

in preference to the ryots, was, that the Government itself stood in the position of a zemindar in respect to its salt as well as to its opium monopolies; and whilst in this capacity it reserved to itself the right to alter the tenure of the ryot, in the Salt Mehals, &c. it could not with any consistency consider the proprietary right to be vested in any but the zemindars.

Notwithstanding, therefore, the concurrence of all parties in the necessity for protecting the ryots, the latter were placed in subordination to the zemindars, with no other stipulation in their favour, in the act of permanent settlement, than an article,\* declaring that it was "a duty at all times indispensably required from the proprietors of land to conduct themselves with good faith and moderation towards their dependant talookdars and ryots, and that Government reserved to itself the power to enact, whenever deemed proper to do so, such regulations as might be thought necessary for the protection and welfare of the dependant talookdars, ryots, and other cultivators of the soil." Regulations to this effect were indeed subsequently framed, and there is little doubt that if the same coolness of judgment and strict impartiality which had so much influence in enacting the

permanent settlement, had superintended \* its operations for two or three years, it would, in spite of the disadvantages under which it laboured, have answered every reasonable expectation ; but the departure of Lord Cornwallis to Europe so soon after the great change had been effected, left the new system in the hands of some of its bitterest enemies, and the want of cordial co-operation on the part of the civil functionaries, by which the measure had all along been impeded, quickly ensured its virtual abrogation. Accord-

Mr. Tucker, however, seems to be of a different opinion. Not only does he think that the several Governors of India were peculiarly suited to the particular times and circumstances in which they happen to have been placed, but in the ardour of his optimism he asserts that Lord Teignmouth followed in the footsteps of his illustrious predecessor, and with scrupulous good faith gave effect to plans which, as a member of Lord Cornwallis's Government, he had felt it his duty to oppose. This is the first time, perhaps, that the individual by whom a plan was to be carried into effect, has been thought peculiarly suited to that task by his personal hostility to the measure. Whatever may have been the good faith of Lord Teignmouth, whether to his own or to his predecessor's opinion, certain it is, that the regulation which drove the ryots into the civil courts to ascertain their rate of lease, destroyed the very corner-stone of that fabric which Lord Cornwallis had been so intent upon rearing.—Tucker's Review, &c. p. 216.—See also Fifth Report, p. 486-7.

ingly, we find that a regulation (8 of 1763), which directed that landholders should prepare forms of pottahs, or leases, for the collector's approbation, and tender such pottahs to their tenants, on pain of being fined if they neglected to do so, was suspended in the following year in a great number of zillahs, and it was then declared that the approbation of the collector extended only to the form of pottahs, "any dispute regarding the rate being referred to the civil courts." Here, then, we have at once the true cause of the vast accumulation of law-suits in the several courts: the pottahs, which the ryots had been taught to expect, were so much waste-paper, until their terms had been settled by an appeal to law; and as it is probable that it did not happen in above one instance in ten that both parties agreed upon the subject, almost the whole agricultural population were actually compelled to appeal to the courts. Mr. Mill, in his History of British India, attributes the accumulation of undecided cases in a great measure to the mischievous prejudices of lawyers, "one of the most remarkable of which is that of rendering judicial proceedings intricate by the multiplication of technical forms, &c.;" and cer-

Regulations 2 and 4, of 1794.

† History of British India, p. 283. *et seq.*

tainly the description of the forms and delays, including repeated translations of law-papers, given by Mr. Shore in his first minute\* (already referred to), is sufficiently formidable. The 5th Report, indeed, expressly informs us, that the judicial rules upon which those still in use in Bengal are founded, "had the advantage of being framed by professional talents;" but this the historian seems to think is *per se* anything but a recommendation. The habits, ideas, and associations of professional men, are so inseparably connected with precedent and authority, that they are seldom well qualified for striking out new paths in legislation: blinded, like horses in a mill, they are apt to imagine that they are making great strides in advance, when they have only been travelling in the old beaten track of the little circle to which they have so long been yoked. On this subject, however, the historian appears to be somewhat at variance with himself; for he informs us that "there was in India nothing which in reality deserved the name of law," forgetting what he had just said of the perverse ingenuity of lawyers, and that he had shortly before told his readers, that "justice had always been distributed in the method of simple and rational enquiry" among the people of Hin-

\* Fifth Report, Appendix, p. 190.



dostan. We have the authority of the 5th Report for the fact of the people of India having been governed by a system in which they apparently acquiesced with cheerfulness, and that the customs of the Hindoo and Mohammedan law were known, if not to all the European Judges and Magistrates, certainly to the native law and ministerial officers, whose services, we are told, were common to all the English courts, district as well as city : the Mohammedan laws with respect to Mussulmen, and the Hindoo with respect to Hindoos, being considered the general rules by which the Judges were to form their decisions in all civil suits, and the Mohammedan law of the Koran, as explained by the commentators, the general rule for criminal justice ; with such alterations and modifications of its sanguinary punishments and mutilations, as the milder spirit of British criminal justice dictated. With regard, however, to the principles on which English practice was engrafted upon Indian law, and particularly to the introduction of paid advocates \* (vakeels), it

Lord Cornwallis is not responsible for the introduction of vakeels into Indian Courts of Justice, as might be inferred from the passage of Mr. Mill's history there adverted to ; his Lordship found them already established there by the regulations of 1781, and all he did was to reform the abuses connected with their practice and appointments.

is impossible not to agree with the historian in his general view of the law, not indeed in India only, but even in the mother country.

The absurdities by which English law still continues to be encumbered, arose in the course of ages out of peculiar states of society, and are retained apparently from no other motive than the instinctive horror of innovation, which the timid of all persuasions are too prone to entertain. The structure of society has undergone many and great changes, but the common law is still "in the rearward of the fashion," and retains its antiquated costume, as if unconscious of the ridicule with which it is covered. It evinces, however, a constant endeavour to reconcile new feelings and new circumstances to its own preconceived notions; and thus, by a sparing adoption of such modern improvements as bear a strained resemblance to ancient practice, it has become a thing of threads and patches,\* utterly incomprehensible to ordinary men. Authority and precedent are its avowed foundation; and its professed aim is to furnish a plain and certain rule for the guidance and protection of all. "Yet new decisions of indi-

Questi sono, (says Beccar.a,) gli espedienti delle nazioni deboli, le leggi delle quali non sono che istantanee riparazioni di un edificio ruinoso, che crolla da ogni parte.

vidual Judges, grounded upon fanciful analogies to some former case, are constantly erected into maxims of law, and an adherence to remote sources of authority, in opposition to the plain standard of reason and common sense, involves every fresh question in inextricable confusion. Thus, whilst the stability of the law is relied upon in theory, its uncertainty is notorious and apparently inevitable in practice ; and decisions, in fact, depend more upon the personal character of the judge, than upon any fixed or ascertained principles. Under the hollow pretence, indeed, of shielding us from the tyranny or corruption of judges, by referring every thing to precedent, it, in reality, creates the worst of tyrannies,—a varying and uncertain law ; and it sets, as it were, a premium upon the ingenuity of lawyers, to reconcile present circumstances with past decisions. Thus it furnishes a constant bar to its own improvement, by discarding every thing that has not some previous sanction in its favour, without advertg to the circumscribed state of knowledge and experience at the period when that sanction was pronounced ; and it has a tendency to encourage litigation by holding out almost as fair a prospect of success to the wicked as to the innocent. What is termed common law, is, in fact, to be found only in reports of cases and in the *dicta* of judges, forming toge-

ther an immense heterogeneous mass, which, on the one hand, may be made to assume any form by means of what is technically called a fiction, and from which, on the other, the ingenuity of a practised lawyer can extract authority for almost any doctrine however absurd. Right and wrong, in short, become in a great measure subordinate considerations; the sole question is, not what is just, but what is law; and that law is to be found not in any written enactment, but in the ever-varying opinion of presiding judges.

