although such question is not unworthy the attention of your Honourable House, that there should be a reduction of the salaries of the higher offices, and that the saving thereby effected should, in part, be applied to the increase of the allowances of the lower, which are confessedly inadequate to their duties and responsibilities, and in part to those improvements which the condition of the country has long demanded

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at the hands of its rulers. The salaries of the Governor-general, the members of Council, the local governors, and the principal covenanted officers, are on an exorbitant scale, and susceptible of great reduction without impairing the efficiency of the service. The Governor-general, in addition to his munificent salary, has all his travelling expenses, to an enormous amount, paid out of the public treasury, without control or responsibility. Such a state of things may fairly be thought to operate as an inducement to the individual holding the office to leave the seat of Government without sufficient reason. It seems, therefore, expedient that the Governor-general should not have his travelling expenses paid out of the treasury without limit or restriction, but according to fixed rules, and that such allowance should be granted only when it may appear from a resolution of the members of Council that his presence is required by the exigencies of the State, at a distance from the seat of Government. Much public treasure is also expended, without any corresponding advantage, in paying extravagant salaries to residents in the courts of the princes of India, and other political officers, and to a large staff of assistants, and in granting large allowances to those officers for keeping a table and other useless purposes. As the inhabitants of the country who contribute towards the revenue which is thus lavishly expended derive no benefit therefrom, it is just and proper that the opportunity should be taken to introduce an unsparing economy in these and other branches of the public services, and to apply the proceeds to those public works which may promote free intercourse between distant places and facilitate the transport of merchandize to the farthest extremities of the British dominions.

21. *The Civil Service.*—That section 103 of the Charter Act declares it to be "expedient to provide for the due qualification of persons to be employed in the civil service of the Company;" but the only provision which it makes for fulfilling the purpose consists in regulating the number of candidates to be admitted into Haileybury College, and the number of students of the college who, after passing "an examination in the studies prosecuted in the said college," shall be "nominated to supply the vacancies in the civil establishments in India." No provision was made for giving public employments to any other description of persons, however qualified by their ability and local experience, and from the want of it the people were left to understand that the declaration in section 87 of the Charter Act was merely nominal, and that the natives of the soil who under former Governments were without distinction admitted to the highest posts, were ineligible for public office under the British rule. It is, however, acknowledged by most persons in India who are competent to judge, and not biassed by interested motives, that the present mode of filling the most important of public offices is prejudicial to the interests of good government, and incapable of improvement except by a radical change in the system. The civil servants selected by the Directors are sent out to this country before their capacity can be ascertained; the education they receive in England is insufficient to fit them for the various offices they are destined to fill; they are posted to important offices at an extremely early age, without the certainty, without even a reasonable probability, of their possessing the requisite qualifications; they are removed from one office to another of a dissimilar kind, and from one province to another, different in respect to language and people, without being afforded opportunity to acquire sufficient experience; the certainty that they are to be provided for and even promoted by seniority or home influence, renders some of them indisposed to qualify themselves by diligent study of the laws and regulations, and the customs and manners of the natives; their inexperience and official inaptitude lead many to depend, to a late period of their public career, on their ill-paid ministerial officers; their peculiar advantages and connexion with each other by birth or marriages, lead them frequently to regard themselves as a distinct and privileged class, and to treat the other classes of the community with arrogance and harshness, and support each other's errors and defaults; the charges preferred against them for corruption or official misconduct are not investigated in a public manner, or by a tribunal in whose impartiality the public have confidence, but, on the contrary, the general impression is, that the preferring of charges is as much as possible discouraged; they are not liable to personal prosecution in the Company's courts for acts of injustice and oppression, and the Government have endeavoured to shield them from the consequences of prosecutions in Her Majesty's courts, by declaring, in the terms of Act XVIII. of 1850, that they are not to be held responsible if they believed themselves to have acted in their official capacity. The punishment inflicted on them by the Government for the grossest irregularities and faults are almost nominal, and in most cases officers removed from one department, in consequence of misconduct, are merely transferred to another. There are, of course, many bright exceptions among the civil servants of the Company to the general description here given. Many of them would do honour to any service both in point of ability and of conscientious discharge of duty. But your petitioners are speaking of the system which admits of the evils they are pointing out. Your petitioners are therefore of opinion that the College of Haileybury, which is maintained for the education of civil servants, should be broken up, as an institution in no respect fulfilling the objects for which it was established, or, if maintained, that it should be made self-supporting; that if any portion of the patronage to officers in India is, for any reasons which may appear sufficient to your Honourable House, to be continued in the future Board for the management of the affairs of India, it should be rendered conditional on the selection of persons of unquestionable fitness and capacity; that the rest of the offices in the country should be thrown open to the natives on the same condition, and that promotions should be made by the local governments without respect to distinctions of covenanted

nanted or uncovenanted, European or native, but solely with reference to the talents and qualifications of the parties, and thus effectually carry into effect the intentions of Parliament expressed in the 87th section of the Charter Act.

22. That your petitioners submit that not more than a moiety of the patronage should be vested in the Board for the management of the affairs of India, exclusive of appointments of Governor-generals, Governors of Presidencies, Members of the Supreme Council, and military and naval officers; and that the other moiety should be assigned to the governors of the several Presidencies, for the benefit, with some exceptions, of the natives, without reference to descent or creed. It should be provided, however, that instead of selecting youths, whose character and abilities are not sufficiently developed, and who are afterwards to enter college to prosecute studies which are deemed necessary to qualify them for office, the Board of Management and the Governors shall be at liberty to select those persons who have obtained a suitable education at their own expense, at any establishment which they may prefer, and who have given evidence of their proficiency, by undergoing such examination as it may be determined to prescribe. By thus throwing open public offices to public competition by British youths in the United Kingdom, and by native youths in India, the expense of educating young men for public offices will be avoided; the temptation which now exists to confer patronage on grounds of family connections, friendship, or obligations, will be taken away, and suitable persons will be chosen for offices being provided for men. Moreover, instead of providing for one examination as to fitness for admission into college, and another as to qualifications acquired there, which examinations are practically found to be (as it is generally supposed, by reason of private interests) more nominal than useful, it will be necessary to have one set of examiners in England and one in India, and the test of qualification may be made as rigid as can be desired. Nor can it be alleged that many educational establishments will not be found in England and India adapted to qualify young men for public service, by imparting to them education of the requisite standard; a fact which itself demonstrates the inexpediency of maintaining, at a great expense, the college of Haileybury. Such a system of public competition for admission into the civil establishments of India being established, the Board of Management may select, out of the candidates who pass a public examination in England, the number of persons they have the privilege of nominating, and such persons should, on passing an examination in India in the vernacular languages, be eligible to the higher offices, with reference to their age, experience, and talents, in common with those who have hitherto been sent out under covenants. In the same manner the several governors should have the right to select, out of the natives who are declared eligible after examination in India, the number they are entitled to appoint. The selection of the governors should be confined, except in special cases, to the natives; because, if a latitude is given, the result will be, that the preference will, for the most part, be given on other considerations than merit, and the selection of natives will form merely an exception to the general rule. To provide for special cases, the Governors may be authorized whenever they see need to select for the higher offices others than natives, after they have undergone the examination prescribed; and whenever such special appointments are made, it should rest with the Board of Management to confirm them or not, according as they are satisfied as to the validity of the grounds recorded by the Governors for departing from the general rule. It should, however, be distinctly provided, that the salaries of Europeans and natives who are appointed after passing the prescribed examination should be equal, and the two classes should be in every respect on a footing of equality. It may be advanced that the natives, who are in their own country, do not require to be paid so highly as those who are sent out from the United Kingdom; and indeed this is the principle acted upon by the local governments, in pursuance, no doubt, of the instructions laid down for their guidance. But a proposal to lower or raise the salary of an office, according as it is to be enjoyed by a person from the north or the south of Great Britain, would justly be considered both absurd and invidious, and the adoption of it would be especially impolitic in India, where it could not but have the effect of perpetuating distinctions between Europeans and natives, and introducing all the injurious consequences incident to distinctions of colour and creed.

23. That it being essential to the good government of the country, as already set forth, that full effect should be given to the provision of Section 87 of the Charter, that all offices shall be open to all persons, without distinction of caste, colour, or creed, your petitioners submit that the distinctions of covenanted and uncovenanted should at once be abolished so far as may be consistent with the present arrangements, and with the rights which may be considered to belong to those who have been sent to India under covenants. The enactment of the rule just cited is a proof that the civil servants now on the establishment cannot claim the right to be appointed or promoted to particular offices, and that, without injury to their rights, any persons not of that service may be appointed to any offices for which they may be qualified. And your petitioners desire merely this, that appointments and promotions should be dependent strictly on qualification and merit; so that, on an office being vacant such person only should be appointed to it as may be judged best deserving, whether he be a member of the civil service, or a person who has been selected after examination in England or India, or a person who has qualified himself by serving in any subordinate capacity. The same end may be effected by placing civil servants and other servants, as far as practicable, under the same rules in regard to their tenure of office and privileges, such as leave of absence and so forth. The distinctions at present existing on these points are as marked as they are unjust, such as that the covenanted servant cannot be

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be dismissed without trial by a commission, while the uncovenanted may be removed without any proved misconduct, on the mere report or the pleasure of his superior officer; and that the covenanted officer should be allowed opportunity to recruit his health with small loss of salary, but the uncovenanted, in most cases, only on the condition of giving up his post. From the abolition of such distinctions your petitioners expect the most important benefits to India, not only as the means of imparting a healthy tone to all classes of public officers, but as the germ of freedom and independence among all ranks of the people. Keeping these circumstances in view, your petitioners have entered into details which they would not otherwise have obtruded on the attention of your Honourable House; and with reference thereto they would add, that persons who pass a successful examination in this country, but fail to be selected by the Government for the higher posts, within three years from the date of examination, should undergo a second examination to become again eligible for the higher posts, but they may be furnished with diplomas which shall entitle them to a preference over other untried candidates, in obtaining any inferior situations which they may apply for; thus provision will be made for filling superior as well as inferior offices, with duly qualified persons, who shall have constantly before them motives for further improvement in the prospect held out to all, without exception, of rising to the very highest dignities.

24. That the Company's courts are not so constituted as to render substantial justice to the natives, or afford them a just confidence as to security of life and property. It is a cause of further dissatisfaction that there should be one court especially for the Europeans, of which the judges are selected from among persons who have given proof of their legal fitness, and the advocates are persons who have undergone a course of legal training, and another court for the natives generally, of which the judges have no legal knowledge or experience before their appointment, and the pleaders are very insufficiently qualified for their important duties. That dissatisfaction is aggravated by the facts that a special exception is made by Section 46 of the Charter Act against granting to any of the Company's courts the power of life and death over British subjects, while the lives of natives are freely placed at the disposal of courts clearly implied to be ill-constituted; that, while owing to the numerous reforms required in the laws and forms of judicial procedure in this country, the objections of British subjects to the Company's courts and Company's judges have been allowed, those courts and judges should be deemed quite good enough for them; and that, out of the large revenues which are yielded by the proceeds of their labour, a sufficient sum should not be appropriated towards rendering the courts really capable of affording them justice. Without desiring that British subjects should, by being subject to the local courts, be deprived of the benefit of good laws, administered by qualified judges and juries of their countrymen, your petitioners humbly conceive that there should be equal laws and good courts for all classes of Her Majesty's subjects, without exception, and not one set of laws and courts for British subjects, and another set of laws and courts for natives. The appointment of a law commission, under the 53d Section of the Charter Act, with the view that a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in these territories at an early period, has been wholly inefficacious, and the commission has, consequently, been for many years in abeyance. The instructions contained in the 82d and four following Sections of the Charter Act, to provide against any mischiefs or dangers that may arise from the free admission of Europeans into the territories administered by the Company, have also been inoperative; for, although by an Act of the local Legislature (IV. of 1837) it is declared that Europeans shall be subject to the laws under which natives acquire and hold property in land, it has been found that the penalties to which the latter are subject do not apply to the former, in consequence of their exemption from the criminal law of the country; so, that while a native proprietor of land is punished by the magistrate, his European co-sharer in the same estate cannot be visited with any punishment.

25. That the civil courts of the country are composed of two classes, namely, those to which natives are usually appointed as judges, and those to which European civil servants are exclusively appointed. The highest grade of native judges, styled Principal Sudder Ameens, receive salaries (400 rupees per month, and, in special cases, 600) not greater than are commonly given to clerks in public and private offices, and without any prospect of promotion to a higher office, but are vested with power to try all civil suits for property of any amount, and also to hear appeals from the decisions of the lower courts. The civil servant is appointed on a salary of at least 2,000 rupees a month, with a prospect of rising to the highest posts, and is expected almost exclusively to decide those appeals which involve a value not exceeding 5,000 rupees; being selected to be the judge of an appellate court without having acquired any experience of judicial business, or any knowledge of the forms of the lower courts, his decisions, whether passed under the dictation of the ministerial officers, or in accordance with his own notions, are devoid of weight. But while the decisions of experienced native judges are liable to be reversed by a single European judge, without any judicial experience, the decisions of the same judges regarding property of a higher value than that above mentioned, are appealable to the Sudder Dewanny Adawlut, and cannot be reversed without the concurrent opinions of two judges of that court. The decisions of that court, as exhibited in their printed reports, show that from 1845 to 1851, out of 2,667 appeals heard from the decisions of covenanted and uncovenanted judges, the decisions of the covenanted judges were confirmed in 215 instances, reversed in 167, and remained for further investigation in 683; whilst those of the uncovenanted

venanted judges were confirmed in 559 instances, reversed in 238, and remanded in 661 instances; from which your Honourable House will perceive that on the whole the decisions of the uncovenanted were more satisfactory to the Sudder Court than those of the covenanted; and that nothing can be more anomalous than the position in rank and emolument which the two classes occupy.

26. That the criminal courts of the Company are those of the magistrates and the sessions judges. The former act in the double capacity of superintendents of police, and judges of cases not liable to a sentence exceeding three years imprisonment. In the former capacity they have been acknowledged by their superiors to have a strong leaning towards the conviction of those who are brought before them. In the latter, they are authorised in certain cases even to adjudge imprisonment and fine without appeal; and in general they exercise, according to the admissions of high authorities, powers which are not committed to magistrates in any civilised country, and for which they are disqualified by their youth and inexperience. Commitments made by them are tried by the sessions judge, with the aid of assessors, composed at his option of a Mahomedan law officer or two or more natives. The opinion of the law officer can not be set aside, except by the Nizamut Adawlut; but when other assessors are employed, the decision rests exclusively with the session judge. Cases involving capital punishment, and some others, are referred to the Nizamut Adawlut, and appeals from the sentences passed by the session judges are also heard by that court. It will be evident to your Honourable House, that when the trials have been held in the first instance before an officer not sufficiently qualified for the duties of his high office, without any of the securities to be found in the verdict of a jury, or even the presence of advocates qualified to act as a check on the judge, the transfer of the record of trial to a distant court, the judges of which, for the most part, hear the records, which are in a foreign language, read to them either in their private dwellings, or in court, cannot in any manner supply, but must rather increase the defects of the original trial. Nor can the people of this country understand, when every Britain is entitled to be tried by a jury of his peers, why they should not enjoy the same privilege.

27. *Union of Supreme and Sudder Courts.*—That, for these and other reasons, your petitioners are desirous that both the civil and criminal courts of the country should be remodelled, and that, instead of the numerous complicated and defective systems, there should be courts guided by uniform rules of procedure, presided over by judges qualified by education and legal abilities, and having full authority over all classes of persons without exception. To this end your petitioners submit that the Sudder Court and the Supreme Court should be amalgamated as soon as possible, and that courts should be formed on the same principle for every district, having the same rules of procedure, with jurisdiction over all classes of the inhabitants, both at the Presidency towns and in the country. The local laws should be the guide of the new courts, except as to questions of marriage, inheritance, and so forth, in regard to which the laws of the parties should be followed as heretofore. The courts formed on the principal alluded to at the Presidency towns should be courts for the hearing of appeals from the lower courts, and for controlling the proceedings of those courts. In the same towns civil courts of first instance should be established under single judges, which should also be courts of sessions, in which trials should be held with the aid of juries. At Agra, where, though the seat of the new Presidency, there is no Queen's court, a chief court should be established, similar to the new courts at the Presidency towns, consisting of a number of judges of the Sudder and one judge on the part of the Crown. In framing rules for it, the technicalities of the English law should be avoided. Its proceedings should, as far as practicable, be in the vernacular language. As the wants of the judges of the Sudder Court at Calcutta are supplied by translators, who prepare English translations of the vernacular pleadings, so additional translators may be employed to facilitate a knowledge of such pleadings by the judges of the new court, so as to relieve suitors from the expense of preparing pleadings in English, until, in course of time, judges can be found who are familiarly acquainted with the languages of the people. Oral pleadings may be carried on in English or the vernacular according as the pleaders employed are conversant with either language, following herein the rule which has been introduced since the admission of barristers to plead before the Sudder Court.

28. *Courts in the Interior.*—That, for the districts in each Presidency, it is expedient to remodel the civil and criminal courts to promote their efficiency, and render them capable of affording justice to all classes. For the present, and with a view not to entail much expense at the outset, three grades of judges and courts may be established, viz. both civil and criminal jurisdiction, Moonsiffs, Principal Sudder Ameens, and Judges. The moonsiffs should have jurisdiction in civil suits, but extended from the present limit of 300 to 1,000 rupees, and in the criminal side, they should be empowered to try misdemeanors and petty felonies, and to commit to the sessions cases beyond their competency to try. Their salaries should be raised so as to be adequate to their duties. They should have, according to extent of local jurisdiction, assistants selected from diploma holders, on a sufficient salary, including travelling charges, who should be employed in the preparation of cases, and in holding local inquiries in the place of ameens, officers who are now employed in such duties. The commission, which is paid to these, may be carried to the credit of Government. The assistants will thus qualify themselves for judicial duties, and should be considered entitled to promotion after three years service in the lower capacity. The principal sudder ameens should have jurisdiction, as at present, in all original suits for an amount exceeding 1,000 rupees. The salary of the office should be made proportionate to its

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its importance, and the designation altered to that of junior judge. The judge should have jurisdiction as to original suits; but in trying appeals from the moonsiff's decisions, he should sit with the junior judge; but, in case of difference, have the casting voice. When the two functionaries are unanimous in deciding an appeal, both as to the law and the facts, the special appeal to the superior court may be limited to points of law; but when they differ as to facts, the special appeal may be both as to the law and the facts. In such civil suits as affect the person or character, as for libel, assault, and so forth, either party may call for a jury. The verdict of the jury may, as suggested by the commissioners on the amendment of the law, be given according to the opinion of three-fourths of the number, if they cannot come to an unanimous conclusion before six hours, and such verdict should be binding on the judge. With reference to the relative powers of the judge and junior judge, and the frequent chance of the decision of the latter, owing to his superior judicial experience being better than that of the less experienced officer set over him, by the fortune of belonging to a privileged class, it is inexpedient that the decisions of the one should be appealable to the other. The decisions of the judge and the junior judge at their separate sittings should therefore be directly appealable to the superior court at the Presidency. This arrangement will obviate the anomaly of one appeal being decided by a single judge, and another by three judges, for no other reason than that in the former the value of the subject of dispute may amount to 5,000 rupees, and in the latter to one rupee more. It will also diminish the number of special appeals which are now preferred, and which the Sudder Court are under the necessity of discouraging, to avoid being swamped by them; it being obvious that, however cogent the reasons which induce the Government to place an officer who is wholly without judicial experience over one who has grown grey in the judicial office, they cannot prevent the people from being dissatisfied with the decision of the youthful superior, when it is counter to that of his older subordinate. For the same reasons it is obviously improper that the judge should have to report annually on the qualifications and conduct of his junior colleague, and even be empowered, in conjunction with the commissioner of revenue, to recommend his dismissal. Both the officers should, therefore, be as much as possible on a footing of equality, such as exists between the chief and puisne judges in the Queen's courts, and placed directly under the control of their mutual superior court. It may not be out of place to add here what has been suggested with regard to public officers in general—that no judicial officers, whether Europeans or natives, should be removable from office except by a regular trial before a competent court. To ensure the offices of judge and junior judge being in future years filled by persons of judicial experience, not liable to the objection to which covenanted judges are open under the present incongruous system, such as the appointment of postmasters, superintendents of the salt, opium, and abkaree departments, to seats on the bench of appellate courts without previous legal training; it should be provided that persons who have, after examination, been sent out by the Board for the management of the affairs of India, or in a similar manner selected by the local government to fill the higher civil offices, shall commence their career in the judicial line by being appointed as assistant judges, and attached, some to the court of the judge, and some to that of the junior judge, to be employed nearly in the manner mentioned as regards assistants to moonsiffs, and promoted after due probation according to the aptitude they may display. As mentioned with regard to moonsiffs' decisions in civil suits, appeals from the sentences of those officers in criminal cases should be heard by the judge sitting together with the junior judge, whose orders shall be final when both officers are agreed, but subject to special appeal to the Nizamut Adawlut, when otherwise, in the same mode as is provided regarding civil cases. Persons committed to the sessions should not be tried with the aid of Mahomedan law officers, or with any of the descriptions of assessors sanctioned by the Regulation VI. of 1832, of the Bengal code, but invariably by a jury of their peers, whose verdicts shall be taken in the mode suggested with regard to civil suits. In the trial of commitments, as of appeals, the judge should be joined with the junior judge; but the sentences passed should be subject to appeal to the superior court on points of law only.

29. *The Police and Magistracy.*—That the police of the country has always been in a state not at all creditable to an enlightened Government, and has indeed been acknowledged by the servants of Government to be "as bad as bad can be." The Court of Directors have, it is true, expressed themselves solicitous of the improvement of the police at any cost, but their solicitude has been without any effect. The Government, on appointing a police committee in 1837 to hold inquiries on the subject, strictly prohibited the suggestion of any reforms which should involve any great increase of expenditure. From that date to this no reforms have been attempted beyond the appointment of a few deputy magistrates, and very recently of a commissioner for the suppression of dacoity, who has not yet entered upon the duties of his office. Hence the utmost insecurity of life and property prevails in every district, and even in the immediate vicinity of the metropolis of British India. The Government have always possessed considerable resources for forming an efficient police, derived in part from the allowances or produce of lands which had been originally assigned for the police, but were resumed by the Government with a view to be applied to their legitimate purpose, but chiefly from the produce of the stamp tax, which was expressly imposed, with the exception of certain items, for defraying the cost of the police. But out of an estimated revenue of thirty lacs of rupees so appropriable, not more than about seven lacs is actually expended on the police establishment of the whole of the lower provinces. The Government, however,

instead

instead of defraying a suitable sum for the maintenance of an efficient police, have recently published the draft of a law to convert the village watchmen, who are paid for immediately by the cultivators of the soil, into servants of the State, and to make the zemindars responsible for the default of the ryots in paying their private servants, a project which cannot but result in compelling the zemindars to pay twice over for the establishment of the police. Again, the zemindars, who have no necessary connection with the police, have been arbitrarily burdened, by laws made without their knowledge or consent, with sundry duties which ought properly to be discharged by their covenanted servants, and the subordinate police officers. The imposition of these duties, without being of any benefit to the country, is converted into an instrument of annoyance to the zemindars by the magistrates and their ministerial officers, and of extortion by the darogahs. The zemindars are frequently summoned, though living at the other end of the province, to appear in presence of the magistrate to explain the cause of their not furnishing information of crimes of which they had and could have had no knowledge; and the managers of their estates are frequently fined, or even placed in duress for various alleged omissions of police duty, and in various other ways harassed by the ignorance or caprice of youthful magistrates. It has even been known that landholders residing at the distance of 50 or 60 miles from the scene of a dacoity have been fined for not following and apprehending midnight robbers. The darogahs and other officers of police are furnished by the same ill-judged laws with means of practising extortions, by employing threats to report alleged instances of neglect of duty. The insufficiency of the police arises not only from the small establishments maintained by the Government, but from the extensive jurisdiction of the magistrates, and the practice of appointing very young men to that office, and removing them to higher posts as soon as they begin to acquire experience. The extent of country which is to be travelled over to arrive at the station of the magistrate, the difficulty of obtaining access to that functionary, except through the medium of the ministerial officers, the necessity of presenting every petition in writing, and on a stamped paper of the value of half a rupee, about four times the value of a labourer's daily wages), combine to render it a matter of impossibility to the poorer classes to obtain justice from the criminal courts. The large powers vested in the darogahs are liable to abuse, owing to the insufficient remuneration they receive, and the difficulty of exercising proper control over them. Their entrances into villages to trace out the perpetrators of heinous offences, or discover property alleged to be stolen, are regarded by the people as visitations. The fact is so notorious, that the Government have found it necessary, to pass a law, the Regulation II. of 1832, to prevent the Darogahs from investigating any cases of burglary, unless expressly desired by the party injured, or directed by the magistrate. Hence it is difficult adequately to represent to your Honourable House the actual situation of the poor in the interior, in consequence of the badness of the police system, since those who are most exposed to the attacks of the powerful and the lawless have most to dread the exactions of the officers of police, many of whom are actually in the pay of the rich, while some have been convicted of practising torture to obtain their ends.

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30. That, to remedy such a state of things, it is urgently required that a suitable augmentation of the police be made for the repression of dacoity and other crimes attended with violence, as well as that a sufficient number of magisterial officers, unencumbered with extraneous duties, be attached to every district. With reference to the increase of a sufficient police force, your petitioners desire to bring to the notice of your Honourable House, as a most anomalous circumstance, that, according to the return printed by authority, whilst the highest annual cost of the police of Bengal, which yields a larger revenue and is more populous, was 10,24,142 rupees, the lowest annual expense incurred on the same account in the North-western Provinces was 17,30,000 rupees, and the highest 26,94,616 rupees. But, whatever may be the requirements of the new Presidency in this respect, your petitioners submit that a certain amount of the revenue expressly raised for the police should be spent for that purpose. The present system of village watch, which is entirely supported at the cost of the ryots, is capable of being used as an auxiliary to the Government police; but the arrangements which may be considered necessary to adapt it to that end should be introduced with the approbation of the people generally, and without destroying the municipal character of the institution. Changes are also required in the office of the magistrate and his subordinates. The office of superintendent of police for the whole of the lower provinces is inadequate to fulfil the objects for which it was re-instituted. The magistrates should perform the duty within their respective districts, but should have no judicial duties to perform. The office should also be everywhere separate from that of collector of revenue. At present a darogah is placed over a large extent of country, termed a thanna, but the arrangement is in many respects objectionable. The thannas should be broken up into a sufficient number of stations, with a jemadar and a certain number of burkundazes at each, according to local circumstances. A deputy magistrate should be placed over every two of the present thanna jurisdictions. The deputy magistrates should make the preliminary inquiry into every charge, and refer misdemeanors and petty felonies to the Moonsiffs' Court for trial. Cases which appear to involve heinous crimes should be sent to the magistrates, who, if agreeing in the opinion of the deputy, should commit them to the sessions for trial. Cases referred to the moonsiff, which may be discovered by him to be of a heinous nature, should be committed by him to the sessions through the magistrate. The magistrates should be exclusively under the control of the Government, as now, with regard to police duties, jails, &c. It has been stated before that the magistrates act without being amenable to any tribunal for their irregularities. Your petitioners therefore submit that the magistrates and

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and their deputies should be liable for acts beyond their jurisdiction, and for undue exercis of authority, to actions for damages, which should be tried before the judge and the junio judge, with the aid of a jury. The proceedings of those officers should also be liable to b brought before the sessions courts by a writ of certiorari or other analogous proceeding.

31. *Monopolies.*—That the monopoly of the salt trade by the Company injuriously affect the poor, particularly those who inhabit the districts where only that manufacture can b advantageously carried on, as it interferes with their freedom of action, and prevents salin lands, which are unfit for cultivation, from being appropriated by the owners to the manu facture of salt. Even the zemindars of such places are liable to severe fines if unauthorise manufactures of salt are discovered on their estates, though unknown to them, so that the are compelled to act as revenue guards. A single zemindar has been known to be fined a much as 12,000 rupees at once. The selling price of salt is arbitrarily fixed by the Govern ment, and is at all times so high that, though the country has abundant resources for th manufacture of the article, English merchants can afford to import it. The dearness of th article induces even those who live near the salt manufactures to use earth scraped from sal lands, while those who reside in the interior, have recourse to the alkali found in the ashe of burnt vegetables. The officers employed in the salt department are vested with judicia powers contrary to all principles of justice and policy, and necessarily employ them ver irregularly and vexatiously. The subordinate officers are furnished with opportunities, or pretence of preventing smuggling, of harassing the carriers of salt and the refiners of salt petre. Your petitioners are of opinion that, among other reforms required in this depart ment, it is desirable that the Government, if they cannot immediately afford to forego sc odious a source of revenue, should fix an unvarying rate of impost on the manufacture of salt, say 200 rupees on every 100 maunds, whereby not only the poor will be greatly bene fited, but the laws will be rid of the anomaly of judicial excisemen and the traders of the harassment caused by the subordinate officers of salt chowkees. But as salt is a necessary of life the duty on salt should be entirely taken off as soon as possible. The monopoly of the opium trade is not injurious to the country, so far as regards the revenue realised by the Government, as the monopoly price is ultimately paid by the consumers in China; but it is a source of vexation to the cultivators, who are compelled to cultivate the poppy and supply the produce to the Government at the valuation fixed by their own officers. Nor can it be otherwise than that the cultivators should be at a disadvantage and be liable to oppression when the other contracting party is armed with all the power and resources of the State. Justice therefore requires that the interference of the Government with the cultivation should cease, and that the revenue derived from the drug should be in the shape of fixed duties on manufacture and exportation, but principally on the latter, as is in some measure the case with regard to Málwa opium. By the adoption of this principle, the cultivators will posess that freedom of action which all men possess under governments that are not constituted on arbitrary and despotic principles; and whatever is lost by such an arrangement will be more than made up by the saving that will ensue from the abolition of the expensive establish ments which are now necessary.

32. That the Abkaree duties, or revenue raised from the sale of spirituous liquors and intoxicating drugs, and the stamp duties levied, by obliging litigants and complainants to write their petitions on stamped papers, are highly objectionable in principle. The former are levied on the opening of shops for the retail of the means of intoxication, and tend to encourage the consumption of liquors and drugs by the lower classes, and the increase of all the pernicious consequences that result from it. The Government, by appointing commis sioners of abkaree and a host of ambulant subordinates termed superintendents of abkaree, whose zeal for the interests of their masters is measured by the amount of revenue yielded by their respective divisions, have of late largely contributed to the deterioration of the moral and industrial character of a portion of the population. Measures so pernicious cannot be too severely condemned or too soon discontinued, even though a larger revenue were to be derived therefrom than is really the case. The legitimate purposes for which duties are imposed on the sale of liquors and drugs will be sufficiently answered by imposing them on manufacture and exportation. The stamp laws, by which the other class of duties is im posed, also require material revision. The use of stamps in judicial matters does not answer the object for which they are avowedly imposed,—namely, the diminution of litigation. On the contrary, they contribute to prolong litigation, as they involve on the courts, from the lowest to the highest, the duty of deciding points extraneous to the merits of the suits before them. For the purpose of the stamp revenue, every suit has to be valued according to certain rules laid down by the legislature, the application of which is liable to much doubt and uncertainty. Hence, questions are frequently raised as to the observance of those rules, and the decisions of the courts of first instance are subject to appeals to the higher tribunals; and many suits are nonsuited or remanded for retical merely because the amount of the stamp has not been correctly estimated, however honestly the plaintiff may have formed that estimate. In some cases, when the plaintiff would willingly forego a portion of the claim which may not stand on so clear a foundation as the rest, he is afraid to do so, lest his suit be altogether defeated by the objection that he has undervalued his claim, and that the stamp is therefore defective. The decisions of the superior court in the matter of stamps are not unvarying, and many constructions and circulars are issued to regulate the questions which arise, which are often modified or rescinded, circumstances which greatly distract and embarrass pleaders and judges in deciding such questions. And it may be fairly stated that not less than ten per cent. of the decisions of the Company's

courts turn entirely on considerations connected with this most absurd and injudicious system of raising a revenue. The operation of the stamp laws is still more directly injurious to the poorer classes in their pursuit of justice. Before they can prosecute a suit of any kind, they must not only incur the ordinary expenses of other courts, but also lay out at the very outset a certain sum in the purchase of a stamped paper, which in the most trifling case is a rupee, or eight times the daily hire of a labourer. Your petitioners submit that laws of this description should not be permitted to exist. If a revenue from judicial proceedings be necessary, it may with propriety be drawn from those who maintain vexatious or groundless claims or resist just ones, by imposing on them a fine calculated on the scale of the present stamp law.

33. *Revenue Officers.*—That the system of revenue administration pursued by the Company's Government is a source of vexation to all persons who stand in any relation thereto. The laws enacted for providing for the revenue are inequitable in principle, inasmuch as they provide for the interests of the Government, without regard to those of the subjects, and forbid the interference of the courts of justice to determine the fairness of the decisions of the collectors as to the amount of revenue assessed by them. The officers of revenue are vested with multifarious powers, being authorised in some cases to act as magistrates, and also as civil judges, and thereby led at times to mingle together their fiscal and judicial functions, while many of their duties are left to be performed by irresponsible subordinates, who make use of their delegated powers to practice every species of extortion. The management of the revenue may be simplified by having, as has been recently done, but one Board for all branches of the revenue, with a sufficient number of members, both European and native, who may go into the interior on circuit by rotation, and thus do away with the office of commissioner of revenue for a number of districts, which is shown by experience to be unnecessary under the present arrangements. The Board and the collectors of revenue should be divested of all judicial powers, on the principle embodied in the preamble of the Regulation II. of 1793. The collectors of revenue should have deputies under them, according to size of district and extent of business. The salary of the office should be reduced, with reference to the relief afforded by the separation of revenue and judicial offices.

34. *Works of Utility.*—That, though the revenue raised by the Company, both from the land and from other sources, far exceeds what was drawn from the country by its Mahomedan rulers, a very inadequate portion of it is devoted to improvements in the means of land or water communication. On the contrary, the funds which are raised expressly for providing the means of such improvements, such as the ferry funds, and the tolls on rivers and canals, are usually carried to the credit of the Government. Accumulations of these funds, to the extent of several lacs, still remain in the public treasury unappropriated to their specific purposes. Your petitioners therefore submit that the funds in question at the disposal of the fund committees should be expended on local improvements, subject to the approval of Government, and also that judicial fines in the criminal department should be added to those funds. In the event of a surplus, after providing for necessary works of utility, a portion thereof may be placed at the disposal of the Government for general purposes.

