

P L A N  
FOR THE  
G O V E R N M E N T  
OF THE  
PROVINCES of BENGAL.

[Price Two Shillings.]

P L A N  
FOR THE  
GOVERNMENT  
OF THE  
PROVINCES of BENGAL.

ADDRESSED TO THE  
DIRECTORS of the EAST INDIA COMPANY.

*By Sir John Dalrymple.*

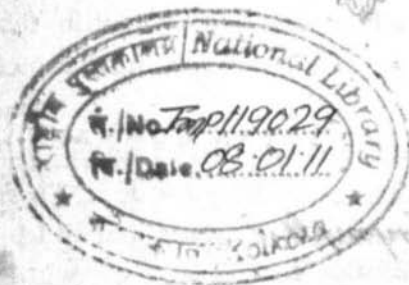
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A  
P L A N  
FOR THE  
Government of the Provinces of BENGAL.

To the Directors of the East India Company.

GENTLEMEN,

**B**ESIDES your other great Indian settlements, you have in your provinces of Bengal, fifteen millions of subjects, thirty-three thousand troops, all commanded by British officers, and three millions and a half of present revenue, not to mention to what that revenue may be hereafter raised. The East India Company, pays annually to the interests of the public debts of England, one million six hundred thousand pounds; from which last circumstance alone, it is plain that England and India must stand or fall together: for if that sum should be withdrawn from the creditors of the public, the public must either become bankrupt, or such a load of new taxes be laid upon industry, as could not fail to crush it intirely; and either of these calamities, in a nation intoxicated with prosperity, might be attended with a revolution in government itself. From the sea, your possessions are open to the attacks of France, which, in the



island of Mauritius, has ten French regiments, and a vast force of native militia, and perceives now at last the tender, perhaps mortal part of her enemy. Behind you, on the continent, lie hostile and injured princes, the objects equally of your ambition and fear. In the provinces of Bengal, not to mention others, there are disorders in every department. Such is the state of your affairs. His Majesty's Speech to Parliament, and your just attentions to your trust, flatter the public, that a system of regulations is intended, to secure the advantages you possess, to prevent the dangers you are exposed to, and to remedy diseases, which all men, of all parties among you, acknowledge need remedies. The interests of human nature, of England, of that Society you direct, which, under the simple name of a Company, is a mighty republic, and perhaps of your Sovereign's family; in future ages, are now in the hands of the legislature, and in yours.

The fate of almost all conquered nations has depended upon the temper of the individual who conquered them, or who was immediately after intrusted with the care of them; and that care has seldom extended further than to guard against the dangers which immediately pressed upon the possession of the conquest, but without establishing regulations which could insure its security for the future. Among the many felicities and glories of this reign, it is, perhaps, the highest, that three great societies of freemen, with the declared wishes of the most virtuous of Princes to animate them, have it in their power to regulate the happiness or misery of a vast empire, at a time when pressed by no immediate danger to their possessions, but only by the miseries of human kind at their mercy, and calling for their aid, they may, like that deity whose province they emulate, survey their object as from a superior height, and with an equal eye.

o Inflamed

Inflamed by the greatness of that object, I presume to offer you my sentiments upon the arrangements which I think necessary in your provinces of Bengal. The person who has the honour to address himself to you, knows few of your persons; he never was a party to your parties. If in his facts or principles he commits errors, he will thank the man who points them out; for he cares not from whom the right system comes, provided it comes.

It is impossible to remedy evils, without attending to the causes of them; because, if the causes are removed, their effects will follow them. For which reason, you will pardon me for bringing the past and present state of Bengal to your view, though much better known to you than to me.

### *Past and present State of Bengal.*

In order to temper the despotism of the Mogul empire, as well as to secure the greater revenue to the emperor, the fiscal powers in the provinces were kept distinct from the civil and military powers; for the administration of the province was committed to two officers, the Subahdar and the Dewan. The first of these possessed the civil and military administration; the last collected the revenues, part of which was applied to support the dignity of the Subahdar, and the remainder was remitted to court \*.

The revenues consisted partly of taxes upon the passage of goods, but chiefly of the rents of the lands of the province, because all the lands were deemed to be the emperor's. The taxes were collected by officers. Most of the lands were given off in the feudal form, under a condition, partly of military service, and

\* Vide the authorities in Mr. Bolts, p. 24.

partly of payment of rent. The persons who got them, either collected the rents by their officers, known under a variety of titles; or gave them under the same conditions to others, who again continued the same arrangements under them; and the last person in this gradation of ranks who had the right to draw the rents of the lands, let them to the husbandman.

The possessions of most of these landholders were hereditary, and even the possessions of the husbandmen were so; for it was a general law of the empire, that a husbandman could not be removed so long as he paid his rent. The extent of the rent was fixed in the emperor's books †. In rice, which is the great staple of the produce of the ground, the rate was one fifth of the produce of the land in a country in which the expence of the whole cultivation did not exceed an eleventh part of that produce: so that the husbandman was allowed to draw more of the profits of his industry in India, than he ever was, or is now allowed to do, in any country in Europe \*. His condition was the more easy too, because

† Mr. Scrafton.

\* Mr. Bolts, p. 148. says, "that for cultivated ground in Bengal the established rate of estimation at Delhi was three sicca rupees, or seven shillings and sixpence per bega, of sixteen thousand and three square feet, one with another; that is, about twenty shillings an acre."

The maund of rice is eighty pounds weight, and sells at an average price for a rupee, or two shillings and sixpence. A bega produces from five to ten maunds, and there are near three begas in an acre. The acre gives two crops in the year, and sometimes three. From these data the produce of the acre at five pounds ten shillings is a moderate supposition.

The cultivation consists, first, in plowing, which, in the soil and climate of India, is entirely superficial; the plough making little more impression than one of our harrows. This is done by oxen. An ox costs ten rupees. He is fed on chaff and grass, and is maintained at the expence of a rupee and half per month. The second

because the fineness of the climate and soil requiring not all his time and toil, he employed some parts of both in the arts and profits of manufacture. Upon manufacture no customs or excises were imposed, except of trifling extent, and in particular places. In great perils of state, indeed, greater land-rents were demanded, and these gave temporary powers of oppression; but when the storm subsided, the calm succeeded. The principal judges were appointed by the court of Delhi, and the inferior ones by those judges, in conjunction with the Subahdar.

In this situation, even under a despotic government, there was little room for extortion. The Subahdar was not tempted to commit extortions on the people; because, if the grandeur of his government was supported, he had no interest in the extent of the overplus of the revenues which were remitted to Delhi. The Dewan indeed had an interest to commit injustice; but he was checked by the hereditary rights of the landholders and husbandmen, and by the fears which the great officers of despotic governments are continually under, lest the cries of the people reach-

second operation is taking the plants from the seed-bed, and dibbling them into the ground. The third is, watering the ground, which is a trifling charge, because it is watered from the public drains. The last is reaping, which is done with the sickle. Two men will reap a bega in a day. The wages of a labourer are three rupees and an half *per* month, which is not three-pence halfpenny a-day. From these data the expence of producing the crop cannot much exceed ten shillings *per* acre.—I got these facts from natives of the country.