To fix this wavering mass, to give firmness and consistency to the loose elements of the soil, is indeed a great desideratum, not only in India, but in England also. All writers are agreed, that since the adoption of the Code Napoleon, the number of lawsuits for real property (precisely that department in which English law displays the greatest number of subtleties) has been greatly reduced in France. Indeed, the mere compression of existing laws into a small compass, is of itself a benefit conferred upon the community; it not only brings the law within the comprehension of all, but it confines the subject-matter of future comment, and restrains the authority of the judge within its just bounds—those of a faithful interpretation of the laws. For the framing and institution of such a code in India, an excellent opportunity was un-

doubtedly lost when the reforms of 1793 were carried into effect. The submissive character of the Hindoos, their acknowledged hereditary prostration, and their habits of looking up to their rulers as to their father, and, under Providence, their God upon earth,—were no less favourable to the calm and dispassionate investigation which such a measure would have demanded, than to the superintendence of its operation in the hands of the most considerate and well-informed servants of the Company. We are told, indeed, that it was necessary to respect the prejudices of the natives, and to adhere as much as possible to their laws and customs, in framing a system of Government for our eastern possessions; but a very slight inspection of the regulations, which have been passed under this solemn injunction, will convince any man, that the only prejudices which have been respected, are certain cruel and disgusting observances of their religion; which, in their operation, are rather calculated to assist,\* than to impede

\* See, amongst other instances, regulation 4; of 1806, for the care with which the most cruel and abominable superstitions practised at the Temple of Juggernaut have been sanctioned and organized with a view to the pecuniary profit which they yield to our Christian Government. The number of lives annually supposed to be sacrificed in consequence of the Juggernaut pilgrimage, is too great to mention; the surrounding country is literally whitened with human bones.

the fiscal views of Government ; and that, in other respects, very little attention has been paid to the feelings or opinions of the people. We found the inhabitants of India, it is true, immersed in the most profound ignorance, and a prey to the most absurd and revolting superstition ; but security of property, and redress of grievances, are substantial benefits, which address themselves to the business and bosoms of men of every intellect, and of all persuasions ; and certainly, the conduct of the people of Bengal, in appealing to our law courts, did not evince any slowness to avail themselves of the protection which was offered to them, even by the very incomplete reforms effected at the period now referred to. This conduct, as the Government justly observes, indicated a change of circumstances which ought to be received with satisfaction, inasmuch as it evinced the protection intended to be afforded by an equal administration of justice, to be real and efficient ; and showed that, the care and attention, which its directors with so much solicitude had urged the Government to observe for preventing the oppressions formerly practised by the most powerful landholders, had not been exerted in vain ; and that in the success of those exertions a foundation had been laid for the happiness of the great body of the people, and in the increase of population, agri-

culture, and commerce, for the general prosperity of the country.\* . But the Government, with singular inconsistency, instead of acknowledging the confidence thus shown in the uprightness of their intentions by redoubling their efforts, to administer strict and impartial justice to all parties, first did all in their power to promote litigation, and then loaded the redress of grievances with such heavy duties, as amounted to a denial of it altogether to the great majority of suitors. If the liberal and enlightened observation just cited, had been followed up by an increase in the number of courts, or by the appointment of commissioners, with power to settle all disputes arising out of the new order of things, upon the known and recognized principles of equity to the parties, it cannot be doubted that the rage for litigation would quickly have subsided, and that the permanent settlement would have realized the most favourable expectations, without that revolution in property, and those appalling scenes of distress, with which its operation has been accompanied. On the contrary, however, in less than a month after passing a regulation for the relief of the zemindars, another was published for re-enacting the payment of the institution fee, abolished in 1793, and for establishing fees on exhibits, "so as to render the proceed-

ings costly to the party cast or non-suited, without (it is said) discouraging recourse to them where the cause of action might be well founded." The preamble states that "in consequence of there being no expense in the first instance, and but a moderate and limited one ultimately, many groundless and litigious suits and complaints have been instituted against individuals, and the trials of others have been protracted, &c., whereby the judges have been prevented from determining causes with that expedition which is essential for deterring individuals from instituting vexatious claims, or refusing to satisfy just demands, &c.; and that the establishing of fees on the institution and trial of suits, and on petitions presented to the court, being considered to be the best mode of putting a stop to this abuse of the ready means now afforded to individuals of availing themselves of the exercise of the laws, without obstructing the bringing forward of just claims; the following rules are enacted, &c." The imposition of this expense, it is stated in the 5th Report, was expected to repress litigation in future; but with respect to the large accumulation of causes already on the judge's file, they were got rid of by an *ex-post facto* law, which directed that the fees required to be paid on the institution of suits hereafter (10th April 1795) "shall be paid, under the like rules



and exceptions, in all suits or appeals now depending in the zillah, or city courts, &c. &c. which may have been instituted subsequent to the 1st May 1793, unless adjusted by the parties; and such suits, unless withdrawn, or the fees are paid within one month, to be dismissed." In thus endeavouring to repress litigation, however, most of the fees were carried to the account of Government, and their amount, no doubt, suggested the expediency of turning what was now considered a national characteristic, to the advantage of the state, by farther impositions; accordingly a regulation to this effect was passed in 1797. But in thus converting the views of their subjects into a species of traffic, the Indian Government seems to have been aware that some apology was due; and on that account the abolition of the police tax is made in some measure the excuse for increasing the fees on the institution and trials of suits, and for establishing a stamp duty on law papers. "Difficulties, (it is said in the preamble to the regulation in question, 6th of 1797) having been experienced in determining what persons were liable to be charged with the police tax, and frauds and exactions having in consequence been committed by the assessors and collectors, to the vexation of the contributors as well as to the diminution of the produce of the tax, the Vice-President in Council

has therefore resolved to abolish this tax; and with a view farther to discourage the preferring of litigious complaints, and the filing of superfluous exhibits, and the summoning unnecessary witnesses on the trial of suits, and also to provide for the deficiency which will be occasioned in the public revenue by the abolition of the police tax, as well as to add to the public resources without burthening individuals, he has resolved," &c. &c. Passing over the singular manner in which the discouragement of litigious complaints is joined with the abolition of a totally distinct tax, acknowledged to be nearly unproductive, it may be observed that as the fees and stamps were here made payable alike by those who might prefer just complaints, as by those who might be termed litigious, it is difficult to understand how such a tax could be considered as not burthening individuals. On the contrary, no tax burthens individuals so much as a tax upon law proceedings, to which no person resorts but in asserting or defending a right, of which he is, or is threatened to be, unjustly deprived. A police tax, on the contrary, being nothing more than a general contribution for a common benefit, is, under equitable regulations, an imposition every way unobjectionable, and by municipal arrangements might certainly be collected and disbursed, not only to the

advantage of the state, but to the great comfort and security of the public.