35. *Education.*—That no provision has been made by the Company's Government on a suitable scale for the education of the natives. The sum authorised by Parliament to be expended on educational establishments was for years unappropriated. Since the establishment of the Committee of Public Instruction several colleges and other institutions have been established in various parts of the country, partly with the public money and partly with the aid of endowments and other funds derived from private resources. But the education of the mass of the people has as yet been completely neglected, a sufficient indication of which will be found in the fact that the total sum expended by the Government for the colleges and institutions in the Lower Provinces does not exceed rupees three lacs per annum. Your petitioners submit that the diffusion of education throughout the country should no longer be neglected. They further submit that the university plan proposed by Mr. Cameron, late President of the Committee of Public Instruction (in the Committee's Report for 1845-46), should be established in each Presidency. The plan provides for the admission of those who receive degrees in law and other departments to practise at the bar of the Supreme and Sudder Courts, and to be engineers in the Government service, and so forth; but it should be modified so as to provide for educated natives entering the medical service on the same footing with persons who have hitherto been sent out as assistant surgeons by the Court of Directors. An express rule on the subject is necessary, as it is well known that the young men educated at the Calcutta Medical College, who obtained diplomas after examination in London, failed, notwithstanding the recommendations of several eminent persons, to obtain that position in the medical service which they were entitled to from their qualifications and the declaration in the Charter Act.

36. That the provisions in section 89, and other sections of the Charter Act, for providing an ecclesiastical establishment expressly for the advantage of British subjects, are out of place among the arrangements for the government of British India. That government is for a mixed community, the members of which are of various and opposite sects, and the majority is composed of Hindoos and Mahomedans. It is, therefore, manifestly inexpedient that the Government should have any connexion with the appointment of the ministers of any religion. All sects should accordingly be left to support the ministers of their respective

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respective religions in the manner they deem most suitable. Your petitioners do not object to the appointment of chaplains to the European regiments that are sent out to this country, as is done in the United Kingdom, nor to the appointment of a chaplain-general in each Presidency for the government of the chaplains, but to the support of bishops and other highly-paid functionaries, out of the general revenues of the country, for the benefit of a small body of British subjects. They submit, accordingly, for the consideration of your Lordships, the expediency of discontinuing the connexion of the Government with the ecclesiastical establishment; and in order that this may be done at an early date, they suggest that the cost of these establishments be charged to those civil and military servants at each Presidency, town, or station who enjoy the benefit thereof; and that an increase be made to the allowances of those servants to enable them to meet the additional expense imposed on them by this arrangement, but without being continued to their successors, who should be left to bear this expense among others incidental to their position in this country.

Your petitioners having thus briefly enumerated the points which they deem worthy of the consideration of your Lordships, in connexion with the Charter of the East India Company, now on the eve of expiry, and which, so far as they depend on questions of fact, they are prepared to support by evidence whenever required, humbly pray that your Lordships will be pleased to make such arrangements for the government of British India as to your wisdom andjustice may seem fit.

And your petitioners, as in duty bound, shall ever pray.

(signed) *Raja Radhakant Bahadur.*
Raja Kalikrishna Bahadur.
Pertaup Chunder Singh.
&c. &c. &c.

The Humble Petition and Memorial of the Armenian Inhabitants of the Bengal Presidency,

Respectfully showeth,

That the memorialists of your Honourable House are of the ancient Armenian race, the national existence of which has long been extinct, but of which individual members were the foremost to appreciate the benefits of British Government in the East.

2d. That the resort of Armenians to the British settlements in this and other parts of India was coeval with the establishment of those settlements. That the first important firman of the imperial court of Delhi in favour of the English East India Company, while it was still in its very infancy, was procured by the agency of Khojah Serhad, an Armenian of great enterprise and influence in those days. It is now a matter of history, and the connexion thus begun with a sense of mutual obligation, was cemented by an instrument of solemn compact, in the nature of a treaty, between Coja Phanoos Calendar, an eminent individual of the Armenian race, and the then Governor and Company of Merchants of England trading to the East Indies, bearing date the 22d June 1688, and ratified under the hands of the Governor and Directors, and by the common seal of the Company. The actual execution of the above instrument, a copy of which is appended, for the sake of reference, has never been questioned.

3d. That although the above compact may not possess all the binding force of an international Act, in so much as it was made with a mere individual of a race which had then no existence as a political community, yet did it continue for nearly a century to regulate the scale of duties levied on the trade of Armenian merchants at the Company's settlements and dependencies. Whether binding as a treaty or not, it must, at all events, be admitted to contain the terms publicly held out by the Company to encourage the resort and settlement of Armenians into the factories and places held by the East India Company.

4th. Your memorialists beg to draw the attention of your Honourable House to the third Article, which is as follows:—

"That they (the Armenian nation) shall have liberty to live in any of Company's cities, garrisons, or towns in India, and to buy, sell, purchase land, houses, and be capable of all civil offices and preferments, in the same manner as if they were Englishmen born; and shall always have the free and undisturbed liberty of the exercise of their own religion. And we hereby declare that we will not continue any Governor in our service that shall in any kind disturb or discountenance them in the full enjoyment of all the privileges hereby granted to them. Neither shall they pay any other greater duty in India than the Company's factors, or any other Englishmen born, do or ought to do."

5th. That upon such invitation and solemn guarantee the Armenians began and have since continued to flow in from various parts of Asia, to the haven of protection and favour thus opened to them. They have traded and tilled the earth—have become builders and proprietors—and acknowledge with gratitude the uniform protection and kindness they have received under the Company's rule. Your petitioners confidently trust that they and

those

those who have preceded them have shown themselves neither unworthy of this favour nor ungrateful towards their benefactors; and that of the numberless tribes and races that have successively placed themselves within the pale of British dominion none has evinced more loyal attachment, or given less occasion for the exercise of either coercive or penal measures.

6th. That of the Armenians now settled within this Presidency the smallest section is that of such as are the issue of forefathers already settled in it before the coming of the English; a large section is composed of such as are of foreign birth, and are themselves original settlers; but the far greater proportion are those born in this Presidency, the issue of fathers or forefathers who became settlers upon the inducement above-mentioned.

7th. That many of your petitioners are possessed of large personal property, and also of large property in houses and lands within the limits of Calcutta itself, and also of talooks and zemindaries in several of the zillahs and districts of this Presidency; and that of their real property a part is the fruit of personal acquisition, but the greater part has been derived to them from fathers or forefathers by whose industry it was acquired.

8th. That, notwithstanding the existence of the above compact, a treaty with the East India Company of the year 1688, and moreover notwithstanding the assurance given by the Supreme Government in the reply of Lord Auckland, Governor-general, to their memorial presented in 1836 to take the subject of their petition into due consideration, that the condition of the Armenian inhabitants in respect to civil rights and privileges, or the position of the memorialists of your Honourable House, has not yet been in the least degree altered. That your memorialists unfortunately still labour under the disadvantage of being regarded in the courts of the Company, more especially of criminal judicature, in the same light as Hindus and Mahommedans, and subject to a system of law, if system it can be called, based upon the Mahommedan code, and modified by regulations and acts of the local legislature, but so crude and undefined as to leave nearly everything at the discretion of those who are entrusted with its interpretation, who are so often destitute of experience or sound judgment, and which is held in detestation by their more favoured fellow-subjects of British birth, who are for the most part exempt from its application, and who have on all occasions expressed the greatest disgust at every attempt to bring them within its operation.

9th. Finally, your memorialists, although so warmly and gratefully attached to the British rule, under which they have prospered now for upwards of a century and a half, and utterly unconscious of having done anything to forfeit the good opinion that prompted the flattering terms of invitation upon which Armenians became settlers in the territories of the East India Company, and have continued for upwards of a century to enjoy within the local limits of the several residencies all the consideration that a parity of civil rights with natives of Great Britain was calculated to give, find themselves deprived of these advantages when beyond the limits of those residencies, and subjected to a different system of law. Your Memorialists have no hope of remedy for this, which they cannot but consider as a serious grievance, but from the wisdom and justice of your Honourable House; to which they present their earnest prayer,—

That the inequality and grievance above stated may be taken into the serious consideration of your Honourable House on the occasion of the expected renewal of the privileges of the East India Company; and that provision may be then made to secure to your memorialists and generally to the Armenian settlers within the territories entrusted to the Government of the Honourable East India Company in British India, the full benefit of the contract made with one of their nation on behalf of himself and those of his nation, on which they and their forefathers were induced to become settlers within the Company's territories.

And the memorialists of your Honourable House, as in duty bound, will ever pray.

(signed) *A. Apcar.*
A. Carraput.
A. A. Apcar.
&c. &c. &c.

Calcutta, 10th day of January, A.D. 1853.

THE Petition of the Members of the Blackburn Commercial Association,

Respectfully showeth,

THAT, Her Majesty's Ministers having announced an intention to submit to Parliament during the present Session, some measure for the future Government of India, your petitioners are anxious to record their dissatisfaction with the limited extent of our commerce with that country, and their regret that so little progress has been made in the development of its rich and varied resources:

Appendix, No. 7.

That your petitioners are of opinion that, in any enactment for the future government of India, the following suggestions should be adopted:—

1. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

2. That, beyond making useful experiments, the Government should not be permitted to become cultivators, manufacturers, or traders.

3. That, in conducting their financial operations, the Government should be forbidden to become purchasers of any kind of produce on their own account, or to receive by hypothecation produce purchased by any other party.

4. That the Government be compelled to expend a portion of the revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view such public works should be promoted as are calculated to facilitate intercourse with or improve the physical condition of the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

5. That 10 per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals, the erection of piers, and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country.

6. That the application of the portion of revenue allotted to useful public works be under the control of a board of works, established and conducted in India, the members of which should have full, extensive, but defined powers, and be nominated jointly by the Imperial Government and the Indian Executive.

7. That the Government should give every facility for the permanent occupation of land, by removing the objections so often urged to a fluctuating land tax—by encouraging the purchase, for cultivation, of the waste and other lands of India; and by giving such certainty of tenure as will ensure the safe application of capital to the universal cultivation of the soil.

8. That prompt attention be paid to the removal of evils now existing in India, consequent upon the uncertainty of the due administration of justice, and the prevailing ignorance of the people.

9. That an annual detailed Report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your petitioners commend the foregoing propositions to the favourable attention of your Honourable House, and humbly and earnestly pray that the same may have statutory effect in any legislation for the future government of India.

And your petitioners will ever pray, &c.

Signed on behalf of the Association, by

Montague J. Feilden, President.

The humble Petition of Charles Hay Cameron, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal,

Humbly showeth,

THAT, as President of the Council of Education for Bengal, your petitioner had opportunities of observing the desire and the capacity of large numbers of the native youth of India for the acquisition of European literature and science, as well as the capacity of the most distinguished among them for fitting themselves to enter the civil and medical covenanted services of the East India Company, and to practise in the learned professions.

That the said native youth are hindered from making all the progress they are capable of in the acquisition of the said literature and science;

1st. Because there is not in British India any university with power to grant degrees, as is done by universities in Europe.

2dly. Because the European instructors of the said native youth do not belong to any of the covenanted services of the East India Company, and do not therefore, whatever may be their learning and talents, occupy a position in society which commands the respect of their pupils.

3dly. Because no provisions has been made for the education of any of the said native youth in England without prejudice to their caste or religious feelings.

Your

Your petitioner therefore prays,

That one or more universities may be established in British India.

That a covenanted education service may be created, analogous to the covenanted civil and medical services.

That one or more establishments may be created, at which the native youth of India may receive, in England, without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the civil and medical services of the East India Company.

And your petitioner will ever pray.

30 November 1852.

C. H. Cameron.

The Petition of the City of Manchester, in Public Meeting Assembled,

Humbly showeth,

THAT, in the opinion of your petitioners, the constitution of the Indian Government is not adapted to secure the welfare of the people of India, and has not promoted their best interests, nor provided for that wise administration of affairs which it is the first duty of every government to afford to the people over which it rules.

That abundant evidence has been adduced to prove, that under the British Government, the progress of the people in industry and wealth has been retarded; the administration of justice has been defective; the nature and mode of taxation has been oppressive; public works have been inadequate for the purposes of communication, navigation, and irrigation; and that altogether the people have been left in a state of misery disgraceful to their rulers.

That your petitioners believe that no security can be given for the reform of abuses in India but by a thorough reform of its Home Government, and entertain the opinion that the Court of Directors and Proprietors of the East India Stock should be entirely disconnected from the Government of India, which, for the future, should in this country consist of a Minister and a Council appointed by the Crown, and directly responsible to the Imperial Parliament.

And your petitioners will ever pray.

Signed on behalf of the meeting,

Robert Barnes, Mayor, Chairman.

The humble Petition of Frederick Henry Lindsay, of the Commander-in-Chief's Office, Horse Guards; and the Reverend James Fendall, of Harlton Rectory, in the County of Cambridge, Clerk, Executors of the late Elizabeth Grant, late of Cheltenham, in the County of Gloucester, deceased, Widow and Representative of the late Robert Grant, of Cawnpoor, a Senior Merchant in the Bengal Civil Service,

Showeth,

THAT during the period which elapsed between the years 1776 and 1779, the late Mr. Robert Grant, then residing as a free merchant at the town of Furruckabad in Bengal, within the territory of the Nabob Muzuffer Jung, a tributary chief of the native kingdom or vizierate of Oude, became the creditor of the said nabob for the value of certain merchandize which he sold to him; and in acknowledgment and satisfaction of his claim received certain tuncahs or assignments on the tax gatherers of the Furruckabad territory, over which his debtor ruled.

That no part of those assignments was yet realised when, in 1783, or shortly previous, Mr. Grant entered the service of the East India Company, and was appointed assistant to the British Resident at Lucknow, the seat of the Oude Government.

That about the same time an English agent was commissioned on the part of Asoph-ul-Dowlah, Nabob Vizier of Oude, to levy the tribute of his subject prince, Mr. Grant's debtor, and a residence being required for the individual appointed, a house, the property of Mr. Grant, was bought of him by the nabob vizier for the purpose, at the expense of his tributary aforesaid, in whose possession, after serving the temporary object of the purchaser, it ultimately remained.

That, during this transaction, it was proposed by the nabob vizier, as a means of obviating any inconvenience which might attend on the separate collection by Mr. Grant of that part of the Furruckabad revenues which had been assigned to him by his debtor, that transfer of the assignments which he held should be made to the vizier himself, that prince in return offering to charge his Government with the care of realising them, and to bind himself personally

Appendix, No. 7.

personally to make payment to Mr. Grant of their amount, increased as it now was by that of the purchase-money agreed on for the house, which his Highness undertook to pay from the same source.

That this arrangement being acceded to by Mr. Grant, he received in exchange for his assignments and his house the nabob vizier's bond for 90,265 rupees, two and a half annas and a quarter, dated on the 12th of December 1783, and bearing simple interest at 12 *l.* per cent. per annum, the fractional sum being evidence that it was granted on the settlement of an account.

That, shortly after the transactions now related, Mr. Grant, by a sudden mandate from the Supreme Government of Bengal, was removed from his situation in the Honourable Company's service, and at 48 hours' notice required to quit Lucknow.

That he petitioned in vain to be permitted to return to it for a time, for the arrangement of his affairs; no reply being vouchsafed to his application.

That he petitioned repeatedly and earnestly, but equally in vain, to be furnished with some statement of the reasons which had moved to the extraordinary measure of his dismissal; and that the silence upon this subject which was observed then, has been ever since persevered in.

That at this period the nabob vizier was engaged, in a very distressed state of his finances, in satisfying the large demands on his revenue of the government of the Honourable Company aforesaid.

That the consequence of the position in which Mr. Grant found himself now placed was, that the nabob vizier, who had in the meantime realised the assignments and the purchase-money of the house, as can be proved from the records of the Furruckabad province, did nevertheless refuse payment of the bond granted for their united amount; and that up to the present day that bond remains undischarged by himself or his successors.

That, by the death of Mr. Grant, the unsatisfied claim devolved upon the late Elizabeth Grant, his widow and legal personal representative, and by the death of the late Elizabeth Grant, on or about the 20th day of March 1845, the same unsatisfied claim has devolved upon your petitioners as the executors of her last will and testament, which was duly proved by your petitioners in the Prerogative Court of Canterbury, on the 2d of May 1845.

That it seemed reasonable to expect that a claim which had arisen in such circumstances, and under such circumstances been resisted, would not be long or finally denied the interposition of the Supreme Government in aid of its recovery.

That, nevertheless, during a long series of years, and in reply to three formal addresses on the subject to the successive administrations of India, Mr. Grant's petition to this effect was repeatedly rejected, on the ground that his case did not exhibit such a peculiar character as to justify, and as in other instances had justified already, a departure from the general rule of non-interference in such cases which had been laid down by the Company's government.

That the said Elizabeth Grant, deceased, in her lifetime, in the year 1838, presented a memorial to the Honourable the Court of Directors of the East India Company, on the subject of the said unsatisfied claim of her deceased husband, the said Robert Grant, and in answer to such memorial of the said Elizabeth Grant, the Court of Directors replied that they saw no reason whatever to deviate from the determination of the Bengal government.

That, in opposition to this opinion, your petitioners with great deference submit that this claim possesses the peculiarity required, in the highest possible degree, and that the following deductions from the narrative now given are legitimate and conclusive.

1. That the entire debt was contracted several years before the principle of non-interference was established and declared, or was even suggested, which it was by Lord Cornwallis, in 1786.

2. That the non-interference system itself having only been justified and adopted on the ground of the usurious character of loans made to the princes of India, and having been not otherwise recognised by the Honourable the Court of Directors of the East India Company than as applying to cases of loan, would not, even had its adoption taken place at an earlier period, have been considered or at all applicable to a claim like the present, arising from fair and ordinary mercantile transactions.

3. That neither could a principle applicable only to loans have admitted of being extended to the present case by exception on any pretext, such as that of its exhibiting the slightest character of usury, as regards the description or amount of interest stipulated in the bond; and that it may in this respect be advantageously contrasted with cases of loans in general, and with the favoured case of the Lucknow bankers in particular, in all of which the bonds bore compound interest, some of them at 24, and some even at 36 per cent.

4. That the Furruckabad tribute up to the amount of the bond paid as it was by Mozuffer Jung, and paid by him expressly on the late Mr. Grant's account, bore in the treasury of Oude every sacred and peculiar character which can belong to a deposit, the nabob vizier being

being rather to be considered as the late Mr. Grant's steward in the matter than as an ordinary debtor.

5. That a portion of the claim originated in a circumstance indirectly beneficial to the Government of the Honourable the East India Company, the acquisition, namely, by the nabob vizier of the house which was required for the accommodation of the collector of his tribute, that tribute assisting of course in the liquidation of the demands on the Oude Government by the Honourable Company itself.

6. That the Supreme Government of Bengal became a direct and active party to the nabob vizier's refusal to discharge the debt, by its arbitrary unexplained act of power exercised in Mr. Grant's removal from Lucknow, that Government being, as is perfectly known, the only power or authority held in any respect or fear by the native princes of India, and by the Court of Oude in particular, and consequently its apparent displeasure towards Mr. Grant, intimated in the violent measure in question, removing the only real security ever held by him for the satisfaction of his claim.

7. That it was unfortunate for the Government of the Honourable East India Company that the unexplained removal of a private creditor of the nabob vizier's should have been contemporaneous with the liquidation by that sovereign of the demands on his revenue of the Honourable the East India Company themselves, and with the difficulties which he experienced in meeting his engagements in that quarter.

That, in addition to these pleas for interposition in this case, deduced from the facts of its history, it is to be mentioned that an interference for the recovery of a claim closely resembling it in its principal features, did actually take place under the administration of the Marquis of Wellesley, the claim, namely, of the late Mr. Michael Prendergast upon Almas Ali Khan, a subject of the Oude Government, it being expressly affirmed by Mr. Lumsden, some time Resident at Lucknow, in a letter addressed by him to the late Mr. Grant, and now extant in the possession of your petitioners (though in a paragraph of that letter, in which he contends against the resemblance in question), that the ground upon which the interference in favour of Mr. Prendergast proceeded was, that the acts of oppression and injustice of which he complained, were the immediate consequences of the orders of the Bengal Government for his removal from Lucknow, on which account it is added the Government was bound to see justice done to him.

That the delay of many years which has occurred in the case in pressing for interference before the Indian administration in this country, is explained by the facts of the prosecution of it in London having been undertaken nearly 30 years ago by the late Mr. Prendergast, then about to proceed from Bengal to England as the agent of the Lucknow bankers, in their great claim against the same native state, and of its having in his hands, occupied as he was with his more important agency, suffered much, if not entire, neglect, a circumstance which remained unknown to Mr. Grant or his heirs until so recent a period as 1833, and which, even had they been sooner aware of it, would probably have advanced but little the progress of the suit, seeing that in the bankers' claim the proceedings had been protracted without any determinate issue to a still later date, and that upon that claim Mr. Grant had always, so to speak, been allowed to wait, it having been always supposed or alleged that on the fate of the one case must depend that of the other, though in point of fact the two are wholly unconnected, and exhibit but little resemblance, the superior merits in most respects of that of Mr. Grant's being sufficiently apparent.

That, at all events, and whatever may have been the causes of the delay suffered, such circumstance does not invalidate the case, inasmuch as no lapse of time can affect the justice of the claim, or change those peculiar features belonging to it, which your Petitioners would respectfully and with entire deference contend, entitle it to an interference for its recovery on the part of the British Government.

Your petitioners therefore humbly pray, that as your Honourable House is now about to legislate for the future government of India, it may please your Honourable House to appoint a tribunal by which the claim of your petitioners, and all similar claims, may be investigated and determined.

Frederick Henry Lindsay.
James Fendall.

Appendix, No. 8.

RETURN of the AMOUNT of the SALARY and ALLOWANCES Paid in each Year to the LAW COMMISSIONER or MEMBER of the COUNCIL of INDIA, and the Aggregate Amount; stating also the Names of each Law Commissioner, and the Dates of Appointment and of Resignation, and the Period for which each Commissioner served in the Council, under the Act of 1833.

	Date of Appointment.	Date of Resignation.	Period of Service.	Salary per Annum.	Aggregate Amount of Salary.
LAW COMMISSIONERS AND MEMBERS OF COUNCIL:			YRS. M. D.		*Co.'s Rs.*
Right Hon. T. B. Macaulay -	27 June 1834	16 Jan. 1838	3 6 20	*S. Rs.* 96,000 or *Co.'s Rs.* 1,00,320	3,55,531
Hon. C. H. Cameron - - -	22 Jan. 1838 15 Feb. 1843	18 Mar. 1838 9 Mar. 1848	0 1 25 5 0 23	*Co.'s Rs.* 1,00,320	5,24,118
Hon. Andrew Amos - - -	19 Mar. 1838	4 Feb. 1843	4 10 17	1,00,320	4,89,580
Hon. J. E. D. Bethune - -	11 April 1848	Died 12 Aug. 1851	3 4 2	1,00,320	3,34,911
Hon. B. Peacock - - -	2 April 1852	- - Accounts not received.		—	—
LAW COMMISSIONERS:					
G. W. A. Anderson - - -	19 Feb. 1835	7 Mar. 1838	3 0 17	52,250	1,57,493
J. W. Macleod - - - -	19 Feb. 1835	7 Mar. 1838	3 0 17	52,250	1,58,758
C. H. Cameron - - - -	12 Aug. 1835 19 Mar. 1838	21 Jan. 1838 14 Feb. 1843	2 5 10 4 10 27	52,250	3,83,689
F. Millett, Officiating Member -	2 Jan. 1837 28 Jan. 1838	27 Jan. 1838 16 Apr. 1844	1 0 26 6 2 20	42,000 52,250	3,70,025
J. Young - - - - -	22 Jan. 1838	22 Dec. 1839	1 11 1	52,250	1,00,286
D. Eliott - - - - -	14 Jan. 1839	14 Feb. 1848	9 1 1	52,250	4,74,880
H. Barrodaile - - - -	23 Dec. 1839	4 Mar. 1844	4 2 10	52,250	2,19,534
				Co.'s Rs.	35,68,805

Mem.—The following are the sums, as disbursed in each year:

	Co.'s Rs.		*Co.'s Rs.*
1834-35 - - - -	67,995	1844-45 - - - -	1,54,892
1835-36 - - - -	2,32,988	1845-46 - - - -	1,52,570
1836-37 - - - -	2,74,386	1846-47 - - - -	1,52,570
1837-38 - - - -	3,09,115	1847-48 - - - -	1,40,031
1838-39 - - - -	2,63,952	1848-49 - - - -	97,533
1839-40 - - - -	3,13,674	1849-50 - - - -	1,00,320
1840-41 - - - -	3,09,320	1850-51 - - - -	1,00,320
1841-42 - - - -	3,09,320	1851-52 - - - -	36,738
1842-43 - - - -	2,99,803		
1843-44 - - - -	2,53,278	*Co.'s Rs.*	35,68,805

(Errors excepted.)

East India House,
20 April 1853.

JAMES C. MELVILL.

Appendix, No. 9.

COPY of the REPORT of the Law Commission in 1838, on the Institution Fee on Suits of Law in Mysore, made to Lord Auckland; also, Copy of the Act prepared by the Law Commissioners in 1840, for the introduction of the English Law into India generally, as modified by the Commission. Appendix, No. 9.

Note.—In pursuance of the Act 3 & 4 Will. 4, c. 85, s. 54, the following Papers were presented to the House of Commons, "The Report of the Law Commission in 1838, on the Institution Fee on Suits of Law in Mysore," on the 16th July 1839, which was ordered "to lie on the table;" and "Copy of the Act prepared by the Law Commissioners in 1840 for the introduction of the English Law into India," was presented on the 30th May 1843, and "ordered to be printed."

East India House, 22 April 1853. JAMES C. MELVILL.

Appendix, No. 10.

COPIES of the CORRESPONDENCE, or EXTRACTS of CORRESPONDENCE and PAPERS between the Board of Control, the Court of Directors, and the Government of India, respecting the Fourth or Legislative Member of Council sitting in Council while other than Legislative Matters are under consideration. Appendix, No. 10.

East India House, 22 April 1853. JAMES C. MELVILL.

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Appendix, No. 10.

POLITICAL AND LEGISLATIVE LETTERS.

No. 10.

POLITICAL DEPARTMENT, dated Ootacamund, 1 August 1834.

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

Honourable Sirs,

* Page 521. Consultation, 9 August 1834. Nos. List, Nos. 3 and 4.

† Page 522.

WE do ourselves the honour to forward for your consideration, the accompanying copy of minute * recorded by the fourth ordinary member of Council, on the occasion of taking his seat, together with copy of a minute † by our President on the same subject, and to state that we fully concur in all the observations made by his Lordship on this occasion.

We have, &c.
(signed) *Wm. Bentinck.*
Frederick Adam.
W. Morison.
T. B. Macaulay.

Ootacamund, 1 August 1834.

EXTRACT Legislative Letter from India, dated 24 August (No. 2) 1835.

* Page 523.

101. THERE were some other objections to which Mr. Macaulay replied, in a minute * dated the 13th June, but these were avoided by a determination which was come to, not to consider the Legislative Council as distinct from the Executive Council; but that there should be but one Council, with a separate legislative department; the fourth member being understood to have a legal right to be present in any department when laws or matters immediately connected with laws, might be under discussion.

EXTRACT Legislative Letter from India, dated 31 August (No. 3) 1835.

Duties and powers of the fourth ordinary member.

* Despatch, 10 Dec. (44) 1834, page 518.

12. FEELING the full force of your Honourable Court's observations on the expectations with which the situation of fourth member of our Council was created, and entirely coinciding in the opinion expressed in these paragraphs *, of the advantage which must result to the legislative utility of that member, by his being intimately acquainted with the whole of the executive business of the Council; we are happy in being able to report, that we had anticipated the recommendation made in the 23d paragraph of this despatch, by requesting the attendance and assistance of Mr. Macaulay at every meeting of our body.

LEGISLATIVE DEPARTMENT, 9 November (No. 7) 1835.

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

Honourable Sirs,

* Page 519.

WE have the honour to acknowledge the receipt of your despatch * in the Legislative Department (No. 3 of 1835,) dated the 8th of July, observing that the signature of the fourth member of Council has been annexed to despatches relating to matters not connected with the making of laws and regulations, and desiring that the irregularity may be discontinued.

2. The apparent irregularity which has been noticed by your Honourable Court, it has been heretofore difficult altogether to prevent; questions connected with the framing of laws and regulations, or such as might lead to it, having been taken into consideration with the other proceedings of the judicial and other departments, and it not having been always easy to define whether deliberations were, or were not of a legislative character. Now, however, that a separate legislative department has been formed, we trust that your Honourable Court will not have occasion again to observe a similar irregularity.

We have, &c.
(signed) *C. F. Metcalfe.*
H. Fane.
W. Morison.
R. Shakespeare.
T. B. Macaulay.

Fort William, 9 November 1835.

HOME DEPARTMENT, Legislative, dated 12 May (No. 9) 1843.

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

Honourable Sirs,

We have taken into our deliberate consideration the important subjects of your despatch* in this department, (No. 3) dated the 1st March last, and have now the honour, in compliance with your wishes, to submit to your Honourable Court our views and opinions as contained in the accompanying minutes,† which we have placed on record. We also enclose copies of minutes recorded by Messrs. Amos and Cameron,‡ in regard to the Law Commission, prior to the receipt of your despatch.

* Respecting the Law Commission, and appointment of Mr. Cameron as fourth ordinary Member of Council.

† Extracts:
Minute by the President, dated 4 May, page 525.
Minute by Mr. Maddock, dated 8 May, page 525.
Minute by Sir W. Casement, dated 9 May, page 525.
Minute by Mr. Cameron, dated 10 May, about the Law Commission.

‡ Minute by Mr. Amos, dated 27 January, and enclosure, page 524.
Minute by Mr. Cameron, dated 30 March, about the Law Commission.

2. Your Honourable Court's suggestion to suspend the appointment of a successor to Mr. Amos was received too late to be acted upon. Our despatch in the general department (No. 3), dated the 15th of February last, will have apprised you, that with the concurrence of the Right Honourable the Governor-General, we had called in Mr. Cameron to fill the office of fourth ordinary member of the Council of India, until the pleasure of your Honourable Court could be known. We found this temporary arrangement absolutely necessary to give validity to our legislative proceedings.

We have, &c.
(signed) *W. W. Bird.*
Wm. Casement.
T. H. Maddock.
C. H. Cameron.

Fort William, 12 May 1843.

HOME DEPARTMENT, Legislative, dated 21 December (No. 25) 1843.

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

Honourable Sirs,

WE have now the pleasure to forward a copy of the minute* recorded by Mr. Cameron, respecting the office of fourth ordinary member of the Council of India, and the constitution of the Law Commission, together with copies of the minutes† recorded by the Governor-General and by ourselves, with reference to Mr. Cameron's views.

* Page 526.

† Pages 526, 527

We have, &c.
(signed) *W. W. Bird.*
Wm. Casement.
T. H. Maddock.
C. H. Cameron.

Fort William, 21 December 1843.

FOREIGN DEPARTMENT, Secret; dated Benares, 18 February (No. 18) 1844.

To the Honourable the Secret Committee of Honourable the Court of Directors.

Honourable Sirs,

I HAVE the honour to transmit to you a minute*, which I have this day recorded, with reference to your letter of the 29th of November 1843, wherein you express a desire that the fourth member of Council should be present at meetings of the Council, not held for the purpose of passing laws and regulations.

* Page 527.

I have, &c.
(signed) *Ellenborough.*

HOME DEPARTMENT, Legislative; dated 16 March (No. 6) 1844.

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

Honourable Sirs,

WITH reference to your despatch, No. 22, dated 29 November 1843, and to the Governor-General's reply, dated the 18th ultimo, we have the honour to transmit the accompanying copies

* Pages 527, 528, 529. Leg. Cons., 16 March 1844, 1 to 6.

copies of our minutes* of the dates specified on the margin, and of our letter to Mr. Cameron requesting his attendance in the Council, when important matters connected with the judicial and revenue administration may be under consideration.

We have, &c.
(signed) *Ellenborough.*
W. W. Bird.
W. Casement.
T. H. Maddock.

Fort William, 16 March 1844.

HOME DEPARTMENT, Legislative, No. 14 of 1850.

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

Honourable Sirs,

SOME discussion having taken place at this Board in regard to the share which the fourth ordinary member of Council should take in the proceedings of the Council, we have the honour to transmit the minutes which have been recorded on the subject, and to solicit your Honourable Court's decision on the point that has been raised.

Office memorandum prepared by the secretary, dated 26 November 1849, page 529.
Minute by the Hon. Sir F. Currie, Bart., dated 29 Nov. 1849, page 540.
Minute by the Honourable J. Lowis, dated 12 November 1849, page 541.
Minute by the Honourable J. E. D. Bethune, dated 12 April 1850, page 541.
Minute by the Governor-General, dated 29 May 1850, page 543.
Minute by Sir J. H. Littler, dated 17 June 1850, page 544.
Minute by Sir F. Currie, Bart., dated 20 June 1850, page 545.
Minute by the Honourable J. E. D. Bethune, dated 29 June 1850, page 545.

We have, &c.
(signed) *J. H. Littler.*
F. Currie.
J. Lowis.
J. E. D. Bethune.

Fort William, 15 July 1850.

LEGISLATIVE DESPATCHES.

EXTRACT Public Letter to India, dated 10 December (No. 44) 1834.

19. While thus considering the deliberative part of your duties, our attention is necessarily led to one important alteration which the Act has made on the constitution of the Supreme Council. We allude to the appointment of the fourth ordinary member of Council, as described in the 40th clause.

20. In the first and simplest view of this remarkable provision, the presence and assistance of the fourth councillor must be regarded as a substitute for that sanction of the Supreme Court of Judicature which has hitherto been necessary to the validity of regulations affecting the inhabitants of the Presidencies, but which, under the new system, will no longer be required. It is, however, evident that the view of the legislature extended beyond the mere object of providing such a substitute.

21. The concurrence of the fourth member of Council may be wanting to a law, and the law may be good still, even his absence at the time of enactment will not vitiate the law; but Parliament manifestly intended that the whole of his time and attention, and all the resources of knowledge or ability which he may possess, should be employed in promoting the due discharge of the legislative functions of the Council. He has indeed no pre-eminent control over the duties of this department, but he is peculiarly charged with them in all their ramifications. His will naturally be the principal share, not only in the task of giving shape and connexion to the several laws as they pass, but also in the mighty labour of collecting all that local information, and calling into view all those general considerations which belong to each occasion, and of thus enabling the Council to embody the abstract and essential principles of good government in regulations adapted to the peculiar habits, character, and institutions of the vast and infinitely diversified people under their sway.

