

of political contempt and of moral abhorrence? The answer is readily obtained—to superstition; to the prevalence of a mighty system of religious imposture, as atrocious as it is extravagant; which, in the same degree that it dishonours the Supreme Being, corrupts and debases his rational creatures; which, upon the most outrageous absurdity engrafts the most abominable vice, and rears a temple to false and filthy deities upon the ruins of human intellect and human virtue. It were criminal to conceal or palliate the real cause of Hindoo degeneracy. It is false religion, and nothing beside.

The gods whom the Hindoos worship are impersonations of all the vices and all the crimes which degrade human nature; and there is no grossness and no villainy which does not receive countenance from the example of some or other of them. The vilest and most scandalous impurity pervades their mythology throughout; is interwoven with all its details; is at once its groundwork and completion; its beginning and its end. The robber has his god, from whom he invokes a blessing on his attempts against the life and property of his neighbour. Revenge, as, well as robbery, finds a kindred deity; and cruelty, the never-failing companion of idolatry, is of the essence of the system.

The rites and ceremonies are worthy of the faith;

faith ; they may be summed up in three words, folly, licentiousness, and cruelty. Penances, silly and revolting, are the means of expiating sin. Grossness the most horrible, both in nature and in degree, from which the most abandoned characters in the most abandoned parts of Europe would recoil, enters into public worship, and the higher festivals are honoured by an increased measure of profligacy. That unhappy class of females, who every where else are regarded with contemptuous scorn, or with painful commiseration, are in India appendages to the temples of religion. The Hindoo faith, in perfect conformity with its character, demands barbarous as well as licentious exhibitions and torture, and death are among its acceptable modes of service.

From such deities and such modes of worship, what can we expect but what we find ? If the sublime example of perfect purity, which true religion places before its followers, be calculated to win to virtue, must not universal contamination be the necessary consequence of investing pollution and crime with the garb of divinity ? If men find licentiousness and cruelty associated with the ceremonies of religion, is it possible that they should believe them to be wrong ? Can they be expected in private life to renounce as criminal, practices which in public they have been taught to regard as meritorious ? Will they abhor in the
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world that which they reverence in the sanctuary? It were absurd to believe it.

A false religion engenders a spurious morality. In the Hindoo code of duty, "the weightier matters of the law" scarcely find place. Almsgiving is inculcated; but it is in behalf of a tribe of proud, lazy, sturdy mendicants, to whom almsgiving is not charity. But the great points of Hindoo morality consist in ceremonial observances, burdensome as they are idle. Surrounded on all sides by danger, the votary of this impious superstition can scarcely move or refrain from motion without incurring defilement. Ablutions and purifications, prohibitions of certain kinds of food, and regulations for dressing that which is permitted; minute directions for all the most indifferent actions of life—these swell the interminable list of empty forms, which excuse the absence of purity, justice, and charity.

The Hindoo system prescribes the observance of frivolous ceremonies, and neglects to inculcate important moral duties. But its pernicious influence does not terminate there: it enforces much that is positively evil. By the institution of castes it estranges man from his fellows, and shuts up the avenues of benevolence; invests one part of society with the privilege of unrestrained indulgence—casting over them the cloak of sanctity, however unworthy—shielding them from the consequences

sequences of their actions, however flagitious ; and condemns another to hopeless and perpetual debasement, without the chance of emancipation or improvement. A system more mischievous or iniquitous—better calculated to serve the interests of vice, or destroy those of virtue—seems beyond the power of the most perverted ingenuity to frame. The root being corrupt, so are the branches. Precepts are given, which set at nought all the first principles of morality. False testimony is distinctly permitted in a number of specified cases, some of which are sufficiently ludicrous did the subject admit of mirth. The profession of a robber is recognised as a lawful one, by giving a rule for the division of the spoil. Punishments of the last degree of barbarity are denounced against atrocious crimes, against crimes of no very deep malignity, and against actions that are no crimes at all. Falsehood, fraud, and cruelty are thus directly sanctioned, and the numerous rules relating to another branch of morals, many of them trifling, many licentious, and all of them disgusting, are quite sufficient to account for the laxity which exists in practice. Such are the sources of Hindoo morality, and the connection between cause and effect is illustrated by the state of society. The religion and its ceremonies, the code and its precepts, naturally lead to the expectation that the disciples of such a religion, the subjects of

such a code, would be precisely what all report represents the natives of India as being.

But the dominion of superstition, though long is not eternal, and the mists in which the mind of India has been so long enveloped are already beginning to clear away. How this good work may be best advanced is a most interesting and important enquiry. Much importance is attached to education, and its influence is not to be despised ; but an education which left the people as morally depraved as it found them, would scarcely be preferable to none. Yet instruction, in mere human learning, may do much in preparing the way for the reception of a far more valuable species of knowledge. It may break down prejudices ; it may shew to this long-deluded people the absurdity of their own faith, and lead them to feel the want of a better. This operation has begun : motion has commenced in the long slumbering mass, and it will go on increasing in strength, until the idols before which the intellect of India has been prostrated, shall be hurled from their pedestals, amidst the applauses of those who once bowed before them in slavish adoration.

The symptoms of this agitation are too evident to be mistaken. Mr. Lushington says : “ Some of the students, who have completed their education in the Hindoo college and other institutions, are in the habit of holding debating societies, where
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they discuss topics of considerable importance in the English language, and read lectures and essays of their own composition upon various literary and scientific subjects. At one of the meetings above-mentioned the question was, 'Whether posthumous fame be a rational principle of human action or not?' It is true, that the debate soon branched off into a consideration of the possibility and probability of human perfection; but the orators spoke with remarkable fluency, quoting Gibbon, Hume, Reid, Bolingbroke, Voltaire, Shakespear, Milton, &c. The forms of similar meetings in England were imitated; and the chairman having inquired the reason of the secretary's absence, a loud cry of 'Persecution!' was raised, and it was explained that he was prevented by his father, who was afraid that his principles of paganism should be corrupted in consequence of the other members being deists. Thus has the beginning of a most wonderful change been worked among a race, who for a long time were considered as sunk in a hopeless state of ignorance and the blindest idolatry. I should have mentioned before, that one of the young Hindoos in question, being called upon at the police to swear, as usual, on the waters of the Ganges, declined, averring, that he should just as soon swear by the waters of the Nile." It thus appears that there is some danger of deism becoming the
popular

popular faith. Of the authors mentioned by Mr. Lushington as familiar to the Hindoo students, four out of seven are advocates of deistical opinions. And Mr. Sherer states, that a large impression of Paine's works, which arrived in Calcutta from America, was eagerly bought up by the Hindoo youths, who had received instruction in English. Even among the Brahmins deism is making progress, and, some opposition to Christian schools has arisen from this source. Bishop Heber says, "Our chief hindrances are some deistical Brahmins, who have left their old religion, and desire to found a sect of their own." This is not, indeed, precisely the course of events which the friends of religion would desire; but it is not, upon the whole, discouraging. It may even be considered as a favourable symptom. The acknowledgment of the first great article of all true religion, may be a preparation for the reception of the remainder. When a nation, which has heretofore maintained a belief in revelation, rejects it, as the French did, forty years ago, in favour of the cold dogmas of a corrupted deism, it is a fearful shadow of "coming events," and may justify an apprehension that the light which that country has enjoyed is about to be extinguished altogether. The abandonment even of a corrupted form of Christianity, must be a change for the worse. But when a nation casts "to the moles and the bats"