The difficulty of keeping pace with the demands for redress, does not appear to have been sensibly diminished by the abovementioned regulations: on the contrary, their tendency being to encourage injustice by hopes of impunity, the natural consequences ought to have been rather an increase than a diminution of suits at law; but it was not till the year 1803, that the proper remedy was applied, by adding to the number of judges throughout the provinces, and enlarging the jurisdiction of the native commissioners or munsiffs. This remedy, however, was applied on so small a scale as to be totally inadequate to the end proposed; and the usual consolation for such a failure was again sought in an augmentation of the revenue, by means of farther stamp duties. Accordingly, Regulation 1st of 1814, and others which followed after a short interval, increase the rate of stamp duties, and extend the use of stamp paper so greatly, that without them no complaint can be filed, no grievance taken cognizance of;\*

Harrington's Analysis, vol. i. p. 162, apparently cites this regulation as first introducing the use of stamps "for raising a revenue;" but the preamble above quoted from Regulation 6th, 1797, shows the principle to have been avowed on that occasion.

on the contrary, if any suitor neglect to provide himself with the necessary stamps, and present documents written on common paper, he is sentenced to a fine of twenty times the value of the stamp omitted, and a rejection of his complaint until the fine be paid and the prescribed stamps supplied.

Meantime, however, the power of distraint had been greatly increased by Regulation 7th of 1799, by which it was declared that under-tenants of every description were to be considered defaulters for any arrears of rent withheld beyond the day on which the same might have been payable; and liable to immediate distress, if all such arrears were not paid on demand. A commission of one anna in the rupee on the amount of sales of property sold was also authorized to be charged to the account of the defaulters, in addition to the other expenses attending the attachment. The power of the collector was also strengthened by his being allowed to imprison defaulting landholders, and to charge interest for the amount of the monthly instalment remaining undischarged, at the rate of one per cent. *per mensem*, from the date at which the arrear became due, without waiting for authority from the Board of Revenue so to do, unless he think proper to apply for special instructions. He was authorized and di-

rected, however, to suspend the exercise of these powers in cases of drought, inundation, or other calamity of the season, and where the defaulter was entirely blameless, reporting circumstances to the Board of Revenue. But whether from the Board having condemned this indulgence where shown, or from the natural inclination of men in official stations to exceed the bounds of their authority, the collectors did, notwithstanding, attach and distrain to such an extent as to call for the interference of Government \* to prohibit their doing so, during the three first months of the year, whilst the landholders and farmers were adjusting their settlements with the ryots. By the regulation here referred to, however, it was directed that, in order to limit the division of property, when an estate was attached, the whole of it, and not a part, was to be sold; the surplus produce of such sale, after discharging the amount of arrears, interest, and fines, to be given to the proprietor, *unless otherwise specially directed*. It was moreover ordained, that whenever the collector *thought* the revenue was wilfully withheld, or the arrear ascribable to neglect, mismanagement, or misconduct, the Board might impose an additional penalty of one per cent. *per annum*, to be paid from the time when the arrears became due till dis-

charged, or till the farm or estate was attached, together with distress and sale of personal property where accounts were not forthcoming. If, however, the proprietor at any time antecedent to the sale, delivers in his account, the sale is not to take place; but instead thereof, as a punishment to the defaulter for his withholding his accounts, the Governor General may impose such fines as he may judge proper, in *addition* to the former.

Here then may be said to have terminated the long struggle between the zemindars and the ryots on the one hand, and the Government and the zemindars on the other. At first the zemindars were relieved from the liability to imprisonment, and other arbitrary punishments for non-payment of their revenue; but portions of their estates were ordered to be sold to make good their defalcations; when, however, they complained of this, the power of imprisonment was restored, and their personal property, as well as their whole estates, rendered liable to sale. In like manner, the ryots were apparently secured in the possession of their ground, by the zemindars being directed to grant them pottahs or leases, and they were encouraged to appeal to the law when oppressed by their landlord:—their availing themselves of this privilege, however, occasioned the imposition of law taxes, the restoration of the power of distraint and imprisonment,

formerly held over them by the zemindars, and eventually the establishment of stamp duties, to such extent and amount as almost to constitute a total denial of redress under any grievances they might suffer.

There can be no doubt, however, that the permanent settlement, though ruinous to the greater part of the old zemindars, has greatly contributed to extend cultivation; and that the present zemindars, as a body, and indeed with exception of those whose waste land estates are now in fact under sequestration, are in a very prosperous condition. This circumstance, indeed, is so well known that, as before remarked, it has excited what was termed by Mr. Shore, "the cupidity of Government," to demand a portion of the excess. It must not, however, be supposed, because some individuals have prospered greatly under the new order of things, that, therefore, the land tax is moderate; for as yet the scanty and penurious husbandry of the country has experienced no general improvement. The advantages referred to have been mostly confined to those estates which contained a large portion of uncultivated land, or the boundaries of which had been but loosely ascertained, or in which the cultivation had been improved by the unexpected demand for more valuable produce. In all these instances it is probable that a rise of rents was accomplished without

## CONDITION OF THE PEOPLE

which difficulty ; but the number of cases in point, in which any great degree of improvement was attended with an augmentation of the zemindars' income, must have borne but an inconsiderable proportion to the general mass. It may be observed, too, that in addition to the slowness and uncertainty of returns from the cultivation of waste lands in general, the appropriation of pasture land is attended with a diminution of apparent profit, by the increased expense and difficulty of subsisting the cattle used for agricultural purposes, particularly during that period of the year when the crop is on the ground. But even were the fact otherwise, were it certain that every zemindar had doubled his income by the improvements effected on his estate, how unworthy it is of the character of a great Government to endeavour, by every means in its power, to deprive its subjects of their hard-earned profits, because after so many years of risk and labour those profits turn out to be greater than could have been expected, under so severe an assessment. How much more wise, as well as humane, it would be to rejoice in the unexpected prosperity of the country, to encourage accumulation, and with it, increased activity of trade, and a sincere attachment to the Government which secured to them the enjoyment of so many blessings ! Instead of this, however, the



natives are continually alarmed by inquisitions, actual or threatened; into the validity of their titles, and correct measurement of their estates; and swarms of canongoes, or native revenue surveyors, are spread over the surface of the country, ostensibly for the protection of the ryots, but in reality for the purpose of discovering and reporting unassessed land. These men, who are virtually released from responsibility, partly by their own obscurity, but chiefly by the small number and inaccessibility of the English functionaries under whom they act, extort money almost at will from the individuals with whose lands they have any concerns, and by indulgences to one, or menaces to another, afflict the unhappy people with endless vexations.