22. It will be observed that the fourth member is declared not to be entitled to sit or vote in the Council, except at meetings for the making of laws and regulations.

23. We do not, however, perceive that you are precluded by anything in the law from availing yourselves of his presence without his vote on any occasion on which you may think it desirable; and on many, if not all, of the subjects on which your deliberations may turn, an intimate knowledge of what passes in Council will be of essential service to him in the discharge of his legalative functions. Unless he is in habits of constant communication, and entire confidence with his colleagues, unless he is familiar with the details of internal administration, with the grounds on which the Government acts, and with the information by which it is guided, he cannot possibly sustain his part in the legislative conferences or measures with the knowledge, readiness, and independence essential to a due performance of his duty.

LEGISLATIVE DEPARTMENT, 27 February (No. 1.) 1835.

Our Governor-General of India in Council.

Para. 1. Mr. Macaulay, in his minute, observes, that "though the fourth member of Council may have no vote on a question, for example, of war, yet he will have a vote when the question is about furnishing the sinews of war; and his opposition on the question of supply may prevent the Executive Council from carrying its purpose into effect, or may force the Governor-General to have recourse to his extraordinary authority."

2. The question thus opened, whether the Governor-General can, under the 49th section of the Act of the 3d and 4th Will. 4th, c. 85, overrule the Council in its legislative capacity, and make, suspend, alter or repeal a law or regulation of his own authority, appeared to us of such high importance, that the determination of it by competent authority should not be delayed.

3. We have received the opinions of the law officers of the Crown, and of our own standing counsel on the subject, which all concur; and we now transmit them, with the case submitted to them, for your information and guidance.

We are, &c.
(signed) *Henry G. Tucker.*
W. S. Clarke.
&c. &c. &c.

London, 27 February 1835.

LEGISLATIVE DEPARTMENT, 4 March (No. 2), 1835.

Our Governor-General of India in Council.

Para. 1. To obviate future misunderstanding upon a point of high constitutional importance, we think it necessary to take immediate notice of an opinion expressed in the letter of the Vice-President in Council, addressed to the Governor-General, under date the 31st of May 1834.

2. The passage to which we allude is in the 6th paragraph of the letter, and in these words; "If it should appear to your Lordship to be necessary to have recourse to the Legislative Council, in order to confer a more formal legality on the proceedings of this Government as at present constituted, the best mode of effecting this will, we doubt not, have your Lordship's attention."

3. It is implied in these words, that the Legislative Council has the power of conferring legality upon proceedings of the Government, where such proceedings shall not be in conformity with the provisions of the Act of Parliament. We can hardly doubt that this mistake was upon reflection apparent to yourselves, still for greater security, we think it advisable to refer you to the 43d section of the Act of 3d & 4th Will. 4th, c. 85, from which the Legislative Council of India derives its authority. You will perceive that the section expressly excepts from the legislative power conferred upon the Governor-general in Council the power of making any law or regulation which shall in any way repeal, vary, suspend, or affect any of the provisions of the Act; but a legislative enactment of the Council, purporting to give a formal legality to a proceeding not in conformity with the Act, would clearly affect its provisions, and being in excess of the authority given to the Council by the Legislature, would be necessarily void.

4. The attention of the Legislature will be drawn to the necessity of imparting its sanction to such proceedings of the Government of India as, under the pressure of the occasion, have not been in perfect conformity with the provisions of the recent Charter Act.

5. We also take this opportunity of observing that our meaning in paragraph 12, of our letter to you of the 27th December 1833, relative to the question of a Council for Bengal, has been correctly interpreted in the letter of the Vice-President in Council now under observation, and in the minute of Mr. Macaulay, dated 29th June 1834.

We are, &c.
(signed) *Hy. S. Geo. Tucker.*
W. S. Clarke.
&c. &c. &c.

London, 4 March 1835.

LEGISLATIVE DEPARTMENT, 8 July (No. 3) 1835.

Our Governor-General of India in Council.

Para. 1. WE have several times observed the signature of the fourth member of the Council of India annexed to despatches relative to matters not connected with the making of laws and regulations; though he could not be present at deliberations on such matters as a member of Council.

Appendix, No. 10.

2. The signature of the fourth member to a document, in respect to which he shares none of the responsibility, is evidently an irregularity which ought not to exist. We therefore deem it necessary to call your attention to it, and to require that it be discontinued.

We are, &c.
(signed) *W. S. Clarke.*
J. R. Carnac.
London, 8 July 1835. &c. &c. &c.

EXTRACT Legislative Letter to India, dated 29 November (No. 22) 1843.

2. WE have also adverted to the opinion of former Governments, in which you have expressed a general concurrence, that it is of importance, with a view to the efficient performance of the duties belonging to that appointment, that the person filling it should be present at all meetings of Council for the administration of the affairs of Government. In conformity to that opinion we desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations; but, at the same time, you will bear in mind that, at such meetings only, is he entitled to a voice in your proceedings.

LEGISLATIVE DEPARTMENT, 5 June (No. 12) 1844.

Our Governor-General of India in Council.

Whole Secret (Governor-General's) Letter, 18 February (No.) 1844.
Legislative Letter - - - - 16 March (No. 6).

Fourth member of Council.

Para. 1. WE forbear from commenting on the terms in which you have in your several minutes, adverted to the instructions addressed to you in our letter of the 29th of November last, regarding the fourth member of Council, but it is necessary that we should set you right with respect to some degree of misapprehension entertained by you on the subject.

2. In the letters in question, we desire, in conformity with the practice which until recently had always been observed, "that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations;" but at the same time we drew your attention to the provision of the Charter Act that he "shall not be entitled to sit or vote in the said Council," except at such meetings. We thereby showed you clearly that we did not consider our instructions to be inconsistent with that provision.

3. The fourth member not being "entitled to sit or vote in the said Council," does not form a component part of that body and has no voice in its proceedings, except for the purpose of making laws and regulations. But the expression "to sit" in Council is not used in a literal sense, as if the Council were the place where the members met, instead of the constituent body itself. It seems sufficiently obvious that it was not intended to be illegal for the fourth member to be present at all meetings of Council, from this consideration alone that he would in that case be the only individual subject to such a disqualification.

4. With respect to the attendance of the fourth member at the Council while it may be engaged in questions purely of a political or military nature, we concur with the opinions conveyed in the minutes which you have forwarded to us from the other members as to the propriety of his absence upon such occasions.

We are, &c.
(signed) *J. Shepherd.*
H. Willock.
London, 5 June 1844. &c. &c. &c.

LEGISLATIVE DEPARTMENT, 3 January (No. 1) 1851.

Our Governor-General of *India* in Council.

Regarding the share to be taken by the fourth ordinary member of Council in the proceedings of Government.

Para. 1. IN your letter in this department of the 15th July 1850 (No. 14), you have applied for our decision, whether the minutes of the fourth member of Council, on questions not belonging to the legislative department, ought to be placed on the records of Government.

2. As the fourth member of Council has no voice and no responsibility, except at meetings for making laws and regulations, it seems to us desirable, as a rule for general practice, that in other departments his sentiments should not be placed on record; but it will continue to be in your discretion to ask his opinion (as was stated to have been done with respect to Mr. Amos, in your revenue letter of the 15th of June 1839, para. 20), either orally or in writing, on any occasion when you may stand in need of such assistance as his knowledge and experience may enable him to afford.

We are, &c.
(signed) *J. Shepherd.*
J. W. Hogg.
London, 3 January 1851. &c. &c. &c.

In India Political Letter, dated 1 August (No. 10) 1834. Appendix, No. 10.

EXTRACT India Political Consultations, 9 August 1834.

(No. 7.)

MINUTE by Mr. *Macaulay*, 27 June 1834.

I FEEL it to be my duty, on entering upon my new functions, to bring under the notice of his Lordship in Council the great difficulties of the situation in which I am placed. The clause of the Act of Parliament which defines my powers is so worded, that until it is explained by some competent authority, I shall be constantly in doubt as to the course which I ought to pursue. I shall scarcely ever be able to act without an apprehension that I may be intermeddling in what does not concern me, or to refrain from acting without an apprehension that I may be shrinking from labour and responsibility which it is my duty to encounter.

2. As I was a Member of the House of Commons, and Secretary to the Commissioners for the Affairs of India, during the year 1833, I should have been inexcusable if I had not given the closest attention to the provisions of the Act. It may be thought therefore that I ought to be able to furnish explanations instead of being forced to ask for them. I hope that, in my own vindication, and without the least disrespect to any branch of the Legislature, I may be permitted to mention what is now matter of history, that the words of which I desire to have an explanation were not in the Bill when it passed the House of Commons, but were added at a very late stage; I think on the third reading in the House of Lords. The words to which I refer are these. "Provided that such last-mentioned member of Council shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations."

3. India, then, is under the government of two Councils differently composed, the one a legislative, the other an executive body. It seems to me that something more than the words which I have quoted was required to define the provinces of these two authorities. During the last 60 years many constitutions have been framed in Europe and in America; and I will venture to say that there is not one of those constitutions in which it has not been thought necessary to draw the line between the functions of the executive and those of the legislative body, with a degree of care and precision very different from what is to be found in the words which I have quoted.

4. And the reason is obvious. The line which separates legislative from executive proceedings is not a natural but an arbitrary line. It is differently drawn in different countries at the same time, and in the same country at different times. In England, the declaring of war is an executive act. By the constitutions of some other countries it is a legislative act. In England, at present, the executive power can pardon any criminal. In the time of the Commonwealth the Protector could not pardon murder; an Act of the legislature was necessary. Indeed the history of the East India Company furnishes an excellent illustration of my meaning. It was long disputed, among lawyers, whether the exclusive commercial privileges once enjoyed by that body could be legally conferred by the executive power, or whether an Act of the legislature was necessary. In Elizabeth's time the doctrine favourable to the executive power was generally admitted. Since the Revolution it has been almost universally held that an Act of Parliament alone could give a monopoly to any person or corporation. It would be easy to multiply instances; but those which I have given are sufficient to show that the line between legislative and executive proceedings is very differently drawn in different places and in different ages.

5. Where, then, is it to be drawn in the Indian Government? The Act of Parliament constitutes an Executive and a Legislative Council; but it makes no partition of power between them. Hitherto no doubts could arise, because there was a single body which possessed the whole power, legislative and executive. Under the new system doubts will arise every day, unless something be done to set them at rest.

6. In the absence of all explanatory words, it seems not unnatural to suppose the intention of the Legislature to have been, that the partition of power in the Government of India should be analogous to that which exists in the Government of England; that the Executive Council should exercise the same prerogatives which at home belong to the Crown; and that an Act of the Legislative Council should be necessary in all cases in which, at home, an Act of Parliament is required. If we put this sense in the clause, and I am unable to find any more probable sense, it follows that the army cannot be augmented in time of peace; that taxes cannot be imposed even for local purposes; that money cannot be borrowed on the public faith of the Indian empire, without a vote of the Legislative Council. No state prisoner can be detained in custody without such a vote. No treaty with any neighbouring power, stipulating for any payment of money on our part, will be binding without such a vote.

7. It is plain that, if this rule be adopted, the Legislative Council will exercise in India, as a Parliament exercises in England, a control over almost all the proceedings of the Executive Government. Though the fourth member may have no vote on a question, for example

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example, of going to war, yet he will have a vote when the question is about furnishing the sinews of war, and his opposition on the question of supply may prevent the Executive Council from carrying its purposes into effect, or may force the Governor-General to have recourse to his extraordinary authority.

8. Whether this be or be not the sense in which the words of the Act are to be understood, I am altogether in doubt. I wish these doubts to be submitted to the Court of Directors; and, until an explanation shall arrive from home, I shall leave it to the Governor-General and the other members of Council to determine what share of the public business they will assign to me, neither intruding myself into any deliberations from which they think that I ought to be excluded, nor declining any labour or any responsibility which they may invite me to share with them.

(signed) *T. B. Macaulay.*

Ootacamund, 27 June 1834.

(No. 8.)

MINUTE by the Governor-General. 31 July 1834.

In reference to Mr. Macaulay's minute of the 27th of June, respecting his own position in Council, I feel it to be unnecessary for me, even were I competent to the task, to offer any opinion upon the legal and constitutional difficulties he has so clearly described, and which can only be solved by the authorities to whom they have been addressed.

2. There is, however, another view of this subject, precisely bearing upon the same point, that is much less complicated and theoretical, and more within the reach of my humble judgment, which seems to me quite as deserving of consideration as the questions propounded by Mr. Macaulay.

3. I shall first assume, what indeed is my opinion, that the new Act has not altered the character of the Council; that it is one and the same for executive and legislative purposes; that, in its executive capacity, it can make peace and war, raise money, and do all that it has heretofore done, without requiring the interference of the same Council, in its legislative capacity, to give validity to its acts; and that the only restrictions imposed upon its powers of legislation are, that in making laws it must have the advice of the fourth member, and that no law can pass unless three ordinary members be present at the Council; and it is further directed, that the fourth member shall not be entitled to sit or vote in the Council, except at meetings for making laws and regulations, which must mean that he shall take no part, perhaps that he shall not even be present.

4. It is to this particular point, the exclusion of the fourth member from the ordinary sittings of the Council, to which I wish particularly to advert, as detracting very much from his usefulness, if not incapacitating him from the very important duties confided to him by the Legislature. Mr. Macaulay has never been in India; and he and his successors, like the greater part of the past, and probably of future Governors and Governor-Generals, as a stranger to the country for which he is to play the principal part, in making laws and regulations, he certainly may give most useful advice to the Council in the drawing up of their laws, so that they shall contain nothing either repugnant to the laws of England, or at variance with the enlightened spirit of the age. All this knowledge, which the fourth member may be supposed peculiarly to possess, will be highly useful in giving simplicity and clearness to our laws, in rendering them more philosophical, and therefore better and wiser, and more likely to harmonise with the feelings of the distinct races which we have to govern. But all this is mere theory of the art which he is come to exercise. Where is he to gain his practical knowledge of the state of society, of its manners, its feelings, and its customs? How is he to discover what there is to remedy, to reform, or to preserve? How is he to discover the abuses or the imperfection of our administration in any of its branches, revenue, judicial, or police? How is he to become acquainted with the effect of the existing laws and institutions upon the immense population? He must learn all this somewhere, or he will be a poor legislator. From the people themselves, the main objects of his care, he will learn nothing. They are not consulted, and hitherto they have had no means of making themselves heard. With them he can have little intercourse, and to the greater part of the European residents, any correct information upon all these details is as inaccessible as to himself. He can only learn his lessons in the same way that all Governors, who have been strangers, have done before him, by following, day by day, the reports of all the functionaries of the empire, and by hearing in every week's consultations not an insulated opinion only, which might be gained elsewhere, but the general discussion of all questions, and the results of the long experience of the able and responsible men who compose the Council. The proceedings of the Government contain the only real record of present life, and of the actually passing condition of India, although I must admit that these must remain but a very imperfect index either to the feelings of the people, or to the effect of our laws and regulations, until the natives themselves can be more mixed in their own government, and become responsible advisers and partners in the administration. In short, I cannot but think that the introduction of this restriction, as it seems to have been a late and sudden

act

act, was not well considered; for it cannot surely be advisable, at the same time that you declare the Council, as hitherto constituted, to be lame and insufficient for the purposes of legislation, thus to blindfold the single guide appointed to conduct them in their way. Appendix, No. 16

5. I might stop here, but I will beg leave to say further, that in my judgment the exclusion in question operates as prejudicially upon the general Executive Government as it does upon the same Council in its legislative capacity. I have, upon another occasion, suggested the advantage to our judicial administration of introducing into our superior courts, strangers, not mere English lawyers, but men well acquainted with the science and philosophy of law, who might look into the practice of our courts, and into the actual working of our regulations in the Mofussil, unbiassed by ancient prejudice, or the exclusiveness of the civil service; and who might be able to point out how the modern improvements of Europe could be brought to bear upon the Indian system. In like manner I feel about the Council. There has been created a new appointment, which will always be filled, it is to be presumed, by a man of the first talent, and of the highest attainments. Why cast away the prodigious benefit to be derived from such an adviser in a Council of four only, to whom such mighty interests are entrusted? It has happened that the Council of India, since its formation, has been as much occupied with the execution of the provisions of the new Bill and with legislation as by other matters, and I have therefore felt it my duty always to call for the assistance of a full Council. And I have considered myself peculiarly fortunate in the occasion that has placed Mr. Ironside's services at my disposal. I am satisfied there is not a member of the Council that would not readily testify to the very great value of the aid we have derived from the fourth member in the decision of the many difficult and important questions that have come before us. In the course of these consultations, I have felt the difficulty of exactly interpreting the meaning of the clause respecting the fourth member's duties. When and where does legislation begin? In every Council, particularly in the Political Department, questions have come before us appertaining to international law, reciprocal jurisdiction, claims for fugitives, &c.; and again, in the establishing an administration, comprehending the whole internal management both in Mysore and Coorg, both countries not yet within the the pale of our territories. Do such subjects come within the province of the fourth councillor's interposition? There are many representations and references to each Council in the other departments, save the military, upon which the question may, and does often arise, whether some legal enactment should not take place. Is it at this stage of the deliberation, or when the framing of the law has been determined, that we are to call in the fourth member? There will be endless doubts upon this point, and I will take the liberty of stating an opinion as to a result which will not have been in the contemplation of the inventor of this exclusion, that with this latitude of construction, a Governor-general, if he so fancies, will have it in his power to make a mere cypher of this important personage.

(signed) *W. C. Bentinck*,
Governor-General.

Ootacamund, 31 July 1834.

In India Legislative Letter, 24 August (No. 2) 1835.

Extract Minute by the Honourable *T. B. Macaulay*, Esq., dated 13 June 1835.

If Mr. Prinsep's resolution be adopted, a draft of the law of the highest importance may be sent to Calcutta by the Governor of Fort St. George in Council. The Executive Council may have this draft before them for a considerable time in the judicial or financial department. Long minutes may be recorded on it by the Governor-General, and by the three senior members of Council; fresh information may be called for; circulars may be sent all over the country; a copious correspondence may take place with the Madras Government; references may be made to the Law Commission, and answers received; this may go on for six months, and during all this time the fourth member of Council, sent to this country expressly for the purpose of legislation, solemnly reminded by the Court in their late despatch that though all the members of the Council are entitled to propose and discuss laws, his time and faculties are to be peculiarly devoted to that department of public business, considered both here and at home as especially responsible for the manner in which the work of legislation is carried on, would have no right to see a single paper or to hear a single discussion, and would certainly be precluded from voting on any question and from recording any opinion. Respecting drafts of laws.

By the kindness of the late and present Governor-General and of my collegues, I have been permitted to see every public document and to assist at every deliberation; but this may not always be the case. A Governor-General may be on bad terms with the fourth member of Council. Such a Governor-General would be borne out by the letter of the Act of Parliament in excluding the fourth member from all knowledge of what was doing in the executive departments of the Government. Mr. Prinsep proposes to transfer to the executive department half the business of legislation. If this course be adopted, it will be in the power of the Governor-General to oust the fourth member of Council from the great part of his legislative functions.

I deny both the expediency and the legality of such an arrangement; I deny the expediency of admitting a person to vote on the passing of a law, who has not been admitted to take part in all the preceding discussions on it; I deny the legal right of the Council of

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India to exclude the fourth member of Council while they are deliberating on a draft of a law in the financial or judicial department; I claim for myself and my successors a legal right to record an opinion and to give a vote, not merely on the final passing of a law, but on every question which may arise respecting a law in any of its stages. The Council, I trust, will not decide against this claim without a reference home.

I have done my best to make out the reasons on which Mr. Prinsep grounds his proposition, but I am quite at a loss to understand them. He says that the public authorities must not be taught to believe that they have two masters; that question is for higher authority than ours. Parliament has thought fit to confide the Executive Government of India to one body, and the Supreme Legislative Power to another body. If this be an evil, let us apply to the Home Authorities to rid us of it. Indeed we have already done so. The Council at Ootacamund agree in recommending to the Court of Directors that proper measures should be taken for removing the restriction laid on the fourth member of Council. But as the law now stands the Indian empire has two masters, and we cannot repeal the law. There is a Supreme Executive Council and a Supreme Legislative Council; and, whether this be a convenient arrangement or not, we cannot lawfully transfer the functions of the Supreme Legislative Council to the Executive Council.

Mr. Prinsep proceed thus: "Suppose too an order from the Legislative Council should be neglected or disobeyed, whence is the punishment to come? If the Legislative Council were to take the enforcement of its orders in its own hands it would soon become an Executive Council, and the functions of the different branches of the Government would be confounded."

The danger then is, that the functions of the executive and legislative branches of the Government should be confounded, and the remedy is to jumble them together in inextricable confusion. That the Legislative Council should become an Executive Council would be a frightful evil, but that the Executive Council should become a Legislative Council is no evil at all. And how does Mr. Prinsep's proposition meet the difficulty which he has raised? Suppose that his rules are adopted: the Legislative Council wants information on some question; it applies to the Executive Council; the Executive Council neglects to procure the information; whence is punishment to come? how is the information to be procured? If the Legislative and Executive Councils differ this case might easily arise; if, on the other hand, they always agree, there is an end of the argument about the two masters.

The right course seems to me very obvious: when Parliament gave us the power of legislating it gave us also, by necessary implication, all the powers without which it is impossible to legislate well. I see no reason why the Legislative Council may not correspond directly with the subordinate Governments and with the Law Commission; why it may not directly call for information from any public functionary; why it may not, if it is considering the draft of a law, or a military or a financial subject, require the attendance of the military or financial secretary. In no government would I sacrifice substantial convenience to forms; least of all would I make such a sacrifice in a government so new as this, in a government which owes nothing to ancient associations.

If, however, it be the opinion of gentlemen more experienced than myself that there would be an advantage in interposing the Executive Council as a mere organ of communication between the Legislature and other bodies, though I must own that I do not conceive that the dignity of the Executive Council would be raised by such a course, and though I fear that much delay and inconvenience would result from it, I will not press my objections. But in that case it will be fit that the Executive Council should be merely an organ of transmission; that its letters should be mere echoes of the communications made to it by the Legislature; and that it should instantly transmit to the Legislature every paper relating to legislation which might be sent to any executive department; thus far I am ready to go. But that the Executive Council should, as Mr. Prinsep proposes, take on itself the greater part of the business of legislation would be, I again repeat, a most reprehensible course. It would be in the highest degree inexpedient; it would be a direct violation of the Act of Parliament; it would be a direct violation of the latest orders received from the Court of Directors; nor would there be, as far as I can perceive, a single compensating advantage to set off against these objections.

In India Legislative Letter, 12 May (No. 9) 1843.

Extract Minute by the Honourable Mr. *Amos*, dated 27 January 1843.

Besides questions purely legislative, numerous points have been settled in Council depending on legal grounds, and which arose in other departments of Government, both in the judicial, revenue, general, political, military, and ecclesiastical. The fourth member of Council has been called on to assist the Government upon various important questions arising in each of these departments. It may be proper here to observe, that the Advocate-General, if he be a person possessing long experience in the administration of English law, may be very capable of advising the Council upon technical points, in which they themselves perceive difficulty, and where it does not require to be pointed out to them, and he may be well able to put into technical form any legislative measures upon which the Council has resolved. It does not follow from the qualifications, according to which it is presumed that he is appointed, that he is versed in general principles of jurisprudence and legislation, though doubtless

doubtless this may occasionally happen, and he may be consulted with advantage upon such matters. But these, I apprehend, constitute a small and confined portion of the duties of the legislative member of Council, even according to the strict interpretation of the statute. But if (as till lately has been the practice) it be intended that the legislative member shall acquaint himself with the general administration of Indian Government in all its departments, such an acquaintance being of unquestionable importance in many legislative deliberations, then, I think, it would be preposterous to suppose that his duties could be properly performed by the Advocate-General. Appendix, No. 10.

It is here necessary to observe, that the business of Council may be thought to press somewhat less heavily on the President of the Commission, if the course be continued of excluding the fourth member from being present at meetings of Council during the transaction of the business of any other department than the legislative. This course, which is in strictness quite legal, and is most consonant to the Act of Parliament, was adopted when Lord Ellenborough assumed the Government, though, I believe, by no means in consequence of the opinions or wishes of the other members of Council. Lord William Bentinck and Lord Auckland have both written minutes in favour of the practice which has been superseded, and the Court has especially approved of that practice. There can be no doubt, I think, that the new course must render the legislative member much less efficient to the discharge of his peculiar duties, especially for the first two or three years after his arrival, whilst in the departments of Government, in the deliberations of which he used to be present without interfering, an immediate reference to him on, or occasional suggestions by him on purely legal points, has, I am satisfied, often been found highly convenient. It may perhaps be thought that the time which, according to the new course, has been saved to the fourth member from the business of Council, will not be wholly gained for the Commission. For very often the discussion occurring on papers in other departments of Government than the legislative, but which has led to some legislative measures, have, I am persuaded, obviated the necessity of my making inquiries which would have consumed much more time, and would probably have been much less satisfactory.

EXTRACT Minute by the Honourable *W. W. Bird*, dated 4 May 1842.

6th. THE Council of India should, I am of opinion, consist, besides the Commander-in-Chief as an extraordinary member, of one military and two civil ordinary members, as at present, with the addition of a member from the civil services of Madras and Bombay, to be withdrawn from the Councils of those Presidencies, and to take a part, like the rest, in all questions coming before it, and as a law member in some shape or other cannot, I think, be conveniently dispensed with, he, too, should have a voice in all matters judicial, revenue, and commercial, as well as legislative. He need not, perhaps, have anything to do with political and military affairs, but unless he sees and becomes acquainted with everything connected with the internal civil administration, he cannot possibly discharge as he ought his legislative duties. In legislative letter, dated 12 May (No. 9) 1843.

EXTRACT Minute by the Honourable *T. H. Maddock*, dated 8 May 1843.

SINCE the passing of the Charter Act in 1833, great advantage has attended the presence in Council of a member of the Government, competent to advise it on doubtful points of law at the moment when they occur. Hearing and entering into such discussions as take place at the Council Board, regarding proposed acts of the Legislature, he becomes thoroughly informed of the views of Government, and is enabled to prepare drafts of laws with an accuracy and promptitude that could hardly be expected under any other arrangement. The general legislation of the Government has by this aid proceeded without communication with the Law Commission, and the most important laws have been passed without any reference to that body. The business of legislation would be greatly retarded if the Government had to consult any one out of Council on every Act pending or in contemplation. In legislative letter, dated 12 May (No. 9) 1843.

I entirely concur in opinion with Mr. Bird, that the law member of the Council of India should be present in Council at all meetings, where matters relating to the general administration in the home department of the Government are under discussion. In legislative letter, dated 12 May (No. 9) 1843.

EXTRACT Minute by the Honourable Major-General Sir *W. Casement*, K.C.B.

IT is impossible, I think, to deny, looking at all that has been done, and all that remains to us and to our successors to do, that a return to the old constitution of the Council, unassisted by legal learning and experience, would quite unfit it for the duties it has to perform. I do not know, indeed, that the authorities at home have any such measure in contemplation. But lest the idea should be entertained in any quarter, I would express by firm conviction, in accordance with the view taken by Lord William Bentinck's Government, that the presence of a learned and judicious English lawyer as a member of the Legislative Council, is indispensable to a right exercise of the functions of the Indian Legislature. The aid which we have In legislative letter, dated 12 May (No. 9) 1843.

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have had from such a member, and which will be even more necessary as the Council advances to those difficult questions which I have shown yet remain for its consideration, could only, in a comparatively very small degree, be given by one or more of the Judges of the Supreme Court, to whose employment in that capacity there exist at the same time, as has been remarked by Sir Edward Ryan in his Minute of 2 October 1839, the strongest objections, founded upon a principle of very general application, and upon the wisest and most enlarged views of political expediency, and the constitution of human society. The Advocate-General might, to a limited extent, supply the information which the Council would need, if it had no legal member; but the value of his advice would usually be less than, under such circumstances, the Council would require. His engrossing practice, as a barrister, would always be in the way of that deliberate attention to legislative measures, which would be indispensably necessary to their success; and his position in other respects might be unfavourable to independent discussion, and would certainly prevent his taking part, in the consideration of legislative questions with such readiness and freedom as is desirable, and which, I agree with the Honourable Court in thinking, will not be possessed by the legislative adviser of the Council, unless he be one of their body, and present if not actually taking a part, not only when laws are only in debate, but in all the deliberations of the Government, political and military deliberations perhaps excepted.

I repeat, therefore, that both from theory and from actual experience, I am strongly in favour of the continuance of that constitution of the Legislative Council which gives us the valuable assistance of an English lawyer, selected by the Home Government from among the profession on account of especial fitness; and I earnestly hope that no change will in this particular be allowed to take place.

In India Legislative Letter, dated 21 December (No. 25) 1843.

EXTRACT Minute by the Honourable *C. H. Cameron*, dated 17 November 1843.

THE Governor-General would abolish the fourth member and the Law Commission together. According to his Lordship, a *Parliamentum indoctum* is the proper legislature for India. I shall examine his reasonings on the subject at the close of this minute; in the meantime I concur with the majority of the Council in thinking that a member possessing a knowledge of law and jurisprudence is necessary to make up an efficient legislature; and I further agree with the majority, that "he should have (I quote from Mr. Bird's minute of 4 May 1843) a voice in all matters judicial, revenue, and commercial, as well as legislative." "He need not, perhaps," Mr. Bird continues, "have anything to do with political and military affairs, but unless he sees and becomes acquainted with everything connected with the internal civil administration, he cannot possibly discharge as he ought his legislative duties."

Parliamentum indoctum. *See* the account of the Parliament (6 Hen. 4), which was thus nicknamed by the lawyers, in revenge for their exclusion from it.—Blackstone's Commentaries, I. 177.

The four member may perhaps be able to discharge his legislative duties by having all the papers on the subject transferred to the legislative department as soon as any legislative proposition is made upon it, but undoubtedly it would be a much more convenient arrangement that he should assist at the deliberations of the Council upon all matters of internal administration.

An instance lately occurred which illustrates the inconvenience of the present arrangement. A draft of a despatch to the Court of Directors was prepared, requesting that the opinions of the Attorney and Solicitor General, and of the law officers of the Company, might be taken upon a number of extremely important and extremely difficult questions of constitutional law arising out of the late Charter Act.

The secretary supposing this despatch to be in the legislative department, sent the draft to me, and as I differed from some of the opinions which seemed to be implied in the draft, and was also desirous of giving what assistance I could to the home authorities in the solution of the questions raised, I wrote a minute which I intended to accompany the despatch. It was decided, however, that the despatch was in the political, and not in the legislative department, and consequently my minute could not be admitted as a number in it. I do not suppose I shall be accused of setting up myself as an authority upon Indian constitutional law, when I say that I am convinced that the Attorney and Solicitor General and the Company's Council would have been glad, before making up their minds upon these questions, to have seen them discussed by a lawyer, whose position has naturally induced him to bestow a good deal of reflection upon them.

I would give, then, to the fourth member of Council complete means of information upon all matters, revenue and judicial, as well as legislative, and access to the debates of the Education Council for that purpose, but I would not cast upon him the responsibility which belongs to the other councillors in revenue and judicial matters, lest he should not have the time necessary for maturing legislative measures. I would make his connexion with the revenue and judicial department entirely subsidiary to his legislative duties.

EXTRACT Minute by the Governor-General, dated 25 November 1843.

MR. CAMERON appears to be under the impression that a gentleman who has been called to the bar in England must, if he should be appointed legal member of the Council, be peculiarly

peculiarly competent to legislate for India; and that without the presence of such legal member the Legislative Council would be a "*Parliamentum indoctum.*" Appendix, No. 10.

In truth, however, if any member of the Council be peculiarly entitled to the term "*Indoctus*," it is rather the English barrister who knows nothing of India, than the old servant of the Indian Government who has for 30 or 40 years been acquainted with the people, and with the various branches of the administration. It is for statesmen to decide upon the objects of legislation; it is well for them to be enabled to avail themselves of the aid of barristers in framing laws, but the proper function of a barrister is to know the law, and to explain it.

Any sound lawyer of established reputation can afford to the Government of India all the aid it can require in legislative as well as in legal matters, without being made a member of the Council; and certainly there is nothing in Mr. Cameron's minute to change my previous opinion that all such aid as is required can be more conveniently rendered by a barrister in the position of Advocate-General, than in that of member of Council.

EXTRACT Minute by the Honourable *W. W. Bird*, dated 5 December 1843.

5. I now broadly state it to be my opinion that no man, let his talents be what they may, and whether he be a member of Council or a Law Commissioner, is qualified to legislate for India unless he takes a part in all matters judicial, revenue, and commercial, as well as legislative, and has the opportunity of becoming practically acquainted with the civil administration of the country. I draw no invidious comparisons between members of Council and Law Commissioners, but this I say, and it is the result of considerable experience of both, that so long as either of them see nothing of what is going on, and take no part in the general Government, they cannot possess the local knowledge and experience necessary to qualify them for discharging as they ought their legislative duties.

In India Legislative Letter, 16 March (No. 6) 1844.

(No. 1.)

EXTRACT India Legislative Consultations, 16 March 1844.

MINUTE by the Right Honourable the Governor-General, dated Benares, 18 February 1844.

THE Court of Directors, in their letter dated the 29th November 1843, have intimated their "desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations," but have at the same time cautioned us to bear in mind, that at such meetings only is he entitled to a voice at our proceedings.

It is impossible to regard this otherwise than as a mere expression of the opinion and wish of the Court. If the words used could be regarded as conveying a "direction," by virtue of such direction the fourth member of Council would become entitled to sit at meetings not held for the purpose of passing laws and regulations; but the last Charter Act expressly provides that the fourth member of Council shall not be entitled to sit or vote in the Council except at meetings thereof for making laws and regulations, therefore any such "direction" given by the Court would be altogether invalid, because inconsistent with the Act of Parliament, from which alone the Court derive their authority. 3 & 4 Will. 4, c. 85, s. 40.

The Council of India, as established by the Act of Parliament, is as much a part of the constitution of India as the Court of Directors, and it is the duty of the Council to guard with jealousy its rights, to resist all infringement of its powers, and above all to treat as utterly null every direction which, if obeyed, would change its composition.

Considering, however, that the Court can only have intended to convey an intimation of their opinion and of their wish, and not to send a direction which they are not by law competent to give, we may properly show our respect for the opinion of the Court by carrying into effect their wish that the fourth member of Council should sit at meetings of the Council not held for the purpose of making laws and regulations in as far as it may appear that his presence may not be injurious to the public service; but it must at all times be borne in mind that above all things secrecy in Council and promptitude of action are essential to the successful conduct of public affairs in India, and it must also be understood that any individual member of the Council may at any time, if he shall see fit, require that any person shall withdraw from the Council who is not entitled to sit therein by the Act of Parliament.