bats" a system of idolatry so absurd and so horrible as that of the Hindoos, even though mere deism be substituted, it is a step in advance. Something is gained by the recognition of one Supreme Being; and on this foundation we should not despair of raising the sublime superstructure of Christianity. In this way, human knowledge will act as the pioneer of religious truth. It must not be looked to as an efficient instrument for effecting the moral reformation of the people. It is too often so regarded, not only with respect to India, but to other countries. This is an error. Human knowledge is incapable of purifying the heart; it does not address itself to this object, and its most judicious advocates will make no such pretensions on its behalf; it has not even a direct influence in promoting the interests either of virtue or piety, though its diffusion in a country situated like India tends indirectly to these purposes. The light of knowledge will shew the Hindoo the folly of his old superstitions; and as these are the great sources of his demoralization, something will be gained by their destruction. Human knowledge will be admirably useful in pulling down; but another species of knowledge, far higher and more valuable, will be necessary to build up. We should therefore promote, by all the means in our power, the diffusion of genuine science and sound learning in our Indian possessions;

sions; but if we stop here, we do little. We should regard this only as a means to an end, and that end the establishment of the only system of religious belief which can render men either virtuous in this world or happy in another.

Experience justifies us in expecting benefit from such a course. Christianity has advanced most rapidly in countries enlightened by science, and refined by elegant literature. Among barbarous and uncivilized nations its progress has been comparatively slow. It may not be that in any country the most learned have been the earliest in embracing it; but in every place where knowledge exists, except it be confined by pains and penalties to a peculiar class, its benefits extend far beyond the circle of philosophers, and where freedom of enquiry is permitted, the leaven of thought will gradually pervade the whole mass. The gospel was first proclaimed in one of the most polished ages of the world—when the conquering arms of Rome had been the means of spreading the arts, the knowledge, and the civilization which she herself had received from Greece, over every part of her mighty empire; and it was in the most refined and inquisitive portions of that empire—it was in Asia Minor and Italy, that the progress of conversion was the most rapid and successful. Ignorance on the contrary, is favourable to error. The impostor Mahomet commenced

menced his career in an age when the lustre of Grecian and Roman civilization had been dimmed by the operation of various causes—when that cloud which hung for centuries over the human mind, was enlarging in circumference and deepening in blackness ; and while Christianity had triumphed over the gods of ancient times by moral means alone, Mahomet owed his success to the keenness, not of his arguments, but of his sword. With these facts before us, we may conclude that knowledge and civilization are favourable to the progress of truth, and to the operation of moral causes, and in this belief we may regard the introduction of the sciences and learning of the west among the Hindoos with pleasure and with confidence. Our religion will follow and accomplish that “ great moral regeneration,” the necessity for which has been so forcibly urged by one of the ablest of Indian statesmen. The Hindoos have been debased by a false religion ; they must be restored to a healthy state of moral feeling by the true one. All other remedies will be at best but miserable palliatives—this alone will go to the root of the disease.

What then is to be done to promote this end? By direct means scarcely any thing. We cannot divert any large portion of the funds of India to the purpose—the state of the revenue will not bear it ; and if it would, the natives would probably

bably view such an appropriation with a degree of dislike which would not only impair our influence, but what is of far greater importance, retard the reception of revealed truth. Government can do little except by encouraging education. The system of education at present must be in a considerable degree irrespective of religion; but there is no necessity for discouraging the reading of the sacred volume. Nothing should be done which is likely to induce parents to withdraw their children from the schools; but the Scriptures may be read like any other books, and experience shews that the natives regard this neither with distaste nor apprehension. The moral influence of the children thus educated in the families to which they belong, is a point not to be overlooked: in many instances, the parents have regarded with approbation the books which the scholars carried home from school, and especially the New Testament. The schools are also beneficial in breaking down the distinctions of caste. At first, some attempts may be made to preserve these distinctions, but they soon cease, and the children of various castes mix together upon a footing of equality.

One most unexceptionable mode of advancing the cause of Christianity is, by the example of those who profess to believe it. If they display indifference to the religion in which they have been

been educated, there is but slender hope of conciliating the respect of the Hindoo towards a faith which neither he nor his fathers have known. Obedience should be yielded not only to the moral precepts of Christianity, but also to its positive institutions. The Christian festival of Sunday should command that decent respect to which it is entitled. In a few instances, it is to be regretted, that the magistrates and revenue officers do not close their courts on that day. This is certainly wrong, and ought to be amended. There would, indeed, be little difficulty in procuring a general observance of Sunday, as the Hindoos and Mahometans mutually keep each other's festivals, and in such a climate as that of India, an invitation to rest could scarcely be unpopular.

Although both state and christian policy restrain us from maintaining a religious establishment commensurate with the moral wants of the people, we ought to make sufficient provision for the spiritual instruction and consolation of those Christians who are called to reside in a country where Paganism is yet the dominant creed. This has not always been attended to. For many years the number of chaplains was lamentably small. It has been increased, and the good effects which have followed have justified the propriety of the increase. Several, however, of the witnesses before the Parliamentary Committee regard

regard even the present number as quite inadequate. For a long period the English church in India was without the superintendence of a Bishop. This is not a place for religious controversy, and it is not intended to enquire what form of church government is most apostolic; but certainly an episcopal church without a bishop is an anomaly which could not have existed at any previous period since the promulgation of Christianity. Dr. Buchanan relates, that a Syrian bishop, with whom he conversed, thought it strange that there was no bishop in India to superintend so large an empire, and said that he did not perfectly comprehend our ecclesiastical principles. The difficulty might well perplex him; but, at length, principally through the exertions of Dr. Buchanan, the anomaly was removed by the erection of the see of Calcutta. But the slightest reflection will show that a single bishop for the whole of the British possessions in India is altogether inadequate. By the late act, the King has power to create two new bishoprics, Madras and Bombay, and to assign to the three dioceses their respective limits. This provision has not yet been acted upon; but when put in force it will make an important addition to the efficiency of the English church in India.