In the low parts of Scotland, which are corn countries, the peasant retains the third of the produce; in England, which is much a grass country, somewhat less; in the northern provinces of France, he does not receive a third; in the southern provinces of France, the landlord gets half the crop; and in Poland, and the hereditary dominions of the empress, the landlord leaves the peasants, who are slaves, or *adscriptitii glebæ*, a mere subsistence.

ing the throne, should draw upon them those miseries, which they might otherwise be tempted to inflict upon others. It was the interest of the landholder to be kind to the husbandman, that his land might be filled with people for the security of his person, and with wealth for the security of his rent. The judges, unless they took bribes, had no interest to commit wrong, because they were to gain nothing by it. The chief error in the constitution of their courts was, that, to support the expence of the court, twenty-five *per cent.* of the sum awarded went to its use. In the mean time, the gold of the eastern, and the silver of the western world, was flowing without intermission into India, in return for her manufactures; so that she was continually gaining, and never losing. In this condition the inhabitants of India were as happy as wealth and industry can make men, who, living under despotism, feel every minute that they depend for their security upon the virtue of others, and not on their own. Bengal, notwithstanding all her late sufferings, was, till within these few years, the most wealthy and populous country on the face of the globe; a sure proof that her government was not so much abused as has been represented. Had her condition been what it is at present, her provinces must long ago have become as desert as the Campania of Rome.

During this period the English East India Company was established, and various regulations made by Parliament and the Company for the exercise of its functions. But as in its institution it was merely commercial, and in very peculiar circumstances, all those regulations were adapted to the interests of commerce, and of a commerce, which, in almost every particular, is now changed from its original condition.



Upon the invasion of Nadir Shah, in the year 1739, which overturned the Mogul government, all this system which would almost reconcile men to despotism itself, disappeared. The Subahdars threw off their subjection to the empire. Other men too assumed the state of Subahdars by their own grandeur, or invading that of others. In confusions he who has the sword, can always command the purse. These Subahdars seized the office of the Dewan, giving the care of it, to officers appointed by themselves, and thus united the civil, military, and fiscal powers in their own persons. To secure their safety, they were obliged to maintain great armies; but as these were hastily raised, and not disciplined, they were only terrible to the Prince and his people, and harmless to his enemies. To satisfy the demands of these armies, as well as to support the new state they had assumed, the new princes were obliged to fleece their subjects. They imposed sudden taxes in sudden exigencies, and kept them up when the exigency was over. They increased the rates of the rents of the landholders, and disregarded their hereditary rights, giving them a power to relieve themselves at the expence of the husbandmen and the manufacturers. Most of the landholders being unable to pay the new demands, the collection of the land-rents was put into the hands of the Subahdar's collectors, and the farmers of the revenue, to whose mercy the people were delivered over, provided the treasuries were filled. At present the husbandman, instead of drawing three-fourths of the produce of his land, is allowed only a half, \* and even that half is exposed to the insolence of all in power. The power of oppression is continually followed by the corruption and infidelity of office; and these were hurried on in their course, by an original custom of the empire, that an inferior could not approach a superior, upon business, without a present

\* Mr. Bolts, 148.

as a mark of his respect. The insecurity which these things produced, opened the gates to a devouring usury, because men would give any interest to get money wherewith to satisfy their oppressors, and the money-lender increased the rate of his interest in proportion to the chance of losing his principal. The current rate of interest, even where the security appeared good, rose to ten *per cent.* in those provinces in which those disorders took place; but the usury fell hardest upon the defenceless husbandmen, who, in Bengal, pay now, at least, thirty-five *per cent.* for the money they borrow for the cultivation of the ground. Yet even the profits of usury caused not money to circulate; for those who possessed it, either laid it up in chests which they placed in strong castles, or vested it in jewels, for the ease of transportation with their persons, or buried it in the earth, as a more safe place of refuge. The civil wars which followed the destruction of the Mogul empire, introduced a new abuse: for, as in times of public disorder men commit crimes with impunity, many of those who had money in their hands impaired the coin, which they found it the more easy to do on account of the variety of the specie of which the current coin consisted; and this raised up a new set of men to prey on the miseries of the public, to wit, the exchangers of money, who had an infinite advantage over all who stood in need of it. Thus the landed interest (if I may use such an expression) disappeared, and in its place came a monied interest, consisting of collectors of the rents, farmers of the rents, usurers, and dealers in money and exchange, whose lives were spent in oppressing the husbandmen and manufacturers, and in suffering oppressions from the Subahdar, and the officers of his court and armies, in return.

These usurping Subahdars, or Nabobs, like all other usurpers, soon fell into quarrels with each other, and with their own families;

ties; diffensions, of which it was easy for European nations, by their arts of war, and of policy, to take advantage.

It has been the fate of France, for a century and a half past, to be every where creating mischief, of which England has continually reaped the benefit. • A French General in India, pointed out to our countrymen, the way to the command of that country, through the weaknesses and divisions of her new princes. The Nabobs of Bengal were, by different treaties, obliged to cede different provinces of their dominions to the East India Company. And by the last treaty, the office of the Dewan, that is to say, all the land-rents and taxes of the Subahdar, are transferred to it, whilst the exterior forms of the military and civil government reside in a Subahdar who is surrounded with your guards, whose ministers you appoint, and whose pension you retrench whenever you think proper: And to give security to you in your office of Dewan, in all times to come, and to the Subahdar in the hands of your servants, in his office of Subahdar, during his life, you and he got grants from a Prince who, though he might be the right heir to the Mogul throne, was only a pretender to it, being an exile from his country, dependent upon your servants, and whose empire itself was at an end.

This mode of government has its advantages and disadvantages.

Its advantages are chiefly two. First, It was intended to conceal from foreigners, that the sovereignty of Bengal was transferred to England, and perhaps from parliament, that it was transferred to the East India Company. 2dly, The civil and military powers, conducted under the authority of the Subahdar, preserved the old forms of government in the eyes of the conquered.

Both advantages are now over; the disguise was too thin. Foreigners and Englishmen equally know; and the natives too sen-



sibly feel, that all the powers of the old government are in the hands of your servants alone, who abuse it as they please, under the cover of its being in those of another.

The disadvantages are the following.

*Primo*, As it supposes the civil and military part of the government to be in an office which is not conferred upon the Company, to wit, the office of Subahdar; and that the grant of the great offices of Subahdar and Dewan depends upon the will of a pretender to the Mogul throne, it leaves it open for other nations, to play our own arts against ourselves, by obtaining a grant of the office of Subahdar, either to themselves or to any Prince of the country; and if this should be obtained, it would either establish a real, not nominal double government in our provinces, or expose them to a civil war, in which the cause of right, even upon our own principles, must be upon the side of our enemies\*.

*2do*, Under the opportunities which the form of a double government presents, all the former abuses of the Subahdar government have been continued, and a door opened to a host of new ones. Only some I will mention, because heaven and earth cry out against them. The innocent, whether Europeans or natives, are, in their trade, persons, and even lives, at the mercy of the President and Council, all over the bounds of the old government; because the Subahdar is in their power, and all within his

\* Lord Clive's treaty, in August 1765, was personal to the then Subahdar, and so far as regarded the office of Subahdar, ended with his life. The subsequent Subahdars either got confirmations from the pretending emperor, or they did not. If they did, the emperor may give a grant to whom he pleases on the present Subahdar's death; if he did not confirm them, he may at this day appoint any Subahdar he pleases.

bounds are in his. For the same reason, the guilty, and even one Englishman committing a crime against another, are safe within those bounds, if they have interest with the Governour, or Council, to protect them. On the other hand, when a native brings a suit in an English court, in which any of your servants in power has an interest, the native, under pretence of some trespass against the laws of the country government, may be delivered over by the President or Council to the officers of the Subahdar. Thus, in this system of confusion and tyranny, twisted together, the unjust may be secured of impunity, and the just be exposed to punishment for asking justice.