(signed) *Ellenborough.*

Appendix, No. 10.

(No. 2.)

MINUTE by the Honourable *W. W. Bird*, dated 24 February 1844.

Court of Directors' letter, dated 29 November 1843, regarding the fourth member of Council.

I HAVE seen the Minute of the Governor-general, dated the 18th instant, on the letter from the Honourable the Court of Directors, intimating their desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations, and reminding us at the same time, that at such meetings only is he entitled to a voice in our proceedings.

The intimation from the Honourable Court has confessedly been made in consequence of the opinion expressed here, and by no means more strongly than myself, regarding the unfitness for exercising legislative powers of those who see nothing of the internal administration of the country. This unfitness, after long observation, has struck me so forcibly, that I have not hesitated to ascribe to it the differences of opinion which have almost uniformly been found to exist between the Government and the Law Commissioners on almost every legislative project which has come under discussion; and I continue to think it absolutely necessary, for the full efficiency of the fourth member of Council, that he should attend not merely the legislative meetings, but all meetings at which the civil administration of India may be brought under consideration.

With these views, and in deference to the wishes of the Honourable the Court of Directors communicated in reply to our own representations, I would suggest that the fourth member of Council be summoned to attend all meetings in the Home Department, and that the papers connected with that department be regularly circulated for his perusal in common with the other members.

In regard to his being required to withdraw at any time, I do not think that any individual member should have the power of enforcing such a requisition without the concurrence of the other members, but he may propose his withdrawal, and the question must be determined, as in all other cases, by the voice of the Council at large.

(signed) *W. W. Bird.*

(No. 3.)

MINUTE by the Honourable *T. H. Maddock*, dated 26 February 1844.

Court's letter regarding the fourth ordinary member of Council, and his presence in Council at consultations not on legislative subjects.

IF not absolutely necessary, it is, I think, highly desirable that the fourth ordinary member should be generally present in Council at all our deliberations on subjects connected with the internal administration of the country, and we shall, I conceive, sufficiently meet the expressed wishes of the Honourable Court by summoning Mr. Cameron to attend and be present at the Council Board during the proceedings of Government in the Home as well as in the Legislative Department. It appears quite unnecessary to require the attendance of the fourth ordinary member at those meetings of the Council which are devoted to the consideration of military and political questions; and it may be considered objectionable in principle that, being an irresponsible party, he should be allowed to be present at times when the Government may be deliberating on questions of foreign policy of war or of peace, or on any matters requiring secresy.

If the attendance of the fourth ordinary member is limited, as here proposed, I can hardly contemplate the possible occurrence of the necessity for so unpleasant a measure as that of desiring him to withdraw.

The only objection that can be made to Mr. Bird's recommendation, that all papers in the Home Department should be sent to the fourth ordinary member for his perusal before they are considered at the Council table, is the additional delay which will attend the circulation of the papers, and that may be avoided by arrangements to ensure promptitude in the circulation of such papers as require dispatch.

(signed) *T. H. Maddock.*

(No. 4.)

MINUTE by the Right Honourable the Governor-General, dated 28th February 1844.

INASMUCH as the fourth member of Council is not entitled by Act of Parliament to sit in Council, except at meetings thereof for the making of laws, it must of necessity be in the power of any member of the Council to desire that the fourth member should withdraw from any Council not held for that object, that is, to require the due observance of the Act of Parliament. It may very possibly never be deemed necessary by any member of the Council to exercise this his undoubted privilege; but in a minute referring to the law, it was necessary clearly to state what the law is, and to guard jealously all the privileges of those who are alone entitled on all occasions to sit and vote in the Council of India.

(signed) *Ellenborough.*

(No. 5.) Appendix, No. 16.

FROM the Government of India to the Honourable *C. H. Cameron*, dated Council Chamber, 4 March 1844.

Honourable Sir,

WE are of opinion that a more extensive knowledge than you are at present enabled to obtain of the revenue and judicial administration of the country, would tend to facilitate the performance of your duties as a Legislative Councillor: and we propose, should you concur with us in this opinion, to communicate to you such more important papers connected with those two branches of the Civil Government as may seem to be calculated to afford you valuable information with respect to its details.

We likewise propose to request your attendance in the Council when important matters connected with the revenue and judicial administration may be under consideration. You must be aware that the matters which come before the Council even in the Civil Departments generally press for early, if not immediate decision, and that any arrangement intended to facilitate your acquisition of a knowledge of the details of the administration must be so guarded as not to diminish that promptitude of action which is essential to the conduct of affairs in India.

We have, &c.
(signed) *Ellenborough.*
W. W. Bird.
Wm. Casement.
T. H. Maddock.

(No. 6.)

FROM the Honourable *C. H. Cameron* to the Governor-General in Council, dated 7 March 1844.

Right Honourable Lord and Honourable Sirs,

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant. In that letter you inform me that you are of opinion that a more extensive knowledge than I am at present enabled to obtain of the revenue and judicial administration of the country would lead to facilitate the performance of my duties as a Legislative Councillor; and that you propose, should I concur with you in this opinion, to communicate to me such more important papers connected with those two branches of the Civil Government as may seem to be calculated to afford me valuable information with respect to its details.

In answer, I beg to state, that I do entirely concur in the opinion you have expressed, and that I shall be happy to have such papers as you have described communicated to me.

You further inform me, that you propose to request my attendance in the Council, when important matters connected with the revenue and judicial administration may be under consideration.

I shall most readily attend as fourth member of Council at any meetings of the Council at which you may think my attendance can be advantageous to the public service.

With respect to the arrangements intended to facilitate my acquisition of a knowledge of the details of the administration, I have no doubt you will take care that they shall be as effectual for that purpose as is consistent with the due performance of your own executive functions.

I have, &c.
(signed) *C. H. Cameron.*

IN India Legislative Letter, 15 July (No. 14) 1850.

THAT part of the last Charter Act which relates to the constitution of the Government of India, contains the following provision:

"And that the fourth ordinary member of the Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal sign manual, countersigned by the President of the said Board; provided that such last mentioned member of Council shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations." 3 & 4 Will. 4, c. 85. s. 40.

The Honourable the Court of Directors, in communicating their views on the above Act, remarked as follows:—

Para. 19. "While thus considering the deliberative part of your duties, our attention is necessarily led to one important alteration which the Act has made in the constitution of the Supreme Council. We allude to the appointment of the fourth ordinary member of the Council, as described in the 40th clause." Public letter (No. 44) of 1834, dated 10 December.

20. "In

Appendix, No. 10.

20. "In the first and simplest view of this remarkable provision, the presence and assistance of the fourth councillor must be regarded as a substitute for that sanction of the Supreme Court of Judicature, which has hitherto been necessary to the validity of regulations affecting the inhabitants of the Presidencies, which under the new system will no longer be required. It is, however, evident that the view of the Legislature extended beyond the mere object of providing such a substitute.

21. "The concurrence of the fourth member of Council may be wanting to a law, and the law may be good still, even his absence at the time of enactment will not vitiate the law; but Parliament manifestly intended that the whole of his time and attention, and all the resources of knowledge or ability which he may possess, should be employed in promoting the due discharge of the legislative functions of the Council. He has, indeed, no pre-eminent control over the duties of this department, but he is peculiarly charged with them in all their ramifications. His will naturally be the principal share, not only in the task of giving shape and connexion to the several laws as they pass, but also in the mighty labour of collecting all that local information, and calling into view all those general considerations which belong to each occasion, and of thus enabling the Council to embody the abstract and essential principles of good government in regulations adapted to the peculiar habits, character, and institutions of the vast and infinitely diversified people under their sway.

22. "It will be observed that the fourth member is declared not to be entitled to sit or vote in the Council, except at meetings for the making of laws and regulations.

23. "We do not, however, perceive that you are precluded by anything in the law from availing yourselves of his presence without his vote on any occasion on which you may think it desirable. And in many, if not all of the subjects on which your deliberations may turn, an intimate knowledge of what passes in Council will be of essential service to him in the discharge of his legislative functions. Unless he is in habits of constant communication and entire confidence with his colleagues, unless he is familiar with the details of internal administration, with the grounds on which the Government acts, and with the information by which it is guided, he cannot possibly sustain his part in the legislative conferences or measures, with the knowledge, readiness, and independence essential to a due performance of his duty."

The Honourable Mr. Macaulay, on the occasion of taking his seat as fourth ordinary member of Council, recorded the following minute respecting his position in Council:

Minute by the Honourable Mr. Macaulay, dated Ootacamund, 27 June 1834.

"I feel it to be my duty on entering upon my new functions to bring under the notice of his Lordship in Council the great difficulties of the situation in which I am placed. The clause of the Act of Parliament which defines my powers is so worded, that until it is explained by some competent authority I shall be constantly in doubt as to the course which I ought to pursue. I shall scarcely ever be able to act without an apprehension that I may be intermeddling in what does not concern me, or to refrain from acting without an apprehension that I may be shrinking from labour and responsibility which it is my duty to encounter.

2. "As I was a member of the House of Commons and Secretary to the Commissioners for the Affairs of India during the year 1833, I should have been inexcusable if I had not given the closest attention to the provisions of the Act. It may be thought therefore that I ought to be able to furnish explanations instead of being forced to ask for them. I hope that in my own vindication, and without the least disrespect to any branch of the Legislature, I may be permitted to mention what is now matter of history, that the words of which I desire to have an explanation were not in the Bill when it passed the House of Commons, but were added at a very late stage; I think on the third reading in the House of Lords.

"The words to which I refer are these: 'Provided that such last mentioned member of Council shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations.'

3. "India, then, is under the government of two Councils, differently composed, the one a legislative, the other an executive body. It seems to me that something more than the words which I have quoted was required to define the provinces of these two authorities. During the last 60 years many constitutions have been framed in Europe and in America, and I will venture to say that there is not one of those constitutions in which it has not been thought necessary to draw the line between the functions of the executive and those of the legislative body with a degree of care and precision very different from what is to be found in the words which I have quoted.

4. "And the reason is obvious. The line which separates legislative from executive proceedings is not a natural but an arbitrary line. It is differently drawn in different countries at the same time, and in the same country at different times. In England the declaring of war is an executive act. By the constitutions of some other countries it is a legislative act. In England, at present, the executive power can pardon any criminal. In the time of the Commonwealth the Protector could not pardon murder. An Act of the Legislature was necessary. Indeed the history of the East India Company furnishes an excellent illustration of my meaning. It was long disputed among lawyers whether the exclusive commercial privileges once enjoyed by that body could be legally conferred by the executive power, or whether an Act of the Legislature was necessary. In Elizabeth's time the

the doctrine favourable to the executive power was generally admitted. Since the Revolution it has been almost universally held that an Act of Parliament alone could give a monopoly to any person or corporation. It would be easy to multiply instances. But those which I have given are sufficient to show that the line between legislative and executive proceedings is very differently drawn in different places and in different ages.

5. "Where then is it to be drawn in the Indian Government? The Act of Parliament constitutes an Executive and a Legislative Council. But it makes no partition of power between them. Hitherto no doubts could arise, because there was a single body which possessed the whole power, legislative and executive. Under the new system doubts will arise every day, unless something be done to set them at rest.

6. "In the absence of all explanatory words it seems not unnatural to suppose the intention of the Legislature to have been, that the partition of power in the Government of India should be analogous to that which exists in the Government of England; that the Executive Council should exercise the same prerogatives which at home belong to the Crown, and that an Act of the Legislative Council should be necessary in all cases in which, at home, an Act of Parliament is required. If we put this sense in the clause, and I am unable to find any more probable sense, it follows that the army cannot be augmented in time of peace, that taxes cannot be imposed even for local purposes, that money cannot be borrowed on the public faith of the Indian empire without a vote of the Legislative Council. No state prisoner can be detained in custody without such a vote. No treaty with any neighbouring power, stipulating for any payment of money on our part, will be binding without such a vote. It is plain that, if this rule be adopted, the Legislative Council will exercise in India, as the Parliament exercises in England, a control over almost all the proceedings of the Executive Government. Though the fourth member may have no vote on a question, for example, of going to war, yet he will have a vote when the question is about furnishing the sinews of war, and his opposition in the question of supply may prevent the Executive Council from carrying its purposes into effect, or may force the Governor-General to have recourse to his extraordinary authority.

8. "Whether this be or be not the sense in which the words of the Act are to be understood, I am altogether in doubt. I wish these doubts to be submitted to the Court of Directors; and until an explanation shall arrive from home, I shall leave it to the Governor-General and the other members of the Council to determine what share of the public business they will assign to me, neither intruding myself into any deliberations from which they think that I ought to be excluded, nor declining any labour, or any responsibility, which they may invite me to share with them."

The Governor-General (Lord William Bentinck) recorded his views on the subject as follows:—

Minute by the Governor-General, dated Ootacamund, 31 July 1834.

"In reference to Mr. Macaulay's minute of the 27th June, respecting his own position in Council, I feel it to be unnecessary for me, even were I competent to the task, to offer any opinion upon the legal and constitutional difficulties he has so clearly described, and which can only be solved by the authorities to whom they have been addressed.

2. "There is, however, another view of this subject, precisely bearing upon the same point, that is much less complicated and theoretical, and more within the reach of my humble judgment, which seems to me quite as deserving of consideration as the questions proposed by Mr. Macaulay.

3. "I shall first assume, what indeed is my opinion, that the new Act has not altered the character of the Council, that it is one and the same for executive and legislative purposes; that in its executive capacity it can make peace and war, raise money, and do all that it has heretofore done, without requiring the interference of the same Council, in its legislative capacity, to give validity to its acts, and that the only restrictions imposed upon its power of legislation are, that in making laws it must have the advice of the fourth member, and that no law can pass unless three ordinary members be present at the Council; and it is further directed, that the fourth member shall not be entitled to sit or vote in the Council except at meetings for making laws and regulations, which must mean that he shall take no part; perhaps that he shall not even be present.

4. "It is this particular point, the exclusion of the fourth member from the ordinary sittings of the Council, to which I wish particularly to advert as detracting very much from his usefulness, if not incapacitating him from the very important duties confided to him by the Legislature. Mr. Macaulay has never been in India, and he, and his successors, like the greater part of the past, and probably of future Governors and Governor-Generals, is a stranger. As a stranger to the country for which he is to play the principal part in making laws and regulations, he certainly may give most useful advice to the Council in the drawing up of their laws, so that they shall contain nothing either repugnant to the laws of England, or at variance with the enlightened spirit of the age. All this knowledge, which the fourth member may be supposed peculiarly to possess, will be highly useful in giving simplicity and clearness to our laws, in rendering them more philosophical, and therefore better and wiser, and more likely to harmonise with the feelings of the distant races which we have to govern. But all this is the mere theory of the art which he is come to exercise. Where is he to gain his practical knowledge of the state of society, of its manners, its feelings, and its

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its customs? How is he to discover what there is to remedy, to reform, or to preserve? How is he to discover the abuses or the imperfection of our administration in any of its branches, revenue, judicial, or police? How is he to become acquainted with the effect of the existing laws and institutions upon the immense population? He must learn all this somewhere, or he must be a poor legislator; from the people themselves, the main objects of his care, he will learn nothing; they are not consulted, and hitherto they have had no means of making themselves heard. With them he can have little intercourse, and to the greater part of the European residents any correct information upon all these details is as inaccessible as to himself; he can only learn his lesson in the same way that all Governors, who have been strangers, have done before him, by following day by day the reports of all the functionaries of the empire, and by hearing in every week's consultations, not an insulated opinion only, which might be gained elsewhere, but the general discussion of all questions, and the results of the long experience of the able and responsible men who compose the Council. The proceedings of the Government contain the only real record of present life, and of the actually passing condition of India; although I must admit that these must remain but a very imperfect index either to the feelings of the people, or to the effect of our laws and regulations, until the natives themselves can be more mixed in their own government, and become responsible advisers and partners in the administration. In short, I cannot but think that the introduction of this restriction, as it seems to have been a late and sudden act, was not well considered; for it cannot surely be advisable, at the same time that you declare the Council, as hitherto constituted, to be lame and insufficient for the purposes of legislation, thus to blindfold the single guide appointed to conduct them in their way.

5. "I might stop here, but I will beg leave to say further, that in my judgment the exclusion in question operates as prejudicially upon the general Executive Government, as it does upon the same Council in its legislative capacity. I have upon another occasion suggested the advantage to our judicial administration of introducing into our superior courts, strangers, not mere English lawyers, but men well acquainted with the science and philosophy of law, who might look into the practice of our courts, and into the actual working of our regulations in the Mofussil, unbiassed by ancient prejudice, or the exclusiveness of the civil service, and who might be able to point out how the modern improvements of Europe could be brought to bear upon the Indian system. In like manner I feel about the Council. There has been created a new appointment which will always be filled, it is to be presumed, by a man of the first talent, and of the highest attainments. Why cast away the prodigious benefit to be derived from such an adviser in a Council of four only, to whom such mighty interests are entrusted? It has happened that the Council of India, since its formation, has been as much occupied with the execution of the provisions of the new Bill and with legislation as by other matters, and I have therefore felt it my duty always to call for the assistance of a full Council; and I have considered myself peculiarly fortunate in the occasion that has placed Mr. Ironside's services at my disposal; I am satisfied there is not a member of the Council that would not readily testify to the very great value of the aid we have derived from the fourth member in the decision of the many difficult and important questions that have come before us. In the course of these consultations, I have felt the difficulty of exactly interpreting the meaning of the clause respecting the fourth member's duties. When and where does legislation begin? In every Council, particularly in the Political Department, questions have come before us appertaining to international law, reciprocal jurisdiction, claims for fugitives, &c.; and again, in establishing an administration, comprehending the whole internal management, both in the Mysore and Coorg, both countries not yet within the pale of our territories; do such subjects come within the province of the fourth Councillor's interposition? There are many representations and references to each Council in the other departments, save the military, upon which the question may, and does often arise, whether some legal enactment should not take place. Is it at this stage of the deliberation, or when the framing of the law has been determined, that we are to call in the fourth member? There will be endless doubts upon this point, and I will take the liberty of stating an opinion as to a result which will not have been in the contemplation of the inventor of this exclusion, that with this latitude of construction, as Governor-General, if he so fancies, will have it in his power to make a mere cypher of this important personage."

Political letter to Court (No. 10), dated 9 August 1834.

Copies of the two foregoing minutes were forwarded for the consideration of the Honourable the Court of Directors, who, without taking any notice of the particular point referred, viz., "the exclusion of the fourth member from the ordinary sittings of the Council," forwarded the opinion in the negative of the law officers, on the following question raised by the remarks entered in the margin, contained in Mr. Macaulay's minute:

Legislative letter (No. 1) of 1835, dated 27 February: "The fourth member of Council may have no vote on a question, for example, of war, yet he will have a vote when the question is about furnishing the sinews of war; and his opposition on the question of supply may prevent the Executive Council from carrying its purpose into effect, or may force the Governor-General to have recourse to his extraordinary authority."

"Whether the Governor-General of India has the power of overruling the opinion of the majority of the Council of India, in a matter strictly legislative, and of making, altering, repealing, or suspending laws and regulations, and of imposing any tax or duty of his own authority."

Minute by Mr. Prinsep, dated 11 June.

In the course of the discussions that took place in 1835, as to the general principles on which rules for regulating the legislative proceedings of the Government of India ought to be framed, Mr. Prinsep considered the draught of the standing orders prepared by Mr. Macaulay to be defective, and suggested the expediency of keeping distinct the functions

tions of the Legislative and Executive Council. It is not necessary to enter here Mr. Prinsep's propositions, as Mr. Macaulay, in the following reply, has embodied them fully. Legislative Cons. 6 July 1835, (No. 10).

"Mr. Prinsep proposes that all the drafts of laws which are sent up by the subordinate Governments, shall, before they are laid before the Legislative Council, be considered by the Executive Council in the department to which they belong; that the Executive Council may amend them; that the Executive Council may frame and may discuss within itself drafts of laws, and then submit them to the Legislative Council; that all correspondence with all subordinate authorities, with the Law Commission, and with the local Governments, shall be carried on through the Executive Council only. Minute by Mr. Macaulay, dated 13 June. Legislative Cons. 6 July 1835, (No. 11).

"Now, if it be meant merely to put the Executive Council as an organ of communication between the Legislative Council and other authorities, if the consideration of drafts by the Executive Council is to be merely formal, if the letters written on matters connected with legislation, by order of the Executive Council, are to contain merely what the Legislative Council has directed, and if the answers are to be submitted to the Legislative Council for orders, though I think such a system in the highest degree cumbrous and inconvenient, yet, if persons more versed in Indian affairs than I am conceive that there is any advantage in it, I will not oppose it. I am at a loss to conceive what benefit it can produce, unless delay, perplexity, and the multiplication of unnecessary letters of transmission be benefits.

"But I do not understand this to be Mr. Prinsep's meaning; I understand him to propose that the Executive Council of India shall be competent to perform all acts incident to legislation, except the final passing of a law. I have not the smallest hesitation in saying, that this proposition is in the highest degree pernicious, and directly opposed to the spirit and letter both of the Act of Parliament, and of the instructions of the Court of Directors.

"If Mr. Prinsep's resolution be adopted, a draft of a law of the highest importance may be sent to Calcutta by the Governor of Fort St. George in Council; the Executive Council may have this draft before them for a considerable time in the Judicial or Financial Department; long minutes may be recorded in it by the Governor-General, and by the three senior members of Council; fresh information may be called for; circulars may be sent all over the country; a copious correspondence may take place with the Madras Government; references may be made to the Law Commission, and answers received; this may go on for six months, and during all this time the fourth member of Council, sent to this country expressly for the purpose of legislation, solemnly reminded by the Court in their late despatch, that though all the members of the Council are entitled to propose and discuss laws, his time and faculties are to be peculiarly devoted to that department of public business, considered both here and at home as especially responsible for the manner in which the work of legislation is carried on, could have no right to see a single paper, or to hear a single discussion, and would certainly be precluded from voting on any question, and from recording any opinion.

"By the kindness of the late and present Governor-General and of my colleagues, I have been permitted to see every public document, and to assist at every deliberation. But this may not always be the case. A Governor-General may be on bad terms with the fourth member of Council. Such a Governor-General would be borne out by the letter of the Act of Parliament in excluding the fourth member from all knowledge of what was doing in the Executive Departments of the Government. Mr. Prinsep proposes to transfer to the Executive Departments half the business of legislation. If this course be adopted, it will be in the power of the Governor-General to oust the fourth member of Council from the greater part of his legislative functions.

"I deny both the expediency and the legality of such an arrangement; I deny the expediency of admitting a person to vote on the passing of a law, who has not been admitted to take part in all the preceding discussions on it. I deny the legal right of the Council of India to exclude the fourth member of Council while they are deliberating on a draft of a law in the Financial or Judicial Department. I claim for myself and my successors a legal right to record an opinion and to give a vote, not merely on the final passing of a law, but on every question which may arise respecting a law in any of its stages. The Council, I trust, will not decide against this claim without a reference home.

"I have done my best to make out the reasons on which Mr. Prinsep grounds his proposition. But I am quite at a loss to understand them. He says that the public authorities must not be taught to believe that they have two masters. That question is for higher authority than ours. Parliament has thought fit to confide the executive government of India to one body, and the supreme legislative power to another body. If this be an evil, let us apply to the home authorities to rid us of it; indeed, we have already done so. The Council at Ootacamund agreed in recommending to the Court of Directors that proper measures should be taken for removing the restriction laid on the fourth member of Council. But as the law now stands, the Indian empire has two masters, and we cannot repeal the law. There is a Supreme Executive Council and a Supreme Legislative Council; and whether this be a convenient arrangement or not, we cannot lawfully transfer the functions of the Supreme Legislative Council to the Executive Council."

Further discussions on the above points were avoided by the Government of India determining not to consider the Legislative Council as distinct from the Executive Council, but that there should be but one Council, with a separate Legislative Department; the fourth member being understood to have a legal right to be present in any department where laws, or matters immediately connected with laws, might be under discussion.

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Legislative letter (No. 2) of 1835, dated 24 August, p. 516.

Legislative letter (No. 4) of 1837, dated 1 March.

The above resolution was communicated to the Court of Directors, who, without taking any notice of the determination come to by the Government of India, simply expressed their approval of the standing orders.

Almost simultaneously with the above communication, the Government of India, in replying to the Court's public despatch of the 10th December 1834 (entered at the commencement of this paper), made the following intimation:—

Legislative letter (No. 3) of 1835, dated 31 August, p. 516 Duties and powers of the fourth ordinary member.

Para. 12. "Feeling the full force of your Honourable Court's observations on the expectations with which the situation of fourth member of our Council was created, and entirely coinciding in the opinion expressed in these paragraphs of the advantage which must result to the legislative utility of that member, by his being intimately acquainted with the whole of the executive business of the Council, we are happy in being able to report that we had anticipated the recommendation made in the 23d paragraph of this despatch, by requesting the attendance and assistance of Mr. Macaulay at every meeting of our body."

Legislative letter (No. 3) of 1835, dated 8 July.

Previously to the receipt in England of the above despatches, the Court wrote out that they had several times observed the signature of the fourth member of the Council of India annexed to despatches relating to matters not connected with the making of laws and regulations, though he could not be present at deliberations on such matters as a member of Council. The Court considered the signature of the fourth member to a document, in respect to which he shared none of the responsibility, to be an irregularity which ought not to exist, and required it to be discontinued. This injunction has been attended to.

The fourth member continued to be present at all meetings of the Council down to the close of the administration of Lord Auckland in February 1842. On the assumption of the Government by Lord Ellenborough, it was determined, without any note on the subject being placed on record, to restrict the attendance of the fourth member to meetings of the Legislative Council, unless invited specially, when important matters connected with the judicial and revenue administrations might be under consideration.

Legislative letter (No. 23) of 1842, dated 5 August.

Legislative letter (No. 3) of 1843, dated 1 March.

In August 1842, Mr. Amos signified his intention of resigning office early in the following year, and this intimation was considered by the Court of Directors to present a fitting opportunity for reconsidering the constitution of the Legislative Council and the functions of the Law Commission, and the sentiments of the Government of India were called for to enable the Court to decide how far it might be expedient to apply to Parliament to rescind or modify the provisions of law under which those offices were created.

Mr. Amos, on the eve of retiring, recorded a minute on the subject of the Indian Law Commission, in which the following paragraph occurs respecting the office of fourth member of Council.

Minute by Mr. Amos, dated 27 January 1843.

Legislative Cons. dated 7 April 1843 (No. 18).

"It is here necessary to observe, that the business of Council may be thought to press somewhat less heavily on the president of the Commission, if the course be continued of excluding the fourth member from being present at meetings of Council, during the transaction of the business of any other department than the legislative. This course, which is in strictness quite legal, and is most consonant to the Act of Parliament, was adopted when Lord Ellenborough assumed the Government, though, I believe, by no means in consequence of the opinions or wishes of the other members of Council. Lord W. Bentinck and Lord Auckland * have both written minutes in favour of the practice which has been superseded, and the Court † has especially approved of that practice. There can be no doubt, I think, that the new course must render the legislative member much less efficient in the discharge of his peculiar duties, especially for the first two or three years after his arrival, whilst in the departments of Government, in the deliberations of which he used to be present without interfering, an immediate reference to him, or occasional suggestion by him on purely legal points, has, I am satisfied, often been found highly convenient. It may perhaps be thought that the time which, according to the new course, has been saved to the fourth member from the business of Council, will not be wholly gained for the Commission. For very often the discussions occurring on papers in other departments of Government than the legislative, but which have led to some legislative measures, have, I am persuaded, obviated the necessity of my making inquiries which would have consumed much more time, and would probably have been much less satisfactory."

* There is no minute by Lord Auckland on the subject.

† Probably the Court's letter, of the 10th December 1834, is here alluded to.

Legislative letter (No. 1) of 1843, dated 22 April.

On receipt of the Court's despatch of the 1st March 1843, above referred to, the Governor-General (Lord Ellenborough), then at Agra, recommended the doing away with the offices of fourth member of Council, and of the Law Commission. His Lordship was of opinion, that "if the Advocate-General be a lawyer of knowledge and ability, the Governor-General in Council can want no other legal adviser;" that the legal member of Council had "hardly anything really to do;" and that his labours, and those of the Law Commissioners, were necessarily of an injurious and dangerous tendency, viz., creating legislation not absolutely required, and thereby, disturbing and agitating the minds of the people, while the Acts, bearing about them much of the peculiar English character, were as ill-suited as possible to the people of India.

On this occasion the President of the Council (Honourable W. W. Bird), recorded the following observations:—

Minute by Mr. W. W. Bird, dated 4 May 1843.

Para. 2. "In respect to the fourth ordinary member of Council, it is obvious that drafts of laws which are to affect the rights of British subjects in India, and to be binding on the

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Supreme Court, should pass under the revision of one or more persons thoroughly conversant with English law. But this can seldom occupy at most more than a few hours in a week; and as the fourth member is precluded from attending Council except at the legislative sittings, to retain an officer on so high a salary with so little to do is a very expensive arrangement. I have heard it suggested that the Advocate-general might supply his place, and to this I am aware of no objection so long as the Government of India is stationed at Calcutta, but he could not be conveniently separated from his duties in the Supreme Court; and were circumstances to render necessary the removal of the Government to any place at a distance from the Presidency, it would be very difficult to find a qualified substitute. I have also heard it suggested that the Chief Justice of the Supreme Court might be *ex officio* fourth ordinary member of Council, but to this arrangement there is the same objection in the event of the removal of the Supreme Government from Calcutta, and there may be others of a professional nature. In short, although the present arrangement is not what it ought to be, it is not easy to determine what should be substituted instead of it, and a law member in some shape or other is, as all must admit, indispensably necessary."

Legislative Cons., 10 May 1843 (No. 1).

Mr. Bird further remarked, "And as a law member in some shape or other cannot, I think, be conveniently dispensed with, he too should have a voice in all matters, judicial, revenue, and commercial, as well as legislative. He need not perhaps have anything to do with political and military affairs, but unless he sees and becomes acquainted with everything connected with the internal civil administration, he cannot possibly discharge as he ought his legislative duties."

The Honourable Sir Herbert Maddock, Knight, showed by the following remarks that the fourth member of Council could not, in his opinion, be dispensed with:—

"But if the Law Commission is dissolved, that very circumstance would make me averse to dispense with the services of a law member of Council. If that office is retained, it may afford in some measure a substitute for the Commission. And I do not see how the business of legislation could go on satisfactorily without such an officer.

Minute by Sir Herbert Maddock, Knt., dated 8 May 1843.

Legislative Cons., 10 May 1843 (No. 2).

"Since the passing of the Charter Act in 1833, great advantage has attended the presence in Council of a member of the Government competent to advise it on doubtful points of law at the moment when they occur. Hearing and entering into such discussions as take place at the Council Board regarding proposed Acts of the Legislature, he becomes thoroughly informed of the views of Government, and is enabled to prepare drafts of laws with an accuracy and promptitude that could hardly be expected under any other arrangement. The general legislation of the Government has by this aid proceeded without communication with the Law Commission, and the most important laws have been passed without any reference to that body. The business of legislation would be greatly retarded if the Government had to consult any one out of Council on every act pending or in contemplation.

"Since this Government was empowered to make laws for British subjects, as well as for the natives of India, and for Her Majesty's courts of judicature, as well as for those of the East India Company, it has become indispensable, in order to avoid faulty legislation, that the Council should have at its command the services and advice of an English lawyer, eminent in his profession, whose name will give weight and respect to his opinions. This object can in no way be more conveniently attained than under the present system, to which I am aware of no objections but such as may be urged on the score of expense.

"And if the appointment were abolished, the expense attending it could not be entirely saved. We must still have some lawyer of eminence out of Council to whom we may refer, and the salary must be high to induce such a man to come to India. Before the passing of the Charter Act, the only law adviser of the Government was the Advocate-general in the Queen's Court in Calcutta, and that officer is still frequently referred to for his advice or opinion on points of law. His salary, as Advocate-general, is 4,000 *l.* per annum, added to which he may have the advantage of lucrative practice in the Supreme Court. If the office of law member of Council, as well as the Law Commission, were abolished, the Government would necessarily have to consult this officer, or some other legal authority, on every act of legislation affecting the principles or the practice of English law, and the Government business would fall so much heavier than heretofore, that it would disable the Advocate-general from attending to his general practice, and Government would be obliged either to restrict him from general practice and allow him a much higher salary, or appoint another officer, as Attorney-general, for instance, to take a portion of the Government business. It would not be advisable to adopt the first course, because a barrister in the Supreme Court, without the stimulus to exertion which liberty to practic there affords, would not be likely to possess either the knowledge or the habits of business that would enable him to compete with those in general practice, or to conduct well that part of the business of Government which is conducted in the court. If the second plan were adopted, and another law officer were appointed, it would be expedient to fix his salary on a scale sufficiently liberal to attract men of first-rate talent at the English bar. Less than 5,000 *l.* per annum would probably not suffice to secure this object. Then with two able and distinguished barristers in the service of Government to advise on all points of law, and to assist in drawing up Acts, &c., the business of legislation might be carried on. How far the plan would succeed must depend on the zeal, the talent, and the diligence of the law officers. The security for talent would depend on the amount of the salaries, and the judicious selection for these offices of the ablest barristers in England willing to undertake them. For their zeal and diligence there would be no practical security, and it is well known to the members of Council how much former Governments have been embarrassed by the want of those qualities in an Advocate-general

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general. But if we were secure of all the zeal, talent, and diligence that could be desired in these officers, I doubt whether the work of legislation could be carried on through their aid and advice so well and satisfactorily as it may be while we have for our colleague an able barrister taking an active personal share in that part of the labours of Government.

"In considering the propriety, or otherwise, of dispensing with the law councillor, and substituting such another arrangement as that just alluded to, it should not be forgotten that the Council of India is not necessarily stationary in Calcutta, where the Supreme Court is held, and where the officers of the court must needs remain. The Council may be removed to any part of British India, and in case of its removal, a dependence on the distant advice of its law officers would be found extremely inconvenient.

"The only other expedient which suggests itself for dispensing with the fourth member of Council is the substitution of a law secretary in his place; but it may be doubted whether then a lower salary than that drawn by the fourth member would be sufficient to secure the first-rate talents and legal knowledge that we require.

"But, on the whole, I consider that the fourth member of Council cannot be dispensed with.

"I entirely concur in opinion with Mr. Bird, that the law member of the Council of India should be present in Council at all meetings where matters relating to the general administration in the Home Department of the Government are under discussion."