No inconsiderable proportion of the British residents in India being natives of the northern
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part of this island, the late act properly provides that the Company shall maintain, at each of the presidencies, two chaplains of the Church of Scotland. This clause contains a provision of which the policy, and even the intention, is by no means clear. It is the following: " Provided always, That nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the Affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of Instruction, or for the maintenance of Places of Worship." This strange provision is happily only permissive. The Government are not restrained from thus granting money; but it is to be hoped that they will restrain themselves. To act upon this provision would be to open a door which, in a short time, it would be found impossible to close. To recognise the claims of one sect, would embolden all others to assert their's. No distinction could be drawn, that would not give serious, and perhaps reasonable, offence to those who were excluded by it, whilst an unlimited compliance would drain the resources of India, excite serious dissatisfaction in the minds of the natives,

and prove a stumbling-block in the way of Christianity. A moderate provision is made for the Protestant Episcopal, and Presbyterian churches; and this is justified by the circumstance of their being established in the two divisions of the protecting country. The majority of European residents will belong to one of these churches. Those who do not, will generally be members of one of the denominations of Protestant Dissenters, and such will feel no scruple in attending the worship of the church of Scotland. But it must not be forgotten, that the provision thus made is the exception, not the rule; and that very weighty reasons forbid such exceptions to be multiplied.

But though we cannot do any thing directly to promote the success of missionary exertions, it is a solemn duty to abstain from doing any thing to impede them. Every denomination of Christian missionaries should be permitted freely to use their own resources, in the manner which appears to them best adapted to promote their peculiar views of the doctrines of religion. Two things are especially desirable in those who undertake the important task of unfolding to the natives the discoveries of revelation—discretion and charity. By cultivating these, they will advance their common end far more than lies in the power of government to promote it by pecuniary assistance.

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As no impediment should be thrown in the way of conversion, so no disability should be incurred in consequence of it. This is so clear, that it may seem scarcely necessary to announce it. But unfortunately, native Christians have been excluded, on account of their faith, from offices to which Hindoos and Mahometans were eligible. This evil, it may be presumed, is corrected by that clause of the last act, which declares, that no native or natural-born subject of his Majesty "shall, by reason only of his *religion*, place of birth, descent, or colour, or any of them, be disabled from holding office under the Company." Some difficulties have been suggested as to inheritance of property by converts to Christianity. If such exist, they ought to be removed. Men should not be seduced into the profession of Christianity by the temptation of temporal benefit, but they certainly ought not to be deterred from embracing it by the prospect of penalty and loss.

Nothing can be plainer than that converts should be protected from persecution; from the necessity of complying with practices which their consciences disapprove; and from all inconveniences, pecuniary or otherwise, resulting from their change of faith. Another point, equally clear, is, that the neutrality of government should be perfect. While, on the one hand, it should not force Christianity on the people, on the other,

it should on no account evince any appearance of approbation towards idolatry.

The government formerly drew a portion of its revenue from a source, the propriety of which was much questioned. A certain sum per head was collected upon all pilgrims resorting to the great temples, and to those smaller pagodas which had acquired celebrity, and the offerings which the devotees brought with them were likewise subjected to a toll. Sums were also levied for permission to perform the various ridiculous and revolting acts of penance, and for licenses to erect shops, booths, and stalls, for the accommodation of those who resorted to the festivals. These sources of revenue have been recently abandoned, and, of course, will never be revived ; but the question of their continuance was agitated with great zeal and ingenuity. It was, indeed, one which it was by no means easy to answer satisfactorily. To acquire income from so abominable a source, seems, at first sight, even more reprehensible than the French practice of deriving a revenue from licensing places of vicious indulgence. But, in order to make the cases parallel, it must be supposed that we have the power, consistently with our avowed toleration of the Hindoo religion, to suppress these idolatrous practices altogether. On the other hand, the pilgrim tax has been compared to a duty upon ardent spirits, by which the

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the consumption of an article pernicious to health and morals is diminished ; but the comparison is not just. The use of ardent spirits is not unlawful in itself—it is the excess only that is criminal. But idolatry is unlawful in all forms and all degrees. At the same time, the suggestion that the only effect of the abolition of the tax would be a great increase in the number of worshippers, as the means would be placed within the power of many who before were excluded by the cost, was certainly entitled to attention. The question was, undoubtedly, one altogether of great difficulty, and which reflecting and well-principled men would generally be found to answer with hesitation. If by retaining the tax, we were understood as giving any sanction to the abominations of idolatry, we were doing great wrong both to our Hindoo fellow-subjects and ourselves. If by abolishing it we have extended the practices which we are most desirous to suppress, we have done harm in another way. In such circumstances, even an honest intention affords little security for a sound conclusion, and the event only will enable us to judge accurately of the measure.

The earliest Christian church established in India was that of the Syrian Christians, which is said to trace its origin to St. Thomas. For many years they appear to have met with considerable success among the Brahmins and Nairs of Travancore,

core, who compose the military caste, and are the nobility of that country. They were protected by the reigning government, and enjoyed the same privileges as the other inhabitants. About the middle of the sixteenth century they were disturbed by the appearance of Roman Catholics in the province, who are alleged to have destroyed many of their public records, church formularies, and copies of the scriptures. Certain it is that the Catholics, by some means, succeeded in severing from the Syrian church about one-half of its members, and uniting them with their own. The converts, however, though formally attached to the Roman communion, still retained some of their own customs. The Syrian church in Travancore is accordingly at this day separated into two divisions, one called Syrian Christians, and the other Roman Syrians. The former continued in a very depressed state until a few years ago, when Lieutenant-colonel Munro, the British resident at the court of Travancore, interposed on their behalf. In consequence of his representations, many of their former privileges were restored to them; and, under his auspices, a college was established for the education of their clergy, which was supported by a grant of land bestowed for the express purpose by the ranee of Travancore. The exertions of Colonel Munro did not terminate with the establishment of this college.

lege. He obtained the co-operation of some missionaries of the Church of England, under whose care the college was placed, with the entire concurrence of the Syrian bishop, and procured a translation of the scriptures into the vernacular tongue. The number of Syrian Christians is about 70,000 ; that of the Roman Syrians is about the same. These have a college at Verapoly, under the care of a bishop. The present superintendent is a native of Ireland, educated in Spain.

The professed Catholics were formerly numerous, but by the acknowledgment of their own missionaries their numbers have been certainly decreasing for the last century ; and there is reason to believe that many of the conversions of which they boasted were but nominal. The Abbé Dubois has endeavoured to account for the ill success of the Roman missionaries, and the first cause which he assigns for it is the Pope's interference with the practices of the Jesuits. The members of this order, never very scrupulous in the means they employed for the accomplishment of their objects, conformed to many of the idolatrous and superstitious customs of the Hindoos, in order, as they alleged, to conciliate their minds and lead them to embrace the Catholic faith. This was analogous to their conduct in China, where, finding that the fact of the founder of the
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Christian faith having suffered as a malefactor was a cause of offence, they thought fit to deny it, and to affirm that it was a false and malignant report, invented by the Jews and other enemies of Christianity. The members of those orders which retained a less pliant morality were not, however, prepared to follow such examples. The Capuchins, the Jansenists, and others, objected to the vicious conformity of the Jesuits, and appealed to the Pope. His decision was against the practice complained of; but as the Jesuits, though always professing the most unbounded reverence for the Holy See, were far from being the most obedient of its servants, it required repeated remonstrances from Rome to induce them to desist. The fact that such practices were adopted, as lures to the profession of the Christian name, is quite sufficient to shew the character of a large portion, if not the whole, of the alleged converts. The Abbé Du Bois, belonging to the Propaganda Society, is, of course, the advocate of the forbidden practices, and regards the decision of the head of the Roman church as having mainly contributed to the decline of the Catholic religion in India. But it is obvious that nothing was lost but in name. A mass of actual Pagans were called Christians; they are now no longer called so. Their numbers have ceased to swell the roll of Catholic converts; but the genuine interests of Christianity are certainly not injuriously