3<sup>th</sup>o, The present form of government, with all its disadvantages, is maintained at a monstrous expence, when a similar form, without its disadvantages, might be maintained at a much less.

Such is the past and the present state of Bengal. In pointing out the contrast between them, I mean not to arraign or to irritate. All violent revolutions are accompanied with disorders; because, while the persons who bring them about are not able at once to correct old abuses, the revolution itself gives a latitude for new ones. It is not fair to impute the disorders which accompanied the late successes to your predecessors in office, who were often obliged to judge by the eyes of others: But, as fast as partial evils were pointed out to them, they applied partial remedies; and the state of things was not so well known, nor indeed so well fixed, as to admit of general plans of equal legislation. The persons to whom those successes were chiefly due, are not perhaps to be blamed for their partialities to their associates; because they were obliged to comply with those, without whom they could not act. There was no injustice in playing usurping princes against each other. If our countrymen acted not with all the delicacies of English honour in all things, it may perhaps be remembered, that they acted against men, who,

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they

they believed, would have preserved none towards them, and in storms where they might think such delicacies were thrown away. The plan of a double government, which was adopted, may be justified in persons who had the fate of nations in their hands; who were answerable to their country, at the peril of their heads, for what they did; and who might even be startled at the grandeur of the acquisition in their power, and therefore ventured to grasp at it only by halves. Nations, in making encroachments upon their neighbours, generally hang out false colours; can we be surprised if individuals do the same thing? Some gratitude surely is due to those who, by Roman arts and Roman valour, gained as great an empire to an English company of merchants as *Scipio*, or *Marius*, or *Lucullus*, or *Pompey*, or *Cæsar*, gained to imperial Rome. Some gratitude to them is due even from India; for a nation may be so lost to virtue and order, that its only chance of recovery lies in the justice and wisdom of its conquerors. If in the intoxication, which, though not the pardonable, is the continual attendant of success, injustices have been done by any of your servants to individuals, it is in your power to repair them. Restore them to their honours: That will cost you nothing. Put it in their power to recover their fortunes, by reinstating them in their former or superior stations. It would be well for England, and for India, if all, forgiving the faults which almost all have committed, would unite in making the provisions for the future happiness of India, the atonement for the past outrages they have committed against her\*.

\* Among the foremost intitled to reparation is Mr. Bolts, was it for no other reason, than on account of the obligations which the public has to him, for bringing the affairs of India, by his late publication, so fully before its tribunal.

The gentleman who writes these sheets, has heard with great pleasure, that, before the publication of Mr. Bolts' book, though probably unknown to him, the Directors had sent orders to India to check many of the abuses complained of in his book. But the question still recurs: Can the abuses be prevented, in all time coming, without a parliamentary interposition?

The

The heads which I shall presume to submit to your consideration, are,

1. The regulations of government; comprehending the political, civil, and military establishment.
2. Of property; comprehending land, revenue, and money.

And lastly; Of the privileges of the Company.

### *Previous Observations.*

1. The bulk of mankind are governed in their opinions not by reason, but by authority; and the strongest of all authorities is that which has the stamp of antiquity upon it: hence is derived the prejudices of all nations in favour of their own governments, manners, and laws. A nation which would preserve its conquest, with the will of the conquered, must carefully preserve the old forms of government, although it cloath them with new powers; affront in nothing the old manners; and, while it introduces new laws, which new circumstances require, should leave the inhabitants in possession of their old ones. Conquests, not accompanied with extirpation, have in all ages been secured or lost, according as these rules have been observed or neglected. Upon this account, had it been possible to preserve the forms of sovereignty in the person of an Indian Subahdar, without exposing the interests of your Company, and of the natives, to the confusions of a double government, that mode would have been the most eligible. But as that is impossible, a single government should be established in your Company, but cloathed in the old forms of an Indian government; and to gain the affections of the natives, their

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condition

condition should, as far as is consistent with good policy, be brought back to the easy state which they enjoyed before the Mogul empire was overturned.

2. While the new regulations are calculated to pay respect to the ancient usages of the Indians, they should be contrived to relieve them from any of the miseries with which any of these usages were attended, and to accustom them to fly for that relief, to the laws and courts of their conquerors.

3. It is almost an impossibility that the regulations of a Company which was instituted solely to conduct trade, can be proper for the direction and preservation of a great conquest, because the objects and operations of trade and government are altogether different; the one aiming always at small things, and by small means; the other at great things, and by great means.

But if the state of the commerce be changed from what it originally was in almost every circumstance, the original regulations must be altered in many things, even for the sake of the commerce itself, independent of the security of the conquest combined with it.

## GOVERNMENT;

*Comprehending the Political, Civil, and Military  
Establishment.*

THE great defect of your government in the East Indies, independent of the late defects arising from a double government, is, that the legislative, executive, judicial, fiscal, and military powers,



powers, are all lodged in the same persons; and that those persons have, moreover, an interest in the objects of their powers. The President and Council make the law. They enforce that law. They judge of it; for with regard to criminal jurisdiction, they are justices of peace, and commissioners of oyer and terminer and gaol delivery, and name the sheriffs, and consequently the juries, so that they are at once accusers and judges; and with regard to civil jurisdiction, they, upon vacancies, appoint all the Judges, except those who cannot decide matters above forty shillings; they remove them\*, and upon an appeal they are a court of *dernier resort*; from which no appeal lies in cases under four hundred pounds. They regulate the revenues; for by their officers they fix the quantum of the land-rents to be exacted. They command the troops. And though the chief objects of their power are trade and revenue, they are engaged in trade in their own names, and are said to have an interest in the collection of the revenues by their *Banyans*, who serve in the double capacity of Collectors for the Company, and of servants to them.

If human invention can contrive a system of government more open to abuse, I am greatly mistaken.

The union of the executive, legislative, judicial, and military powers in one man, or body of men, form a complete system of despotism†. The junction of the judicial and fiscal powers in the persons

\* Upon removal, the Judge indeed has an appeal to England; but the highest Judge's salary is only twenty-five pounds, and it is not worth his while to bring an appeal.

† Hear the words of Montesquieu on this subject. "The political liberty of the subject, is a tranquillity of mind arising from the opinion each person has of his

persons of the Roman knights, in the provinces, ruined the Roman provinces. Both united in the persons of merchants, is destructive in the last degree to your commercial interests. How could the King's taxes be paid in England, or trade flourish, if the collectors and commissioners of excise were all composed of brewers; the board of customs, with their officers, were engaged in the trade of exports and imports; and the twelve judges of England were manufacturers, shopkeepers, merchants, brokers, dealers in exchange, changers of money, insurers, and money-lenders at unlimited usury?

“ his safety. In order to have this liberty, it is requisite the government be so constituted, as one man need not be afraid of another.

“ When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch, or senate, should enact tyrannical laws, to execute them in a tyrannical manner.

“ Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul, for the Judge would be then the legislator; were it joined to the executive power, the Judge might be have with violence and oppression.