Major-general Sir W. Casement recorded the following observations on the subject:—

Minute by Major-general Sir W. Casement, dated 9 May 1843.

Legislative Cons., 10 May 1843 (No. 3).

"It is impossible, I think, to deny, looking at all that has been done, and all that remains to us and to our successors to do, that a return to the old constitution of the Council, unassisted by legal learning and experience, would quite unfit it for the duties it has to perform. I do not know indeed that the authorities at home have any such measure in contemplation. But lest the idea should be entertained in any quarter, I would express my firm conviction, in accordance with the view taken by Lord William Bentinck's Government, that the presence of a learned and judicious English lawyer, as a member of the Legislative Council, is indispensable to a right exercise of the functions of the Indian Legislature. The aid which we have had from such a member, and which will be even more necessary as the Council advances to those difficult questions which I have shown yet remain for its consideration, could only in a comparatively very small degree be given by one or more of the judges of the Supreme Court, to whose employment in that capacity there exists at the same time, as has been remarked by Sir Edward Ryan in his Minute of 2d October 1839, the strongest objections, founded upon a principle of very general application, and upon the wisest and most enlarged views of political expediency, and the constitution of human society. The Advocate-general might, to a limited extent, supply the information which the Council would need, if it had no legal member. But the value of his advice would usually be less than under such circumstances the Council would require; his engrossing practice as a barrister would always be in the way of that deliberate attention to legislative measures which would be indispensably necessary to their success; and his position in other respects might be unfavourable to independent discussion, and would certainly prevent his taking part in the consideration of legislative questions with such readiness and freedom as is desirable, and which, I agree with the Honourable Court in thinking, will not be possessed by the legislative adviser of the Council unless he be one of their body, and present, if not actually taking a part, not only when laws are in debate, but in all the deliberations of the Government, political and military deliberations perhaps excepted.

"I repeat, therefore, that both from theory and from actual experience, I am strongly in favour of the continuance of that constitution of the Legislative Council which gives us the valuable assistance of an English lawyer selected by the Home Government from among the profession on account of especial fitness, and I earnestly hope that no change will, in this particular, be allowed to take place."

Legislative letter (No. 9) of 1843, dated 12 May. Legislative letter (No. 16) of 1843, dated 28 June.

The foregoing minutes were forwarded to the Court of Directors, who, previous to their receipt, having intimated that they were in possession of the views of the Governor-General (Lord Ellenborough), but would await the sentiments of the members of Government, a second series of minutes were recorded on the subject.

The Honourable Mr. Cameron remarked as follows:—

Minute by the Honourable Mr. Cameron, dated 17 November 1843.

Legislative Cons., 23 December 1843 (No. 1).

"I concur with the majority of the Council in thinking that a member possessing a knowledge of law and jurisprudence is necessary to make up an efficient legislature; and I further agree with the majority that 'he should have' (I quote from Mr. Bird's minute of 4 May 1843) 'a voice in all matters, judicial, revenue, and commercial, as well as legislative. He need not, perhaps,' Mr. Bird continues, 'have anything to do with political and military affairs, but unless he sees and becomes acquainted with everything connected with the internal civil administration, he cannot possibly discharge as he ought his legislative duties.'

"The fourth member may perhaps be able to discharge his legislative duties by having all the papers on any subject transferred to the Legislative Department as soon as any legislative proposition is made upon it, but undoubtedly it would be a much more convenient arrangement that he should assist at the deliberations of the Council upon all matters of internal administration.

"An instance lately occurred which illustrates the inconvenience of the present arrangement. A draft of a despatch to the Court of Directors was prepared, requesting that the opinions of the Attorney and Solicitor General, and of the law officers of the Company, might

might be taken upon a number of extremely important and extremely difficult questions of constitutional law arising out of the late Charter Act.

"The Secretary, supposing this despatch to be in the Legislative Department, sent the draft to me, and as I differed from some of the opinions which seemed to be implied in the draft, and was also desirous of giving what assistance I could to the home authorities in the solution of the question raised, I wrote a minute which I intended to accompany the despatch. It was decided, however, that the despatch was in the Political, and not in the Legislative Department, and consequently my minute could not be admitted as a number in it. I do not suppose I shall be accused of setting up myself as an authority upon Indian constitutional law, when I say that I am convinced the Attorney and Solicitor General, and the Company's Council, would have been glad before making up their minds upon these questions to have seen them discussed by a lawyer, whose position has naturally induced him to bestow a good deal of reflection upon them.

"I would give, then, to the fourth member of Council complete means of information upon all matters, revenue and judicial, as well as legislative, and access to the debates of the Executive Council for that purpose; but I would not cast upon him the responsibility which belongs to the other councillors in revenue and judicial matters, lest he should not have the time necessary for maturing legislative measures; I would make his connection with the revenue and judicial department entirely subsidiary to his legislative duties."

The Governor-General (Lord Ellenborough) repeated his former opinion in the following words:—

3. "Any sound lawyer of established reputation can afford to the Government of India all the aid it can require in legislative as well as in legal matters, without being made a member of the Council; and certainly there is nothing in Mr. Cameron's minute to change my previous opinion that all such aid as is required can be more conveniently rendered by a barrister in the position of Advocate-general, than in that of member of Council."

Minute by the Governor-General, dated 25 November 1843. Legislative Cons., 23 December (No. 2) 1843.

The Honourable W. W. Bird also repeated his sentiments in the following terms:—

"I now broadly state it to be my opinion that no man, let his talents be what they may, and whether he be a member of Council or a Law Commissioner, is qualified to legislate for India, unless he takes a part in all matters, judicial, revenue, and commercial, as well as legislative, and has the opportunity of becoming practically acquainted with the civil administration of the country. I draw no invidious comparisons between members of Council and Law Commissioners; but this I say, and it is the result of considerable experience of both, that so long as either of them see nothing of what is going on, and take no part in the general Government, they cannot possess the local knowledge and experience necessary to qualify them for discharging as they ought their legislative duties."

Minute by the Honourable W. W. Bird, dated 5 December 1843. Legislative Cons., 23 December 1843 (No. 3).

Major-General Sir W. Casement adhered to the opinion he had formerly expressed:—

"In my minute of the 9th May last I reviewed the reasons which induced the present constitution of the Legislative Council, and the establishment of the Law Commission. I stated the objects which by the instrumentality of those bodies it was proposed to accomplish; I compared what had hitherto been effected with what had been designed, and showed how much difficult and important a work remained to be done. I traced the share of the Council and of the Law Commission respectively in the legislation which had taken place since the introduction of the new system; and inferring from past experience our prospects for the future, I decided that the expectations had been fulfilled under which the new constitution of the Legislative Council had been framed, and that it ought therefore to be continued, but that the Law Commission had not succeeded in its objects, and ought therefore to be abolished.

"Mr. Cameron's minute upon the same subject of the 17th ultimo, has given me the opportunity of again considering the question in all its bearings, and I have applied to it, and to the able and interesting paper of which he has now afforded us the advantage, all the attention which they may justly claim. I have found, however, no reason to alter the opinions I formerly expressed."

Minute by Major general Sir W. Casement, dated 14 December 1843. Legislative Cons., 23 December 1843 (No. 4).

The Honourable Sir Herbert A. Maddock, Knight, on a reconsideration of the question, did not see any reason for altering his views as to the expediency of abolishing the Law Commission and retaining the fourth member of Council.

Minute by Sir Herbert Maddock, Kt., dated 20 December 1843.

These minutes were forwarded to the Honourable the Court of Directors, who, however, previous to their receipt, and having before them the sentiments of the Government conveyed in the first series of minutes, determined on the continuance of the office of fourth member of Council, and on the expediency of his presence at all meetings of the Council. The following is an extract from the Court's despatch:—

Legislative Cons., 23 December 1843 (No. 5). Legislative letter (No. 25) of 1843, dated 21 December.

2. "Considering the nature and extent of the legislative authority vested in the Government of India by the 3 & 4 Will. 4, cap. 85, we have come to the conclusion that the appointment of fourth member of Council cannot, without detriment, be dispensed with. We have also adverted to the opinion of former Governments, in which you have expressed a general concurrence, that it is of importance, with a view to the efficient performance of the duties belonging to that appointment, that the person filling it should be present at all meetings of Council for the administration of the affairs of Government. In conformity to that opinion,

Legislative letter (No. 22) of 1843, dated 29 November.

Appendix, No. 10.

opinion, we desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations; but at the same time you will bear in mind, that at such meetings only is he entitled to a voice in your proceedings."

For secret letter, dated 18 Ferbuary 1844.

On receipt of the above orders, the Governor-General (Lord Ellenborough), then at Benares, recorded the following minute, and communicated it to the Court:—

Minute by the Governor-General, dated 18 February 1844.

Legislative Cons., 16 March 1844 (No. 1).

"The Court of Directors, in their letter dated the 29th of November 1843, have intimated their desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations, but have at the same time cautioned us to bear in mind that at such meetings only is he entitled to a voice in our proceedings.

"It is impossible to regard this otherwise than as a mere expression of the opinion and wish of the Court. If the words used could be regarded as conveying a 'direction,' by virtue of such direction the fourth member of Council would become entitled to sit at meetings not held for the purpose of passing laws and regulations; but the last Charter Act expressly provides that the fourth member of Council shall not be entitled to sit or vote in the Council, except at meetings thereof for making laws and regulations; therefore any such 'direction' given by the Court would be altogether invalid, because inconsistent with the Act of Parliament, from which alone the Court derive their authority.

3 & 4 Will. 4, c. 85, s. 40.

"The Council of India, as established by the Act of Parliament, is as much a part of the constitution of India as the Court of Directors, and it is the duty of the Council to guard with jealousy its rights, to resist all infringement of its powers; and above all, to treat as utterly null every direction which, if obeyed, would change its composition.

"Considering, however, that the Court can only have intended to convey an intimation of their opinion and of their wish, and not to send a direction, which they are not by law competent to give, we may properly show our respect for the opinion of the Court by carrying into effect their wish, that the fourth member of Council should sit at meetings of the Council not held for the purpose of making laws and regulations, in as far as it may appear that his presence may not be injurious to the public service; but it must at all times be borne in mind, that above all things secrecy in Council and promptitude of action are essential to the successful conduct of public affairs in India; and it must also be understood, that any individual member of the Council may, at any time if he shall see fit, require that any person shall withdraw from the Council who is not entitled to sit therein by the Act of Parliament."

The Honourable W. W. Bird (President of the Council), proposed to summon the fourth member of Council to attend at all meetings in the Home Department, and to carry out the orders of the Court, in the following terms:—

Minute by Mr. W. W. Bird, dated 24 February 1844.

Legislative Cons., 16 March 1844 (No. 2).

"I have seen the minute of the Governor-General, dated the 18th instant, on the letter from the Honourable the Court of Directors, intimating their desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations, and reminding us at the same time that at such meetings only is he entitled to a voice in our proceedings.

"This intimation from the Honourable Court has confessedly been made in consequence of the opinions expressed here, and by no one more strongly than myself, regarding the unfitness for exercising legislative powers of those who see nothing of the internal administration of the country. This unfitness, after long observation, has struck me so forcibly that I have not hesitated to ascribe to it the differences of opinion which have almost uniformly been found to exist between the Government and the Law Commissioners on almost every legislative project which has come under discussion; and I continue to think it absolutely necessary for the full efficiency of the fourth member of Council that he should attend, not merely the legislative meetings, but all meetings at which the civil administration of India may be brought under consideration.

"With these views, and in deference to the wishes of the Honourable the Court of Directors, communicated in reply to our own representations, I would suggest that the fourth member of Council be summoned to attend all meetings in the Home Department, and that the papers connected with that department be regularly circulated for his perusal in common with the other members.

"In regard to his being required to withdraw at any time, I do not think that any individual member should have the power of enforcing such a requisition without the concurrence of the other members; but he may propose his withdrawal, and the question must be determined, as in all other cases, by the voice of the Council at large."

The Honourable Sir Herbert Maddock, Knight, recorded his views on the subject, as follows:—

Minute by Sir Herbert Maddock, Kt., dated 26 February 1844.

Legislative Cons., 16 March 1844 (No. 3).

"If not absolutely necessary, it is, I think, highly desirable that the fourth ordinary member should be generally present in Council at all our deliberations on subjects connected with the internal administration of the country, and we shall, I conceive, sufficiently meet the expressed wishes of the Honourable Court by summoning Mr. Cameron to attend and be present at the Council Board during the proceedings of Government, in the Home as well as in the Legislative Department. It appears quite unnecessary to require the attendance of the fourth ordinary member at those meetings of the Council which are devoted to the consideration

sideration of military and political questions, and it may be considered objectionable in principle that any irresponsible party should be allowed to be present at times when the Government may be deliberating on questions of foreign policy, of war or of peace, or on any matter requiring secrecy.

"If the attendance of the fourth ordinary member is limited as here proposed, I can hardly contemplate the possible occurrence of the necessity for so unpleasant a measure as that of desiring him to withdraw.

"The only objection that can be made to Mr. Bird's recommendation, that all papers in the Home Department should be sent to the fourth ordinary member for his perusal before they are considered at the Council table, is the additional delay which will attend the circulation of the papers, and that may be avoided by arrangements to ensure promptitude in the circulation of such papers as require despatch."

The Governor-General (Lord Ellenborough) having returned to the Presidency, recorded the following second minute on the question:—

Minute by the Governor-General, dated 28 February 1844.

Legislative Cons., 16 March 1844 (No. 4).

"Inasmuch as the fourth member of Council is not entitled by the Act of Parliament to sit in Council, except at meetings thereof for the making of laws, it must of necessity be in the power of any member of the Council to desire that the fourth member should withdraw from any Council not held for that object, that is, to require the due observance of the Act of Parliament.

"It may very possibly never be deemed necessary by any member of the Council to exercise this his undoubted privilege; but in a minute, referring to the law, it was necessary clearly to state what the law is, and to guard jealously all the privileges of those who are alone entitled on all occasions to sit and vote in the Council of India."

There was a meeting of Council on the date of the foregoing minute (28th February 1844), and there is a paper in the office, written by Mr. Cameron, on that date, which may perhaps have been read in Council, but which was never recorded. The paper is headed "Protest," and its contents are as follows:—

"It is impossible for me not to know that the presence of the fourth member of Council at Councils not legislative is against the wishes of the head of the Government, and, knowing that, I came here with the greatest reluctance.

"I came, because I do not feel that I should be justified in refusing to do my part towards a compliance with the instructions received from England by the December mail. But in order that there may be no misunderstanding, I wish to put upon record my protest that I do not come here upon the footing in which a stranger comes into the gallery of one of the Houses of Parliament; and, consequently, if I should be required upon any occasion to retire by any individual member of the Council, it is my intention to refuse compliance with such requisition. It is my intention not to retire until the Council breaks up, unless required so to do by a vote of the majority of the Council, or by the Governor-General, acting under the 49th section of the Charter, and of course with all the forms prescribed by that section.

"I give no opinion on the question whether such a requisition by the majority of the Council, or by the Governor, acting under the 49th section of the Charter Act, would or would not be a violation of the instructions received from home; because, even assuming that it would be such a violation, I think it would not be for me to take the objection, but rather to leave it to the Court of Directors and the Board of Control to vindicate their own authority.

"A requisition made by one or more individual members of Council I should look upon as a nullity. A requisition made by a vote of the Council, or by the Governor-General, under the 49th section of the Charter Act, I should consider binding upon me, though perhaps invalid as against our superiors at home.

(signed) "*C. H. Cameron.*"

"28 February 1844."

At the next meeting of the Council, the following Letter was addressed to Mr. Cameron:

Letter from the Governor-General and members of Council to the Honourable Mr. Cameron, dated 4 March 1844.

Legislative Cons., 16 March 1844 (No. 5).

"We are of opinion that a more extensive knowledge than you are at present enabled to obtain of the revenue and judicial administration of the country would tend to facilitate the performance of your duties as a Legislative Councillor, and we propose, should you concur with us in this opinion, to communicate to you such more important papers connected with those two branches of the Civil Government as may seem to be calculated to afford you valuable information with respect to its details.

"We likewise propose to request your attendance in the Council when important matters connected with the revenue and judicial administration may be under consideration. You must be aware that the matters which come before the Council, even in the Civil Departments, generally press for early, if not immediate decision, and that any arrangement intended to facilitate your acquisition of a knowledge of the details of the administration must be so guarded as not to diminish that promptitude of action which is essential to the conduct of affairs in India."

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Letter from the Honourable Mr. Cameron, dated 7 March 1844.

Legislative Cons., 10 March 1844 (No. 6).

To which Mr. Cameron made the following reply:—

"I have the honour to acknowledge the receipt of your letter of the 4th instant. In that letter you inform me that you are of opinion that a more extensive knowledge than I am at present enabled to obtain of the revenue and judicial administration of the country would tend to facilitate the performance of my duties as a Legislative Councillor, and that you propose, should I concur with you in this opinion, to communicate to me such more important papers connected with those two branches of the Civil Government as may seem to be calculated to afford me valuable information with respect to its details.

"In answer, I beg to state that I do entirely concur in the opinion you have expressed, and that I shall be happy to have such papers as you have described communicated to me.

"You further inform me, that you propose to request my attendance in the Council when important matters connected with the revenue and judicial administration may be under consideration.

"I shall most readily attend, as fourth member of Council, at any meetings of the Council at which you may think my attendance can be advantageous to the public service.

"With respect to the arrangements intended to facilitate my acquisition of a knowledge of the details of the administration, I have no doubt you will take care that they shall be as effectual for that purpose as is consistent with the due performance of your own executive functions."

Legislative letter (No. 6) of 1844, dated 16 March.

Legislative letter (No. 12) of 1844, dated 5 June.

Copies of the minutes and of the foregoing correspondence were forwarded to the Court of Directors, who replied to the despatch as follows:—

"We forbear from commenting upon the terms in which you have, in your several minutes, adverted to the instructions addressed to you in our letter of the 29th November last, regarding the fourth member of Council; but it is necessary that we should set you right with respect to some degree of misapprehension entertained by you on the subject.

"In the letter in question, we desired, in conformity with the practice which until recently had always been observed, 'that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations;' but at the same time we drew your attention to the provision of the Charter Act, 'that he shall not be entitled to sit or vote in the said Council,' except at such meetings. We thereby showed you clearly, that we did not consider our instructions to be inconsistent with that provision.

"The fourth member, not being 'entitled to sit or vote in the said Council,' does not form a component part of that body, and has no voice in its proceedings, except for the purpose of making laws and regulations. But the expression, 'to sit' in Council, is not used in a literal sense, as if the Council where the place were the members met, instead of the constituent body itself. It seems sufficiently obvious that it was not intended to be illegal for the fourth member to be present at all meetings of Council, from this consideration alone, that he would in that case be the only individual subject to such a disqualification.

"With respect to the attendance of the fourth member at the Council, while it may be engaged in questions purely of a political or military nature, we concur with the opinions conveyed in the minutes which you have forwarded to us from the other members, as to the propriety of his absence upon such occasions."

Under the above arrangement, Mr. Cameron continued to see, in addition to the correspondence in the legislative branch, only such papers connected with the revenue and judicial administration as were of any importance; but since the assumption of the office of fourth member of Council by the Honourable Mr. Bethune, the whole of the papers of the Home Department are submitted for his perusal. There is nothing on record respecting this change of practice.

Home Office, November 1849.

MINUTE by Sir *F. Currie*, Bart., dated 29 November 1849.

THIS very interesting paper has been prepared, I believe, in consequence of a remark made by myself at the last meeting of Council.

I am desirous that no misapprehension should arise as to the nature or purport of that remark.

Some papers were submitted by the Government of Madras, in reply to a call from this Government (made on looking at their abstract of proceedings), regarding certain measures pursued by the Madras Government for maintaining the peace of one of their cities, a breach of which was threatened by a dispute regarding caste privileges.

I suggested that the Madras Government should be supported, and that we should not interfere in the matter.

The Honourable Messrs. Lowis and Bethune wrote minutes, entering at length into the question discussed in the Madras papers, and the principles involved in their orders, and strongly condemning the measures adopted by the Madras Government, which I had proposed to uphold, so far as non-interference went.

These minutes were read in Council; and Mr. Lowis requested that his might be recorded; and on his applying to Mr. Bethune if he desired to record his, I suggested a doubt if Mr. Bethune's

Bethune's could be recorded, as an official document, with reference to the nature of the subject discussed therein. Appendix, No. 10

The subject is one of pure executive police, involving no legal, judicial, or revenue question, and I was doubtful whether, in reference to the Charter Act and the practice of the Council, as far as I was aware of it, I was bound to or could consider the minute of the fourth ordinary member an official paper, to which, if it should remain on record, I might desire to add a rejoinder.

In consequence of my remark, Mr. Halliday was requested to see how the question stood as to the position of the fourth ordinary member in meetings of the Council, other than for legislative purposes. This paper is the result; I think it proves that the minute in question should not be considered an official one, susceptible of being recorded.

I did not desire, and do not desire, to raise the question discussed in the paper submitted by Mr. Halliday any further. I consider that we derive much benefit at all times from Mr. Bethune's remarks or suggestions, as *amicus curiæ* in questions of a general character; and I think that the fourth ordinary member should be present at all our sittings relating to domestic administration.

(signed) *F. Currie.*

MINUTE by the Honourable *J. Lowis*, dated 12 November 1849.

THE original subject matter of this discussion is apparently of a trivial character, viz. whether certain parties shall ride in palanquins on particular occasions; but the principle involved is of very wide application.

The petition having, however, referred to the Honourable Court, we were not, as members of the Council of India, called upon to vote or decide; but as I thought the Madras Government had followed a wrong and pernicious course, I conceived it to be my duty to put upon record, for the information of the Honourable Court, the expression of my opinion, and my reasons for it.

The case belongs to a class upon which it is our practice to seek the advice of the fourth member of Council.

In this particular case he advised as usual, without objection being taken, and the question was then raised whether under the circumstances he might record, as I had done, for the information of the Honourable Court, the advice with which he had favoured us. Having been invited to do the one, it certainly appears to me that he is entitled to do the other; nor do I find anything, either in the Charter Act itself, or the voluminous correspondence relating to the official position in the Council of the fourth or legislative member, which militates against this view of the question.

He is not entitled, as of right, to sit at all meetings of the Council, but benefit to the general business of the country has been found to result from his so sitting, and he is summoned accordingly. All the papers in the Home Department are circulated for his perusal, as they are to the other members of the Council, and at the Council Board his opinion on these papers is delivered in due course. I can discover no reason why, at a subsequent stage, it should be suppressed.

(signed) *J. Lowis.*

MINUTE by the Honourable *J. E. D. Bethune*, dated 12 April 1850.

THE abstract prepared in the Secretary's office of the previous discussions which have been held in respect of the position and functions of the fourth ordinary member of Council is very interesting, but goes beyond the question which was lately raised. There is no proposal now before the Council for recommending the abolition of the office of the fourth member, nor whether he should be present on other occasions than Councils held for making laws, nor whether papers connected with the executive administration of the country should be sent to him. The only question now under discussion is, whether any minutes which he may write on the perusal of such papers should be recorded. I am happy to think that, owing to the harmony and cordiality which have marked the deliberations of the Council since I have had the honour of belonging to it, this question can be now discussed without any danger of that acrimonious spirit which appears plainly enough in the latter part of the minutes previously recorded on this subject, and which was almost inseparable from the knowledge which the fourth ordinary member then had that the head of the Government considered him, and all but called him, an useless and mischievous burden on the country. The main questions, then, in debate may now be considered as decided. I do not think my personal interest in the matter influences me in my judgment that they have been rightly decided. Fourth ordinary member of Council.

The presence of the fourth ordinary member at all Councils, and the communication to him of all administrative papers is essential to him, who comes to this country (at least I did so) with no other knowledge of the details of Government in India than is to be scantily gleaned in England by men familiar with the conduct of public business at home, but having no special opportunities of gaining information on Indian affairs. I think, too, that it must be useful to the other members of Council. Their qualifications for their office have been matured by experience gained during long continued residence in this country, which, although not inconsistent with an accurate and lively perception of the course and progress of

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of opinion in England, must in some degree be detrimental to it. They must almost necessarily acquire the habit of looking on public questions from one particular point of view, and cannot without some effort discover that this may not be the only one. It is sometimes assumed that the only object of appointing the legislative member of Council, as he is often called, was to secure the services of an English lawyer; but in the Act there is no security for his possessing any legal knowledge, or indeed any qualification, or rather disqualification, other than the remarkable one that he shall be "appointed from among persons who are not servants of the said Company."

Adverting to this restriction, I am of opinion that the special end of his appointment was clearly in order that one person might be added to the Governor-General's Council thoroughly free from the influence of habits of thought acquired by a life spent in India, and that Indian statesmen might hear, during their deliberations, how the questions under their consideration were likely to be viewed by those conversant with the administration of public affairs in England. In local knowledge, whatever facilities may be afforded to him for gaining it, he must always remain inferior to them; but, even in this branch of knowledge they may be led sometimes to review the grounds of their own judgment, on finding that to him they appear strange or peculiar. I therefore consider the present practice as fraught with benefit to all in Council; and with reference to the last consideration I have urged, I think that it would have been better if the course followed while Mr. Macaulay was here had been uniformly adhered to, and if papers in the Foreign as well as the Home Department were circulated to the fourth ordinary member. Lord William Bentinck undoubtedly had good grounds for urging that "in every Council, particularly in the Political Department, questions have come before us appertaining to international law, reciprocal jurisdiction, claims for fugitives," &c.; and, unless there is a difference of opinion among the other members of Council, in consequence of which the papers are received, I learn nothing of these questions even by my attendance at Councils in the Foreign Department.

The Council will understand that I am forced to take for granted in this discussion, that the fourth ordinary member has discretion and knowledge enough to give a reasonable probability that his opinion on such subjects may be worth hearing. If he has not, or is supposed not to have such qualifications, the fitting remedy is, that the proper authorities should request him to leave the Council-chamber in a wider sense than that in which the phrase was employed by Lord Ellenborough.

Assuming, then, that any papers which are sent to the fourth ordinary member are so sent, partly to enable him to understand the government of the country, and partly that the knowledge of his opinion upon them may be of use to his colleagues, I think it undeniable that it is best to have that opinion on important matters in writing.

Indeed, on many intricate points I could not pretend to have an opinion unless formed in the quiet of my own room, with the advantage of consulting my library, and recording at leisure the knowledge I so gather. These written opinions may or may not influence the decision of the Council. At worst, they are harmless; for, as I have no vote, they can prevail only so far as the cogency of their argument gives them weight. The case of the Madras pier is in point.

The Governor-General and other members of Council had agreed to recommend to the Court a proposal to guarantee to the projectors a dividend of five per cent. It is on record that, upon considering a minute of mine, this proposal was afterwards rejected. How would the matter have stood if my opinion had been given orally with the same consequence, and my minute had not been written or recorded? Either the other members of Council must have cancelled all they had previously recorded, or they must have sent home an unmotived decision, apparently in opposition to their own arguments, or they must have recorded their change of opinion on arguments of which the Court would have no cognizance. And what applies to the Court, applies also to the Governor-General while absent from the Council. Indeed, this discussion was revived upon a question whether a commentary of mine on Mr. Grant's summary of Mr. Blunt's case ought to have been sent to the Governor-General with the other papers.

The Court have very properly directed, by their despatch of 8 July 1835, that the signature of the fourth member of Council should not be appended to despatches for which he is not officially responsible; but that is a very different thing from desiring not to see the opinions he may have given, and on which possibly, as in the case of the Madras pier, the conclusions of the despatch may have turned. So many of my minutes have gone home, which, on any other interpretation of its meaning, would have been in contravention of their despatch, that I think the Court would hardly have failed to desire that the practice be discontinued, if it were disapproved by them. I give a list of some which I have taken at random, none of which has any bearing on any legislative question, during the last year.

Sir Henry Seton's Salary	February 1849.
Treaties of Extradition.	
The Paul Jones	March.
Burying Grounds	March to November.
Episcopal Jurisdiction	May.
The Khond Idol	
Instruction in Civil Engineering, Madras	June.
Grant, Medical College	May, July.
Rules for the Delhi Family.	
Mr. Blunt's Case	September, December.
Synds of Tatto.	

St.

St. Paul's School.
Students of Fort William - - - November.
Bombay Police and Currency - - November.
Palanquin Processions (Tinnevelly) - November 1849.

This last gave the occasion for mooting the question under discussion, which arose also on Mr. Blunt's case. Both have been before the Court long enough for them to have desired that no more such should be sent, had they deemed them improperly or superfluously forwarded.

12 April 1850. (signed) *J. E. D. Bethune.*

(No. 66.)

FROM the Secretary to the Government of India with the Governor-General, to the Secretary to the Government of India, Home Department, Fort William, dated 4 June 1850.

Sir,

I AM directed to transmit herewith, for the information of the Honourable the President in Council, copy of a minute by the Most Noble the Governor-General, dated the 29th ultimo, containing his Lordship's opinion on the question mooted by the members of Council, regarding the part which the fourth ordinary member thereof is entitled to take in the proceedings of the Council, and to request the attention of his Honour to the last paragraph thereof. Home Department.

2. The minutes recorded by the members of Council which were sent up in original are herewith returned.

I have, &c.

Simla, 4 June 1850. (signed) *H. M. Elliot,*
Secretary to the Government of India
with the Governor-General.

(Copy.)

MINUTE by the Most Noble the Governor-General of India, dated Simla, 29 May 1850.

I HAVE given my best attention to the minute recorded by the several members of Council, regarding the limits of the share which the fourth ordinary member thereof is in practice entitled to take in the proceedings of the Council. Fourth member of Council.

2. The question now raised differs from those which have been discussed by the Government of India, on the several occasions mentioned in the memorandum submitted by the secretary. There is now no question as to whether the office of fourth member of Council, as established by the Charter Act, should be abolished or not. It has long since been decided, and in my humble judgment most wisely decided, by a great preponderance of opinion, that such an officer is not only valuable, but necessary to the Government of India; and the only alteration which I should desire to make in the office as it stands, is the removal of the restrictions which the Act has placed on the duties and powers of the person who fills it. Neither is there any longer a question as to whether the fourth ordinary member of Council should in practice be admitted only to meetings of the Council for purposes of legislation. It has been decided by the Honourable Court of Directors that the fourth member of Council shall be present at all meetings of the Supreme Council in the Home Department, and the fourth member has accordingly attended such meetings, and has had communicated to him all the papers in that department for some time past.

3. The question which is now raised is, whether the fourth member of Council, confessedly authorised to attend the meetings of the Council in the Home Department, and to see the papers belonging to it, is entitled to embody his opinion on any paper which may thus come before him, in a minute, and to place that document on record.

4. The Honourable Sir Frederick Currie holds that he is not so entitled; the Honourable Mr. Lowis, on the contrary, considers that he is entitled to record his opinion. The Honourable President does not appear from the papers before me to have stated his views on the point mooted.

5. I have to submit it as my opinion, formed after a perusal of the abstract of all that has previously passed on this subject—

1st. That the fourth member of Council is not entitled, by the Act to sit or vote, except in meetings of the Legislative Council.

2d. That although not entitled to sit and vote, he is not by the Act absolutely excluded from admittance.

3d. That in accordance with that view, the fourth member has, at the suggestion of the Government of India, and with the approval of the Court, been allowed to be present at all meetings of the Council in the Home Department, and to see all the papers of that office. I think that he ought to continue thus to attend, and to see the papers.

4th. That as I conceive it to be clearly shown in the minutes and despatches of the members of the Government and of the Court, since the date of the last Charter Act, that their intention in admitting the fourth member to meetings of Council was, that he should

Legislative letter (No. 3) of 1835; 31 August.

should give his "attendance and assistance" there, I conclude that it could not have been wished that he should merely be present, that he should sit a silent witness of the proceedings of the Council, should take no part in them, and utter no opinion on the matters brought before him. I apprehend that being admitted to the meetings of the Council, it was intended that he should stand in the same position as any other member of it, excepting only in the giving of a vote.

6. If I am right in this conclusion, that it was not intended to forbid his giving an opinion on matters before the Council, it follows, as a necessary consequence, that he is entitled to minute on any one of the papers circulated to him; for the minuting on a circulated paper is only the substitute for an opinion orally delivered; every paper being in theory supposed to be brought forward in the consultations, and the circulation of papers being adopted merely for convenience, and to shorten the sittings and the labour of the Council.

7. Further, if it be admitted that he was intended thus to give his opinion in the proceedings of Council in the Home Department, it must be admitted, I think, that he is entitled to reduce that opinion to writing, and to place it upon record with the minutes of other members.

8. In expressing these views, I mean it to be understood that the opinion of the fourth member is merely entitled to be placed on record, and that it is not to have the effect of a note, that power being, by universal assent, denied to the fourth ordinary member, except in meetings of the Legislative Council.

9. The whole question turns on whether the fourth member, being admitted to Council in the Home Department, was intended to be a mute there or not. It is manifest that such was not the intention of Lord William Bentinck when the point was first raised, and I cannot think that it was the intention of the Court of Directors when they gave their final opinion. And if they intended to confer on the fourth member the right of discussing, the right of minuting, but without voting, cannot, I think, be denied to him.

10. That right I have no doubt will always be exercised by the fourth member of Council as heretofore, with discretion and tact; it will be acted upon only in matters which appear to be of importance, and it will not be called into play on papers connected with the ordinary routine of executive administration in the Home Department.

11. Sir Frederick Currie observes, at his close of his minute, that he does not wish to pursue the question further. But I submit that, the question having been raised, it had better not be left suspended; and I would suggest that his Honour, the President, should be requested to record his opinion upon it, and that the papers should then be sent to the Honourable Court, in order that they may authoritatively confirm the observance of one form of procedure or the other in the consultations of the Home Department.

(signed) *Dalhousie.*

(True copy.)

(signed) *H. M. Elliot,*
Secretary to Government of India with the Governor-General.

MINUTE by the Honourable Major-General Sir *J. H. Littler*, G.C.B., dated 17 June 1850.

Fourth member of Council.

WITH reference to the particular case which has given rise to the present inquiry regarding the position of the fourth ordinary member of Council, I have little hesitation in expressing my opinion that, arguing upon the facts as they are stated by the Honourable Mr. Lowis in his minute, viz., "that the case belongs to a class upon which it is our practice to seek the advice of the fourth ordinary member of Council," and that he accordingly "advised, as usual, without objections being taken," it would be impossible to deny the right of the fourth member to put his advice into writing and place it on record.

The point which I understand to be now immediately at issue has reference to the Home Department only, and I apprehend the question to be simply this: whether the fourth ordinary member attending all the meetings of the Council in the Home Department, and having all the papers of that department which are disposed of in circulation sent to him, is also to be considered entitled to take a share in the deliberations of the Council on all questions belonging to that department of whatever description, legislative or executive.