In order more clearly to point out the condition of the ryots, the following table of the produce of one biggah, about  $\frac{1}{3}$  of an English acre, together with the usual rent according to the annual settlement, and expenses of cultivation, is here inserted. A comparison with the estimate given by Colebrooke, (*Husbandry of Bengal*;) will show that, whatever may be the case with other classes, the situation of the ryot has not improved. All the articles here inserted, with the exception, perhaps, of paddy, are susceptible of great increase; and some garden-lands, particularly in the vicinity of large towns, produce five

and even ten times as much ; but taking a large extent of country, the average is not greater than what is here given : this point, however, is not of such importance regarding the whole calculation, from the small proportion of land appropriated to the sort of produce in question, one tenth of the whole cultivated surface being considered much more than its utmost extent.

Description of Produce.	Expense of Seed, Cultivation, Weeding, and Storing.		Rent.	Total.		Value of the Crop.	Cultivator's Surplus.		
	Rps.	Ans.							
Paddy { Old Land	3	1	1	8	4	9	8	3	7
{ New Land	3	0	0	12	3	12	7	3	4
Sugar Cane	10	4	5	0	15	4	20	4	12
Tobacco	9	12	5	0	14	12	20	5	4
Ginger	9	4	5	0	14	4	20	5	12
Cotton	6	4	5	0	11	4	18	6	12
Onions	10	4	5	0	15	4	22	6	12
Potatoes	6	12	5	0	11	12	16	4	4
Garlic	10	4	5	0	15	4	20	4	12
Curry, Herbs, &c.	6	12	4	0	10	12	16	5	4
Jute	4	12	2	8	7	4	11	3	12
Hemp	4	12	4	0	8	12	14	5	4
Turmeric	7	12	4	0	11	12	17	5	4
Mustard	4	12	3	0	7	12	12	4	4
Mullerry	5	12	2	8	8	4	12	3	12
Pulse, of sorts	5	4	2	8	7	12	11	3	4
Wheat	5	12	2	8	8	4	13	4	12
Barley	5	8	2	8	8	0	12	4	0
Cucumbers	9	12	5	0	14	12	21	6	4

If, then, we suppose a farm to consist of about 25 biggahs, or  $8\frac{1}{2}$  English acres, which is as much as one man and his family can manage, the culti-

vator's surplus, at the above average, will be about  $12\frac{1}{2}$  rupees for the garden land, and  $74\frac{1}{2}$  for the rice land, making altogether .87 rupees, or 8l. 7s. per annum, or 7 rupees 4 annas for the monthly subsistence of himself and family.

The following is a statement of the expense of living for a family of five persons, on the lowest scale consistent with bare subsistence :

	Rup.	Ann.
Rice four-fifths of a seer, about $1\frac{1}{2}$ lbs. for each person, at 30 seers per rupee	-	4 0
Pulse, one pice, (less than a halfpenny) per diem each	-	2 5 $\frac{1}{2}$
Salt and Condiments ditto (salt at 5 maunds per rupee	-	1 2 $\frac{1}{2}$
Oil, two chittacks (about 2oz.) at 10 rupees per maund	-	0 15
Total	8	7 $\frac{1}{2}$

To this must be added something for clothing, scanty as it is, besides occasional expenses for repairs of hut, fees, &c. Charity should also enter into the account, but as this is generally bestowed in the form of victuals, it is difficult to estimate its exact value; as, however, it actually diminishes the above allowance, and that in no inconsiderable degree, it should not be lost sight of in forming an opinion of the condition of the people. The item of charity, indeed, is much larger than can readily be conceived by those who are unacquainted with the

habits of an Indian community. The class of people living entirely upon alms, whether given from motives of superstition, or from mere compassion, is exceedingly great. Crowds of sturdy beggars, generally of a religious caste, parade the country, and extort a plentiful subsistence, more from the united effect of fear and superstition, than from any other feeling of the inhabitants. Every village, also, has its separate band of religious mendicants, who make their rounds every day, demanding a handful of rice from each householder ; and if to these we add the really destitute objects, who from disease or infirmity have a claim upon the compassion of their more fortunate brethren, we shall have a mass of charitable demands, from which the almost unhoused Hindoo has no refuge but by granting a portion of his scanty meal, almost equal to the poor's rate in England, burdensome as that is acknowledged to be.

The only methods which the poor husbandman has of eking out his miserable existence, are by disposing of the produce of such fruit trees as may be upon his farm, or by keeping cows and selling their produce ; or, lastly, by endeavouring to raise a second crop of some kind in the intervals of the usual harvests. But from all these sources of profit so much must be deducted for interest of money, or encroachment upon other branches of his

industry, that little or no benefit can be expected from them; in the present state of the country. Thus the produce of trees may be valuable in many cases, but they are prejudicial to the growth of other articles, and the ground they cover forms a serious deduction from the quantity of land cultivated: some indeed are attended with loss, unless more care is taken to strengthen the soil, than a poor ryot can afford; of this kind are plaintains, which, in addition to the usual fallow of one-fourth, or even one-third of the lands yearly, exhaust the soil in three or four years, and render it useless for a period much more than equal to the advantage to be derived from their culture. In like manner the profits of the dairy are realized at the expense of that share of the produce consumed by the cattle, together with the additional trouble, whatever it may be, of watching and milking them. In circumstances so straitened, even the smallest item becomes of importance, and the miserable hut in which the cultivator resides must be considered as diminishing, *pro tanto*, the quantity of his productive land.

If by the above table we endeavour to ascertain the present situation of the zemindars, the following will be the calculation, assuming that the increase of rent since the permanent settlement has not much exceeded the proportionate increase in

the cultivation of the more valuable articles of produce, which is generally supposed to be the fact. The zemindar's share of the rent of the 25 biggahs, above mentioned, would be only 6 rupees 5 annas per annum; but supposing him to possess 1000 biggahs or about 354 acres, his income would be  $252\frac{1}{2}$  rupees,\* and the amount of land revenue paid by him to Government  $2272\frac{1}{2}$  rupees. But to his income must be added the profit arising from any uncultivated or unassessed land, which happened to be upon his estate at the period of the settlement, and from which he has since been able to raise a rent by bringing it under tillage. The quantity of land exempted from taxation (rent free), and that which was appropriated to pasturage taken together, was calculated by Mr. J. Grant\* at no less than two-fifths of the whole surface in 1786, whilst the land in cultivation was but one-half that amount or one-fifth of the whole; and as Colebrooke (Husbandry &c.) apparently estimates the rent of free lands as in the proportion of 3 to 4 to the waste land, we have upon these data the average quantity of reclaimable land in each estate equal to something more than one-third of the whole. But as it was clearly the interest of the land-

See the Analysis already referred to, in the Appendix, 5th Report.

holder to cultivate as much of his ground as possible during the several settlements which were made immediately previous to, and which formed the basis of, the permanent settlement in 1793, (since he paid rent for the whole,) it is reasonable to suppose that a considerable portion of it was rendered productive during the several years which elapsed between the periods referred to. Allowing, however, that this may not have been the fact, and calculating upon every spot of ground, even to the total absorption of pasturage, having been cultivated by the present proprietors, it will only amount to about 340 biggahs in 1000; which, upon the average rent given in the foregoing table, will make  $858\frac{1}{2}$  rupees; which, added to the former 252, will amount to  $1110\frac{1}{2}$  rupees (111*l.* per annum), or  $92\frac{1}{2}$  per mensem; a very small income, indeed, for the support of a zemindar and his family, and the payment of the expenses necessarily attendant upon his rank and station.