“ There would be an end of every thing were the same man, or the same body, whether of the nobles or of the people, to exercise those three powers; that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

“ Most kingdoms in Europe enjoy a moderate government, because the Prince who is invested with the two first powers, leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression.”

The effects of despotism upon man, and consequently upon the interests of nations, and of all public bodies, are better analysed in a pamphlet lately published, intitled, “ Thoughts on our Acquisitions in the East Indies,” than even by Montesquieu or Ferguson.

The executive power should therefore be lodged in the President of Calcutta, under the controul of the Directors or Company at large. All acts of state should run in his name. He should have the power of declaring war, sending ambassadors, ordering the issue of treasure for public purposes, pardoning criminals, with the other common functions of the executive part of government. He should have the title of Subahdar, with all the pomp of a Subahdar's court; and, to preserve the old forms of government in the eyes of the natives, the different officers of the Company might have the titles of the correspondent offices \* in the country. But to remind the new Subahdar that he is mortal, and may be called to an account, no order that he gives should be obeyed, unless it be in writing; and all his orders should be registered in a private daily register, kept by a proper officer, with the reasons subjoined which induced him to give the order; and this register should be transmitted annually to England.

The legislative power, or that of making laws, should be lodged with a Great Council established at Calcutta, which should assemble once a-year at a stated time, sit there for a certain number of days, and be assembled at any other time when the President thinks the public service requires it. The Council should be composed of deputies from a certain number of Councils to be established in Bengal by the Company, and the numbers of the deputies be proportioned to the importance of their Councils. Every deputy should have an equal voice with another.

\* It would not be difficult for those who have split one government into two, to reduce two into one. The consent of the Subahdar, and of the pretender to the Mogul throne, may be got to the one in the same way by which it was to the other; and, in return, the Subahdar may have as many guards, eunuchs, and dancing-girls, as he pleases. Foreign nations, who have submitted to our exertion of the sovereignty, will not quarrel with us for assuming the forms of it.



Upon the laws made by this council there should be two negatives; the one in the President, the other in the Directors, or General Company. If the President assents, the law should have force until it receives a negative from England. But no law affecting life or limb should be good, until confirmed in England.

Before the annual General Council meets, or the President occasionally calls one, he should write to the Provincial Councils an account of the business he is to lay before them; or where it is of such a nature as to require secrecy, he should inform them of that circumstance. The deputies should carry with them the opinions of their own Councils in writing, to be laid before the Great Council; but should follow them or not according to their best judgment, upon hearing the sentiments of others at the General Council. Besides the business which the President lays before the Council, the deputies may propose what business they think proper. Every deputy is to register his opinion, with his reasons, to be transmitted annually to England.

The deliberations of the Council should be open, unless where the President thinks that secrecy is required; and even in that case a majority of the Council may order the doors to be thrown open; and any man, by himself or his counsel, should be at liberty to be heard against any law that is passing.

The President and the Council, jointly, should manage the commercial interests of the Company in Bengal, and also the interests of the Company, so far as these are connected with their other governments and dominions in India; but should neither of them be engaged in trade, or the collection of the revenues, by themselves, or by others for them; nor should they be judges.

The

The President and two thirds of the Councils should be named by the Company, the remaining third of the Councils by the King, and one third of the deputies at the General Council should be named by that part of the Council which was named by the King\*.

The office of President should be during the pleasure of the Company; and of the Council, should be during the pleasure of the King and of the Company respectively. The Council should fill up their own vacancies by ballot, but have no power to force any person to accept. The election should stand good, if a new nomination does not come from the King or Company respectively, by the return of the fleet which carries an account of the vacancy.

Men, originally good, are sometimes intoxicated by success, and men, originally bad, sometimes have the power to conceal that they are so. The Councils therefore should have a right to purge their societies by throwing out unworthy members from amongst them; but a very large proportion of the Council, such as four fifths, should concur in the judgment, and there should lie no appeal from it. He who has lost the good opinion of four fifths of

\* If the President was named by the King, two thirds of the Council would probably oppose him, under the common pretence, or mistake, that they were defending their employers rights in opposing the servant of the Crown. Besides, a President named by the Crown would be an unfit person to preside at the management of the commercial interests of the Company.

I have heard it objected, That the powers of the President are too great to be intrusted in any one person; and that it would be safer to lodge them with three persons, whose resolutions should be directed by a majority. But the experience of all ages may shew us, that as a bad man is generally a coward, he is more afraid to do wrong when he acts singly, than when he can screen himself behind others.

his acquaintance, has forfeited the rights of human nature. This check would keep in awe the bad, but inflame the good with a high and generous pride, the very best quality which a man can possess.

In matters of private property or injury, the President, Council, and judges, should be answerable to the Company's courts of justice. For their public conduct, the President and Council, and higher judges, hereafter to be mentioned, should be answerable in England only to the King's courts, at the instance of the private party. But to prevent the private party, or Company, from screening offenders, the Attorney General of England should have a power of prosecuting either in the King's Bench, or before the King and Council, not only wrongs done to private persons, under colour of authority, but for disobedience of the Company's lawful orders, and for breaches of covenants by their servants, and other offences against the charters of the Company.

With regard to courts of justice, they should be both provincial and supreme. The Bengal provinces should be divided into a number of districts, perhaps thirty. Over each of these a judge should be appointed, with powers similar to those of the ancient sheriff in England, or the present sheriff in Scotland. He should, under the title of Zemindhar, keep his court one week in fix, and judge in all causes within his district. If he is absent during the five weeks of recess, and execution is needed, application may be made to one of the neighbouring Zemindhars, who, for that purpose, must contrive their revolutions so, that in every fix districts one judge should be continually sitting. But the litigation itself must always be commenced in the district in which the subject of it lies.



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The English Zemindhar should judge between European and European, and between European and native. All suits below twenty pounds should be determined in presence of this provincial judge by two arbitrators chosen by the parties; and, where these disagree, by an umpire to assist them named by the judge, but who must be acceptable to the parties; for if that umpire is objected to by either, each may name one, and the preference be left to lot: And the judgment should be final. This is a mode of determination much practised by the natives\*; and we need not be ashamed to learn some laws from a people who had laws some thousands of years before we had any.

In civil questions above twenty pounds, the English Zemindhar should judge by himself, and, as is the practice in the Company's settlements, without a jury.

At Calcutta there should be a court of twelve supreme judges, to determine upon civil, criminal, and revenue matters, whose office should be for life. These should go circuits, two judges upon each circuit, and disputes between Europeans, or between Europeans and natives, above twenty pounds, be brought before them, either by appeal from the English Zemindhar; or, in the first instance, to be determined directly before them, and, except in criminal matters, without a jury. If they find difficulty in the case, they may carry it for assistance before the great court at Calcutta. If the cause comes by appeal from the English Zemindhar, the judgment at the circuit shall be final within five hundred pounds; but above that sum, subject to appeal to England within a limited time.

By this constitution, the three great objects of law, crimes, property, and revenue, are committed to the hands of one court, and the powers of common law and equity are likewise conjoined in it. This is done for the sake of that simplicity and facility which

\* Mr. Holwell's Indian Tracts, page 137.

is necessary to gain the confidence of new subjects. But if this be thought a defect, the Judges may be divided into three courts, like those of Westminster-Hall, and a Chancellor appointed.

The Zemindhar in his province, and the supreme judges in their circuits, should have an equal number of Indian assessors sitting with them in court, to give them information concerning the law and usage of India, when the dispute is connected with these, and to serve as interpreters.