I further understand that the particular object of the inquiry has been (and the minute of the Governor-General seems to be directed to that end) to ascertain what is the position in that respect of the fourth ordinary member, as laid down in the past instructions of the Court.

After a careful perusal of the Honourable Court's several despatches on the subject, I am of opinion that the instructions therein contained, in respect of the position of the fourth member of Council, do not admit of being construed to mean more than that it is expedient that he should be present at all meetings connected with the internal administration of the country (except in the Political and Military Departments,) but that, as regards the executive departments of that administration, he should take no part in the deliberation of the Council, shall expressly desire to avail themselves of his assistance.

As regards minuting, I cannot suppose that it was contemplated there should be any restrictions

restrictions in that respect, whenever it might be deemed necessary to seek the advice of the legislative member in matters before the Council not of a legislative nature.

It can scarcely be necessary that I should express my entire acquiescence in the opinion recorded by the Most Noble the Governor-General regarding the great value to Government of the office of the legislative member of Council.

(signed) *H. Littler.*

MINUTE by the Honourable Sir *F. Currie*, Bart., dated 20 June 1850.

Position of fourth ordinary member of Council.

I HAVE read the minutes recorded by the Governor-General and two members of Council upon the question referred to in my minute of the 29th November of last year.

I have only to observe, that the Governor-General has not quite correctly understood my remark at the close of my minute. I did not say that I did "not wish to pursue the question further." I wrote that I did "not desire to raise the question discussed in the paper submitted by Mr. Halliday any further," and I went on to say, that I quite concurred in the propriety of the fourth ordinary member being present at all sittings of the Council in the Home Department. I had and have no desire to raise again that question, or the discussions connected with it, which form the chief subject of the Secretary's memorandum.

quite agree with the Most Noble the Governor-General, that the question of the right of the fourth ordinary member of Council to record minutes on papers in no way connected with legislative subjects, and not specially referred to him for opinion, should be referred for the decision of the Court of Directors, who can best interpret their own instructions, conveyed in their legislative letters, No. 22, of 1843, dated 29 November, and No. 12, of 1844, dated 5 June, which both of them state distinctly, that though the Fourth ordinary member is to be present at all meetings of the Council for internal administration, he "has no voice in its proceedings except for the purpose of making laws and regulations." I understand this to mean that he has no right to place his opinion on record in its proceedings in such cases. I shall not be sorry to find that I am mistaken; but I think the question should not be left in doubt.

(signed) *F. Currie.*

MINUTE by the Honourable *J. E. D. Bethune*, dated 29 June 1850.

Duties of fourth ordinary member.

THERE is only one point on which, after perusal of the minutes of the Governor-General and Sir John Littler, and the additional minute by Sir Frederick Currie, I wish to add a few words to what I have already written. I hope it is clearly understood that I am included among those by whose universal assent, as stated by the Governor-General, it is agreed that no spoken or written opinion of the fourth ordinary member can have any effect as a vote, when difference of opinion arises in the Council. I think this is clearly expressed in my former minute; but as the words "right" and "entitled" occur in several places in these minutes, I wish to stand clear of all doubt in what sense only I understand those words to be correctly used.

The whole turns upon the expressed desire of the Honourable Court that the fourth ordinary member shall give his attendance and assistance while business other than legislative is discussed in the Home Department. Sir Frederick Currie seems to attach importance to the phrase of the despatch, that he "has no voice in its proceedings." It is, perhaps, idle to deal in verbal criticism when we are on the point of asking those who employed this phrase, in what sense it was used, but to me it is plain that voice is here used for vote.

It seems to me impossible to think that the Court on such an occasion, while directing the attendance and assistance of the fourth ordinary member, would, in this pointed manner, have warned him that he was to keep silence there. Sir Frederick Currie assumes that he is to give his opinion on such questions only as are specially referred to him. I have already expressed my opinion orally in Council, that this would have at least the appearance of placing him in a position of inferiority with respect to his legislative colleagues, which it would not be seemly that he should occupy. At any rate it would have to be borne in mind that, after taking the opinion of the other members of Council whether or not his opinion should be asked, it would be necessary also to consult his pleasure whether it would be given. That at least must be conceded to him, or he would sink at once to a mere officer of the others. There might also be difference of opinion among the other members of Council whether or not his opinion should be asked: what an opening for misunderstanding and real or supposed affronts, and be perhaps requested to withdraw, that the question might be more freely discussed in his absence! I would certainly not place myself voluntarily in such a position; and unless it were fully understood that I was to exercise my own judgment in giving my opinion at all meetings which I was requested to attend and assist, I should respectfully decline going through the new form of giving such assistance, or giving it in any way that should appear to me to derogate from that position of equality which ought to subsist among those assembled round the same Council table in all things except where the law has otherwise provided.

(signed) *J. E. D. Bethune.*

(True copies.)

East India House,
22 April 1853.

T. L. Peacock,
Examiner of India Correspondence.

Appendix, No. 11.

Appendix, No. 11. PAPERS relating to the REMOVAL of Mr. *Lewin* from the Office of Judge of the Sudder Dewanny Adawlut, also from his provisional Appointment to Council.

East India House,
13 May 1853.

JAMES C. MELVILL.

Note.—Several of the Papers included in this Return, together with Copies of the Proceedings referred to, were presented to the House of Commons on the 21st March 1849.

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JUDICIAL DEPARTMENT, 22 October (No. 24), 1846. Appendix, No. 11.

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

Honourable Sirs,

Para. 1. REFERRING to our letter of the 10th February last, No. 2, and to your Honourable Court's reply of the 3d June following, No. 12, which will be found disposed of in our Consultations of the 18th August 1846, No. 488, we have the honour to lay before your Honourable Court, copy of further papers on matters connected with the recent outrages between the Hindoos and native converts to Christianity in the Tinnevelly district. Outrages in Tinnevelly district.

2. The Honourable Mr. Chamier, in a minute dated 23d February 1846, laid before the Board a petition, purporting to be from certain inhabitants of that district, complaining of the injuries they suffered from the proceedings of the missionaries, and the official influence extended to them by the collector. He observed, that some inquiry was necessary to ascertain who the petitioners were, and what grounds they had for their alleged grievances, suggesting that the Civil and Session Judge might be charged with this duty, and adverted moreover to other petitions which were represented to have been addressed to Government on the same subject. Cons. 19 May 1846, Nos. 25 to 35. President's minute, 4 March.

3. From the minutes severally recorded by us, which will be found entered in our proceedings of the 19th May 1846, and to which we request your special attention, as conveying the sentiments fully of each member of the Government, your Honourable Court will observe, that after much discussion, we finally deemed it unnecessary to take further notice of the petitions in question, as they had been already disposed of by the usual order, and in the ordinary course. As, however, the Honourable Mr. Chamier suggested in his minute of the 18th April, as a part of the inquiry proposed by him, that the Foujdaree Adawlut should be ordered to lay before Government the results of the proceedings recently held in the Courts of the Tinnevelly district, in cases between Hindoos and Christians, we resolved to accede to this proposal, with the sole view of placing upon our records authentic information for your Honourable Court on the subject of these petitions. We therefore called for copies of the calendars, and of the evidence taken in the Sessions Court, with the sentences of that Court, in the several recent cases which had come before the Foujdaree Udalut from the province of Tinnevelly, in which native Christians were prosecutors, and heathens the accused.

4. In the same proceedings, and with the same view, we desired the Foujdaree Udalut to report in each case by what Judge or Judges of their Court the final sentence or order was passed, together with the sentence itself, and the grounds thereof, as well as the names of the head of police, and of the officers in the Magistrates' Department, who investigated the cases in the first instance, and forwarded them to the Court of the Principal Sudder Ameen.

5. We also, in the same order, called upon the Board of Revenue with reference to the statement in the Honourable Mr. Chamier's minute, to submit a statement of lands held in Tinnevelly by Protestant missionaries, or by Protestant Christians, on which a remission of rent, or any peculiar advantage had been conceded, and under what circumstances, and by whose recommendation and by whose orders a remission had been granted; also a statement of the number of revenue servants in all departments in Tinnevelly, with a memorandum showing how many of them were Protestant Christians, when first appointed, and by whom they were appointed to their offices. They were also desired to state whether the proportion of native Christians in revenue employ in Tinnevelly was greater or less than in other southern districts, and the relative proportion of the Christian to the heathen population of the district. President's minute, 4 May.

6. On the 25th June following, the first Judge of the Foujdaree Udalut, Mr. Waters, brought to our notice a copy of a memorial which the second and third Judges had prepared to your Honourable Court's address, impugning our orders of the 19th May, and submitted copy of a minute recorded by the second Judge, Mr. M. Lewin, in support of the memorial, together with one from himself objecting to the step taken by the other Judges. Jud. Cons. 28 July 1846, Nos. 1 to 6.

7. On the 30th June, the second and third Judges themselves forwarded the memorial in question, together with their minute.

8. These papers received consideration in our proceedings of the 24th July 1846. We there observed that the second and third Judges had addressed your Honourable Court, not only impugning our orders, but in fact setting themselves in opposition to them, without previously communicating with, or explaining their objections to us, and requesting a reconsideration of those orders; and that they had assumed, without ground, and notwithstanding a recent declaration to the contrary,* that it was the intention of Government to interfere with

* Extract Min. of Cons., dated 20 January 1846, No. 43, P. 2:
"His Lordship in Council wishes the Judges to understand that, in the case under reference, they are not called on to pass any new sentence, nor to alter their previous judgment, but to report on the facts and circumstances relating to it, for the information of Government."

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with the independence of the Court, and to control its judgments. There did not appear to us to be any justification for this course, and from the papers submitted by the first Judge, the memorial seemed to have been passed through the Court in an improper and hasty manner.

9. We regretted to observe that gentlemen holding the high office of Judges of the Court of Foujdaree Udalut, should have so far forgotten what was due to the Government and to their office, as to have memorialised your Honourable Court against our orders, without knowing, or even seeking information as to the views or object contemplated. We pointed out that it was their duty to obey those orders in the first instance, and if they had objections to offer, to submit them respectfully for our consideration; and this course we remarked was the more imperative on their part, inasmuch as one of the members of Government, whose orders were referred to, was himself the Chief Judge, and had lately been first Puisne Judge of the Court.

10. As the matter stood, we regarded the conduct of the second and third Judges to be highly improper, and justly to be condemned; and we resolved to require them to submit an explanation of the unprecedented course they had adopted. Meanwhile, we returned their memorial, and intimated that we could not permit our orders to be disregarded, nor would we allow subordinate officers to refer such orders to your Honourable Court. We observed, that if either of the Judges had grounds of objection personally to those orders, which he desired to bring under the consideration of your Honourable Court, the usual mode of proceeding should be followed, and the memorial forwarded individually to the Government in the first instance for consideration.

11. In again directing the Court of Foujdaree Udalut to furnish, without delay, the information called for by the orders of the 19th May, we apprised the second and third Judges, that they were in error in supposing the Government proposed or desired to exercise any control over their judgments, or to interfere with their independence; and observed, that we could not but feel surprised they should entertain an opinion to this effect, and venture to express it without previous and deliberate inquiry, particularly when it was distinctly intimated to them that the object of those orders was to place on the records of Government authentic information on the subject matter of certain petitions which had been presented to us.

12. Noticing in the minute of the first Judge that there were observations distinctly implying that official matters had been given to the public press through the instrumentality of the second Judge of the Court, we considered it necessary to call the attention of that gentleman to the statement, and to afford him, as well as the third Judge, the Register, and the assistants of the Court, who could alone have official cognizance of these papers, the opportunity, if they saw fit, of disavowing all connexion with their publication in the newspapers.

13. We also observed that an official paper belonging to the records of the Foujdaree Udalut, being a minute recorded by the first Judge on two trials at the time under his consideration, had been inserted at length in the editorial remarks of the "Spectator" newspaper of the 21st July, and being of opinion that the minute must have been furnished to the editor by some one connected with the Court, since no other person could have had access to its records, we called upon the Judges to ascertain and report whether the above official document was furnished by any person attached to their office, and if so, to name the individual by whom it was so furnished.

14. As the first Judge had also recorded sentiments unfavourable to the Register of the Court, we requested that officer might be called upon to place any justification of his conduct before the Government that he might desire to submit.

15. On the 2d July 1846, the first Judge reported, that the second and third Judges had upon certain untenable grounds thrown into abeyance two sentences passed by himself upon important trials connected with the Tinnevelly disturbances, and after commenting upon the manner in which the evidence had been appreciated by his colleagues, called upon the Government to support him in the exercise of the powers vested in him by law, by ordering the execution of his sentences.

Rev. 28 July 1846, Nos. 49 to 51.
Jud. 28 July 1846, Nos. 43. 44.
„ 4 August 1846, Nos. 1. 2.
„ 18 August 1846, No. 45.
„ 25 August 1846, Nos. 5. 6. 16. 17. 20 to 22.
„ 1 September 1846, Nos. 5 to 8. 21 to 23. 25. 26.
„ 8 September 1846, Nos. 1. 14, with Mr. Lewin's letter.
„ 15 September 1846, Nos. 1. 2.
„ 22 September 1846, Nos. 9 to 53.
„ 29 September 1846, Nos. 17. 18. 28 to 33. 40. 41.
„ 6 and 20 October 1846, Nos. 3 to 6.

16. On the 8th of the same month, the second and third Judges protested against this proceeding of the first Judge, declaring it to be a violation of the laws, and in contravention of the powers vested in him, and upon the suggestion of our President, the Honourable Mr. Dickinson, proceeded, in his position of Chief Judge, to inform himself fully of the matters at issue, with the view of furnishing us with his opinion on the questions brought before us by the first and second, and third Judges, but his interposition, it will be observed from the papers submitted, was resisted by the second Judge.

17. The voluminous correspondence which has since taken place, with the minutes of our President, to which we request your special attention, will inform your Honourable Court of the

the full extent to which the dissensions in the Court of Foujdarree Udawlut have been carried. We had indeed at one time entertained the hope that these would have subsided when the first excitement and irritation had passed away, but we deeply regret to state, that we were disappointed in this expectation, and that the occurrences, as well as the minutes recorded by the Judges in the Court, with the communications from the second Judge, precluded us at length from indulging longer in the hope that the duties of the Court could be carried on by the present Judges with propriety, and in harmony.

18. Upon carefully reviewing all the papers which have come before us, we were unable to find any justification for Mr. Lewin's proceedings, or for the line of conduct he has thought fit to pursue. We observed also this has not been the first time this officer's conduct has been brought under the notice of Government, or of your Honourable Court, for proceedings not wholly of a dissimilar character.

19. In the present instance Mr. Lewin has acted not merely without due deliberation in setting himself up against the Government, impugning its proceedings, and charging it with an intention to interfere with the independence of the Judges, but he has done so in the face of an express declaration of Government to the contrary, and unlike the third Judge, who, although a joint memorialist with Mr. Lewin to your Honourable Court, at once offered a most ample apology for the error in which he had been led, Mr. Lewin has not even replied to the call upon him for explanation.

20. We further noticed the fact recorded by our President, that Mr. Lewin had originally addressed our President at Ootacamund, and although he received an assurance from his Lordship, as Governor, on the 25th June last, through the private Secretary, to the effect that he had entirely misapprehended the nature and object of the orders of which he complained, he yet persisted in placing the charge and imputation before Government in the memorial to your Honourable Court, dated the 30th of the same month.

21. Mr. Lewin also took upon himself, seemingly without reference to his colleagues, to interfere and prevent the Chief Judge, the Honourable Mr. Dickinson, having access to papers in the Court which he, as Chief Judge, had called for at the instance of Government, and this conduct, notwithstanding that Mr. Lewin has disclaimed any intention to offer insult, we did not consider justifiable. The Honourable Mr. Dickinson's position as a member of the Government, and as the Chief Judge of the Court, entitled him to special consideration from Mr. Lewin, and that gentleman was bound to have assumed that he could have no illegal nor improper object in calling for papers or trials from the Court. The sole object in view was to obtain information which would enable Government to bring the Judges back to a sense of their duty, and it was clearly Mr. Lewin's duty to have inquired and sought information before he interposed and threw back upon the Chief Judge his call on the Register for papers.

22. Mr. Lewin's statements respecting Mr. Dickinson's daily and hourly communications with Mr. Waters, and the imputations which Mr. Lewin has allowed himself to make, we considered to be as unjustifiable as they were declared by Mr. Dickinson to be unfounded. The same remarks apply to the imputations and insinuations with which Mr. Lewin has assailed the character and integrity of the Chief Secretary, and this after it had been expressly pointed out in the letter from the private Secretary to him, dated 25th June, that if he had any grounds for charge or imputation against gentlemen officially engaged near his Lordship's person, it should be openly and publicly preferred.

23. We considered Mr. Lewin's conduct also open to condemnation in his neglect to submit to Government, with the other Judges, the explanation required by our orders of the 24th July 1846, No. 433, for we could not allow him to stand in a position different from the other Judges or public servants, and he was bound to reply directly, and to submit an explanation equally with his colleagues. His neglect to do so, and the minutes he has recorded in reference to our orders, we viewed as highly censurable. We did not require the Judges to criminate themselves, but we desired to afford them the opportunity of disavowing all connexion with the publication of the substance of the orders of Government, and of official documents in the newspapers, as we considered it highly discreditable that such a suspicion should be allowed to exist. The first Judge, it will be observed, has made a full statement of his communication to the press; the third Judge has given a denial to it, and the subordinates of the Court have been equally explicit; but to the same call, the second Judge has not, in our opinion, made a direct reply.

24. In affording this opportunity to the Judges, we hoped they would have taken advantage of the occasion to remove from themselves the charge of being a party in traducing the character of a colleague, in articles published by the public press, in which were certain expressions wholly unbecoming any public officer. We were further of opinion, that the language addressed to Mr. Waters, by Mr. Lewin, in the Court-house, could neither be justified nor palliated; and we considered it as utterly indefensible and most disgraceful, and the whole proceeding such as must degrade the Court, and destroy its character in the eyes of the service, as well as of the entire community.

25. On the complaint of the first Judge, that he had been held up to ignominy and public contempt by the press, through the instrumentallity, as it was alleged, of the second Judge, we observed that no contradiction had been given to this statement, and, under such circumstances, we did not see how it was possible for public officers to conduct their duties.

26. In

Appendix, No. 11.

26. In his letter of the 1st September Mr. Lewin has asserted, that in the matter before the Government he has been made the object of party attack and missionary clamour, leaving it to be inferred that the Government have yielded to such influence. We could not permit Mr. Lewin, or any other servant of the Honourable Company, we observed, to use language of this character with impunity.

27. Another condemnatory feature in the proceedings and minutes of the first and second Judges of the Court of Foujdaree Udalut was the highly improper manner in which the question of heathen and Christian has been raised and brought on the records of the Court.

28. After giving full and deliberate consideration to all the papers connected with the proceedings of the Judges, and the conduct of Mr. Lewin, adverted to in the several instances noticed above, we have deemed it necessary for the public interests, although considering Mr. Lewin's high standing and peculiar position in the service, we did so with much reluctance, to determine on the removal of that gentleman from the office of second Judge of the Court of Sudr and Foujdaree Udalut until the pleasure of your Honourable Court shall be known, and we now await your orders on the subject.

29. In regard to Mr. Waters, we were not aware that there was anything objectionable in his original application to the Government to support him in the exercise of the powers, which he conceived to be vested in him by law, as a single Judge of the Court, and we apprehend that every Judge would deem it his duty to maintain unimpaired the authority which the law conferred upon him.

30. But although we thought that Mr. Waters was justified in his appeal against what appeared to him a violation of the law on the part of his colleagues, we nevertheless highly disapproved of his proceeding in withholding from them for so many days all knowledge of the course he had pursued, and of the comments he had made on the memorial prepared by them for transmission to Government.

31. Mr. Waters has assigned as his reason for this course the misuse which would have been made of his communication; and has further stated, that in communicating with the Government he expressly exempted the motives of the Judges from all question, and that he submitted the whole of their minutes; but these grounds were not sufficient, in our opinion, to justify his conduct.

32. Neither did we consider that Mr. Waters, who had expressed himself so strongly against the publication of official matters in the newspapers, was justified, although in self-defence, in sending to the press the letter signed "Sentinel." This proceeding we deemed unworthy of his high position as first Judge of the Sudr and Foujdaree Udalut.

33. We strongly condemn the conduct of Mr. Waters in the personal altercations with the second Judge in the Court-house, in which a want of the respect due to his high office as a Judge of the Sudr Court was evident, whatever might have been the provocation he had previously received.

34. Having already expressed our sentiments on the highly improper reference made in the proceedings of the Judges to the question of Christian and heathen, so foreign to their duties and office, we could not too strongly repeat this condemnation; and we observed that Mr. Waters' minutes, in the Court of Foujdaree Udalut, and his communications to Government, were peculiarly open to censure on this head, and called for the marked displeasure of Government.

35. In our opinion there was nothing which could justify the many improprieties, and the highly unbecoming personalities, into which Mr. Waters had fallen. They tended to prove that he was not qualified for the office he filled, and looking to all the circumstances adverted to, and to the importance of maintaining the character of the Court of Sudr and Foujdaree Udalut, we felt it to be our duty, as necessary to uphold the public interests, to remove Mr. Waters from that Court, and to appoint him to the first Zillah Judgship which might become vacant, pending the orders of your Honourable Court.

36. Referring to the third Judge, we observed from the proceedings before us, that Mr. Boileau was wanting in discretion and judgment, and in that independence of mind and character essential for the efficient performance of the important duties devolving on the Court; and we resolved in consequence to take an early opportunity to replace that gentleman in his former position of Civil and Session Judge, with the salary he drew before his promotion to a seat in the Sudr Court.

37. In pursuance of the above resolutions your Honourable Court will observe, that we have appointed Mr. Waters and Mr. Boileau to officiate as Civil and Session Judges of Coimbatore and Chingleput respectively, and have supplied their places in the Court of Sudr and Foujdary Udalut by Mr. G. S. Hooper and Mr. E. P. Thompson. Mr. W. A. Morehead was appointed to officiate as a Judge of the Court on the 17th ultimo.

38. Since disposing of Mr. Lewin's case, we have received several communications from that gentleman, which will be found in the correspondence now transmitted, and to which, as well as to the minutes recorded thereon by our President, we request the especial attention of your Honourable Court. We beg to state at the same time, that a few of Mr.

Lewin's

Lewin's subsequent letters are now under the consideration of Government, and as soon as disposed of, will form the subject of a separate letter. Appendix, No. 11.

39. On the 22d June last the acting magistrate of Tinnevelly applied to be allowed to employ temporarily an extra establishment of 12 peons and a duffadar in the Brumwadavem and Teneansy Talooks, as a precaution required by the state of feeling in the district consequent on the result of the trials of the persons charged with robbery and other outrages in the Christian villages. The application involved an additional monthly expenditure of 49 rupees, which we sanctioned, subject to the confirmation of the Government of India. We direct the attention of your Honourable Court to the statements of the acting Collector in this communication, as bearing upon the subject of this despatch. Rev. Cons. 28 July 1846, Nos. 49. 50. and 51.

40. The Foujdaree Udalut also applied for a small temporary establishment of six writers, to prepare transcripts of the records of the trials called for by us, which we complied with, and have directed their preparation without delay.

41. Your Honourable Court will observe from our proceedings of the 18th August 1846, No. 488, that we furnished an extract of your Honourable Court's despatch, No. 12, dated 3d June 1846, to the Foujdaree Udalut, and desired that they would, in conformity with the opinion therein communicated, instruct the several magistrates to observe it as a rule for the future that all outrages of a serious character and extent, from whatever cause originating, which might occur within their respective charges, should be promptly reported by them, for the information and orders of Government. Jud. Cons. 18 Aug., No. 45; 1846.

We have, &c.

(signed) *Hy. Chamier.*
H. Dickinson.

Fort St. George, 22 October, 1846.

I have signed this despatch *pro formâ*, but I am not otherwise a party to it.

(signed) *Hy. Chamier.*

JUDICIAL DEPARTMENT, 12 December (No. 20), 1846.

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

Honourable Sirs,

WE have the honour to submit, for the decision of your Honourable Court, the accompanying papers, which we have received from the Government of Fort St. George, referring to the Government of India, whether it be competent to the Local Government to suspend from the Honourable Company's service a member of it, provisionally appointed to a seat in Council; and whether it be competent, under the circumstances of the case stated in the papers submitted, to a member of the Government to decline interference, or taking part in the proceedings of the Government. Home Department.

2. We discussed these questions in our minutes, as per margin, copies of which accompany this despatch, and we informed the Government of Fort St. George that, in respect to the first question, there appeared to be doubts on the legal part of the proposed proceeding, while, in respect to the second part of the reference, some of the proceedings of that Government, we observed, had already been submitted to your Honourable Court, and the remainder would, no doubt, be forwarded without delay; we therefore deemed it expedient to refrain from pronouncing any opinion on either question, and to leave them both for the determination of your Honourable Court. Min. by the Hon. Sir H. Maddock, dated 6 Dec. 1846. Min. by the Hon. F. Millett, dated 10 December 1846. Min. by the Hon. Sir G. Pollock, dated 10 Dec. 1846. Min. by the Hon. Sir H. Maddock, dated 11 Dec. 1846.

We have, &c.

(signed) *T. H. Maddock.*
F. Millett.
George Pollock.

Fort William, 12 December 1846.

Vide, for the references from the Government of Fort St. George, Enclosures Nos. 8 to 23 of No. III., and Nos. 146 to 151 of No. I.

JUDICIAL DEPARTMENT, 13 November (No. 25), 1846.

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

Honourable Sirs,

Para. 1. IN continuation of our letter in this department, dated 22d October 1846, No. 24, reporting our proceedings relative to the late dissensions in the Court of Sudr and Foujdaree Udalut, we have the honour to submit copy of a communication from Mr. M. Lewin, giving cover to copy of a memorial addressed by him direct to your Honourable Court, on the subject of his removal from office. Dated 12 October 1846, No. 911.

2. With this communication we also transmit a further letter from the same gentleman, together with minutes recorded by our President and the Honourable Mr. Dickinson, as well as a memorandum by the Chief Secretary, and requesting your Honourable Court's particular attention to these papers, we beg to point out briefly the errors in Mr. Lewin's statement. Cons. 13 November 1846, No. 721.

Appendix, No. 11.

3. In the first place, we beg to observe that Mr. Lewin's assertion of the Government having acted upon secret communications, has no foundation whatever; no private communications of any kind have been received, excepting the several letters sent to the private secretary to his Lordship by Mr. Lewin himself, and the letter through the Chief Secretary from Mr. Waters, referred to by Mr. Lewin. In both instances, the same course was pursued, and Mr. Lewin and Mr. Waters were informed that no communications would be permitted, except through the regular official and public channel of the Secretary to the Government, in the Judicial Department, and accordingly not a single paper has been submitted to his Lordship which did not come through this channel, though Mr. Lewin has subsequently sent several, Mr. Waters none. Further remark on this subject is, however, unnecessary, as we are assured your Honourable Court will observe from the minutes already submitted that his Lordship's opinions have been formed solely on the information laid before him officially.

4. The Chief Secretary's memorandum in respect of the statements contained in para. 12, and other portions of Mr. Lewin's memorial, in which it is imputed to him that he has been holding secret correspondence, and acting in concert with Mr. Waters, the first Judge, will inform your Honourable Court that those statements are without foundation.

5. We beg also to point out, that the papers sent to Government by the first Judge embraced Mr. Lewin's and Mr. Boileau's as well as his own minutes, and were laid before the Government officially.

6. In reference to Mr. Lewin's statement, that the Government were bound to support the majority of the Court on their view of the law, we beg to observe, that the Government could not interfere and interpret the law summarily, as he is well aware, and that the law quoted by him, Regulation IV. of 1806, was the rule of Court when a single judge had no special and separate authority or power vested in him by law, and was inapplicable to the case laid before Government; and it was on this point that the Chief Judge was requested to assist the Government with his opinion, when, as your Honourable Court have been informed, he was prevented from doing so by the second Judge.

7. The reiterated statement of Mr. Lewin, of the influence of missionaries on the proceedings of Government, needs no notice beyond that it rests on nothing but his own unsupported assertion, and is utterly and entirely unfounded.

8. We beg to request the attention of your Honourable Court to the circumstance that the observations of Government respecting the publication of matters in the newspapers did not refer merely to the writing for them, but to the abuse of trust and of official duty, in secretly sending to the editors of newspapers official documents and records of the Court, with the view, as it was obvious, of depreciating the character of a colleague, and of which Mr. Waters complained.

9. Mr. Lewin has also lost sight of the fact, that in estimating his language and conduct in the personal altercation in the Court-house, the Government had before them the language in which he had indulged in his minutes in the Court, and in his communications with Government in reference to Mr. Waters, and in which he has continued to indulge, with greater impropriety, in the case of Mr. Dickinson.

10. Your Honourable Court will observe, from the minutes of his Lordship already submitted, the grounds on which Mr. Boileau and Mr. Phillips were called upon for a second report on the matter of the altercation between Mr. Lewin and Mr. Waters; and will also notice, that in the original orders of Government upon Mr. Waters' communication, it was expressly directed that Mr. Lewin should then be furnished with a copy of Mr. Boileau's and Mr. Phillips' statements. It was therefore his duty to have offered at that time his objections to the statements submitted, if he considered them in any degree incorrect, or the inquiry imperfect.

11. Your Honourable Court will be fully aware, from the proceedings of Government, of the circumstances which have led to the removal of Mr. Lewin at an earlier date than Mr. Waters, and will also learn why the senior member of Council took no part in them.

12. Respecting the allusion to Mr. Maclean, and Mr. Lewin's letter of the 14th instant, we beg to refer your Honourable Court to the minute recorded by the Honourable Mr. Dickinson, a copy of which accompanies this communication.

Dy. to Cons., 17 November 1846, Nos. 720–722.

13. We take this opportunity of also submitting the correspondence recorded in the consultations noted in the margin connected with the subject; and with reference to the question of the allowance to be drawn by Mr. Waters, subsequent to his removal, under our orders of the 20th October 1846, we beg to solicit the instructions of your Honourable Court.

We have, &c.
(signed) *Hy. Chamier.*
H. Dickinson.

Fort St. George, 13 November 1846.

I have signed this letter *pro formâ*, but am not otherwise a party to it.

13 November 1846. (signed) *Hy. Chamier.*

JUDICIAL DEPARTMENT, 17 November (No. 26), 1846.

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

Honourable Sirs,

IN continuation of our letter in this department, dated 13th November, 1846, No. 25, we have the honour to submit copy of a further correspondence from Mr. M. Lewin, and of the minutes recorded by the members of Government connected with the late proceedings in the Court of Suddar and Foujdarree Udalut. Cons. 17 November 1846, No.

We have, &c.
(signed) *H. Chamier.*
H. Dickinson.

Fort St. George, 17 November 1846.

JUDICIAL DEPARTMENT, 18 December (No. 30), 1846.

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

Honourable Sirs,

ADVERTING to our letters in this department, dated 22d October, and 13th and 17th November, 1846, Nos. 24 to 26, we have the honour to submit copy of the further correspondence which has taken place connected with the late proceedings in the Court of Sudder and Foujdaree Adawlut. Cons. 13 October 1846, Nos. 24. 25. Cons. 10 November, and 1 December 1846, Nos. 22. 23.

2. Your Honourable Court will observe, that having had the conduct of Mr. Phillips, the Register of that Court, under consideration, we were of opinion that that officer acted irregularly and failed in his duty towards the first Judge of the Court, Mr. Waters, and that in preparing for the second and third Judges' draft of a paper of so improper a character, and so entirely personal as their memorial against the Government, which he could not have signed as Register, Mr. Phillips manifested a want of due regard for his own office, and mixed himself up improperly with the proceedings of the second and third Judges. We, therefore, resolved to remove him to a situation in the provinces suitable to his standing in the service, and we have accordingly appointed him subordinate judge of Madura.

3. We solicit the attention of your Honourable Court to the minutes on the subject recorded by our President and the Honourable Mr. Dickinson.

We have,&c.
(signed) *H. Chamier.*
H. Dickinson.

Fort St. George, 18 December 1846.

JUDICIAL DEPARTMENT, 22 December (No. 31), 1846.

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

Honourable Sirs,

REFERRING to the papers transmitted with our letter in this department, dated 17th November 1846, No. 26, connected with the proceedings in the Court of Sudder and Foujdaree Adawlut, we have the honour to submit an extract from the minutes of consultation of this day's date, together with a copy of the minute recorded by our President, to which allusion is therein made.

We have, &c.
(signed) *H. Chamier.*
H. Dickinson.

Fort St. George, 22 December 1846.

JUDICIAL DEPARTMENT, 22 December (No. 32), 1846.

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

Honourable Sirs,

WE have the honour to transmit a memorial to your address from Mr. T. E. J. Boileau, appealing against his removal from the office of third Puisne Judge of the Court of Suddur and Foujdaree Udalut, and to observe that as this gentleman's case has been brought under the consideration of your Honourable Court in the correspondence submitted with our letter, dated 22d October 1846, No. 24, we submit his Memorial without comment.

We have, &c.
(signed) *H. Chamier.*
H. Dickinson.

Fort St. George, 22 December 1846.

Appendix, No. 11.

JUDICIAL DEPARTMENT, 6 January (No. 9), 1847.

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

Honourable Sirs,

WE have the honour to transmit in continuation of our letter in this department, dated 22d December 1846, No. 31, copies of further communications from Mr. M. Lewin, connected with the recent proceedings in the Court of Suddur and Foujdaree Adawlut.

Cons. 5 January 1847, No.

We have, &c.

(signed) *H. Chamier.*
H. Dickinson.

Fort St. George, 6 January 1847.

JUDICIAL DEPARTMENT, 19 January (No. 10), 1847.

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

Honourable Sirs,

Dy. to Cons., 22 January 1847.

IN continuation of our letter in this department, dated 6th January 1847, No. 9, we have the honour to transmit copy of a further correspondence from Mr. M. Lewin, relative to the late proceedings in the Court of Sudr and Foujdarree Udalut.

We have, &c.

(signed) *Hy. Chamier.*
Hy. Dickinson.

Fort St. George, 19 January 1847.

JUDICIAL DEPARTMENT, 9 March (No. 14), 1847.

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

Honourable Sirs,

Jud. Dy., 2 March 1847, No.

1. IN continuation of our letter in this department, dated 19th January 1847, No. 10, we have the honour to submit copy of a further correspondence from Mr. M. Lewin connected with the late proceedings in the Court of Sudr and Foujdarree Udalut.