But, besides that the above calculation is obviously an extreme and improbable one, it is generally believed that a very great majority of the present landholders pay no more than 500 rupees yearly to Government,—they consequently have only  $55\frac{1}{2}$  rupees for their income, out of the rents collected upon the assessment; and if to this we

add \* half the amount, as a reasonable average for tax-free cultivation, their miserable pittance is not more than that of the poorest class of ryots. Upon the whole, then, we may conclude that, with the utmost possible advantage that can be obtained under the present circumstances of the country, the great majority of landholders, as well as ryots, can realize nothing more than a bare subsistence from their ground ; and that, from the impoverished state of the cultivating classes in general, there is no probability that their unassisted exertions will enable them to accumulate capital for the improvement of their stock, or for the encouragement of new branches of industry.

Hitherto, the poverty of the cultivating classes, men who have both property and employment, has alone been adverted to ; but the extreme misery to which the immense mass of the unemployed population are reduced, would defy the most able pen adequately to describe, or the most fertile imagination to conceive. The extremes to which they are driven for subsistence may be judged of from the following facts, which, it is to be presumed, are well known to those who have resided for

\* According to Colebrooke, their incomes are tripled, and in some instances they are said to have been decupled ; but both cases must be exceedingly rare, the consequence of some extraordinary local circumstance.



any long period in India ; but the number of helpless wretches who daily sink under the effects of misery and starvation, no attempt can be made to estimate.

On many occasions of ceremony in the families of wealthy individuals, it is customary to distribute alms to the poor ; sometimes four annas, (about three pence,) and rarely more than eight annas each. When such an occurrence is made known, the poor assemble in astonishing numbers, and the roads are covered with them from twenty to fifty miles in every direction. On their approaching the place of gift, no notice is taken of them, though half famished and almost unable to stand, till towards the evening ; when they are called into an enclosed space, and huddled together for the night in such crowds, that, notwithstanding their being in the open air, it is surprising how they escape suffocation. When the individual, who makes the donation, perceives that all the applicants are in the enclosure, (by which process he guards against the possibility of any poor wretch receiving his bounty twice,) he begins to dispense his alms, either in the night or on the following morning, by taking the poor people one by one, from the place of their confinement, and driving them off as soon as they have received their pittance. The number of people thus accumulated

generally amounts to from twenty to fifty thousand; and from the distance they travel, and the hardships they endure for so inconsiderable a bounty, some idea may be formed of their destitute condition.

In the interior of Bengal, there is a class of inhabitants who live by catching fish in the ditches and rivulets; the men employing themselves during the whole day, and the women travelling to the nearest city, often a distance of 15 miles, to sell the produce. The rate at which these poor creatures perform their daily journey is almost incredible, and the sum realized is so small as scarcely to afford them the necessaries of life.\* In short, throughout the whole provinces, the crowds of poor wretches who are destitute of the means of subsistence are beyond belief: on passing through the country, they are seen to pick the undigested grains of food from the dung of elephants, horses, and camels; and if they can procure a little salt, large parties of them sally into the fields at night, and devour the green blades of corn or rice, the instant they are seen to shoot

This source of profit, insignificant as it is, together with that arising from ferries, did not escape the searching eye of Government; and Regulation 19. of 1816, and 6. of 1819, ordained taxes upon each: these taxes, however, it has since been found expedient to repeal, as unproductive.

above the surface ; such, indeed, is their wretchedness, that they envy the lot of the convicts working in chains upon the roads, and have been known to incur the danger of a criminal prosecution, in order to secure themselves from starving by the allowance made to those who are condemned to hard labour.

## CHAPTER IV

ON THE GENERAL CHARACTER AND TEMPER  
OF THE NATIVES OF BRITISH INDIA.

*“Dum alii quoquo modo audita pro compertis habent, alii vera in contrarium vertunt, et gliscit utrumque posteritate.”*

IT is a favourite maxim with a large class of politicians, and particularly with those connected with India, that what the sword has conquered, the sword must maintain. If this maxim be intended to keep up the vigilance of the conqueror, until the conquered become reconciled to their change of condition, it is hardly necessary to inculcate it with the oracular solemnity which some writers have done ; since a conquest can only be said to be complete when opposition has entirely ceased, and the minds of the vanquished have been restored to their wonted tranquillity. But if, as seems to be the aim of some late writers on the affairs of India, it be meant that a nation which has been conquered by the sword, must ever be retained in its allegiance by the same means, the maxim is equally false and pernicious.

It assumes the people to be constantly in a state of revolt ; it rejects all sympathy with them ; and tacitly admitting that one foreign government, however long established, can be entitled to no preference over any other that may endeavour to supplant it, leaves the nation in dispute to be fought for, like the prey of wild beasts, with the sole privilege of being devoured by the victor.

The first object of a conqueror ought to be to conciliate the conquered, and to discover materials for his and their joint security against foreign aggression. He should reflect, that the same prowess which put him in possession, may suffice to expel him, if superior means of repelling an attack be not brought into motion. The very facility with which he made the acquisition becomes a principal cause of his insecurity ; for, whilst the value of the conquest continues to offer the same temptation, the means by which he achieved it are known to the world, and are capable of being accurately estimated in the event of attack ; so that he is liable at any time to be assailed by superior forces when the spirit of the community over which he rules is not taken into the account ; and that spirit is a reserve of strength, or a source of danger, according as he succeeds in exciting their confidence, and uniting their interest with his own.

The greater part of our Indian territory has now been under British sway for nearly a century, and our conquest may still, in the language of Burke, be said to be as crude as it was the first day : we govern without society and without sympathy of the natives ; we have no more social habits with the people than if we still resided in England ; nor, indeed, any species of intercourse with them, but that which is necessary to making a sudden fortune with a view to a remote settlement ;—yet at the present day, when so little has been done by us for India, orators in Leadenhall Street still speak of our being too prone to innovation, and of our being misled by our habits of judging the people by the scale of civilization to which we ourselves have advanced. We are too apt, it is said, to overlook the state of comparative non-civilization to which the now enlightened English nation was itself reduced, during that eventful period of its history, when bigotry, superstition, and prejudice were its sad and sole characteristics, and to forget that our emancipation from the bonds of darkness was effected, not by any sudden or coercive reformation, but by the gradual hand of time, the unshackled reflections of reason, and the salutary influence of the great principles of truth, which have at length placed us in a permanent and intellectual superiority. But if there

be any truth in this eulogium on our moral feeling and intellectual superiority, we have at least had ample time to impart a portion of the benefit of them to the natives of our Indian empire. There is no reason why those who travel upon the road to civilization and knowledge should be compelled to follow, step by step, in the track of those who first explored the way. To the latter, the route was necessarily long and wearisome, from their ignorance of the true direction, and the want of any guide to conduct their steps; but no sooner were they arrived at the summit of the ascent, than the commanding view which they obtained enabled them to detect the needless wanderings into which they had been seduced, and to point out a plainer way to all succeeding travellers, free from the difficulties and dangers by which the first adventurers had been embarrassed. This, however, it appears, is by no means the process to be followed in India; but the natives are to be left almost entirely to their unassisted energies, with little or no assistance from the superior knowledge and experience possessed by those who assume the office of their protectors.