The courts of the English Zemindhar, and the supreme court, should have each an *Accusator Publicus*, like the Attorney-General, to prosecute crimes for the public, when the private party neglects it. He should be appointed by the President of Calcutta, and no other accuser, in these courts, be allowed.

Criminal prosecutions may be brought, in the first instance, either before the English Zemindhar, or the supreme courts at their circuits. But in all criminal cases, the judge should proceed by a jury; for the jury in criminal cases was the thought of a God, in pity to mankind. In criminal prosecutions against a native, one half of the jury should be natives. Mr. Vansittart used to give this privilege to the natives, and his memory is adored amongst them for it.

The verdict of a jury in a criminal case should be final, except in cases of death; and in these an appeal should lie to England.

When a Briton suffers death, it should be with unusual pomp and formalities of justice, so as to strike the natives with the importance of the life that is sacrificed, and, in their pity for the sufferer, make them forget the crimes of his countrymen.

There should be no justices of peace. There are four thousand judges in France, and perhaps ten times that number in China.



The consequence is, that, in these countries, courts of justice are shops of venality for injustice. Mr. Vansittart's narrative presents a cruel picture, how the little powers of little men may be abused, when there is nothing to oppose them.

The sheriff should be named by the British inhabitants within the provincial district, or perhaps his duty might be intrusted to the provincial Zemindhar.

Perhaps it would be found for the advantage of the Company, and of all those who reside in their dominions, that appeals for Indian affairs in England should be heard by a particular court of commissioners to be established for the decision of Indian appeals, whose decisions should be annually reported, and published by an officer under the direction of the court. The fatigues of the present great courts of law are already too great.

The first nomination of Zemindhars and supreme judges should be made by the King; or, if people will not trust a sovereign who is bound by the laws as well as themselves, it might be made by the Chancellor and twelve judges. Vacancies among the Zemindhars should be filled up by the supreme judges of Calcutta, who, from their circuits, must be best able to judge of the qualifications of practitioners. The offices of these Zemindhars should be revokable by the judges. The vacancies of the supreme court should be filled up by the President of Calcutta, and stand good, unless recalled, on the return of the next fleet, by the King or Company respectively, the King having one nomination out of three. The commissioners of Indian appeals at London, if that mode of appeal shall be chosen, should be appointed by the King.

The evidence and heads of the argument, in all judicial proceedings above twenty pounds value, should be recorded, and be intitled to credit in England.

The evidence, in writing, should be signed by the witness, or, when he cannot write, by the clerk in court, or commissioner under the court; and the heads of the argument should be signed by the counsel, or other persons whom the parties employ.

No judge, or barrister, in his own name, or by others for him, should be engaged in trade, or in the collection of the revenues; and no judge should be of the Council.

Disputes between the natives themselves should be decided by the ordinary courts of the country, and by the laws of the country; but an appeal should lie, either to the Indian assessors of the supreme judges at the circuits, or to all these assessors formed into one court at Calcutta, and in both cases, one of the English judges should sit as assessor. The assessors and Indian judges should all be appointed by the supreme judges at Calcutta, and their commissions should be revokable by two thirds of the English judges.

Complaints against the Indian Judges, or assessors, for abuse of office, should be tried by the twelve Judges, and their assessors, formed into one court. The prosecutor should be only the private injured party: But when he fails, he should pay full costs and damages.

The Indian government having subsisted for thousands of years in great prosperity, there must be either written laws in that country, or traditionary usages; and these must be either general through Bengal, or particular in particular districts. They should all be collected into codes, for the use both of Indians and Europeans; and in the same manner, a short code of those English laws, which are more immediately in use in India, should be collected, translated, and lodged with the Indian judges and assessor.

It is no new thing to see the same nation governed by two systems of laws, or even to see different provinces governed by different usages. The German nations who conquered France, and settled in it, left the inhabitants their laws, but retained their own. The Tartar princes who conquered China, assumed the government, but made one half of the judges Tartar, and the other Chinese. The old French princes collected the different usages of their provinces into codes, and gave them the force of laws in the provinces from which they were collected. These were glorious words of Theodoric King of Italy, though a Barbarian prince, when marching into Gaul. "It is my will, that the Roman laws be followed. Let other kings delight in the plunder and devastation of the towns which they have subdued, we are desirous to conquer in such a manner, that our subjects shall lament their having fallen too late under our government."

These codes and forms of procedure will for a-while embarrass the natives of India, but they will soon find out, that these embarrassments are the price which they pay for the security of their properties and persons. Will they complain of the protection of the English laws, at the same time that they are allowed to enjoy the laws of their ancestors; they who are at present in a state of nature, and without all law, except that which depends upon the will of the strongest? No: They will receive your regulations like the benefits of a divinity.

Yet three alterations may be made in their usages, to remind them of their obligations to their conquerors.

1st. No present should be permitted to be given by a visitor, upon business, above the value of a rupee. Secondly, The Indian courts should not be permitted to exact 25 per cent. from him

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who sues for a debt, and obtains it, because this gives the judge an interest; to give the cause for the suitor. And lastly, all trials for corporal punishments, should be by jury.

The revenues should be collected by a board and officers of revenue, similar to the boards of revenue in England. They should not be members of the council, or judges, nor interested in trade, or in the collection of the revenues for their own account. They should take their directions from, and be under the cognizance of, the President and Council, as managers of the Company's commercial concerns; and even the first board, with its officers, should be appointed by them, who are much better judges of the talents of accountants than of lawyers.

The President, Council, English and Indian judges, Indian assessors, Commissioners of appeals, at London, if these are adopted, and Commissioners of revenue, with all the officers of those various departments, should receive salaries from the Company suited to their ranks, and in India, calculated not only to support their rank, but to found a fortune†. Can we be surprized that the streams of justice are corrupt, when a supreme judge's salary is only twenty-five pounds a-year, at Calcutta, where the rent of his house costs him three hundred.

In a conquest of so great consequence, a strong military force should be kept up, one-third of whose officers, as they fall, should be appointed under the King's authority, and two-thirds

† People may start at the idea of giving large salaries to the council, and of debarring them from trade; yet perhaps, on the whole, the Company might not be losers. A merchant's affairs would thrive ill, if his clerks could sell his goods to themselves, and furnish him with their goods in return. To save expence to the Company, the numbers of the members of the councils might be diminished.

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under that of the Directors; but the whole should receive their orders from the President of Calcutta, in the same way that the army takes its orders from the Sovereign in England. If the army was to be put under the command of the council, the loss of the conquest would as certainly follow, as the shadow follows the body\*. The troops should be kept separate from each other, except in times of actual war, and the generals should frequently be changed. If the troops were kept together, and the same generals always command them, your sovereignty in India would be of short duration. This danger alone is a good reason for giving the nomination of so many of the officers to the crown, because officers appointed by the crown, are from interest or merit, continually shifting from regiment to regiment, and from one country to another. In the field, in time of war, the general should appoint the officers, and all the operations of the war, in the field, be left to himself. History is full of misfortunes which

\* For the following reasons: 1st, Bodies of men are continually fluctuating in their opinions, whereas the success of an army depends upon the steadiness of its operations.

2d, Bodies of men fall into factions, and the generals increase them. This was the case of Rome, of the English Republic after the death of Charles the First, and of Bengal when Mr. Vansittart presided.