juriously affected by the change. But the Abbé is not content that the entire blame of retarding the progress of Roman Catholic profession should rest upon the head of his spiritual father. He assigns as a farther cause, the wars between the English and the French. These wars, during their continuance, must have interfered in some degree with the labours of missionaries of every religious profession; but it is certain that the Protestants were, in many parts, far more exposed to suffer from them than the Catholics, and since their cessation the field has been open alike to the labours of both. The last of the three causes which the Abbé Dubois enumerates was, doubtless, a very efficient one. Some of the most zealous of the Roman missionaries endeavoured to recommend themselves to the natives by imposture, and the Hindoos detected it. The Jesuits announced themselves as Brahmins from a distant country, and thereby gained for their persons and their office a degree of respect far surpassing that which they could have hoped for as Europeans, and the propagators of an unknown faith. The consequence was that which always follows unsuccessful imposture—the artifices used were injurious to the cause which they were intended to promote. The Jesuits, who at first were venerated as something more than saints, were afterwards despised as convicted impostors, and the
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faith which they had disgraced shared in their personal unpopularity. From the ill success of his own church, the Abbé is led to regard all attempt at conversion as hopeless ; but the success which has attended missionaries of another kind warrants a different conclusion.

The first Protestant missionary was Bartholomew Ziegenbaly, who was sent to Tranquebar by the king of Denmark in the early part of the last century. Finding himself in want of further protection than his own sovereign could afford him, he came to England, where he was introduced to George the First, and shortly afterwards returned to India, under the patronage of the king and of the bishops of the English church. He was followed by other Lutheran missionaries, among whom the venerable Swartz must not be forgotten. This apostolic man commanded the esteem alike of every description of residents in India, Hindoos, Mahometans, and Europeans. The sovereign of Tanjore, when dying, was anxious to make him the guardian of his heir, a trust which he declined. Hyder Ali received him as an envoy on the part of the English, and offered to take his word as the guarantee of a proposed engagement, when he would trust no one else. On two occasions during war, his character saved the garrison and people in the fort of Tanjore from perishing by famine. There was grain in the country; but the
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the people refused to furnish bullocks to carry it, because they had formerly been defrauded of their pay. In this extremity the Rajah applied to Swartz, and that which the credit of the government could not command, was readily obtained on the promise of an humble foreigner, destitute of property, and whose income afforded him only a bare subsistence. These missionaries continued to propagate christianity with considerable success, and a body of Christians, the fruits of their labours, are scattered over India south of Madras; their chief stations being Vepery, Tanjore, Tranquebar, Trichinopoly, Madura, Tinnevelly, Ramnad, and Cuddalore. The number of these Christians it is not easy to estimate; but it is both large and increasing. The amount of increase at one station, Tinnevelly, has been ascertained, and is most encouraging. In 1823 the native Christians in that province were only 4000; they now exceed 8,000. In the south of that province are two villages entirely christian, and from which every vestige of idolatry has disappeared. Bishop Heber, who visited Tanjore and Trichinopoly, was greatly interested in the Christians whom he found in those provinces, and those who have visited Tinnevelly and other parts have been impressed in the same favourable manner by the character of the Christian communities which they met with. The Hindoo tehsildar of the district which
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contains the two Christian villages already mentioned, when questioned by the visitor, testified to the quiet and inoffensive character of the inhabitants, and said that he should rejoice if all around him resembled them. The mission which has produced such beneficial effects has been supported from its commencement by the English Society for promoting Christian Knowledge.

The progress of Christianity in India is not to be judged altogether by the actual number of converts. The number of these would have been much larger had the missionaries exercised less caution in receiving them. No temporal inducements have been offered to the profession of Christianity; and none are admitted to baptism until after a long probation. The apparent progress is thus rendered slow: but this is counterbalanced by the assurance that outward conformity is a sign of internal conviction, and that those who forsake their old religion are real and not merely nominal converts. In the mean time, the knowledge of the great truths of revelation is spreading far and wide, and where so many hear, some will be convinced.

The Church Missionary Society has, from its establishment, directed a large portion of its attention to India, and sedulously and usefully co-operated with the labourers whom it found already there. Its schools and stations are numerous,

merous, and the number of scholars in the former increased in seven years from 6,581 to 12,298. A lady, under the patronage of this society, succeeded in introducing female schools, in opposition to the prejudices of the natives, which led them to regard the instruction of females with dislike. The excellent and exemplary Baptist Missionaries have done much to advance the interests both of religion and learning, but the number of labourers is yet inadequate to the promised harvest. The worn-out superstition is obviously falling to pieces, to be replaced, either by what is called the religion of nature, or by a better faith, to which that may form a stepping-stone. It is for those who take an interest in the diffusion of Christian knowledge, to consider whether we ought not to avail ourselves of the moral movement, and give it the best direction; and whether the duty of extending the knowledge of divine truth is not especially pressed upon us, as well by the state of opinion and feeling in India, as by the position in which we stand towards that country.

CHAPTER X.

THE JUDICIAL SYSTEM.

THE judicial system of India has hitherto been of a most heterogeneous character, and it must probably continue so for a period of which the duration cannot be anticipated. The law of the Hindoos is founded upon their religion. It is, of course, in many respects, barbarous and absurd. It is also sometimes extremely vague, and, on the whole, very imperfect. The Mahometans introduced their law, which like that of the Hindoos, was closely connected with their religion. The settlement of the British created a necessity for the introduction of a system of law differing from either. The law of England thus obtained a footing in India; but it did not altogether supersede either of the systems which it found previously in operation. But the Hindoo and Mahometan codes were such as no European people could consent to administer; they were, therefore, modified in practice, and while their leading principles were adhered to, their more barbarous provisions were softened or rejected. Circumstances

stances also continually arose to shew the necessity of some additional rules for the administration of justice; and the governments of India, from time to time, enacted various Regulations, which, unless annulled by the authorities at home, have the force of law. The principles of judicial administration in India are consequently derived from no fewer than from four different sources, the institutions of the Hindoos, those of the Mahometans, the English law, and the Regulations of the Indian governments. It seems to be the prevailing opinion, that from the wide differences of these various codes, from the general character of the people, from the diversity of languages, and from other causes, the administration of justice has been far from perfect.

The law of England is administered in courts established by royal charter, and called Supreme Courts. Of these there are three; one at Calcutta, composed of a chief justice and two puisne judges; one at Madras, and one at Bombay, composed respectively of a chief justice and one puisne judge. Formerly the regulations of the Indian governments, which were intended to take effect within the jurisdiction of these courts, were required to be registered in them. By the late act, registration is declared no longer necessary to give validity to the regulations of the Governor General in Council, and the power of legislation previously

previously enjoyed by the governments of the other presidencies is withdrawn.