2. We have hitherto forborne to notice the several highly improper and reprehensible communications received from Mr. M. Lewin since his removal from his office, deeming them scarcely worthy of notice, and from an unwillingness to take any further step whilst his conduct as a Judge of the Sudr Court was under reference to your Honourable Court. But the letters we have recently received from Mr. Lewin are so totally subversive of all subordination, and in themselves so grossly insulting, that we can no longer tolerate them or allow them to pass disregarded. We have resolved, therefore, under the existing circumstances of that gentleman's case, to forward his communications for the orders of your Honourable Court, and in soliciting your attention to them as well as to previous communications of a similar character, to submit our opinion, that if these letters are not withdrawn from the records by Mr. Lewin, with an ample apology, it is due to the Government who have been thus insulted, and called for also, as an example, to prevent similar misconduct in future on the part of the officers whose cases may be under reference to your Honourable Court, that Mr. M. Lewin's conduct should be visited by dismissal from the service.

3. We have instructed the secretaries to Government not to register nor record such communications, but to report their receipt to the Government, for the purpose of being dealt with in each case as may seem fit, either directing their return to Mr. M. Lewin if not respectfully worded, or disposing of them in the usual course.

4. We beg to draw the particular attention of your Honourable Court to the minutes recorded by the members of Government, and to the proposed draft resolution accompanying the minute of the President, dated 22d February last. The Honourable Mr. Chamier is not a party to our recommendation to your Honourable Court, and entered a protest against the latter part of the draft resolution in the following words: "Seen: I protest against the order in para. 3, and am not a party to the rest of the resolution."

We have, &c.

(signed) *Tweeddale.*
H. Chamier.
H. Dickinson.

Fort St. George, 9 March 1847.

EXTRACT JUDICIAL LETTER, from Fort St. George, dated 26 March (No. 17), 1847.

1. WE have the honour to acknowledge the receipt of your Honourable Court's despatches in this department, dated 20th January and 3d February 1847, Nos. 1 and 2, the former relating to our proceedings connected with the removal of Mr. G. J. Waters, Mr. M. Lewin, and Mr. T. E. Boileau, from their office of Judges of the Court of Sudr and Foujdaree Udalut, the latter respecting the allowance to be assigned to Mr. Waters.

2. In respect to the observations contained in paras. 12, 13, and 19 of the despatch No. 1, we beg to submit copies of minutes recorded by the Honourable Mr. Dickinson and the Most

Noble

Noble the President, dated respectively the 17th and 23d March 1847, No. 297 and 308, and to solicit your Honourable Court's attention to the explanations they convey. Appendix, No. 11.

3. We furnished copies of those paragraphs of the despatch No. 1, to Mr. Waters, Mr. Lewin, and Mr. Boileau, as well as to the Court of Foujdaree Udalut, as respectively related to them, for their information. Paras. 1. 8. 11.; Ex. pp. 15 and 16. Paras. 1. 9. 11.; Ex. pp. 15 and 17.

4. We also furnished a copy of the despatch No. 2, to Mr. Waters, and authorised the Civil Auditor to pass to that gentleman the salary of a Zillah Judge retrospectively from the date of his removal from the Court of Sudr Udalut. Paras. 1. 9. 11.; Ex. pp. 15 and 18. Para. 1, and Ex. from pp. 15 and 20.

EXTRACT JUDICIAL LETTER from Fort St. George, dated 10 July (No. 31), 1847.

1. WE have the honour to transmit copies of letters to our address from Mr. M. Lewin, of the dates noted in the margin, which we have not deemed to be proper communications to be placed on the records of Government. June 7, 10, 13, 17 19, 26, and 30.

2. We request your Honourable Court's instructions as to the mode in which communications, couched in such objectionable language as has been used by Mr. Lewin, are to be dealt with.

JUDICIAL DEPARTMENT, 11 August (No. 38), 1847.

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

Honourable Sirs,

Para. 1. IN reference to our communication of yesterday's date, we have the honour to submit for your information, copy of a letter from Mr. Lewin, requesting permission to resign the Civil Service, with the view of accepting an annuity, together with copies of our proceedings thereon. Nos. 704 to 708. 546, 547, and 709.

2. Our President and the Members of Council have recorded minutes, of which also we transmit copies, and to which we solicit the particular attention and consideration of your Honourable Court, requesting at the same time to be favoured on an early date with your instructions on the matter they contain.

3. Your Honourable Court will oberve that on Mr. Lewin being informed that the orders of your Honourable Court must be sought and obtained before any instructions could be issued on his application, he has requested that it be withdrawn, and be considered no longer in force.

We have, &c.
(signed) *Tweeddale.*
H. Chamier.
H. Dickinson.

Fort St. George, 11 August 1847.

JUDICIAL DEPARTMENT, 10 August (No. 37), 1847.

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

Honourable Sirs,

Para. 1. IN continuation of our letter of the 10th ultimo, we have the honour to forward for your Honourable Court's instructions further letters from Mr. Malcolm Lewin. Dated 20, 22, and 29 July 1847.

2. On the subject of that dated the 22d July, the Honourable Mr. Dickinson has recorded the accompanying minute*, to which, and its enclosures, we beg to call your particular attention. * 26 July. Extract Mins. of Cons. 10 August 1847, No. 548.

We have, &c.
(signed) *Tweeddale.*
H. Chamier.
H. Dickinson.

Fort St. George, 10 August 1847.

JUDICIAL DEPARTMENT, 24 December (No. 57), 1847.

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

Honourable Sirs,

WE have the honour to acknowledge the receipt of your Honourable Court's letter in this department, dated 20th October 1847, No. 20, and to acquaint you, in reply, that, as direct in para. 2, we have furnished Mr. M. Lewin with a copy of that despatch for his information, and permitted him to resign the Company's service, in conformity with the views of your Honourable Court.

Jud. Ext. Mins. Cons., 7 December 1847, No. 795.
Ditto - ditto - 24 December 1847, No. 826; with Papers recorded.
Pub. Dy. to Cons. 17 December 1847, No. 1131.

Ext. Mins. Cons. 24 December 1847, No. 827 A.

2. As connected with this subject, and with the assertions made by Mr. Lewin in the numerous letters addressed to this Government by that gentleman, we also forward copies of an official memorandum submitted by Mr. J. F. Thomas, our chief Secretary, as well as a minute of our President of the 10th December 1847, recorded thereon.

3. Your Honourable Court's special attention is requested to para. 8 of the foregoing minute, and to his Lordship's further minute of the 21st instant, referring to your letter of the 20th October 1847, No. 20, Judicial Department.

Ext. Mins. Cons., 24 December 1847, No. 827; with Papers recorded.

4. We take this opportunity of submitting, for the information of your Honourable Court, an extract from the minutes of consultation of this day's date, with copies of the several papers and minutes of the members of Government recorded therein, which will furnish information of the proceedings adopted for the discovery of the parties who had abstracted from the Secretary's Office certain minutes of the members of Council and resolutions of Government in the Revenue and Judicial Departments, which were published in the "Crescent" newspaper. It will be observed that Mr. M. Lewin's name was incidentally brought forward during the investigations as having written for the "Crescent;" and it was proposed by our President, for reasons stated, that that gentleman should be called upon for definite explanation on points connected with certain letters which appeared in that paper; but, as we have now permitted Mr. Lewin to resign the service, we do not consider it necessary to proceed further in the matter.

We have, &c.
(signed) *Tweeddale.*
H. Chamier.
H. Dickinson.

Fort St. George, 24 December 1847.

DESPATCH, dated 20th January (No. 1), 1847.

(Fort St. George, Judicial Department.)

Judicial Letter, 22d October (No. 24), 1846.
" " 13th November (No. 25), 1846.
" " 17th November (No. 26), 1846.

Removal of the Judges of the Sudder Adawlut.

Para. 1. IN your letter of the 22d October (No. 24, of 1846) you have furnished an explanation of the circumstances under which you have been induced to come to the resolution of removing from their office the three Judges of the Court of Sudder and Foujdarry Adawlut, Mr. George Jenkin Waters, Mr. Malcolm Lewin, and Mr. Thomas E. J. Boileau.

2. On the 19th May you had addressed the following instructions to the Court of Foujdarry Adawlut, for the purpose of furnishing us with correct information relative to the acts of violence and outrage which had taken place betwixt the Hindoo inhabitants and the native converts to Christianity in the district of Tinnevelly:

"He" (the Governor in Council) "resolves at the same time, with the view of placing on the records of Government authentic information on the subject-matter of these petitions, to direct the Court of Foujdarree Udalut to lay before the Government copies of the calendars, and of the evidence taken in the Sessions Court, with the sentences of that Court in the several recent cases which have come before the Foujdarree Udalut from the province of Tinnevelly, in which native Christians have been prosecutors and heathens the accused.

"The Court will also be pleased to report in each case by what Judge or Judges of their Court the final sentence or order was passed, together with the sentence itself, and the grounds thereof; also the name of the head of police and of the office in the magistrate's department who investigated the cases in the first instance, and forwarded them to the Court of the principal Sudder Ameen."

3. On the 25th June, Mr. Waters, the first Judge of the Foujdarry Adawlut, addressed a letter to Government, communicating copy of a memorial which he stated that his colleagues, Mr. Lewin and Mr. Boileau, had determined to submit to the Court of Directors, appealing against the foregoing orders of Government, together with copy of a minute which he himself intended to record against the memorial.

4. On the 30th June Mr. Lewin and Mr. Boileau transmitted to Government a memorial to the Court of Directors, the same as the copy which had previously been transmitted by Mr. Waters.

5. On the 2d July Mr. Waters laid before Government his proceedings in certain Tinnevelly trials, in which Mr. Lewin and Mr. Boileau, the second and third Judges, were of opinion that the proceedings were not according to law, and requested that Government would issue orders that the sentences passed by him should forthwith be executed.

6. On the 8th July Mr. Lewin and Mr. Boileau, with reference to the same proceedings, solicited the interposition of Government in order to compel Mr. Waters to conform to the judgment of the majority of the Court.

7. With regard to the whole of these communications from individual Judges of the Sudder Adawlut, we have to observe that they ought immediately to have been returned to the

the respective writers, with instructions to adhere to the regular channel of official correspondence. The departure from that correct rule, which has been allowed throughout the series of discussions under review, has not only loaded the records of Government with irrelevant matter, but has led to much personal invective and recrimination, which might otherwise have been avoided.

8. The first step in the proceedings in question, namely, that of Mr. Waters possessing himself of a copy of a memorial under preparation by his colleagues, and, in his individual capacity, communicating it, without the knowledge of his colleagues, to Government, with his own strictures on its contents, ought, independently of the irregular channel of correspondence, to have been reprehended as discreditable and improper.

9. The memorial itself did not relate to any personal grievance, but was in the nature of an appeal from the authority of Government to that of the Court of Directors on a question of official duty. You, therefore, very properly resolved that it should be returned to the memorialists. Of the whole tone and tenor of the memorial we highly disapprove; and we regard the comments made by Mr. Lewin and Mr. Boileau, on your orders of the 19th May, as unbecoming and unjustifiable.

10. The reference to Government regarding certain Tinnevelly trials by Mr. Waters, and subsequently by Mr. Lewin and Mr. Boileau, not having been made through the regular channel of the Court, ought on that account to have been rejected as informal and objectionable.

11. In the papers laid before Government by Mr. Waters, it was represented that official documents and information had improperly found their way into the newspapers, and this breach of duty was imputed by him to the authors of the memorial. We are surprised that, in drawing the attention of the Judges and officers of the Sudder Court to the point, you did not refer expressly to the notification copied in the margin,* in which the principle, that public documents are only held in trust for the performance of public duties, is so distinctly explained, and the violation of that principle is so positively prohibited. We observe that Mr. Boileau, as well as the register of the Court and his deputies, disavowed having communicated any official information to the newspapers. A similar disavowal was not made by Mr. Lewin, who has even denied the right of Government to question him on the subject; and Mr. Waters acknowledged that on one occasion he had himself published, under a feigned signature, a letter relating to discussions in the Court.

12. In a minute of the 22d July, Mr. Dickinson complained in warm terms of Mr. Lewin's having objected to the record of the trials regarding which the Judges of the Foujdarry Adawlut had severally appealed to the authority of Government being made over to him as Chief Judge of the Sudder Court, and renewed the suggestion previously made by him, that Mr. Lewin should be removed from his office. The Governor, on the other hand, proposed in a Minute of the 28th July, that a communication should be made to the Judges of the Sudder Court, expressing the regret felt by the Government at the warmth and the personal feeling manifested by them, and at the impropriety of bringing matters depending before the Court under discussion in the newspapers, and at the same time assuring them of the desire of Government to maintain the Court in all its integrity and efficiency. Should such a measure not have the effect of recalling the Judges to a sense of what was due to their stations, Lord Tweeddale intimated his determination to resort to the necessary interposition of the authority of Government.

13. We find no satisfactory explanation, and are unable to understand why the temperate and considerate course proposed by your President was not adopted by Mr. Dickinson, the member of Government at the Presidency. The neglect to do so, animadverted upon in the President's

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* Extract, "Fort St. George Gazette," 22 September 1843.

Fort St. George, 21 September 1843.

The following Notification of the Government of India is republished for general information.

No. 150.—Notification.

Fort William, Foreign Department, 30 August 1843.

Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor-General in Council deems it expedient to notify that such documents and papers are in no case to be made public, or communicated to individuals, without the previous consent of the Government, to which alone they belong.

The officer in possession of such documents and papers can only legitimately use them for the furtherance of the public service in the discharge of his official duty; and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially.

By order of the Right Honourable the Governor-General of India in Council.

(signed) *J. Thomason*,
Secretary to Governor of India.

Republished by order of the Most Noble the Governor in Council.

(signed) *G. D. Drury*, Chief Secretary.

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President's minute of the 1st of September, is the more to be regretted, as the chief part of the exceptionable proceedings on the part of Mr. Waters and Mr. Lewin was of subsequent date, and might have been prevented.

14. The subsequent letters addressed to Government severally by these two gentlemen were very numerous. They were all of them liable to the same observation as to official informality, and became more and more acrimonious and reprehensible. They related to the topics above adverted to, and to personal altercations arising out of them, in which the writers had been engaged. Mr. Lewin's letters were extremely disrespectful and insubordinate towards the Government.

15. In consequence of the state of things thus described, your President, in two Minutes, dated the 12th of September, proposed the removal of the three Judges; and that measure was carried into effect, Mr. Dickinson dissenting as far as relates to the removal of Mr. Waters. It is with deep concern that we express our entire concurrence in the propriety of removing the three Judges.

16. We have already animadverted on the conduct pursued by Mr. Waters at the commencement of these proceedings, in transmitting to Government, in his individual capacity, a copy of a memorial which was only under preparation by his colleagues, and which might have been suppressed if he had objected to it in a candid and conciliatory spirit, instead of making it the ground of secret accusation. The bitter animosity also with which he assailed, not only Mr. Lewin throughout the correspondence, but also Mr. Phillips, the register, who had merely obeyed the instructions of his superiors, in drawing up the memorial, is such as we must highly disapprove. In having recourse to newspaper publication Mr. Waters was the more to blame, as he made this breach of public duty a chief ground of his complaints against Mr. Lewin. Finally, the allusion to religious topics, with which Mr. Waters' writings abound, is strongly to be condemned, as evincing a want of sound judgment, and of a proper regard for the relation in which the Government stand towards its native subjects.

17. Mr. Lewin was deserving of severe censure for the memorial and the minute relative thereto. Instead of atoning for that impropriety, he has greatly aggravated it by the whole tenor of his subsequent correspondence. He has reproached the Government with being controlled by party influence, and has disputed and insulted their authority. He has assailed individuals whose conduct was not under his cognizance. In the face of positive assurances furnished to him, he has persisted in imputing wrong motives and views to the Government; and, giving way to his excited feelings, he has thrown off all regard to subordination, and has permitted himself to use language highly intemperate and offensive. He has not only failed to take advantage of the opportunity afforded him to disavow, if he could do so with a due regard to truth, having given publicity in the newspapers to official information and documents relating to subjects under discussion betwixt himself and his colleagues, and betwixt the Government and the Sudder Court, but he seems even to lay claim to a right to commit this breach of the express orders quoted above, as well as of the most obvious principles of public duty.

18. The offence of Mr. Boileau, the third Judge, consisted chiefly in his participation in the objectionable memorial and minute accompanying it. Of this conduct we have already expressed our strong disapprobation; and we think it right to confirm your resolution, transferring him to a Zillah Court, with the same allowances he received previously to his promotion.

19. The proceedings which have been under review had their origin in occurrences connected with missionaries and native converts to Christianity; and we have observed with deep concern the disposition evinced by all parties to give their disputes a religious character. This disposition, so incompatible with the calm and impartial administration of justice, is not less at variance with those principles of policy upon which it has been the uniform object of the British Legislature, and of the public authorities in this country, that the Government of India should be conducted. It cannot too strongly be deprecated. In particular, our attention has been attracted to a circumstance entirely new to us; we mean the use of the term "heathen" to signify the people of India. As applied to Hindoos, or to Hindoos and Mahomedans conjointly, it cannot but be felt as an opprobrious epithet. We consider it to be repugnant to that regard for the feelings of the people which forms an essential part of genuine toleration. We should therefore have expected that the phrase "heathen" would have been censured by Government on the first occasion of its being used in official correspondence; and we have observed with equal surprise and disapprobation, that the phrase is adopted in the proceedings of the Government itself, and in the very letter now under reply. You are aware of our strong impression that it is the duty of Government, and not less so of its officers, to stand aloof from all missionary labours, either as promoting or as opposing them. Towards that end it is indispensable that official language should not be employed which is without meaning, unless as it has reference to the object of such labours. We shall for the future rely on your exercise of sound discretion, as well as of vigilant attention, in carrying these views into effect.

20. We are of opinion that no useful end would be answered by transmitting to us copies of the Tinnevelly trials; and we desire that no further steps be taken for the purpose. We further desire that these and any similar proceedings may not be taken out of the usual course of judicial inquiry.

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PUBLIC DEPARTMENT, 20 January (No. 4), 1847.

Our Governor in Council at Fort St. George.

Para. 1. In our despatch in this department, of the 17th September 1845, No. 36, we announced the appointment of Mr. Malcolm Lewin to be a provisional member of Council for Madras.

2. We have now to acquaint you that we have cancelled that appointment.

We are, &c.

London, 20 January 1847. (signed) *J. W. Hogg,*
H. St. G. Tucker,
&c. &c.

JUDICIAL DEPARTMENT, 14 April (No. 2), 1847.

Our Governor General of India in Council.

Removal of the Judges of the Sudder Adawlut at Madras.

WE have received your letter in this department (No. 20) of the 12th December last, relative to a reference from the Government of Fort St. George, for your opinion with regard to their competency to suspend from the Company's service a person holding a provisional appointment as a member of Council, and with regard to the competency of a member of the Government to decline taking part in its proceedings: and in reply we have to refer you to our despatch* of this date, to the Government of Fort St. George.

* (No. 7.)

We are, &c.

London, 14 April 1847. (signed) *J. W. Hogg,*
H. St. G. Tucker,
&c. &c.

JUDICIAL DEPARTMENT, 14 April (No. 1), 1847.

Our Governor in Council at Fort St. George.

Judicial Letter, 18 December (No. 30), 1846.
22 " (No. 31).
22 " (No. 32), "

Removal of the Judges of the Sudder Adawlut.

1. THE letters noted above, have reference to proceedings connected with the removal of the Judges of the Court of Suddur Adawlut.

2. In the letter of the 18th of December (No. 30), you inform us that you were of opinion that Mr. Phillips, register of that Court, "acted irregularly, and failed in his duty towards the first Judge of the Court, Mr. Waters, and that in preparing for the second and third Judges, draft of a paper of so improper a character, and so entirely personal, as their memorial against the Government, which he could not have signed as register, Mr. Phillips manifested a want of due regard for his own office, and had mixed himself up improperly with the proceedings of the second and third Judges." You state that you have therefore removed him to the situation of subordinate Judge of Madura.

3. You will have learned from our despatch of the 20th January (No. 1), that, improper as the memorial is considered by us to have been, we were of opinion that Mr. Phillips had "merely obeyed the instructions of his superiors," and in reviewing the whole proceedings, we have not found reason to suppose, in opposition to Mr. Phillips' assurance to the contrary, that any disrespect was intended by him towards Mr. Waters or the Government. We should therefore have been prepared to acquiesce in your decision if you had left him in the office of registrar, but as you have deemed it expedient to transfer him to another office, we trust that you will find an early opportunity of promoting him, in a manner which you may consider consistent with the interests of the public service.

4. With your letter of the 22d of December (No. 32), you transmit to us a memorial from Mr. Boileau, appealing against his removal from the office of Judge of the Court of Suddur Adawlut. We have already shown that we consider Mr. Boileau deserving of greater lenity than Mr. Lewin or Mr. Waters; but the perusal of his memorial has not altered the opinion we have expressed in our despatch of 20th January (No. 1), 1847, approving of his removal. You will therefore apprise him that we cannot comply with the prayer of his memorial.

5. The Government of India have communicated to us their reply to the reference which you had made to them with regard to the competency of the Local Government to suspend from the Company's service a member of it provisionally appointed to a seat in Council, and also with regard to the competency of a member of Council to decline taking part in its proceedings.

6. On the former of these questions, we have to state, that the competency of the Local Government to suspend one of our servants from the service extends to the case of a civil servant provisionally appointed by us to succeed to the office of member of Council; and as a person

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a person so suspended could not, under 53 Geo. 3, c. 155, s. 83, be restored to the service without the consent of the Commissioners for the Affairs of India, it follows that he could not assume office under such provisional appointment, if the contingency named in it should intermediately happen, until the authorities in England had notified to you the fact of his restoration to the service.

7. Regarding the second queston, we have, in the first place, to state that Mr. Dickinson's conduct was most unjustifiable in hurrying on the decision on the question submitted to Council in the two minutes of Lord Tweeddale, dated the 12th of September; the resolutions of council were issued on the 17th September, although Mr. Chamier was expected to return, and did return to the Presidency on the following day. This precipitancy was the more improper, as the Governor's recommendations were only partially adopted by Mr. Dickinson. Mr. Chamier was thus excluded from taking a part in very important proceedings in which it ought to have been the wish of his colleague to afford him the opportunity of having a voice.

8. We must also express our entire and unqualified disapproval of Mr. Chamier's conduct in refusing to take part in proceedings brought forward subsequently to his return to the Presidency. This failure in his bounden duty is more particularly deserving of censure, as the head of the Government had requested to be made acquainted with his sentiments, and was entitled to demand the cordial assistance of a gentleman placed in Council for that express purpose.

We are, &c.
(signed) *J. W. Hogg,*
H. St. G. Tucker,
&c. &c.

London, 14 April 1847.

JUDICIAL DEPARTMENT, 22 June (No. 13), 1847.

Our Governor in Council at Fort St. George.

Mr. M. Lewin.

OUR letter of the 20th of January last will have apprised you of the severe punishment with which we have visited the insubordinate and indecorous conduct of Mr. Lewin. Severe as that punishment undoubtedly is, we might have felt it our duty to vindicate the respect due to you, by making the example even more impressive, if we had had before us the very offensive language to which you have called our attention in your despatch of the 9th of March. We are willing to hope that the course we have already taken will have recalled Mr. Lewin to a proper sense of his position in relation to the Government he is appointed to serve; and as the correspondence now before us is anterior to his knowledge of our proceedings, we shall take no further notice of it at present than to repeat for your satisfaction our determination to uphold your just authority in the consideration of any measures which may be essential to its vindication.

We are, &c.
(signed) *H. St. G. Tucker,*
J. L. Lushington,
&c. &c.

London, 22 June 1847.

EXTRACT JUDICIAL LETTER to Fort St. George, dated 7 July (No. 16), 1847.

Para. 1. IN your letter in this department, dated the 26th of March 1847 (No. 17), you have reported the manner in which you acted upon the instructions conveyed to you in our despatch under date the 20th of January and 3d of February 1847 (Nos. 1 and 2); of these proceedings we approve.

2. We do not consider it necessary to resume the discussion of any of the questions to which our despatch of the 20th of January had reference.

JUDICIAL DEPARTMENT, 20 October (No. 20), 1847.

Our Governor in Council, at Fort St. George.

Mr. M. Lewin.

Para. 1. WE have received your letters in this department, dated the 10th July (No. 31), and the 10th August (No. 37), 1847, forwarding communications addressed to your Government by Mr. Malcolm Lewin, formerly one of the Judges of the Sudder Adawlut; and also your letter dated the 11th August (No. 38), 1847, respecting an application from the same gentleman for leave to resign the Company's service, with a view to the acceptance of an annuity on the Civil Fund. You solicit our instructions on the contents of these letters.

2. The intemperate and insulting terms in which Mr. M. Lewin has so frequently addressed your Government and this Court, since his removal from the Sudder Adawlut, have been regarded by us rather as the ebullitions of a mind under violent excitement, and therefore incapable of deliberate reflection, than as conveying imputations against your Government or any one of its members, which called for any proceeding on your part to disprove or to repel them. The most indulgent interpretation which can be given to that gentleman's

gentleman's conduct is, that he was himself unconscious of its impropriety. We have never regarded his gross assertions as calling for explanation or defence from the individuals against whom they were most unwarrantably directed. The Marquis of Tweeddale's conduct throughout the proceedings connected with Mr. M. Lewin's removal has, as you are aware, received our cordial approbation, and we have read with much satisfaction the following statement of his Lordship's sentiments:—"I shall take the liberty to add, that so far as Mr. M. Lewin is personally concerned, I can have no desire but that he should retire, as other gentlemen of the Honourable Company's service, with all the advantages to himself and his family secured by the Honourable Company's annuity." Our feelings towards Mr. Lewin entirely correspond with these expressions of his Lordship. We did not hesitate to mark our displeasure at Mr. Lewin's misconduct, and to uphold the authority of your Government, by confirming your resolution to remove him from the high office of Judge of the Sudder Adawlut, and still further by cancelling his appointment to succeed to a seat in Council. But we should be very reluctant to proceed to the extreme measure of punishment usually reserved by us for cases of moral turpitude, by dismissing him from our service, and thereby depriving him and his family of the benefits of the retiring fund, towards which our servants are required to contribute. We trust that Mr. Lewin, to whom we desire you to communicate this despatch, will not persist in a total disregard of the duties of subordination and respect towards the constituted authority under which he serves; and in this hope we authorise you, if he should make an application in becoming terms, to comply with Mr. Lewin's wish for permission to retire from our service, with the view of accepting an annuity on the Civil Fund.

3. We approve of your resolution reported in your letter of the 9th of March last (No. 14), not to place on record representations so unfounded and objectionable as those which form the subject of the present despatch.

We are, &c.
(signed) *H. St. G. Tucker,*
J. L. Lushington,
&c. &c.

London, 20 October 1847.

JUDICIAL DEPARTMENT, 4 April (No. 6), 1848.

Our Governor in Council at Fort St. George.

Reply to Court's orders regarding Mr. M. Lewin.

Para. 1. IN your letter in this department, dated the 24th December last (No. 57), you acquaint us that, in conformity with the views expressed in our despatch of the 20th October last, you have permitted Mr. Malcolm Lewin to resign the Company's service, in order to his acceptance of an annuity on the Civil Fund. At the same time you again draw our attention to circumstances connected with that gentleman's removal from the Sudder Court, and from the provisional appointment to a seat in Council, regarding which our sentiments have already been communicated to you.

2. We learn also from your present letter, that copies of minutes and other papers had been surreptitiously abstracted from the office of the secretary to Government by native servants on his establishment, and had been published in a newspaper, the "Crescent." We presume that besides Jyasawmy, the chief offender, every person implicated in so unjustifiable a proceeding has been dismissed from the public service, and that measures have been taken for securing the records of Government from any such abuse for the future. It seems to us that the superintendence over the establishment must have been very lax and inefficient, when such a practice could continue for a considerable time without detection, after attention had been drawn to its existence.

3. With respect to the proof obtained from the printer of the "Crescent," that Mr. M. Lewin was in the habit of supplying articles for publication in that newspaper, relative to the proceedings of the Sudder Court, and to the measures of Government, (a fact not denied but defended by that gentleman), it is unnecessary in this stage of the transaction to make any observations on the circumstances attending it. In any similar case, however, we direct that until our opinion can be ascertained, the Government shall remove from office any person who, in opposition to orders which have been repeatedly given, no less than to the most obvious principles of duty, shall be known to publish the official records to which he has access, or even his own writings, for the purpose of thwarting the views of the Government which he serves.

We are, &c.
(signed) *H. St. G. Tucker,*
J. L. Lushington,
&c. &c.

London, 4 April 1848.

CORRESPONDENCE with Mr. *M. Lewin.*

Sir, Madras, 22 September 1846.

THE Government of Madras have removed me from the office of second Judge of the Court of Sudder and Foujdarry Adawlut, as stated in "Extract from the Minutes of Consultation," under date 17th September 1846, "until the pleasure of the Honourable Court of Directors, to whom the whole correspondence will be submitted, shall be known." The cause of this

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this measure is not very apparent in the proceedings of the Government. I will, however, pledge my honour to the Court to show by the next overland mail that it originates in the misconduct of the Government, and is attributable to no other cause.

A gentleman of high rank and station, to whom I submitted the papers, returned them with the following remark: "I observe, that in this State paper there is no charge whatever of malversation in your office, or even of neglect of your duty; nor does it disclose any other of the grounds which are usually deemed a sufficient foundation for the removal or suspension of a high judicial officer. I therefore trust, that a very short consideration of the case by the Home Authorities will lead to your immediate reinstatement; they will probably be of opinion that all the fractional charges brought against you might afford very good reasons for dismissing a butler or footman, but not for removing a high civilian or a Judge."

Although my moral character is not attacked by the Government, and the enclosures will show you the estimation in which it is held in public, still there is a certain stain cast upon every one's fame whom the Government removes from office, even though the act may in reality indicate nothing more than malversation or corruption in the Government.

This stain I call upon the Honourable Court to remove from me; the loss of pay I am not insensible to, but I leave that matter out of the question when considering loss of character.

It is probable, on the Government's own representations, my reinstatement will be immediately ordered; for the most that has been alleged against me is, that I have shown a determination to uphold the honour and independence of the Court of which I was a Judge, and opposed myself to the Government; the necessary result of the latter attempting to force the majority of the Court into acts of injustice, directed to the forcible conversion of the Hindoos to Christianity.

Whatever opinion the Honourable Court may come to, I beg at once to state that the case admits of no compromise, and that I shall be never satisfied until the misconduct of the Government is laid open to public view, and until my character is as publicly vindicated as it has been publicly assailed by my removal from office.

The Government having on a late occasion refused to forward a joint memorial of Mr. Boileau and myself, I am constrained to adopt this medium of communication.

To the Secretary,
East India House, London.

I have, &c.
(signed) *M. Lewin.*

Extract from the "Madras Spectator," 19 September 1846.

"We learn from the Gazette of last night that the Marquis of Tweeddale has appointed W. A. Morehead, Esq., to officiate as second Puisne Judge of the Court of Sudr and Foujdarry Adalut until further orders;" or, in other words, that his "Lordship has been misled into (at least) temporarily suspending the functions of the holder of that appointment, whose uncompromising resistance to the attack made on the honour and independence of the Court, together with his stand against the illegal assumption of one of his colleagues, has given so much anoyance to the feeble, but at the same time oppressive Government, which sits like an incubus upon the vital energies of Madras. That some such extreme measure would be resorted to, by way of cutting the Gordian knot of those difficulties wherein the Marquis has been betrayed by mal-advisers, was long ago bruited abroad; but we confess that our reliance on his Lordship's good intentions, if not on his wisdom, occasioned us to attach but little credence to the tale. We did not imagine that even his vision could fail of discerning the perilous nature of such a course towards a high public servant, who stood up merely in the discharge of his duty as a just judge, and a defender of the integrity of that power which had been assailed from without. We reckoned, however, without our host, and gave his Lordship credit for more than he possesses. Had he taken similar measures with the first Judge, Mr. Waters, whose opposition to the law and to the Court was at the bottom of the unhappy differences which have embroiled the Executive and judicial authorities, there would have been less reason for complaint, because we should have thus seen evidenced a desire to administer impartial justice between the conflicting members of the Foujdarry Adalut, but the displacing of the champion of the Court's privileges, and the withstander of unauthorised inflictions on the native population, while the party who forced him into resistance by ill-advised proceedings, is suffered to retain his seat, betrays such a one-sidedness on the part of Government as must strike even the least penetrating among observers. There is, however, good bound up in the evil, for the matter cannot of course rest here, and when it comes to be thoroughly sifted by superior power, there will be large displays of unavailing penitence with some who now conceive that they have triumphed. We do not envy the first Judge and his supporters either their feelings or their success of momentary endurance; meanwhile it is gratifying to reflect, that the gentleman chosen to officiate as second Puisne Judge of the Court is not only one of the ablest civil servants of Madras, but likewise the very last person who would abet Mr. Waters' pretensions, or play the game of Mr. Thomas."

"Since the foregoing article was written, we have received information which leads us to apprehend that our strictures on the apparent partiality of the Marquis are not altogether well founded. His order, it appears, was applicable in the way either of suspension or removal, to Mr. Waters as well as to the second Judge, but the Honourable Mr. Dickinson, whose part in fanning the strife between Government and the Court says little for his judg-

ment or good feeling, is understood to have taken it upon himself to delay the operation of it with reference to the first Judge, who thus escapes his punishment for a season. If this be really the work of Mr. Dickinson, we can say only that we esteem his proceedings as improper as they are questionable in point of legality and justice. The Marquis, however, is under such circumstances less reprehensible than the announcement in the Gazette had led us to imagine."

EXTRACT from the "Madras Atlas," 21 September 1846.

"WE have heard with great regret that the recent proceedings connected with the Sudder Adawlut, the Government intimidation order, and the Tinnevelly trials, have been brought to a close for the present, by the suspension of Mr. Lewin, the second Judge, and the appointment of Mr. Morehead (a well-known personal friend of a very influential individual) to act in his stead, and by the removal (to be carried into effect as soon as possible) of Mr. Boileau, the third Judge, back to his former appointment.