3d, Councils provoke armies who are accustomed only to command; even by the gravity and formalities of their proceedings. The deputation of the Roman Senate to Caesar's army, not to pass the Rubicon, only inflamed them with a desire to do what perhaps they had not thought of before. And the resolutions of the House of Commons, against the Republican armies, only hastened their march to London.

Lastly, Senates of mercantile professions break the spirit of an army; because they respect it not enough, and prefer their own interest to its glory. The French Conquest of Holland, in the year 1672, and the ignominious flight of their army at the battle of Fontenoy, were owing to a circumstance at this day to be found in the Dutch regiments, which are filled with officers who were formerly servants to Burgomasters, or with their relations, who hardly ever saw their regiments.

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have arisen from subjecting generals, who ought best to understand the art of war, to the directions of persons who cannot understand it at all\*.

## PROPERTY;

### *Consisting of Land, Revenue, and Money.*

Some of the lands in Bengal are still held in inheritance, others upon temporary grants, and others are allotted to the purposes of charity and religion. The rest having been formerly the property of the emperors, and afterwards of the usurping Nabobs, and, in

\* The Athenian and Spartan generals were continually embarrassed in their operations by the councils at home. The Roman consuls acting, when abroad, without controul, conquered the world. Modern free states, aware of this, have been obliged to place one person at their heads, to give force to the external power of the state. When the power committed to this head has been small, as in the Italian republics, the conquests have been either small or lost. When it has been considerable, as in Holland and England, the national efforts have been glorious, and their empire extended in other quarters of the globe, when their situation debarred them from conquering around themselves. When the force of this power is diminished, and transferred back to senates, the external force of the state sinks with it. Holland, since the death of King William, is an instance of this. The strength of the English republic is no contradiction to the proposition; for all the force of the state was vested in Cromwell. Every where we find bad effects of controuling generals by any councils, except those which they themselves chuse. Two Dutch deputies appointed by a senate checked the career of the Duke of Marlborough's progress to the conquest of France, and the councils of King Charles in Spain, which to him were controuling senates, because he was dependant upon them, prevented the conquest of Spain by Lord Peterborough; just in the same way as the Ephori of Sparta stopped Agesilaus in that of Asia. Perhaps the contrast in the military successes of Lewis XIV. between the former years of his reign and the last ten years of it, was owing to a new species of council erected in Madame Maintenon's closet.

the end, become the prey of the usurers and tax-gatherers, whose possession of the rents, arise only from the suspension of all order, may now justly be said to be the property of the Company. This distribution of the land, points out a way to the settlement of it, without the exertion of force on our part, or murmurs on that of our new subjects.

The Company ought to confirm all the hereditary, and temporary rights of land-property, together with those of lands destined to public uses, upon a condition of an additional land-rent of five or ten *per cent.* in return for the security granted by the confirmation.

Three fourths of the remainder should be kept in the hands of the Company, but without a power of removing the husbandmen, so long as they pay their rent. The rents should be collected by the officers of the board of revenue. The extent of the rents imposed upon the different species of lands, should be calculated so as to transfer to the Company the intermediate profits, which the officers of the Subahdar, the usurers and money-changers, made under the government of the usurping Subahdars; but leaving to the husbandman as much as will maintain his family, and enable him, besides, to lay up a sum every year equal, or even to the double of that maintenance. By this proportion of the profits of the land, added to the profits of his manufacture, in which he can be employed more than one half of the year, he will be more independent and more happy than any peasant on the face of the globe. What the proper rent should be upon the different species of lands, and their different species of produce, upon this plan, it will not be difficult for men who have common humanity and common sense, to find out. Even from the few facts we have from

India, relative to any thing connected with political economy, a guess may be formed of the great additional revenue the Company might obtain, by intercepting the profits of the usurers, exchangers, and officers of the Subahdar, and by making the people, who were formerly exposed to their rapines, independent. Mr. Holwell, formerly Governor of Bengal \*, asserts, that "the revenues of the lands are very nearly in a quadruple proportion to the rents of them." Mr. Fraser gives us the revenues of the three Bengal provinces in † the year 1707, which amounted to three millions three hundred and fifty-eight thousand one hundred and seventy-eight pounds seventeen shillings and sixpence, at a time when the husbandman was allowed, upon the staple article of rice, four fifths of the produce of the ground, clear of expences, as the reward of his industry. From the report of Mr. Johnston, chief of Burdwan, it appears, that near one fifth of the land of that province was possessed by fraudulent grants, and paid no rent. Mr. Holwell's letters exhibit scenes of frauds in the collections, astonishing to Englishmen. From these facts people are enabled to form a judgment, what vast revenues the Company may draw from India, by taking the husbandmen and manufacturers, who are nineteen parts of twenty in every nation, out of the hands of their oppressors, and by making them rich and happy.

If it was possible to fix a price upon goods, which are always varying in their price, or to ascertain their sufficiency, which depends only upon opinion, without opening a door to the frauds of the Company's servants, and the oppression of the lower classes of

\* Historical Events, part ist, page 219.

† Fraser, page 35.



the people, it were to be wished, that the Company could receive their rents from such of the husbandmen as are manufacturers in investments for their cargoes. Could this be done, the husbandmen would see that they only gave part of their work to their conquerors, in return for having the rest of it secured to them for ever.

With regard to the remaining fourth of the land-property of the Company, it should be sold in inheritance in three or five years, and by three or five annual divisions, by public auction; one half of the value to be paid in money, and the other by a land-rent equal to the present current rate of interest in Bengal; but upon a condition, that the husbandman should not be turned out, so long as he paid his rent. Before the sale, the quantum of the rent should be adjusted in the same way as was done in the three parts reserved in the Company's hands.

The only restraint upon the secure enjoyment of land-property by the Company's husbandmen, or the new purchasers, should be, that in times of war the legislative authority should have a power to increase the quantum of the land-rent, in a proportion accommodated to circumstances, but never to exceed *ten per cent.* of the rent. The natives could not complain of this; it was the custom of the old empire, and still more in the times of the usurping Subahdars.

All men are fond of the possession of established land-property. These sales would quickly bring the money of India, from its chests and burying-places, into the treasuries of the Company.

If these treasures were either allowed to lie in your treasuries, or were sent to Europe, they would drain Bengal of its cash, and consequently

consequently stop its circulation and industry. To prevent this, part of the cash should be applied to repair the great roads, public drains, and other public works\*; part should be applied to bear the expence of a recoinage of the money, according to fair proportions, and in the milled form; and when that was done, no payment should be received, except in the new money, or according to weight. And to check usury, the rest of the money should be lent out upon good security at two *per cent.* below the current rate of interest, but chiefly to the husbandman, whose crop should be a pledge for the repayment†.

But, previous to any of these various applications of the new treasure, the treasure itself should be made the foundation of a bank of circulation, which should have power to lend out money to the husbandmen upon pledges of their crop, and to others upon good security. The notes of the bank should be payable on demand, in the new coin, or according to weight. It should have different offices for payment in the great towns of the provinces: And to make the greater quantity of the notes pervade the provinces, as well as to facilitate both the great and the small commerce, the notes should be issued from the value of one pound to one thousand. It is a great mistake to think, that India is incapable of

\* The last king of Prussia doubled his taxes at once in the provinces; but to send back the money into them, he increased the number of his troops in proportion, and quartered them in the provinces.