There are men who seem to imagine that such of their fellow-creatures as have the misfortune to differ from them in complexion are, like horses and dogs, incapable of imparting to others any

portion of the individual training bestowed upon them by their masters. "In speaking of the Hindoos," says Mr. Rickards, "something mysterious is always fancied to belong to them, as if they were not composed of flesh and blood, nor had passions and desires as the rest of the human species." Undoubtedly; if the present generation of civilized man were to rest content with continuing their race, and furnishing their children with nothing but food and raiment, Europe would in no very long period become as barbarous, not only as the rude parts of Hindostan, but as the most savage regions of Africa; but this at once we pronounce impossible, from the tendency, which is the peculiar characteristic of the human mind, to advance in wisdom and intelligence. Yet this impossibility we do our utmost to render not only possible, but almost inevitable, in Hindostan, by systematically denying to the natives in general all access to useful instruction, and repressing all attempts to improve them, by stigmatizing such conduct as dangerous to the stability of our political rule. The argument against the diffusion of knowledge among the lower classes, though it assumes in India the political type which is peculiar to that Government, is, in fact, the same throughout the world,—that education is unnecessary to those who, from their poverty, are destined



to labour for their subsistence : as if the desire to improve our condition were not, under all circumstances; the stimulus to our exertions ; and as if the degree of natural intelligence with which an individual was endowed, were not as susceptible of being improved to his advantage, as his manual dexterity or muscular strength. As, however, a great portion of the wealthy, from indolence as well as from jealousy, are more anxious to maintain their position by repressing the energies of others than by exerting their own, they are almost unanimous in the apprehensions they entertain of the fearful effect of that buoyancy which would be evinced, if genius and industry were, under all circumstances, assured of a fair field in the general competition for the good things of this life. Hence the sneers so assiduously thrown out against what is termed the march of intellect in Europe, and the rancour with which all extended endeavours to improve the moral condition of the subject millions of our Indian provinces, are met by those whose vested interests are, however erroneously, conceived to be endangered by such a measure. If an adherent of the Company be asked what objection there is to granting the Hindoos the benefit of education, with a view to their participating in those civil rights which are at present exclusively in the hands of Europeans, he replies, ' That

they are not yet in a state to enable them to profit by such a boon ;' and thus, the effect being taken for the cause, misgovernment is to be continued, because it has been found to produce injurious consequences. So in the queries circulated to the judicial authorities of Bombay in 1822, relatively to the establishment of trial by jury\*, one Judge has so little reliance on the probity or independent spirit of the natives, that he thinks they would seldom, if ever, act in opposition to what they conceived to be the wish, or even opinion, of the judge. Another speaks of the acknowledged want of integrity in the native character, which, according to him, is so great, that natives will not place confidence in each other in punchayets, or arbitrations of a civil nature ; or, if they do, they seldom fail to repent it : and others are decidedly against the plan, as foreign to the habits of the people, and inconsistent with their political situation. And thus it is, that by continually reasoning in a circle, the ignorance, wretchedness, and vice of the natives are ever destined to endure, because a hundred years of British protection and government have failed in producing any thing else.

Probably there is no region in the world in

A regulation for trial by a jury of natives has, however, been passed by the Madras Government.

which the inhabitants are so entirely what their religion and civil government have made them, as the Hindoos. With some classes of Christians, auricular confession is supposed to be sufficient to keep the minds of men in subjection to a vigilant priesthood; and in China, a regulated system of precedence and individual authority secures the outward submission of all; but with the Hindoo, the constant interference of the injunctions of his religion in every action of his life, is calculated to repress both his mental and physical exertions, and to reduce him to the condition of a mere living machine. From this state of torpor he can only be awakened by being brought into collision with men of more active propensities, and of a higher order of intellect. To civilise him, we must first teach him to feel his wants, and to be sensible of his natural strength. A people like the Hindoos, might for ever, as they have already done for ages, continue to look upon themselves as a favoured race in the system of Providence, if not roused by the example of greater happiness and enjoyment in other states of existence: but it would be contrary to the character which human nature everywhere exhibits, to suppose that if the effect of useful knowledge, aided by moral and upright conduct, were fairly placed before them, they would fail to inspire a feeling of emulation,

and an earnest desire for instruction; or that their absurd superstitions would not gradually wear away under such circumstances. Without this opportunity being afforded them, however, it is no less unfair to speculate upon their character, than to estimate the strength of a man whilst bound and loaded with chains.

Those who endeavour to open the eyes of the people of England, as to the true situation of their fellow-creatures in India, labour under considerable disadvantages from the immense extent of country, and the great variety of human character to which their speculations relate, no less than from the want of that intercourse with the natives which alone could enable them to form a correct estimate of their peculiar qualities. It falls to the lot of very few Europeans during their sojourn in India, to see any very considerable portion of the country subject to British rule; and of the few who have seen much, but a small number possess the talent to observe, or the inclination to record their observations. Most of those who are much engaged in the interior are men of business, who cannot, indeed, often command sufficient leisure to accumulate facts and inferences relating to any thing beyond the line of their own immediate occupation; whilst the comparatively idle men, who abound in the three great resorts of adventurers of

all descriptions—Calcutta, Madras, and Bombay—are too apt to imagine that the specimens of the native population which they there meet with, are common to the whole of India. Yet, when we consider that the Bengal Presidency alone is nearly equal in size to France and Switzerland taken together, we shall cease to wonder that so few are competent to pronounce upon even that portion of our empire, still less that scarcely any remarks can apply, with equal accuracy, to the whole of the extensive regions of which it is composed. Of the public servants of the three Presidencies, probably those of Madras have the most general knowledge of the country in which they act. The fact, of the direction of all the great rivers of that part of India lying across the principal lines of communication from the capital to the interior, and consequently affording little or no convenience to travellers, is favourable to the incidental acquisition of topographical and statistical knowledge; whereas the long and comparatively narrow tract of the Bengal presidency, being traversed from one extremity to the other by the noble rivers Ganges and Jumna, with their innumerable tributary streams, the principal communications are by water; a mode of travelling of all others the least favourable for acquiring a knowledge of the country which is traversed. Such,

indeed, are the conveniences afforded by this mode of conveyance, that travellers avoid even the smallest land journeys, and shutting themselves up in their accommodation-boats, which are frequently as large and commodious as private dwellings, they continue their customary occupations, without paying more attention to external objects than during an ordinary sea voyage. On this account, principally, the gentlemen who have resided in Bengal, independently of the great number who never quit Calcutta, are generally less acquainted with the state of the country, and the character of its inhabitants, from personal observation, than those of either of the other Presidencies.