The Supreme Courts exercise jurisdiction over the European population generally, and under certain circumstances over natives also. In this respect their jurisdiction is understood to be restricted within certain local limits ; but they have, in some instances, claimed authority over natives residing beyond those limits, on the ground of constructive inhabitancy ; and over landed property to a very wide extent, on the ground that the unmoveable estates of all who are personally subject to them, are also within their jurisdiction. They have directed their receiver to manage the collections of very considerable estates in the interior, and thus have, in fact, rendered the whole of the tenantry liable to the process of the Court. On the principle of constructive residence, a trader residing without the limits, but having commercial dealings within them, may be rendered subject to the jurisdiction of the Court. These vague and uncertain claims of jurisdiction ought to be set at rest, especially as the natives entertain a great dislike to the Supreme Courts. Possibly the expense of their proceedings may be a principal source of their objection. English law is not a very cheap commodity at home, and in India it can hardly be expected at a lower rate than in the original market. This, in the eyes of
a native,

a native, would stamp the system as one of the worst that could possibly exist. Litigation is with him a great luxury, and to make it dear is regarded as an act of oppression. At the same time it must be allowed, that the members of the Supreme Courts cannot possess much knowledge of the native habits and character, nor any familiarity with the native languages; and under these circumstances, it would be well that some considerable limitations should be put upon their jurisdiction.

Previously to the passing of the last Act, the authority of the Supreme Courts was almost paramount to that of the Government; but by that act the Governor General in Council is empowered to make laws and regulations for all courts of justice, whether established by his Majesty's charter or otherwise; but he cannot abolish any of the former description without the previous sanction of the Court of Directors. This sanction must, of course, be subject to the approval of the Board of Control, though the clause does not specify this provision.

The Company's Courts are numerous, and have, at different times, been subject to various modifications. In Bengal, the lowest court of civil judicature is that of the Moonsiff. This is a native officer, who has original jurisdiction in cases where both parties are natives; to a certain amount,

without appeal, and to a higher amount, subject to the right of appeal to the Zillah Court. He receives no salary, but is paid the amount of the stamp duty taken in lieu of the institution fees on the suits decided. No great care seems to be taken to ensure a due measure of qualification in these officers; and it is represented that, without the protection of appeal, in all cases but suits for very small sums, little confidence would be placed in their decisions.

The Zillah Court, which is the court of appeal from the Moonsiff and some other subordinate authorities, to be noticed hereafter, has also an original jurisdiction to a limited amount. The zillah judge is an European; his decisions, in the first instance, are subject to appeal, and those given in his appellate character, to a special appeal. Each judge is assisted by two native law officers, a Hindoo pundit and a Mahometan mooolavie, who act as his assessors, and give opinions on points of native law. These officers also exercise a direct judicial power, as sudder aumeens. In this character they try causes of limited amount, referred to them by the judge. They may further, at the discretion of the judge, hear appeals from the moonsiffs. If the assistance of the two native law-officers is found insufficient, other natives may be appointed to the office of sudder aumeen, according to the wants of the service.

service. Further, each court has, or had (for considerable changes are in progress), one or more European officers, denominated registrars, invested with authority to try causes of a certain class, remitted to them by the judge, and, in certain cases, to hear appeals. It has been proposed to abolish the office of registrar; to create a number of special sudder aumeens, or native judges, of higher rank than previously existed; and to assign to them the duty of determining suits for much larger sums than generally fell under the cognizance of the registrars, as well as that of hearing appeals from the ordinary sudder aumeens. This proposal has been, to a certain extent, acted upon, and the trial of cases in the first instance is now almost wholly in the hands of native judges, their power of jurisdiction being increased to an amount which very few causes in India exceed.

Above the zillah or district courts were the provincial courts, whose authority, as their name implies, extended over a wider circuit. They had an original jurisdiction from the point where that of the zillah court stopped, extending to a much higher amount, and they also heard and decided appeals from the courts below. It is proposed gradually to abolish these courts.

Superior to these is the court of Sudder Dewanny and Nizamut Adawlut. To this court are referred all cases in which the judges may differ

from their law officers ; it has the power of calling for and revising the proceedings of any of the courts, and may suspend from office the judges of the provincial and zillah courts. Suits of large amount are sometimes tried originally in this court, but its jurisdiction is chiefly appellate. Its decision is final in all cases, except where the decree appealed against is for a larger sum than £5,000, in which case an appeal lies to the King in council. There was formerly a single court of *Sudder Dewanny* and *Nizamut Adawlut* for the presidency, consisting of five judges ; but it has been determined to confine the jurisdiction of this court to the lower provinces, and to establish another for the western provinces, consisting of three judges.

The system of judicature in Madras does not essentially differ from that of Bengal before the late changes ; but the zillah courts may try original causes to any amount, and suits of any amount may be appealed to the King in council. In Bombay, the judicial arrangements are nearly similar. But there are certain peculiar regulations, in which three different modes are pointed out by which the court may avail itself of native assistance.

The law administered in these courts is chiefly contained in the regulations passed by the respective governments. In suits regarding succession
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and inheritance, as well as marriage, caste, and all other religious usages and institutions, the decisions are governed by the Mahometan law with respect to Mahometans, and the Hindoo law with respect to Hindoos, as expounded by the Mahometan and Hindoo law officers of the court. The pleadings are in writing, and consist, 1st, of the Complaint, which ought to state precisely the matter of complaint and the amount sought to be recovered; 2dly, the Answer; 3dly, the Reply; 4thly, the Rejoinder. If the plaintiff or defendant have omitted any thing material to the suit in the complaint or answer, one supplemental pleading of each kind, but no more, is admitted. The pleadings may be, at the option of the parties, either in Persian, Bengalee, or Hindostanee. The witnesses are examined *vivâ voce* in open court, and the evidence reduced to writing in one of the languages just mentioned. The causes are conducted by native pleaders, called vakeels. They draw the pleadings and examine the witnesses, but it is not customary for them to address the court. Some of these pleaders are said to display considerable acuteness; but the situation is not considered a respectable one, except in the superior courts. The vakeels are appointed by the respective courts, and are liable to be punished for malpractices, by fine or dismissal. The fees of these officers are regulated by law, but the principle of remuneration appears extraordinary. The vakeel receives

receives a per-centage upon the amount claimed, which the suitor is obliged to deposit in court before the pleader does any act. At the close of the suit the amount is paid over to the vakeel, subject to certain deductions, at the discretion of the court, where the case has not been fully proceeded in. On the first 5,000 rupees the vakeel is allowed five per cent. On sums exceeding that amount, a diminished per-centage is allowed, up to 80,000 rupees, beyond which the vakeel's fee is fixed at 1,000 rupees, which it is in no case to exceed. Among the reforms which will, in all probability, be introduced in the practice of Indian judicature, a better method of remunerating the services of the pleader may be anticipated. The duties which he is called upon to perform, when the amount in litigation is large, may often be less difficult and less laborious than those which devolve upon him when the sum contended for is comparatively small. To reward him munificently in the former case, and scantily in the latter, is offering a premium upon idleness and negligence in the conduct of causes of small amount.