† Schools should be erected for teaching the inhabitants and our people their respective languages, and grammars and dictionaries formed for them. There is no grammar or dictionary of the country language. Types should be framed in England of the Bengal letters, and books in their own language dispersed amongst them, to explain to them the nature, reasons, and benefits of the new establishments.

paper credit. There are bankers in India, whose notes are continually running, to the extent of millions. The work is already half done.

The advantages of these arrangements in land, revenue, and money, are partly commercial and partly political.

The commercial advantages are, *1<sup>st</sup>*, The Company would acquire a great additional land-rent. *2<sup>dly</sup>*, Part of the treasures of India would be drawn into your Indian treasury, from their lurking-holes, for the purchase of land; and afterwards cause more to follow them; because the monied men would find it easier to carry lacks of rupees in a pocket-book, than to lay them up in castles, or carry them about in boats or carriages. *3<sup>dly</sup>*, It would revive and give a spur to an industry languishing from oppression, by sinking the rate of interest, and doubling the quantity of the running cash. *4<sup>tly</sup>*, It would produce a new revenue to the Company, from the interests of the money lent out. And, *lastly*, It would give the Company the profits of a bank, which would probably be the greatest in the world, and might perhaps some day, in the hour of need, give England that protection which the Indian Company has so often received from her.

The political advantages are, That you would bind to you the husbandmen and landed men by their interest, because their title to independence would depend upon yours; and you would bind to you the monied men, because their own ruin would be involved in that of your paper credit.

Nor could India suffer by these operations. A remittance of her treasures and manufactures to England, to all the extent which these operations could occasion, would be only a draught upon



the superfluities of her industry, which would be replaced by the security conferred upon what was left; for whenever there is security in India, the gold and the silver of the world, which for thousands of years have been buried there, will again find its way into a country, the very form of the hands of whose inhabitants points out, that they were intended by the Almighty for the purposes of manufacture.

## PRIVILEGES of COMPANY.

The exclusive privileges granted to the India Company, had two views: one was, that smuggling might be prevented, to the prejudice of the public; the other, that a superiority in the advantages of trade, over all persons, might be preserved to the Company, who were at a vast expence to support the settlements upon which it depended.

As long as the present privilege of your company, that no goods can be imported from India to England, unless in your ships, shall continue, all smuggling is rendered impossible, except that which arises from deceiving the officers of the ports, or importations from other nations.

In order to secure the other advantage; the Company has, in consequence of various statutes, regulations of their own, and covenants with those whom they permit to go to India, exercised a power of preventing people from going to their settlements, of determining their place of residence, of restraining them from even carrying on trade, at a distance from their residence, except with the consent of the councils, of restraining them from returning home without permission, and of obliging them to come home at the command of the Company, upon a short notice, although

though their own fortunes may, at the time, be dispersed in trade, or those of other people be in their hands\*.

These regulations were proper at times when the Company acted chiefly by servants; when they had reason to tremble at every new step they took in a new settlement, and when the fate of the settlement itself might have depended upon the actions of individuals.

The first of these powers, to wit, that of permitting no British subject to go to your settlements, without your permission, continues proper still. The example of Spain shews, that too great migrations to countries believed to be regions of wealth, may hurt the Mother Country. Trade itself may be overstocked. But, above all, as no man can go out without some interest in the India House, none perfectly profligate in his character will be offered; and whatever shallow politicians may think, the virtue of the conquerors will continually be found a circumstance of some moment in the preservation of a conquest. But if even this discretionary restraint upon English freedom should appear hard, the chief ends of imposing it might be attained, if persons intending to go to India, not in the Company's service, should be obliged to pay two or three hundred pounds for that privilege, and should find sureties for their good behaviour.

But the rest of these regulations, which affect not only the Company's servants, but those who have quitted the service, and free English merchants settled in India by the Company's permission, are, except with regard to those who are actually in your service, improper. First, They cannot accomplish the end aimed at by them, seeing the Company has no power to put such re-

\* I do not enquire whether these powers have been abused; the question is, Can they be abused?

straints upon foreigners, who may therefore do all the evil which is dreaded from our own people, and enjoy all the good which could arise from an indulgence to our own people: And, secondly, Such arbitrary powers are inconsistent with the interests of trade, and with that equal plan of legislation which I have presumed to offer, and indeed with every other which can be offered\*; and yet, without respect to the interests of trade, and without an equal legislation, it is impossible your Indian empire can flourish.

Must we then despair? Are there no ways to secure to the Company superior advantages in trade, without injuring the rights of human nature, and of Britons?

Perhaps the advantages you already enjoy in trade, give you a superiority in it over both foreigners and English free merchants: for, first, If they send bullion to trade with, they lose interest during the passage, and pay insurance; or if they buy bills, they pay for the remittance. Secondly, To trade on terms of equality with you, foreigners must make a profit upon the goods which they send home to their own countries; but your profits are vast, if your revenues are remitted to you in goods, though you should sell them at prime cost. And, lastly, It is a sure rule in trade,

\* It is very well observed, in a late publication, That by an abuse of these powers, all the councils and judges might at once be ordered home, and thus the new conquest left without government and law.

On the other hand, it is obvious, that if British subjects were permitted to go where they pleased, and to do what they pleased in the Indian provinces adjoining to ours, they might do a great deal of mischief. The remedy is easy. Statutes, covenants, or acts of the Council in India, under the negatives mentioned above, might regulate their actions. But then the merit or demerit of their actions should be judged of by law and judges in India, not by the discretion of the Governor and Council. The Company might gain its end in the one way, as well as in the other; and if sufferers complained, they could complain only of the law, not of the Company.

that the longest purse commands the market and the profit of the adventure.

Perhaps, if to the advantages you already enjoy, there were added, those which must arise from an additional revenue gained upon the distribution of the land; from the profits of a vast capital lent out at an interest unknown in England; and from those of banking; that superiority might be more easily maintained.

But if these advantages are not enough, there is still one other security, either in your power; or which, with proper limitations, should be put in your power: I mean the power of taxation. Taxes in India, paid by the Company to the Company, will cost them nothing; they will only, so far as they are paid by the Company, give trouble to their accomptants: But paid by foreigners, or free merchants, to the Company, they will, by raising the price of commodity, put the party who pays them, upon an unequal footing with the party who does not. If imposed with discretion, they will be received without murmurs in the country; for the Mogul, the usurping Subahdars, and your servants have accustomed the country to them.

The French, it is said, have grants of exemption from the former country government, upon their imports. These cannot be infringed. But a skilful financier will find it not difficult to contrive taxes which will fall under no grants or treaties\*. And

\* Taxes upon the first rude material, or upon any step of the manufactory of it, or upon the passage of either from one place to another, or upon a great variety of articles not connected immediately with either, will enhance the price to the foreigner, or English free merchant; but not to the Company; because the Company, which pays the advance price, replaces the advance with the duties which they drew. None of these fall under any grant or treaty that I know of. There is no country in which taxes are more easily levied than in India, because most goods pass by water.

with regard to the articles within grants or treaties, our countrymen who were so expert in eluding, by their dustucks, the duties of the Subahdars, will be equally expert in detecting those who try, under the names of foreigners, to elude ours. No nation can complain, when another converts the power of taxation only into an instrument of maintaining a small superiority in trade; because many nations turn it to that use; and none more than the French who not only, with reason, often change their duties, and even barr importation, but often do both without any reason. It would not be difficult to establish a book of rates for Indian taxes, calculated to give the Company a small superiority over other traders: And in that case a regulation should accompany it, that the rates in that book should not be increased at all, or at least not without consent of parliament. For taxations are delicate instruments in a new conquest, or in any conquest.