Probably the most comprehensive description of Hindostan is to be met with in Sultan Baber's Memoirs. It is as follows:—"Hindostan is a country that has few pleasures to recommend it: the people are not handsome; they have no idea of the charms of friendly society, of frankly mixing together, or of familiar intercourse. They have no genius, no comprehension of mind, no politeness of manner, no kindness or fellow-feeling, no ingenuity or mechanical invention in planning or executing their handicraft works, no skill or knowledge in design or architecture; they have no good horses, no good flesh, no grapes or musk

melons, no good fruits, no ice or cold water, no good food or bread in their bazars, no baths or colleges, no candles, no torches, not a candlestick !” In this spirited and faithful sketch, so characteristic of the habits of thought and observation of the distinguished writer, it is remarkable, that there is not a word either of the inferior personal strength of the Hindoos, their inhospitality† and

Baber appears to have introduced grapes and melons into Hindostan, and from the following passage it might be inferred that the date was not unknown there. “ They say that the date alone, of all the vegetable kingdom, resembles the animal kingdom in two respects : the one is, that where you cut off the head of an animal it perishes ; and if you cut off the top of the date-tree it withers and dies : the other is, that as no animal bears without concourse with the male ; in like manner, if you do not bring a branch of the male date-tree and shake it over the female, it bears no fruit.” The introduction of the male date-tree into Hindostan (the female alone existing there at present), would be a great boon bestowed upon the inhabitants ; no less, probably, than that of potatoes, for which they are understood to be indebted to their intercourse with Europe. The fructification of the date-tree, however, is a matter of some difficulty, where the male trees do exist. At the Isle of France, native Arabs are employed for that purpose.

† The rude state of the law at the period referred to, or it might perhaps be more correctly said, the non-existence of any laws, in the modern acceptance of the term, may be thought to account for the omission of litigiousness as one of the characteristics of a Hindoo ; but there is reason to be-

litigiousness, or their want of courage,—topics upon which modern writers are so prone to expatiate.

\* “The muscular strength of the Hindoos,” says Mr. Mill,\* on the authority of various writers, “is small; even less, according to Mr. Orme, than the appearance of their bodies, though expressive of weakness, would lead the spectator to infer; and this is in some measure attributed to the simplicity and lightness of their food. But if this observation may be considered applicable to the Bengalese, and to the inhabitants of the Carnatic, what shall we say of the tribes under the government of the Polygars of the South; or of those in the interior of India, from the table-land of the Mysore to the provinces of Bundelcund and Rajpootanah; or to the inhabitants living on the banks of the Ganges, from its confluence with the Soane and Gogra, up to Hurdwar? countries in which the human form attains a degree of perfection, and strength, and stature, probably not surpassed by any people in Europe. The idea, in-

lieve that the *furceed kutch-ree*, or public audience of justice, in which the sovereign and his subordinate governors were accessible to all, received all petitions, and enquired into them upon the spot, was in use long before the introduction of the law of the Koran in India.

Hist. of India, p. 311.



deed, that vegetable food, accompanied by abstinence from fermented drink, prevents the increase of bodily strength, is a mere prejudice ; and without enquiring by what subtle chemistry the nourishment we take is converted into blood and muscle, it is sufficient to advert to the condition of some of the larger quadrupeds, and to instance the elephant, the camel, the horse, and ox, in proof of the attainment of muscular strength, and a capacity for enduring fatigue, without the use of animal food. The observation of Forster on the robust activity of the people of Khorasan and Afghanistan, also quoted by Mr. Mill, in a note upon a passage in which the assumed corporeal weakness of the Hindoos is in some measure attributed to the climate, is, indeed, directly to this point ; and a reference to the pages of Herodotus, where the discipline of the ancient Persians is described, would show that a light and simple diet was in olden time common in nations most celebrated for their strength and prowess. Nay more, at the present day, the condition of the Irish and Scotch, and many of the English peasantry, together with that of large masses of the population of the South of Europe, who seldom know what it is to obtain a meal of animal food, would afford farther proof, if required, to establish the same point.

With respect, too, to the litigiousness of the Hindoos, it may be observed, that the minute legislation which their system displays, by rendering almost every act of their life a religious obligation, puts it in the power of every individual to support himself by a reference to authority; and by enlisting his conscience on every occasion, gives an air of fanatical obstinacy to all their disputes. It is this circumstance that makes the Hindoo so tenacious of his rights in the first instance; whilst the general wretchedness of the people contributes to encourage that disposition;—men will ever cling with the most clamorous obstinacy to any support which they think essential to their existence; and to the miserable and impoverished, every encroachment, however small, seems to threaten destruction. This principle, whilst it accounts for the litigious subtlety of the “wildest of the Irish,” unites with the former in the case of the Hindoos of the present day; than whom a more wretched and oppressed race is probably not to be found on the face of the earth.

In like manner, the extremely artificial nature of their social system has rendered the Hindoos obnoxious to several other reproaches, which the impressions of the moment, rather than calm

observation, has induced some writers to vent against them. The laws of Menu appear to have considered the whole frame, of society simply as an aggregate of family circles, the extent of which was accurately ascertained by the ties of consanguinity. It was incumbent upon each head of a family to attend to every call for support made by any of his kindred, and as long as an individual remained with his blood relations, he shared their last mouthful of subsistence. When, however, a Hindoo wandered from his home, and happened to be reduced to distress, the same arrangement which had secured him from want, now prevented his receiving assistance from strangers; he was looked upon as an outcast—as a man who had no connexions nor claims upon society; or, what was worse, he might have forfeited them by misconduct. To him the feast of nature was literally full; and those sitting at the table were only astonished that he should endeavour to intrude himself amongst them; whilst, too, they were already crowded perhaps beyond their competence, in addition to the alms which they were expected to bestow upon a ravenous priesthood.

The last charge, however, the want of personal courage, is of a graver nature than any of the others; and as a belief in its truth is calculated to

act injuriously upon the line of policy adopted by our Government, it may not be improper to investigate it more minutely.

The foundation of this charge is doubtless the apparent ease with which Hindostan has so frequently been subdued ; but when we enquire into the circumstances attending its subjugation by the Arab, or Saracen, and Tartar hordes, we find that the success of those invaders depended upon very different, and, indeed, opposite principles, from those of all subsequent assailants. In the army of Mamhoud, numbers and physical strength were aided by religious enthusiasm ; and the inhabitants of Hindostan were too much divided amongst themselves, to be able to collect so large an army as that by which they were invaded ; composed, as it was, of a hardy race of men inured to conquest, rapid in their movements, and cruel, even to extermination, when obstinately resisted. Such a description of warriors, continually recruited from their native hordes, were fully adequate to the conquest of any country ; and without any impeachment of the natural courage of the Hindoos, it is not surprising that they felt before the same union of fanaticism and martial ardour, which the greater part of the civilized world was at that period unable to resist.