A great part of the duties which in this country are performed by attornies, are in India executed by agents, designated mookhtars; but these persons are not recognized by the court, nor are their charges admitted to form part of the legal costs of suit.

The administration of the criminal law in Bengal

gal (with the exception of those duties termed magisterial) was originally confided to the provincial courts. Inconvenience having been found to arise from this arrangement, a new set of functionaries were appointed, under the title of commissioners of revenue and circuit, to whom the entire criminal jurisdiction was transferred. This, however, was found to answer no better than the former plan, and it was thought necessary to make provision for relieving the commissioners from their duties as criminal judges, and to invest with that character the judges of the zillah courts. The functions of magistracy which had been previously exercised by the zillah judges, have, by the new arrangement, been transferred to the collectors. The Court of Sudder Dewanny and Nizamut Adawlut is, in criminal as in civil matters, the highest authority. It is empowered to grant mitigation or remission of punishment; and no sentence of death, transportation, or perpetual imprisonment, is to be carried into execution without a previous revision of the trial by this court. In Madras, the zillah judges and assistant judges try minor offences: the circuit duties are performed by judges of superior rank. It was proposed also to invest the sudder aumeens with limited powers as criminal judges. In Bombay, the criminal law is administered by session judges, and judges of the Sudder Court make an annual circuit of inspection,

spection, with all the powers to revise and correct the proceedings of the judicial officers which were formerly exercised by the Court of Circuit. The collectors exercise a limited judicial authority in criminal cases.

Criminal justice in Bengal is administered upon the principles of the Mahometan law, of course considerably modified by the force of European opinion. In Bombay, the authority of the Mahometan law is renounced, and a written code substituted. The same plan has either been adopted, or is proposed for adoption, in Madras.

The use of the Mahometan law throws considerable power into the hands of the Moslem law officer of the court. When the whole of the evidence has been taken, he delivers his futwah or decision. This includes both the law and the fact; the futwah declaring whether or not the fact is proved, and what the Mahometan law is upon the subject. If the law officer finds the fact proved, and the judge agrees with him, the sentence is carried into execution, if it fall short of death, transportation for life, or perpetual imprisonment. If the judge dissent, the whole trial must be referred to the Sudder. If the law officer finds the fact not proved, the prisoner is forthwith released, unless in extraordinary cases where the judge sees reason to suspect something improper, and takes on himself the responsibility of remitting

remitting the case. Notwithstanding the large discretion thus entrusted to the native officer, it is said that he rarely attempts to give his judgment without indirectly trying to discover the impression of the judge. But with all this habitual deference in the native officers, the position of the European judge, under the circumstances in which he is placed, does not appear the most dignified.

The power of the inferior officers of the court appears to have been further increased by a practice alleged to have been rendered necessary by the pressure of business. In the heavier class of offences tried before the Court of Circuit, the evidence was always delivered in the hearing of the judge; but in the trial of misdemeanors, and smaller offences, this wholesome practice is dispensed with. The evidence is previously taken down, and then the witnesses and prisoner are brought before the judge, who puts such further questions as he thinks necessary.

The Mahometan law of India renders the testimony of two witnesses necessary to conviction. It requires also direct testimony to the fact charged as a criminal offence. The Mahometan law officers, however, contrive to evade this, even in the gravest cases. In a case involving the punishment of death, the Moolavie will sometimes convict on circumstantial evidence only, but will
state

state in his futwah that the extreme sentence is barred by the want of direct testimony ; and the prisoner will escape death, but be subjected to a minor punishment. This mixing up of the degrees of evidence with the measure of punishment is excessively absurd. The punishment which the law denounces may be too severe for the particular case, and if so it ought to be mitigated. But the mitigation should take place upon proper grounds. The degree of guilt can have nothing to do with the degree of evidence. A light degree of criminality is a ground for a light measure of punishment. An insufficient degree of evidence is a ground for exemption from punishment altogether. The man is either guilty or not guilty. There is no middle stage. If guilty, he ought to be punished according to his deserts ; if not guilty, he ought to be acquitted. The law requires direct testimony, and declares that conviction cannot lawfully take place upon any thing short of it. But when direct testimony is not to be had, (and considering how cheaply evidence may be purchased in India, it is seldom wanting where any one has an interest in obtaining it), such is the laudable zeal of the Mahometan interpreters for inflicting punishment, that rather than be disappointed, they will violate the commands of their own law. Yet they have a conscience in their iniquity ; they will not put a man to death whom
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their law declares innocent, as far as human judgment can extend; but they will punish him by fine and imprisonment. His life shall be spared, but his liberty and his purse are trifles. It is not intended to discuss the question, whether or not conviction should take place upon circumstantial evidence alone: all that is meant is to lay down the principle, that the existence of doubt is a ground for acquittal, not for the infliction of a moderated punishment. The Mahometan assessors doubt, yet they strike—with some shew of moderation, indeed, but (according to their own belief) in the dark, as to whether the blow is merited or not. They will not do a great wrong; but they feel no reluctance to inflict a small one.* This specimen is not calculated to impress us with a very high reverence for Mahometan morality and jurisprudence.

The rules which in the Mahometan code govern the reception or rejection of evidence, are remarkably capricious. In capital cases, the testimony of slaves is inadmissible, and some arguments might be brought forward to shew the reasonableness of the disqualification; but the Mahometan
law

* Two men were playing at cards, and one of them, who suspected he was cheated, seized a fork, and with it pinned his antagonist's hand to the table, saying, "Sir, if you have not the knave of trumps under your hand, I beg your pardon." This is something like the conduct of the Mahometan lawyers; except in the politeness with which the random punishment was inflicted.

law does not reject the evidence of slaves because it is likely to be unduly influenced by fear, but because "their state of bondage precludes them from exercising any act of authority, which the delivery of evidence is considered to be." The exclusion of slaves, therefore, is not the dictate of legislative prudence, but a mere point of taste and etiquette. The testimony of women is rejected: and as reason can say nothing in favour of such a rule, tradition steps in and pleads the example of the prophet and of his two immediate successors. In minor cases, the testimony of women may be received, but the evidence of two women is only equivalent to that of one man. If the accused person is a Mussulman, the witnesses against him must be of the same faith. The testimony of infidel subjects, with regard to each other, is admissible, whatever variety of belief they may profess; it is also good against an infidel stranger; but the evidence of the latter is invalid, except against one of his own countrymen. Persons of infamous character are not improperly disqualified as witnesses, and certain very close relations, either of consanguinity or social position, constitute grounds of incompetency. The absurdity of many of these exceptions to testimony is obvious, and their inconvenience is equal to their absurdity. The British Government has, however, shewn towards them a tenderness that is remarkable, considering

sidering that the Mahometan faith is not professed by more than an eighth part of the people. Such rules could not be endured, but they have not been directly abrogated. It has been provided, that if the evidence of a witness shall be declared inadmissible on any ground which shall appear unreasonable, the judge shall nevertheless take the examination of the witness. At the conclusion of the trial the Mahometan law officer shall state what would have been the sentence if such evidence had been admissible, and the judge is to pass sentence accordingly ; but if the conviction is found to rest exclusively on the excepted evidence, the case is to be referred to the superior tribunal. It is not easy to see the advantages of this circuitous method of getting rid of the consequences of inconvenient and absurd rules of evidence.