Besides maintaining a superiority in trade, the wise use of taxation might raise a great additional revenue to the Company. The revenues arising from beetle nut, salt, and tobacco, were a proof of this. If under a double and disorderly government, these could not be levied without monopolies, they may, under a single and orderly one, be raised by taxation.

I said, one of the chief uses of taxation, was to give a superiority in trade, in a small degree, to the India Company; for a small degree is all that she wants. To other nations a participation of the advantages of trade should be left, provided they ruin not ours. Was the India Company to desire to engross the trade of India, or England to engross that of the world, it would be much the same as if a tradesman was to insist for the privilege of keeping the only shop in London, and yet that all his customers should



should be beggars. The more the interior trade of India thrives, whether by means of Musselmén, Gentoos, Frenchmen, or Englishmen, the more the country will thrive, the greater revenue you may raise upon it, and the greater quantity of bullion draw from it. It is a common observation, that every man in a town, maintains two in the country: It is not a hazarded observation to say, that every Englishman in India maintains fifty in England\*.

If under the limitation of permitting no British subjects to go to India without leave of the Company, they were indulged, when there, in all the privileges which the law gives to British subjects; and the superiority of the advantages in trade was secured to the Company, their directors would be relieved from many embarrassments which of late years have tormented them. They would then have no occasion to hesitate between granting or refusing to foreigners, remittances from England to India: For the granting of these would save the Company the transportation of treasure from India to England, and give the Company the profit of the remittance besides. As little would they have occasion to hesitate, whether to permit their managers in India to remit the private fortunes of their servants by bills upon the Company: For if the Company's treasuries in India were not full, they would order the bills to be granted, in order to save the transportation of treasure from England to India: But if they were full, they would not grudge to foreigners the occasional, transitory profit, of remitting these fortunes by bills on their own countries. They might even sometimes indulge

\* There are about ten thousand English subjects in civil professions in India. The circulation caused in Britain by the exports, the imports, the manufacture of both, the shipping, and the remittances of private fortunes, cannot amount to less than five millions.

foreigners in remitting their money by bills upon the Company; because their managers might be ordered to refuse or grant the indulgence, just in proportion as there was much or little treasure in the Company's treasuries, or at their command. Perhaps a paper credit in India, by means of the Company's bank there, if properly adjusted to the correspondent value of the Company's paper credit in England, might put it in the power of the Company's servants to remit backwards and forwards, as fast as demands were made upon them, and, without ever shifting their own treasures, to gain continually upon those of others.

If the Company follows the idea of free, though not open trade, they will abolish all the monopolies so justly complained of in Bengal. Monopolies on the necessaries of life diminish the human species, and on articles of trade diminish trade. If it follows the idea of equal legislation, the cruel custom of their servants, of forcing the manufacturers to sell the investments for cargoes at what price the servants think proper to give for them, and of forcing the inhabitants to buy goods at what price the servants please to put on them, will fall of themselves to the ground.

Were the arrangements which I have presumed to suggest followed, or arrangements which wiser men, but upon the same principles, might contrive; your countrymen would rejoice in your prosperity; foreign nations, if they attended justly to the interests of commerce, would find those of their own involved in yours, because they would enjoy the benefit of an Indian commerce, without the expence of supporting an Indian settlement; and your Company would draw what no other society of men ever drew since the world began, the rents of the lands, the profits

profits of the manufactures and trade, and the produce of the taxes of a vast empire.

By exposing your new arrangements to be canvassed by the public, your Company need not fear to bring an improper interposition of parliament into your affairs. An English parliament has English honour, which it respects much more than your treasures. Many of the individuals of it are of your society, and therefore have an interest to protect you. Does parliament plunder the bank, or the other great societies of this kingdom, because while they enrich their country, the individuals enrich themselves? If parliament gives you its assistance in framing a plan of legislation worthy of parliament and of you, it deserves your thanks. If, when your parliamentary temporary bargain, or your charter expires, parliament should desire that the public should share in your wealth, it will have a right to do so, and you must lay your account with it. The public defends you by its fleets and its armies; it provided for your security when the terms of peace were adjusted; and while you have estates in the India Company, you cannot forget that most of you are Englishmen, and have estates in England.

If you start at the expence of so many new officers, look at the expence of the mock Subahdar's court, perhaps at the sum which you give to the pretending emperor of Mogul†; but chiefly look at

† The two joined are now above five hundred thousand pounds a year. A few years ago they were above a million. The mock Subahdar, a boy of fourteen years of age, whose father was at first a private person, and afterwards an usurper, has two hundred thousand pounds a year allowed him by the Company. There will be no breach of treaty in taking nine tenths of this sum from him; for the Company have appointed three Subahdars since there was any treaty, and retrenched

at what you must lose if the old arrangements continue, and at what you may gain if the new ones take place.

You have no occasion to be afraid, lest the share in the nomination of offices by the crown in the above arrangements should too much enhance the power of the crown. When new influences arise in new and great bodies of subjects, these influences should be shared with the Sovereign, to keep the balance between him and his subjects equal\*.

I foresee the abuse which any man who hints at truth, upon a subject so delicate as this last, must draw upon himself. An Athenian general proposed a measure at a council of war. A member of the council interrupted him, and threatened to strike. "Strike," said the speaker, "but hear me."

## C O N C L U S I O N.

THESE arrangements consist of various parts, and will require men of different geniuses and professions to execute the detail of them: but these you will find, if you look around you; for in

the pension from six hundred thousand pounds a-year to two hundred thousand pounds. It was not thought unjust to oblige young Cromwell to retire upon a pension of two thousand pounds a-year, even although the people of England, Scotland, and Ireland, had taken the oath of fidelity to him. This one hundred and ninety thousand pounds would pay the expence of all the new arrangements proposed in this pamphlet.

\* President Montesquieu observes, that the influence of the bank of Genoa in the hands of the commons, is a barrier against the power of the nobles. But if there were several such influences in the hands of the commons in Genoa, the nobles would fall to nothing.

a country

a country, in which talents and industry abound, it is a poor excuse for those in public stations to say, that they could not find better hands to employ.

I know some objections, and foresee some difficulties. But if parliament and you unite, they will fly off like chaff before the wind.

But the contrivance and execution of all general arrangements take time, and in the mean while, the abuses committed in your provinces require an immediate stop to be put to them: For the repetition of particular grievances, may have such fatal effects, that the general remedy may come too late. To check abuse, even in prospect, some wise nations have contrived powers which should be a controul upon their supreme magistrates. For this reason, Rome had her censors, Sparta her ephori, and Venice has her inquisitors of state; and when the abuse pressed strongest, the Romans, by appointing a dictator, suspended even the laws themselves for a time, that men might enjoy them in security ever after. The public hears with pleasure, that you think of a similar and temporary check to crying and instant abuses in your provinces: But it applauds you doubly, when it hears that the Supervisors, to whose hands you are said to intend committing the important charge of suspending the evil, till you can yourselves totally remove it, are chiefly persons who were never engaged in your parties, and who have no old enemies to hurt, no old friends to serve in the countries to which they are going.

I have the honour to be, &c.



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