Still the efforts of the Hindoos to make head

against Mohammedan oppression were highly creditable to them ; and it was not till the Affghan invasion, about two hundred years after the first attack, that the followers of the Prophet may be said to have gained a permanent footing in Hindostan. From that period the main struggle seems rather to have been amongst the Mohammedans themselves, than between the Mohammedans and Hindoos ; though the latter we always find maintaining their independence in Rajpootanah, and in the strong country towards the centre of India, and occasionally taking advantage of existing commotions to enlarge their territory. Ultimately, however, the Hindoos, after a resistance of more than five centuries in duration, appear to have been completely overwhelmed. The Mohammedans, by degrees, formed a considerable portion of the population of the country ; and, as a tribe addicted almost exclusively to the use of arms, and united by one common feeling of religious enthusiasm, they were amply sufficient to keep the rest of the community in subjection, when depressed and impoverished by continued exaction, and arbitrary treatment. Mohammedan dynasties were established in various parts of the country, and foreign invaders, in addition to the superior discipline which their armies now began to display, were always certain of a considerable party in their in-

terest, though always disposed to make common cause against the Hindoos upon any serious alarm of their encreasing strength. Nor were these alarms unfrequent. The exploits of the Mahrattas, in their unequal struggle with the Moguls, when the power of the latter was at its height, were sufficient to keep the whole force of the empire in check. And subsequently, the invasion of the Affghans (or Durannies) is alone supposed to have prevented the Mussulmans from being entirely driven out of Hindostan. In our own times, too, the same Hindoo power was so formidable as to induce the Government of Madras to evade the performance of their treaty with Hyder in 1769, and to expose their ally to destruction rather than provoke its hostility; the Bengal government, in 1765, having set them the example, by reinstating the Nabob of Oude in his territories, in order that they might be made a barrier to protect the dominions of the Company from the encroachments of those active and enterprising freebooters.

But the assaults of European powers were conducted upon totally different principles from those of the Mohammedan conquerors of India. Instead of numbers and superior ferocity, we see nothing but discipline and intellectual power—the arts of military combination, and attack and

defence, were those alone which enabled so small a number of individuals to achieve such mighty triumphs. The Hindoos, accustomed to the dominion of their haughty liege lords, the Mohammedans, were struck with surprise on seeing the apparent ease with which the latter were discomfited; and they were therefore disposed to pay the greater respect to the heroic strangers: but to argue thence, that they were totally deficient in natural courage, is to commit a mistake that may eventually lead to the most disastrous consequences. When the wonderful exploits of Pecheco were yet fresh in the memory of the Portuguese, one of their leaders, the Marshal Don Fernando Cotigno, who, in conjunction with Alphonso Albuquerque, conducted the expedition against Calicut, made so lightly of the enterprise, that he advanced to the assault without armour, and with no other weapon than his walking-cane: when, his conduct, no doubt, influencing that of his soldiers, being attacked with spirit by the natives, he was completely defeated—his life, and that of many of his men becoming forfeit to his temerity, and the remainder of his troops being alone extricated by the able conduct of Albuquerque, who was himself wounded in the engagement. The military history of India is full of such examples.

Courage, though undoubtedly susceptible of considerable modification by the effect of political institutions, or even local peculiarities, is yet in some form or other common to every nation and climate; but it is the business of the philosopher to unfold and discriminate the various modes in which it is manifested. On close investigation it might be found, that, like the outward expression of grief in many countries, it depended upon certain forms and precepts, of an antiquity too remote to admit of satisfactory elucidation. Nothing can be so singular, and indeed revolting to the feelings of a man of refinement, as the apparently conventional mode in which it is customary with many nations, and particularly in Asia, to lament the decease of the nearest and dearest relations; and although a knowledge of ancient history ought to have prepared the mind of a well-educated European for this and many other peculiarities, yet such is the irresistible force of national prepossessions, that many are led to infer an almost total absence of the kindly affections amongst a people so characterised; forgetting, that to this very people our manners, under similar circumstances, must bear an equally singular appearance. The slightest degree of reflection, indeed, is sufficient to convince us that such an opinion is a gross libel upon human na-



ture; and that, whatever may be the methods taken to express their feelings, the ties of love and affection, when torn asunder, occasion sensations of as much tenderness, and pangs as acute, in the breast of the untutored savage, as in that of civilized man. That the case is in some degree the same with natural courage, there are many reasons for believing, when we compare this faculty as it is evinced by different nations, or by individuals of the same nation, under different circumstances. Whatever may be the varieties of temperament, all, when the proper chord is touched, evince the same emotion, the same inherent spirit, and the same temporary disregard of personal ease and security.

It is not, then, the actual possession of courage, but the peculiar manifestation of it, which distinguishes one state of society from another. With the Hindoos it partakes of those restrictions with which their religious system seems to overlay all their natural powers; and in highly-civilized life, it is under the strict regulation of reflection and the sentiment of honour. In both cases, however, it acknowledges in reality an artificial standard; and instances of intrepidity, which are to be met with in savage life, occasionally surpass them both. As a natural characteristic, it is alone capable of being rendered of service to the state by

discipline; which is, in fact, to courage, what civil Government is to liberty—it is an union of the courage of the whole body with the least possible sacrifice of the courage of the individual—the active intrepidity of the individual is repressed, in order to secure the greatest possible effect from a combination of that of the whole. Though its theory is essentially defensive, it is capable of any impulse of attack—it pushes forward and dilates itself, where opposition has been overcome, but rallies and collects its might when actually assailed—it provokes attack in the first instance, and, having repelled it, explodes, as it were, and completely overwhelms its adversaries. It is its defensive quality which ensures its triumph over unregulated courage, however heroic: for courage\* is that faculty of mind, which prompts to deeds of hazard, under the probability that success will crown its exertions; and beyond this is self-devotion—an act which is very rarely called for under the most exalted patriotism. Discipline, however, by holding out little chance of success to its assailants, appears to demand nothing short of self-devotion to oppose it effectual-

“Fortitudo est virtus pericula justa contemnens—munimentum humanæ imbecilitatis inexpugnabile: quod qui circumdedit sibi, securus in hoc vitæ obsidione perdurat. Utitur enim suis viribus, suis telis.”—Seneca Epist.

ly; and hence, if not always irresistible in attack, it is ever formidable in defence. Instances of masses precipitating themselves upon almost certain destruction, in order to overwhelm, rather than conquer their adversaries, might easily be selected, even in modern times—In the attack of the Bastille, and also of the entrenchments of Jemappe, it may be said of the defenders, as it was of the three hundred Fabii,\* they were slain, not overcome;—whilst, on the other hand, the resistance of the French when the Russians attempted to retake their position at Borodino, and of the English squares at Waterloo, are instances of the triumphs of defensive discipline, under the most trying circumstances. But still, discipline, like other institutions of civilized life, appears, to the intrepid but uninstructed barbarian, to partake of pusillanimity; nor can he without difficulty persuade himself, that men of any real spirit could be brought to submit to such restraints. Acknowledging no other test of power than strength and intrepidity, when they contemplate their enemies as men differing in little or nothing, as to natural appearance, from themselves, they consi-

“Ideò nemo trecentos rabios victos dicit, sed occisos. Et Regulus captus est à Pœnis, non victus: et quisquis alius sævientis fortunæ vi ac pondere oppressus, non submittit animum.”—Seneca.