The Mahometan law prefers confessions to all other evidence, and the native police neglect no means of obtaining that which the law regards as so desirable. Under the Mahometan government, torture was resorted to for this good end. The British Government, of course, does not countenance such a practice, but frequent instances of its use have come before the tribunals. Some of the tortures employed are too horrible and revolting to be described. It has been found extremely difficult to suppress these practices, the native
officers

officers having such an appetite for confessions, that even where the most ample proof exists, they will endeavour to extort them. The judges endeavour to correct the evil, as far as possible, by receiving these confessions with great caution. In Madras, they were formerly required to be attested by two witnesses totally unconnected with the police; but the native officers, whose aptitude for mischief appears to be altogether marvellous, contrived to select, as witnesses, those individuals to whom the duty was peculiarly inconvenient. Some of those persons, in order to avoid being called upon again, had recourse to the ready expedient of perjury, and swore, with great coolness, that they knew nothing about the confessions which were given in their presence. The original rule was then rescinded, and all police officers above the rank of a common peon were admitted as competent witnesses. The consequences of this may readily be conceived.

In speaking of the existing state of law and police in India, we speak of merely temporary arrangements—of a system doomed, at no very distant period, to yield to another. The late Act, after recognizing the expediency of a general system of judicial establishments and police throughout the entire country, directs the appointment of a commission, to inquire into the jurisdiction, power, and rules of the existing courts of justice
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and police establishments ; into all existing forms of judicial procedure ; and into the nature and operation of all laws, civil or criminal, written or customary, prevailing in any part of the country, and affecting any class of inhabitants, European or native. The results of these inquiries are to be embodied in reports, in which the commissioners are to suggest such alterations and improvements as they shall deem advisable. The Governor General in Council may give special instructions as to the inquiries to be made and the places to be visited, which the commissioners are to regard, and to make special reports upon such matters as may be required. The commission issues from the Governor General in Council, and the members are recommended by the Court of Directors, with the approbation of the Board of Commissioners. Such other persons may be included as the Governor General in Council shall think fit, provided the entire number does not exceed five. The commissioners are to receive salaries, according to the highest scale of remuneration given to any of the officers or servants of the Company, below the rank of members of council.

Viewed in connexion with the appointment of the fourth member of council at the seat of government, this provision is a most important one. The British Legislature evidently contemplated the complete recasting of the institutions of India.

A measure

A measure affecting the interests of so many millions of people, possesses an importance before which all ordinary legislation sinks into insignificance. From the days of Justinian, ~~no~~^{not} labour so difficult, or fraught with such important consequences, has been undertaken ; and whether, like the volume of Roman jurisprudence, it shall be destined to descend to the end of time, a monument of legislative genius and sagacity ; or, like some less fortunate codes of modern creation, disappear within a brief period after its promulgation, must depend on the character of those to whom its execution is committed. The project is, a grand one, whatever its success.

As the task allotted to the law commissioners is by no means easy, the qualifications required for its performance are not few. A comprehensive and accurate knowledge of human nature ; an acquaintance with the principal codes of law which have prevailed in the world, and with the manner in which they have operated ; a familiarity with the writings of the ablest jurists, and with the principles of moral evidence ; an intimacy with the local peculiarities, usages, and modes of thought of the people whom their labours are intended to benefit ; strong logical faculties, matured by habitual exercise ; great industry and great caution ; these are some of the qualifications which are indispensable. All of them can scarcely
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be expected in an individual, but by a judicious selection the whole may be secured within the number prescribed by the Act. A perfect freedom from prejudices of every kind will be essential to a due discharge of the duty required of the commissioners, especially from such a prejudice in favour of preconceived theories, as prevents even ingenious and strong-minded men from seeing more than half of any question ; and from two prejudices which divide between them the mass of mankind—the prejudice in favour of every thing that exists, and the opposite, equally foolish and perhaps more mischievous prejudice, in favour of every thing that is untried. Possessed of all these qualifications, the framers of a code of law for India must not be in too much haste. Every thing that is important requires to be matured by the operation of time ; and legislation is one of the most important works to which the human mind can apply its powers.

In the performance of this work, care must be taken to avoid the error formerly committed, of entrusting too much to native intelligence and discretion. The lawgivers which India has been accustomed to revere have no claim to our favourable consideration, 'except that which they derive from their influence over the conduct and opinions of so many millions of people. This, however, is not to be disregarded ; and we must beware of
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attempting too hastily to assail any principles which are interwoven with the habits of the people, even though it might appear to us that we could substitute better. We are now, it might be hoped, in little danger of entertaining a blind admiration for the barbarous oracles of Hindoo and Mussulman law ; we are, perhaps, more likely to err on the other side, by regarding our own views of what is right or what is expedient, as adapted for universal application, and thus to be induced to force upon India a system of law which she is not prepared to receive, and which is but ill calculated to work for her benefit. We shall commit an error of this kind, if we assume that the natural rights of mankind cannot lawfully receive any modification from natural and local circumstances. Natural rights ought to be respected ; but it must be shewn, that the persons on whose behalf they are claimed are in a condition to exercise them, before they can be prudently conceded. The infant, the idiot, and the lunatic, are subjected to restraint. This restraint is not imposed from the love of tyranny, but for the good of the persons over whom it is exercised ; and multitudes may sometimes be in a condition, where to entrust them with all which wild, but mistaken philanthropy would claim for them, would be to involve them in certain ruin, and suspend for ages their progress in improvement.

improvement. With India we must probably be content to follow the example of the Grecian legislator, who affirmed that he had given his countrymen not the best laws that could be framed, but the best that they could bear. We must be careful also not to mistake for natural rights those which are not such. We constantly hear the institutions of society condemned, for violating natural rights in cases where nature certainly has given no rule. For instance, the law of primogeniture is frequently declared to be a violation of the law of nature. It would be extremely difficult, however, to show that nature has given any law on the subject; and if she had, it might be presumed that that which has prevailed most generally would be the true one. It is not meant here to offer any opinion on the advantages or disadvantages of the law of primogeniture, but only to contend, that in this and a multiplicity of other cases, where nature has been supposed to speak, she is in truth silent, and has left the matter in question to the decision of human prudence.