"'In one point of view, we confess that this very summary and arbitrary proceeding, will, if sanctioned by the Court of Directors, be utterly fatal to the independence of the Court of Sudder Adawlut; it will be tantamount to a declaration that the principal court of justice in the Madras Presidency is to consider itself as appointed merely to carry into effect the will and pleasure of the Government, not to administer the laws and regulations professedly established as its rule of guidance. The public cannot fail to see that the real question (let the Governor and his advisers try to disguise it as they may) upon which the two Sudder Judges have been dismissed, is simply this, that they considered it their duty to maintain the letter and spirit of the regulations established for their guidance, and which they are sworn to uphold, against the mere will of the Government, *i. e.* of Lord Tweeddale alone, as advised by his companions at the Neilgherries. We must say we fear the two Sudder Judges had better grounds than we at the time were willing to believe; for, considering the recent order addressed to them by the Governor as 'an intimidation order,' and if that order, coupled with the present dismissal of the 'two Sudder Judges, is to have its natural and probably intended effect, the result will be that the Court of Sudder Adawlut will consider itself, and be considered by all others, as a mere board for registering and carrying out the good pleasure of Government, and, as a necessary consequence, may henceforward be with perfect propriety composed of the youngest or most 'squeezable' men in the Civil service, instead of, as heretofore, its oldest and ablest members.'

"One thing is obvious, that this Government does not consider it desirable, far less necessary, that the Company's chief Court should possess that which has ever been so desirable for British courts of justice, namely, public confidence in the independence and unbiassed nature of their decisions.

"We are sorry to say that the foregoing is not the only unfavourable, perhaps even not the most unfavourable aspect of these arbitrary proceedings. In Mr. Lewin's case we doubt not that the Governor has laid ample stress on certain alleged warmth of language, said to have been used by that gentleman towards his colleague, Mr. Waters (whose own language though, as we hear, not perfectly cool, seems to have been favoured with an act of oblivion), and also in his official remonstrances against the recent interference of the Executive with the Judicial power; but why replace him by Mr. Morehead in particular? and why remove Mr. Boileau, against whom no undue warmth of language can be alleged.

"It is impossible not to see the connexion between the removal of the Sudder Judges and the late interference of the Governor in favour of the Tinnevelly converts.

"Such an interference, under certain circumstances and to a certain extent, we might approve of; nay, we did so, believing its only object was to secure justice to those who, without it, might be unlikely to meet, and we believe had not met, with fair-play at the hands of certain native heathen judicial officials. We confess the facts now before us make us doubt whether we did not err in admitting any exception to the sound general rule, that the Judicial power must be sacred from the authoritative interference of the Executive.

"We then, however, approved of the act of the Governor, believing it conscientiously intended to produce only the effect we have mentioned; but we hesitate not to say that the two Sudder Judges who opposed that interference, and who were of opinion that the native converts had had fair-play, are equally entitled to an avowal of our belief that they too acted under conscientious convictions.

"We did approve of the Governor's interference, and we trust we have ever shown ourselves a sincere friend to the cause of missions and the spread of Christianity, and on these grounds we claim to say, both for the sake of missions and of Christianity, that from our heart and soul we deprecate attempting to advance them by means wearing even the appearance of persecuting those who conscientiously declined concurring in measures which, however well intended, were certainly unusual and extraordinary, if not irregular.

"Nor must it be wholly forgotten, though this is a branch of the subject upon which we do not wish to enlarge, that proceedings like the present will give but too strong a handle to the enemies of missions to proclaim that the Madras Government (and the Court of Directors too, if they sanction these proceedings) has become a proselyting Government; a belief as little calculated to produce confidence and tranquillity among their native subjects, as to ensure purity of motive in any future conversions."

Appendix, No. 11.

EXTRACT from the "Madras United Service Gazette," 22 September 1846.

"THE official Gazette of Friday announces the appointment of W. A. Morehead, Esq., to officiate as second Puisne Judge of the Court of Sudder and Foujdarree Adawlut. From this we may infer that the Marquis of Tweeddale has been induced, at the bidding of the clique which in reality governs the Governor, to suspend the second Puisne Judge of the Sudder Adawlut in his functions. The manner of the temporary vacancy occurring is not, however, made known, and very prudently so we think, as, if facts were candidly and fully stated, the order removing the second Judge of the Sudr would run somewhat in this wise: 'M—— L——, Esq., second Judge of the Court of Sudr Adawlut, is suspended from the functions of his high office for having (in conjunction with the third Judge) sternly and independently resisted the unwarrrantable measures attempted on the integrity and independence of the Sudder Court, and more especially for having opposed the illegal assumption of the first Judge, thereby thwarting the Chief Secretary and his clique in their intended infliction on the natives of Tinnevelly, and thus causing annoyance to the Executive.' This matter, though, is too serious for a jest, since it is indeed deeply to be deplored that the baneful influence of a 'party' has for the moment operated to deprive the public of the services of the ablest, most upright, and independent judicial officers in the Company's service; one, moreover, who has been selected as possessing those high qualities to succeed to the first vacancy in Council at this Presidency. We have for some weeks past heard that attempts were making to induce Lord Tweeddale, on the reputation of his own Government, for no other than suicidal can we term an act betraying such unblushing partiality on the part of Government, that it must force an investigation into the whole affair by superior authority; and the result of such investigation, unless we are greatly mistaken, can hardly be otherwise than of a nature to induce his Lordship to retire from public life even before the brief tenure of office remaining to him shall have expired.

"Since the above was in type, we learn from the 'Atlas' that the third Judge of the Sudr is also to be removed from his high office. We subjoin our cotemporary's dispassionate view of this affair, admits* that he had previously a bias in favour of the measures of Government."

* *Orig.*

Sir, East India House, 20 January 1847.

IN my letter of the 19th September 1845, you were acquainted that the Court of Directors of the East India Company had appointed you to be a provisional member of Council for Madras.

I have now the commands of the Court to inform you that they have cancelled that appointment.

I have, &c.

Malcolm Lewin, Esq., &c. &c. &c., Madras.

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

To the Secretary, East India House, &c. &c. &c.

Sir,

I HAVE had the honour to receive your letter of date the 20th January last, informing me that the Honourable Court had been pleased to cancel the appointment of provisional member of Council, notified to me by your letter of date the 19th September 1845.

The reasons of the measure I shall probably be made acquainted with hereafter, through the Madras Government.

It was not my intention to have addressed the Honourable Court, but to have received their award with submission; nor should I now do so, if I had not to-day received intelligence that the Madras Government had suggested to the Honourable Court my dismissal from the service in a despatch which will be conveyed to them by the mail about to leave Madras. Of the reasons of the suggestion I am not informed, but believe they have reference to the style of my correspondence with the Madras Government.

Without venturing to excuse this, I will refer to the cause which led me to depart from the respect which is due from a servant to the Government, under a sense of aggression or other circumstances.

When the Madras Government addressed to me the language contained in the 9th para. of their Proceedings of the 17th September last, language which I trust I have shown was not the result of due inquiry, and which could only be justifiable as a judicial sentence, the result of a full and open inquiry, before a legally constituted tribunal or commission, I was overcome by the sense of indignity, and by the reflection that such language, if not cast off, must prove injurious to my character.

I sought in vain to induce the Government to remove from the records language which, I am ready to prove, was unjustifiable; and to effect this, I became careless as to the means by which a measure which I deem of importance above all others, should be effected. With the deep sense of wrong received at the hands of the Madras Government, I am aware that I have resorted to language which the Honourable Court would not approve, and I can only now appeal to them for a consideration of those feelings which naturally (however unbridled they may have displayed themselves) would arise in the breast of every honourable man.

I trust

I trust the Honourable Court will be of opinion, that the ruinous consequences of my removal from office, and from a seat in Council, will be deemed sufficient to meet the circumstances which have been urged against me, should they decide on refusing a full and open inquiry.

I will submit to the Honourable Court, that the punishment suggested by the Madras Government, is that which would be due to some grave moral delinquency, and that it could not be exceeded under the fullest proof of such delinquency.

Before such a measure is resorted to, I would appeal to the justice of your Court for an opportunity of justifying myself before a commission constituted under the regulations. I have been condemned without trial; though I have placed my justification before the Honourable Court, a heavier punishment could not befal me than the one suggested by the Madras Government, if I were utterly without justification. And am I, after having spent two-thirds of my life in the service of the Company, to be turned adrift for the employment of language excited by the wrongs I have received from the Madras Government? For language, of which the first example was given by the Government itself, in the 9th para. of their Proceedings of the 17th September 1846.

Act XIII. of 1843 was passed expressly to meet and punish the misconduct of public officers; and am I to be debarred from the protection of that enactment, when I declare myself ready to submit to its penalties? Am I to be turned adrift, and to be removed from an honourable service, without any public delinquency proved against me?

I will not trespass further on the time of your Court. I trust that if the severe measures recommended by the Madras Government are listened to, it will not be until I have had the means of exposing the merits of the case, that the world may know, if I am removed, why I am removed.

I have, &c.

13 March 1847, Madras. (signed) *M. Lewin.*

To the Secretary to the Court of East India Directors.

Sir, Madras, 24 January 1848.

The Madras Government have transmitted to me the Court's despatch, dated 20th October 1847, on the subject of my resignation of the Civil Service. I protest against the Court of Directors repudiating my assertions as they have done when I offered at my personal risk to prove them. The Court of Directors are not justified in imputing to me that I have made use of unfounded assertions, and I tell them that in doing so they have violated truth and their duty. If I had ever * my word, as a member of the Civil Service impugned, they might be justified in the treatment I have received from them, but as this is not the case, I throw back their imputations with contempt.

* *Sic. orig.*

The Court of Directors know where the truth and the justice of the case lie, and by God's help, when I reach England, the truth and justice of the case shall be publicly exposed; it shall be seen whether the Court of Directors are justified in upholding a Governor, every one of whose acts they have annulled, and victimizing one of their servants, in order that they may avert the wrath of the Marquess of Tweeddale and of his friends.

I have, &c.

(signed) *M. Lewin.*

Sir, (No Date.)

I have the honour to request, that, with the permission of the Court of Directors, you will furnish me with copies, or allow me to peruse the entire record and correspondence which passed between the Madras Government and the Court of Directors, on the subject of the dismissal of the Judges of the late Sudder Court. I make this request, because I know that the Court of Directors have been in part misled, owing to the facts of the case having been misrepresented by the Madras Government, and because the Madras Government, being ashamed to produce the despatches of the Court of Directors, have put forth such only as served their own purposes, and suppressed the rest.

The Court of Directors have long been aware that the despatches from the Madras Government were false; they have also not scrupled to denounce in their orders the conduct of the Madras Government, both individually and collectively; but though their punishments have reached the parties injured by the acts of the Government, the aggressor and wrong-doer have been allowed to escape.

Although it is well known both here and in India, that there are few of the Court who have not denounced the conduct of Mr. Dickinson in terms which show they entertain the lowest opinion of his moral character; although the Court of Directors have openly accused Lord Tweeddale of acting on "secret accusations," (which they have admitted were the cause of all that took place) they have refrained from noticing the proceeding except on the party against whom the "secret accusations" were made.

The Court of Directors have refused inquiry: had I been a Judge of one of Her Majesty's Courts, or even a subordinate officer (such as a Master of Equity, accused of extortion and corruption), I should have had an opportunity of being heard by counsel, and of having my case laid open and exposed to public view; and is the conduct of a Judge, and his independence, of less moment because his jurisdiction extends over black instead of white men?

The Court of Directors cannot but be aware that my removal from office by the Marquess of

Appendix, No. 11.

of Tweeddale was illegal, as he was living apart from his council, on the Neilgherry Hills: they cannot but know that he was not Governor. It is well known that there are few of their body who have not acknowledged that, had the Marquess of Tweeddale been at Madras, instead of separated from his office at the Council Board, that the rupture between the Sudder Court and the Government would not have taken place; they well know it was the falsehood and insults of the Madras Government which provoked the insults offered by me to them: they know what the conduct of Mr. Dickinson was, in issuing the order for my removal the day before Mr. Chamier's return to Madras, and withholding the order to the same effect in respect of the secret accuser, Mr. Waters.

The Court are well aware, collectively and individually, of Lord Tweeddale's incompetence, and that the disputes in the Sudder Court would not have arisen, if two men so unfit as Mr. Boileau and Mr. Waters had not been appointed to it; and am I to be the scape-goat of Lord Tweeddale's imbecility and misconduct, when it is not going too far to say that but for me the Court would not have gone on as long as they were in it? Am I to suffer because Lord T. chose to appoint two men to the highest court in the country, who were known to be unfit? Am I to be ruined because I upheld the right, and prevented the Court, of which I was a Judge, being made an instrument of oppression and injustice? Had I allowed the unjust sentences which the Government stimulated Mr. Waters to pass to take effect, I should still be holding office and emoluments; and am I to suffer because I would not render myself infamous?

The Court of Directors cannot be ignorant that it was to cover their own blunders that the Madras Government found it necessary both in the case of the 6th Cavalry and of the Sudder Court, to invent a cause of offence, and thus turn attention from their own delinquency. Did not the Government in the first instance refuse the battah, and in the second, send the order of the 19th May to the Sudder Court, which the Court of Directors have annulled? And was not the battah enforced, and with it tranquillity?

The Court of Directors are well aware that Mr. Dickinson suppressed the main papers in the Sudder Court affair, in order to enable him to pass a false judgment (surreptitiously keeping copy of the same for after purposes), which had been returned to me on grounds of informality; they are aware also that he suppressed a conciliatory minute of Lord Tweeddale. Mr. Dickinson has informed me (in a letter which he addressed to me when in Madras), that the blame was neither his own, nor that of Lord Tweeddale. Why, I would ask the Court of Directors, is not an inquiry to be made as to whose fault it was?

Mr. Thomas, the present Chief Secretary of Madras, having taken the opportunity of my absence from Madras to disclaim the concern imputed to him in the rupture between the Sudder Court and the Government, I think it necessary to inform the Court of Directors that this disclaimer is wholly untrue. The Order of the 19th May I have seen; it is corrected in the handwriting of Mr. Thomas, and no one acquainted with the influence he exercised over Lord Tweeddale would or could believe that any order so important could have issued without his sanction.

I have no intention in the foregoing to offer any disrespect to the Court of Directors. I think I am in justice entitled to have the case exposed by a full inquiry, that the conduct and motives of all parties may be laid open. I do not complain of being visited with the power of the Court of Directors, if sufficient cause for it exists; but I have a right to complain (having had all my acts supported by them) that I alone should be singled out for punishment, when those who by their acknowledged misconduct caused them, are allowed to escape.

I have, &c.

To the Secretary, East India House. (signed) *M. Lewin.*

Sir, 31, Gloucester Gardens, Hyde Park.

In a minute, dated 17th March 1847, addressed to the Honourable Court, Mr. Dickinson remarks in relation to the conciliatory measures proposed by Lord Tweeddale, "With all sincerity, I declare that it would have afforded me gratification to join in the measure proposed by the Most Noble the President, and that the only reason I had for not at once doing so, was set forth in the two documents to which I have referred; viz. the doubt I entertained that the Governor, when he should know how greatly the aspect of matters had changed between the date of his penning his minute, and that on which the question was brought before me by the Secretary, would still wish that the measure proposed by him should be carried out."

In a letter written to me by Mr. Dickinson, dated 10th August 1847, when writing under the fear that he would meet with the disgrace which has fallen on him, in private if not in public, he writes, "I could even show that in the instance in which I was so roughly handled in the 'Spectator' the other day, three days after I had seen Lord Tweeddale's minute, proposing that conciliatory measures should be offered to the Judges, that is, on the 6th August, Lord Tweeddale's minute being dated 28th July, I recorded a minute concurring in the proposed measure. Unfortunately, proceedings were not immediately drafted and issued on these minutes, but the fault lay neither with Lord Tweeddale nor myself."

I will beg the Court of Directors to compare these two versions of Mr. Dickinson's conduct. I will offer no further remark about him, for a man so infamous as Mr. Dickinson has proved himself, is worth none. The wonder is, how so unprincipled a man should find favour with the Court of Directors. I would refer the Court to the remarks of the United Service Gazette of the 23d and 27th July 1847.

I have, &c.

To the Secretary, East India House. (signed) *M. Lewin.*

Sir, 31, Gloucester Gardens, 8 May 1850.

Appendix, No. II.

I HAVE the honour to request that you will submit to the Honourable the Court of Directors the grounds upon which I consider myself entitled to ask of the East India Company compensation for the losses I sustained, at the close of my career, as a civil servant of the East India Company. I beg that I may not be misunderstood as asking anything at the hands of the Court of Directors as an act of grace or favour: if the grounds which I set forth for compensation are not of themselves sufficient, the Court of Directors would have no right to recognize them, and I would not condescend to advance them.

At the close of my career in the Civil Service, having held during a period of five years the office of second Judge of the Sudder Court, and for a considerable period that of first Judge (to which I was appointed by Lord Tweeddale), I was removed from the bench, for reasons set forth in a document (miscalled a minute of Council, but having no legal title to be so considered), dated 17th September 1846. To this document I will make no further reference than by stating, that it is utterly unfounded in fact (as I have abundantly shown it to be in my letters addressed to you at several periods, to be laid before the Court of Directors), which I am prepared to prove whenever the opportunity (which I have so often demanded) is afforded to me.

The cause of the rupture with the Sudder Court (which led to my removal from it) was an order addressed to it by the Government, dated 19th May 1846. This order the Court of Directors annulled, and their entire proceedings (in which they condemned the use of the term "heathen") show that whatever opinion they might have entertained of my proceedings, they disapproved of those of the Madras Government. Whatever may have been my conduct, it is impossible to deny that the Court of Directors, who passed final judgment in the case, disapproved of the proceedings of the Madras Government which led to it.

It is not my intention here to justify, as a question of subordination, the conduct I adopted towards the Madras Government; I admit that it was my duty (in relation to my subordinate position), if I found myself obliged to adopt a course adverse to the Government to be respectful towards it, which I was not after my removal. Men on the verge of ruin are not apt to weigh the means of escape.

Having said thus much, I will venture to ask the Court of Directors whether the punishment I have suffered has not exceeded my offence? whether, having done what was right in my office, and risked all in pursuit of the right, a severer punishment has not been inflicted on me than was called for?

Had I been tried and imprisoned as a fraudulent debtor (instead of proving, as I trust I have, to all men acquainted with me and the circumstances, that I acted the part of an honourable man), had I proved myself unworthy to serve the Company in any capacity, had I been refused on that account permission to return to India, could I have been punished more than I have been? The most unprincipled civil servant that ever served the Company could not be more than ruined, as I have been, and from a state of affluence reduced to comparative distress.

Having touched briefly on the immediate cause of my misconduct, I will now refer to another: I will venture to ask the Court of Directors in candour, whether my punishment may not be referred to the incompetence of the party appointed as Governor of Madras? Will they venture to assert, if the person holding the office had been fit for the situation (such as Sir Thomas Munro and Sir Henry Pottinger), that the rupture between the Sudder Court and the Government would have taken place?

I had been five years in the Sudder Court before Mr. Waters and Mr. Boileau were placed in it. Was I ever pronounced unfit for the office? were they ever pronounced fit for it? Were they not appointed by Lord Tweeddale, not because they were fit, but to effect a paltry saving? Was it possible, with such men, that the Sudder Court should go on? It is needless to trouble the Court further. I think I am in justice entitled to be placed in a better position than the man who abandons the Civil Service in disgrace, and who forfeits his title to be continued in his office by a violation of ties which bind every civil servant to the East India Company.

If it can be shown that in a single instance my judicial proceedings were wrong; that the Judges who followed me deviated from the course I thought it my duty to insist upon; that my character has been on this or on any other occasion called in question,—I will not trouble the Court of Directors with any further complaint.

I am very far from saying that I have not been culpable. I assert that what I have done was forced on me by circumstances, and that due allowance has not been made for the proceedings of an individual who was obliged to defend himself against a superior force. But while I admit my own culpability, I assert that the main culpability attaches to the Government, who forced me to do what in other circumstances I should have disapproved.

I have, &c.
(signed) *M. Lewin.*

J. C. Melvill, Esq.
&c. &c. &c.

Appendix, No. 11.

Sir, East India House, 22 May 1850.

I HAVE received and laid before the Court of Directors your letter of the 8th instant, applying for compensation from the East India Company, for the losses you have sustained by your removal from the Sudder Adawlut, and from the appointment of provisional member of Council at Madras.

In reply, I am commanded to inform you that the measures which the Court of Directors were compelled by your own course of conduct to adopt, were the most lenient which the circumstances of the case could admit, and that the Court are unable to entertain your application.

I am, &c.

M. Lewin, Esq., (signed) *J. C. Melvill.*
31, Gloucester Gardens, Westbourne Terrace,
Hyde Park.

Sir, 31, Gloucester Gardens, 7 June 1850.

I HAVE the honour to acknowledge your letter of the 22d ultimo, in which you state that the measures objected to in my letter of the 8th, were forced on the Court of Directors by my "own course of conduct," and "were the most lenient that the circumstances of the case could admit of." Lest it should be supposed that I acquiesce in this conclusion, I think it incumbent to remark, that the true circumstances of the case have never been before the Court of Directors. If they had been, I should have felt it my duty to submit, and should have submitted to their judgment, as every subordinate is bound to submit to the judgment of a superior authority.

I have, &c.

J. C. Melvill, Esq., (signed) *M. Lewin.*
&c. &c. &c.

31, Gloucester Gardens, Hyde Park,

Sir, 16 May 1851.

I HAVE the honour to request that you will submit my application to the Court of Directors of the East India Company, for a reconsideration of their decision, conveyed in your letter of the 22d May last.

It is no part of my object in this brief address to show that the acts connected with my removal from office were blameless: it is sufficient that they grow but of the errors of the Local Government (virtually acknowledged, and their annulment by the authority of the Court of Directors,) which forced me into a position from which there was no escape, but with the loss of character or emolument. I thank God that I preferred the loss of the latter, and that neither fear nor hope betrayed me into acts of submission, which would have proved me unworthy the high station on the judicial bench from which I was removed.

I had been five years a Judge of the highest court in the country, when Mr. Waters and Mr. Boileau were appointed my colleagues, not because of their ability for the duty, but because, as stated by the Local Government, a saving could be effected by their elevation. The result of the measure was to create anarchy in the Sudder Court, while the retirement of Lord Tweeddale to the Neilgherries (where he retained but in part the reins of Government) created anarchy at the Presidency.

If it were possible to deny that the evils of which I complain were attributable to the causes I have mentioned, I should consider myself without a title to ask anything of the East India Company; if I were unable to show that the errors laid to my charge resulted from the errors of the Government, I should consider myself without excuse.

Is it just, I would venture to ask, to require of the subordinate only that he shall be blameless? Can it, in reason, be expected of him, when threatened in his reputation, and with the ruin of his fortunes, that he should preserve the equanimity and forbearance which would befit a perfect state of calm and quietude?

Whatever view the Court may take of this application, I would certainly not make it unless I could do so with a conscientious belief that it is founded on right and justice. While I am not blind to the points open to exception, I will venture to assert, that the credit of having prevented a great deal of cruelty and injustice, of having rescued numbers from unjust punishment, cannot be denied to me.

I was holding the office of Judge, in which there is no halting between two opinions; and it may be fairly asked whether an error committed in the anxiety to uphold the independence of an office I was sworn to execute without distinction of person or authority, calls for a punishment which places me on a level with men who were removed from the service stained with crime and judicial punishment.

I was virtually dismissed the service; for though it is certainly true I would have starved, with my whole family, rather than have voluntarily taken up a lower position, I was not even offered an inferior office, as happened to my colleagues, who were removed with me, on terms more disparaging than those of my own removal: was I less fit for office than they?

I have, &c.

To the Secretary to the Court of Directors (signed) *M. Lewin.*
of the East India Company.

Sir, East India House, 24 May 1851.

I HAVE received, and laid before the Court of Directors, your letter, dated the 16th instant, soliciting a reconsideration of the decision communicated to you in my letter of the 22d May 1850, with regard to your application to be compensated for the losses you sustained by your removal from the Sudder Adawlut, and from the appointment of provisional member of Council at Madras. Appendix, No. 11A

In reply, I am commanded to inform you, that the question to which your letter refers has been finally disposed of, and that the Court of Directors see no reason for re-opening it.

I am, &c.
(signed) *James C. Melvill*,
Secretary.

Malcolm Lewin, Esq.,
31, Gloucester-gardens, Westbourne-terrace,
Hyde Park.

Sir, 31, Gloucester-gardens, 26 May 1851.

I HAVE had the honour to receive your letter of the 24th May, and request you will place the following brief remarks before the Court of Directors.

The claim preferred by me rests on an equitable basis (the only basis on which I would make it), and is not unprecedented.

On the occasion of Mr. Baber's removal from the office of first judge of the Provincial Court of Malabar and Canara, during the government of Mr. Lushington, the Court of Directors awarded to that gentleman, in the year 1832 I think, the salary he would have received had he remained in employ during the interval of his removal and retirement from India.

Mr. Baber's conduct was not approved by the Court of Directors; the acts of the Government, connected with his removal, were not cancelled by the authority of the Court of Directors; nor was the Government rebuked; but it was thought that the penalties entailed by the removal justified a pecuniary award.

In my own case, my judicial proceedings were upheld, and have never since been questioned; the Judges who followed me passed sentence in accordance with my views; the orders of the Government which led to the controversy between the Sudder Court and the Government, and, in the sequel, to my removal, were cancelled by the authority of the Court of Directors; the Government were reproved for stigmatising the people of the country as "heathens," and directed to refrain for the future from interference with the ordinary course of justice.

I believe I am not wrong in supposing that my removal from the Sudder Court was confirmed by the Court of Directors not because of any acts done before my removal, but in consequence of what took place after it.

I will offer but one more remark, appealing to the candour of the Court of Directors, whether, having upheld the justice of the highest Court in the country, assailed as it was by the Government, and the first Judge, Mr. Waters; whether having been thrown by the aggression of others into a situation of extreme difficulty, that difficulty being solely and entirely attributable to the acknowledged errors of the Government, it is just that the only party whose acts were correct should be visited with the penalty of virtual dismissal, after a career of 35 years' service, in which my official conduct received as large a measure of approbation from the Local Government and the Court of Directors, as fell to the lot of any servant subject to their authority.

I have, &c.
(signed) *M. Lewin.*

To the Secretary to the
Honourable East India Company.

Sir, Gloucester Gardens, 12 February 1852.

I HAVE the honour to request, that you will lay my application before the Court of Directors of the East India Company, for compensation for losses occasioned by my illegal removal from the office of Judge of the Sudder Court at Madras.

If it could not be distinctly shown that my removal resulted from causes beyond my own control, and within the control of the Court of Directors, I should consider myself without a title to make this application.

No one, I believe, ventures to deny that the Marquess of Tweeddale was unequal to the task of Government; it is as certain that my removal originated in part owing to two incompetent colleagues, who were appointed by him to effect a paltry saving, and in part owing to orders addressed by his Lordship to the Sudder Court, which orders were annulled (on account of their impropriety) by the Court of Directors.

My judicial proceedings, from first to last, have been affirmed as correct, and I alone, of all the parties concerned, have had no sentence of disqualification passed on me. My colleague, Mr. Boileau, was removed on the plea of want of independence, because, when threatened by the Local Government, he yielded (when I resisted), under a very natural fear, that by a contrary course he would bring ruin upon himself and his family. I will not refer particularly to the cause of my other colleague's removal, a less creditable one, both of these gentlemen, however, found it convenient to accept an inferior office under the Government which removed them.

The

Appendix, No, 11.

The case of the latter gentleman involved signal injustice and depravity; after doing all the dirty work of the Government, a scape-goat was wanted, and he supplied one.

At the time of my removal, Lord Tweeddale was passing his time on the Neilgherry Hills, and was by law divested of the power which compassed my removal. He was, however, far enough off to be the tool of men worse, if not more stupid, than himself, at Madras.

The Court of Directors, on political grounds, may have been justified in depriving me of a seat in Council, which, considering how it is sometimes occupied (take Mr. Dickinson as an example), confers little honour on any one; but I never heard of a Judge being deprived of his seat for refusing to be unjust. Had I allowed all the poor "heathens" (so called by Lord Tweeddale) whom Mr. Waters had illegally condemned to be punished, nothing adverse could have happened to me, and I should have proved myself as pious as the party opposed to me; but because I arrested the course of injustice, and saved, I believe, a hundred persons, who were to be sacrificed (for the sake of the Gospel!) from unjust punishment, a victim must needs be had, to appease the wrath of Lord Tweeddale; a man who, contemptible as he was as a Governor, was better in all respects than the sycophants who led him to do what I am persuaded, if he had had intellect enough to understand the question, he would have revolted at.

I have, &c.
(signed) *M. Lewin.*

To the Secretary, East India House,
&c. &c. &c.

Sir, East India House, 24 February 1852.

I HAVE received, and laid before the Court of Directors your letter, dated the 12th instant, and in reply, I am commanded to refer you to my letter, dated the 24th May last.

I am, &c.
(signed) *J. C. Melvill,*
Secretary.

Malcolm Lewin, Esquire,
31, Gloucester Gardens, Hyde Park.

(True Copies.)

T. L. Peacock,
Examiner of India Correspondence.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

INDIAN TERRITORIES;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
2 *May* 1853.

426.

Lunæ, 15° *die Novembris*, 1852

Ordered, THAT a Select Committee be appointed to inquire into the Operation of the Act 3 & 4 Will. 4, c. 85, for effecting an Arrangement with the East India Company, and for the better Government of Her Majesty's Indian Territories till the 30th day of April 1854.

Martis, 16° *die Novembris*, 1852.

Committee nominated of—

Mr. Herries.
Mr. Chancellor of the Exchequer.
Lord John Russell.
Mr. Baring.
Sir Charles Wood.
Mr. Baillie.
Mr. Gladstone.
Mr. Newdegate.
Mr. Labouchere.
Sir James Graham.
Mr. Alderman Thompson.
Sir William Molesworth.
Sir Robert Harry Inglis.
Viscount Jocelyn.
Mr. Cobden.
Mr. Hardinge.
Mr. Milner Gibson.
Mr. Mangles.
Sir James Hogg.
Mr. Hume.
Mr. Bankes.
Mr. Vernon Smith.
Mr. Robert Hildyard.
Mr. James Wilson.
Mr. Spooner.
Mr. Keogh.
Mr. Macaulay.
Lord Stanley.
Mr. Robert Clive.
Mr. Edward Ellice.
Viscount Palmerston.

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

Ordered, THAT Five be the Quorum of the said Committee.

Veneris, 18° *die Februarii*, 1853.

Ordered, THAT Mr. Wilson be discharged from further attendance on the Committee, and that Lord John Russell, Sir Charles Wood, Sir George Grey, Sir Thomas Maddock, Mr. Chichester Fortescue, Mr. Cardwell, Mr. John Elliot, and Mr. Lowe be added thereto.

Martis, 22° *die Februarii*, 1853.

Ordered, THAT Mr. Chichester Fortescue be discharged from further attendance on the Committee, and that Mr. John Fitzgerald be added thereto.

Jovis, 28° *die Aprilis*, 1853.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

Lunæ, 2° *die Maii*, 1853.

Ordered, THAT the Report of the Select Committee on Indian Territories of last Session, and copy of the Report of the Select Committee of the House of Lords on the same subject (communicated 1st December) be referred to the Committee.

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FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the Operation of the Act 3 & 4 Will. 4, c. 85, for effecting an Arrangement with the EAST INDIA COMPANY, and for the better Government of Her Majesty's INDIAN TERRITORIES till the 30th day of April 1854, and to whom several Petitions, and the Report of the Committee on Indian Territories of last Session, and also the Report of the Committee of the House of Lords, were referred, and who were empowered to Report the MINUTES OF EVIDENCE taken before them, from time to time, to The House:

HAVE made progress in the Matters to them referred, and have agreed to Report the Minutes of Evidence taken before them.

2 *May* 1853.

LIST OF WITNESSES.

Martii, 14° *die Decembris*, 1852.

hilip Melvill, Esq. - - - p. 1

Jovis, 24° *die Februarii*, 1853.

Lieutenant-general Sir Willoughby Cotton, G.C.B. - - - - p. 15
Lieutenant-general Sir Thomas M'Mahon, Bart., K.C.B. - - p. 26

Lunæ, 28° *die Februarii*, 1853.

Lieutenant-general Sir George Pollock, G.C.B. - - - - p. 30
Colonel Patrick Mongomerie, C.B. p. 43
Lieutenant-Colonel Frederick Abbott, C.B. - - - - - p. 49

Veneris, 4° *die Martii*, 1853.

Lieutenant-Colonel William Burlton, C.B. - - - - - p. 52
Colonel Francis Spencer Hawkins, C.B. - - - - - p. 60

Lunæ, 7° *die Martii*, 1853.

James Cosmo Melvill, Esq. - - p. 67
Captain Frederick Thomas Powell p. 77
Captain William Hutcheson Hall, R.N., F.R.S. - - - - p. 82
Ardaseer Cursetjee, Esq., F.R.S. - p. 86

Jovis, 10° *die Martii*, 1853.

David Hill, Esq. - - - - p. 91
Frederic Millett, Esq. - - - p. 98
Frederick James Halliday, Esq. - p. 106

Lunæ, 14° *die Martii*, 1853.

General the Right Honourable Hugh Viscount Gough, G.C.B. - - p. 113
Colonel Patrick Grant, C.B. - - p. 121
Frederick James Halliday, Esq. - p. 130

Jovis, 17° *die Martii*, 1853.

Frederick James Halliday, Esq. - p. 139

Veneris, 18° *die Martii*, 1853.

Frederick James Halliday, Esq. - p. 152
Right Hon. Sir Edward Ryan - p. 166

Martis, 5° *die Aprilis*, 1853.

Sir George Russell Clerk, K.C.B. - p. 176

Jovis, 7° *die Aprilis*, 1853.

Sir Erskine Perry - - - - p. 201

Lunæ, 11° *die Aprilis*, 1853.

Right Hon. Sir Edward Ryan - p. 229
Sir Erskine Perry - - - p. 231
Sir Edward Gambier - - - p. 243

Jovis, 14° *die Aprilis*, 1853.

Charles Hay Cameron, Esq. - p. 249
Malcolm Lewin, Esq. - - p. 265

Lunæ, 18° *die Aprilis*, 1853.

Malcolm Lewin, Esq. - - p. 273
John Farley Leith, Esq. - - p. 291

Jovis, 21° *die Aprilis*, 1853.

John Farley Leith, Esq. - - p. 294

Lunæ, 25° *die Aprilis*, 1853.

John Farley Leith, Esq. - - p. 321
Neil Benjamin Edmonstone Baillie, Esq. - - - - - p. 321
John Clarke Marshman, Esq. - p. 341

Jovis, 28° *die Aprilis*, 1853.

John Clarke Marshman, Esq. - p. 345
Charles Marriott Caldecott, Esq. p. 356
Henry William Deane, Esq. - p. 362

Lunæ, 2° *die Maii*, 1853.

Henry William Deane, Esq. - p. 364
Javanjee Pestonjee, Esq. - - p. 371