But we must guard in the next place against an error of a different kind. A very active and ingenious body of legislators in our own day deny that man has any natural rights at all. They would decide every thing upon the principle of expediency. They estimate the human feelings at

nothing. They even despise the intuitive judgments of the human reason, and would dismiss every principle of morals and of legislation which does not present itself as a deduction of the understanding. Like most philosophic exclusives, these legislators are inconsistent with themselves. They assume a single principle, that all legislation should be designed to promote "the greatest happiness of the greatest number." The principle is both absurd and dangerous. If it be just, then, in a country where seven-twelfths of the people had one interest, and the remaining five-twelfths another, the governing powers should legislate for the benefit of the former, regardless of the latter. The absurdity becomes more apparent when the sacrifice is of five to seven; but the hardship and cruelty would be just the same if the numbers were ninety-nine to one. But the principle assumed as the basis of utilitarian legislation, is not only mischievous, but it is inconsistent with the avowed design of its defenders. They will leave nothing to feeling or intuition. The understanding is to be supreme, and no man is to maintain any thing which he cannot support by a formal argument. The sense of justice, the feeling of benevolence, are rejected as insufficient guides. All moral principles must be squared to the rules of expediency. The question, Why must I do what is just? would by most men be
thought

thought an unreasonable one, since in morals, as in every other branch of human enquiry, there must be an ultimate point, beyond which we cannot proceed. But to the expounders of the philosophy of utility, the question would not appear a strange one: they would answer, because, by observing the rules of justice you will promote the greatest happiness of the greatest number. But, surely, the enquirer is not bound to stop here, any more than at the former point. He may demand, why am I bound to promote the greatest happiness of the greatest number? To this the advocate of utility would, probably, answer, by an appeal to the selfish feelings; because, by doing so, you will stand the best chance of promoting your own happiness. But the objector might still demur: he might say, instances continually occur in which I may promote my own benefit by violating those rules which, you say, are essential to the good of the community: why should I not avail myself of such opportunities, and despise those laws which you admit have no better foundation than that of general expediency? You have removed all other sanctions, why should I be stopped by this? To such interrogatories but one answer could be given—the majority have the physical power, and they will compel you to obey the laws of the community, or punish you for your disobedience; and thus
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the reasoner will leap at once from the theory of Priestley and Bentham to that of Hobbes. It is clear, then, that what is called "the greatest happiness principle," so far from being able to support the entire fabric of law and morals, is unable to support itself; so far from being able to give a tone to the moral feelings of the community, it cannot exist but through the influence of moral feelings derived from some other source. The great distinctions of right and wrong exist independently of any calculation of consequences; and happy it is that they do so, for human prudence would afford but a sorry substitute. The mistakes of the wisest and best-intentioned, prove the incompetency of the understanding of man to decide on the best means of promoting his own happiness, or that of his species.

The work of legislation will never be properly performed, if any single principle is assumed as its basis. There must be a compromise among various principles, or the system will never work harmoniously.

The principle of attachment to ancient institutions is one which is powerfully operative among every people, except under very peculiar circumstances. Men yield obedience more readily to that which is old than to that which is new. Innovation is always attended with some danger: and it is not only dangerous to shock
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the feelings of men with regard to that which has the sanction of time and custom, but the experiment when made is seldom successful. Laws and institutions, transplanted from one country to another, rarely work smoothly or beneficially. The *cessio bonorum* of Scotland is not attended by the rich crop of vices which have arisen round the insolvent system of England. The United States of America afford the only instance in modern times, where laws which had grown out of the circumstances of one country have been successfully applied to the government of another. But in this case the people, as well as the laws, derive their origin from the English, and carried with them across the Atlantic a large portion of English thought, feelings, and manners. In India, inhabited as it is by different races of people, it is not necessary, and it will not be prudent, to enforce, in all particulars, a perfect uniformity of law. The law of inheritance is one which must be treated with much forbearance. The Hindoo has one law, the Mahometan another, the Englishman a third, and these may all be recognised, and each party protected in that principle of succession which he possibly deems important. There are other points in which compliance with customs, and even with prejudices when they are harmless, may be necessary. The evils of a contrary practice have been too often exemplified,
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but never more strikingly than by the fate of Joseph of Germany, who, by violent and ill judged attempts to enforce what he believed to be necessary reforms, and to establish uniform institutions throughout his dominions, defeated his own purposes, kindled the flame of rebellion among those whose principle was implicit obedience, and died despairing and broken-hearted, the victim of his own precipitation and obstinacy.

There may, however, be practices so obviously wrong and extensively mischievous, as to merit no toleration. These must be dealt with on other principles. Antiquity and prescription must not be allowed to violate the common rights of mankind. Practices which outrage the great principles of justice and benevolence must be retrenched with an unsparing hand. Man is endowed by his Creator with certain rights, and no government can be justified in permitting these to be invaded with impunity. Oppression must not be supported because it has prevailed from time immemorial. The innocent and the weak must be protected from wrong, though that wrong be offered under the sanction of antiquity, and even enforced by superstition. Government have already acted upon these principles, and they will not go back.

The principle of utility, though it has been abused, must not be altogether rejected. Utility
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is an insufficient basis for moral science ; but it affords a very good test of the quality of both private and public acts. A law which produces more misery than it prevents is clearly a bad one. In many cases the path of the legislator is not marked out by that higher species of law which he, in common with all mankind, is bound to reverence. Thus left to himself, he must look to probable consequences, and deducing a rule where otherwise he would be left without one, he must, to the best of his ability, strike a balance of good and evil, and preserve as much as may be of the former, with the smallest possible alloy of the latter. The deductions of human prudence are, indeed, but too often fallacious ; but in the absence of any other guide it cannot be dispensed with.

The promotion of peace should be an important object with every legislator. This principle is, in some degree, connected with the first and the last, already adverted to ; but it is of sufficient importance to merit distinct mention. Peace is an important instrument for securing to society much of good that cannot be obtained without it. But the legislator should not view it merely as an instrument : he should regard it as an end ; and in all the institutions which he is called upon to frame, should keep its promotion steadily in view. Its preservation is one of the great purposes for which civil society exists.

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The principles enumerated may receive some illustration from a subject already mentioned—the inheritance of property. The peace of society requires that some rule should be laid down; the law of nature (the second principle) gives none. The legislator must, therefore, frame one as well as he can with reference to other principles. Utility suggests the adoption of that which is best calculated to promote the prosperity of the community. The law of primogeniture tends to promote the accumulation—that of equal division, the dispersion of wealth. In England, real property descends according to one rule, personal property according to the other; and perhaps this is as beneficial an arrangement as could be adopted, tending, as it does, to check undue accumulation on the one hand, and minute subdivision on the other. But it is a matter of merely prudential arrangement, and circumstances may render it expedient, in some countries, to adopt a different course. India may be one of them. Custom has there laid down different rules for different classes of people, and there may be no sufficient reason for departing from them, especially as their preservation will, in all probability, tend to the preservation of peace. This is a case for the exercise of the discretion of the legislator; but where any great moral law interposes a sanction or a prohibition, he has no option. He cannot change the
eternal