

of justice in the district, the civil courts in which are numerous, and presided over by native judges, whose appointments and promotions are made on his recommendation. The lower class of judge is styled a Munsiff, in whose court must be tried all original suits involving amounts not exceeding one thousand rupees (100%). The higher native judicial officer is called Subordinate Judge, and his jurisdiction in civil suits is even greater than that of the covenanted district judge, since it extends to all suits irrespective of the amount involved, whereas the judge's jurisdiction is limited to original suits not exceeding ten thousand rupees (1,000%). Appeals from the Munsiff and Subordinate Judge, in small suits, are preferred in the court of the District Judge; appeals from the decision of the latter, and of the Subordinate Judge in cases exceeding ten thousand rupees in amount, are made to the appellate court of the province.

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VI.
Native
judicial
officers.

The proceedings of all the courts are conducted and recorded in the vernacular, the officers of the courts and the suitors being ordinarily acquainted with that language only; but the district judge, in all cases tried before him, is now required to take down an abstract of the depositions or affidavits of the examination of witnesses in his own hand, and to record his judgment, also in his own hand, in English. This is in addition to the vernacular papers of the case, which contain all these particulars in full detail. The record of every case is filed in the court where it was tried, available to be sent forward to the higher court, if the case is appealed.)

Proceed-
ings of
district
judicial
courts.

The chief seat of judicature in these four provinces is the High Court, situated at the capital towns, the judges of which consist partly of civilians, partly of barristers, selected either from the Indian or English bar, all of whom are appointed by the Crown, and hold their seats during good behaviour. Under the Act establishing these courts, pleaders at the bar of Indian courts are also eligible for judgeships, and two native gentlemen of that

The High
Courts.

BOOK
III.

Their jurisdiction
and functions.

profession have been, at different times, elevated to the bench of the High Court at Calcutta.

The High Courts have original jurisdiction in the trial of European British subjects (over whom the district courts have no authority for criminal offences committed within the province, except in petty cases, which the district officer deals with in his capacity as a justice of the peace), and for offences committed by all classes within the limits of the capital towns—for which purpose periodical sessions are held—as well as in civil suits arising out of transactions within the presidency towns. One or two of the judges are usually wholly employed on this class of business, but the principal functions of the Court are performed on the appellate side. (All capital sentences passed by district judges are referred to the High Court for confirmation before being carried out, and appeals are heard in it from the decisions of a district judge on the civil or criminal side, and in civil suits from the courts of the subordinate judges. The High Court has also a general superintendence over the course of justice as dispensed in the various courts of the province.

Bar of district and High Courts.

(The bar of the district courts consists of certificated pleaders whose qualifications are tested by examinations conducted under the orders of the High Court.) The bar of the High Court consists of pleaders, native and English, and barristers-at-law. The bar may plead either in the vernacular or in English. Interpreters are employed in the High Court to translate the evidence of witnesses and the vernacular papers attached to the cases appealed, for the information of such of the judges as may not be acquainted with the native languages. The appellate court, as a rule, deals solely with the written record of the case, and admits not fresh evidence.

Free use of appeal permitted.

(The system of Indian law provides for a very free use of the right of appeal.) Every case tried in the lowest civil court, that of a munsiff, can be appealed to the

judge's court of the district, while all suits involving more than a certain sum can be carried in appeal from the district to the High Court, and others can be appealed finally to the Judicial Committee of the Privy Council in London. This freedom of appeal has been deemed to be a necessary condition of the constitution of the Indian law-courts. The inferior social condition of the native judicial officers of the lower courts; the imperfect training, very often the entire want of training, of the European judges; the total absence, so far as the district courts are concerned, of the restraint exercised in European countries by an honest and highly-trained bar, and by the criticism of a free press—render a supervision over the proceedings of the Indian law-courts from some higher authority especially desirable. A district court is never visited by anyone except the suitors; the only record of the proceedings is contained in the judge's own report; and therefore the only check afforded on them is the review of the record on appeal by the higher court. Under these conditions, a free right of appeal is absolutely necessary to ensure the suitor a reasonable chance of obtaining a remedy; but the exercise of this right, and the complicated procedure enjoined by the regulations, render Indian lawsuits extraordinarily protracted and expensive; and it would be difficult to say whether the litigious character now manifested by the people in those parts of India where British law-courts are established, is a cause or an effect of those institutions. Certainly, the apparently capricious way in which the judgments of each court often appear to be upset by the next, which renders the final issue of a law-suit a matter of uncertainty until the highest court of appeal is reached, in a degree unknown in any other country in the world, is calculated to promote a spirit of reckless gambling in law, among a people to whom most kinds of excitement are not available. At any rate, if the Indian system of appeal was favourable to the rich suitor, who failed to obtain justice in the first

Its good

and bad
effects.

BOOK
III.Small
cause
courts.

trial, it as often as not barred the road for justice against the poor man, who practically was without a remedy at law until the late introduction of small cause courts. These had been established in the three presidency towns for some years, with a jurisdiction over suits not exceeding 500 rupees (50*l.*), and limited to the class of cases which can be dealt with by the English county-courts. Their powers have lately been extended to cases involving twice that amount, and similar courts are now being gradually established in every considerable town throughout the country. The judges are chosen from the district officers, from the European and native bar of the High Court, and from the native judiciary. In many cases, also, the office of judge of a small-cause court is held in conjunction with some other appointment, as that of Assistant-Magistrate, or Principal Suddur Ameen. The fees of these courts are moderate, the procedure simple, and no appeals are permitted from their decisions, except in special cases and under certain narrow conditions. Altogether, the introduction of these courts is one of the greatest improvements which modern legislation has conferred upon the country.

CHAPTER VII.

THE NON-REGULATION PROVINCES.

IN the foregoing account of the civil administration, and of the duties of district officers, the system in force in what are termed the 'regulation' provinces has been mainly kept in view. The Regulations referred to, are those notified enactments of the Government, which are formally promulgated for public information. The practice of issuing formal Acts or Regulations from the council-chamber was first introduced during the rule of Lord Cornwallis, for the territories under the Government of Bengal, previously to whose time there were no certain rules of conduct laid down for the guidance of officials, nor any definite laws recorded to govern the action of the people. These regulations were subsequently extended to the North-West Provinces, on their annexation in 1801; and a similar system of regulations was introduced about the same time into Madras and Bombay, by the governments of these Presidencies, in close imitation of the Bengal Regulations. In 1833 the power of those governments to frame regulations was withdrawn, and henceforward regulations, or (as they were now termed) Acts, for all four provinces were passed by the Governor-General in Council. This arrangement lasted until 1853, when the functions of the executive government as a framer of laws were superseded by the Legislative Council established in that year. These Regulations and Acts of the Government, which have the same force in India as have Acts of Parliament in the United Kingdom,

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VII.

Nature of
the Indian
Regulations.

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III.

besides defining the composition and jurisdiction of the various courts, and the functions of many departments of the administration, also prescribe the course of procedure to be adopted in the prosecution of suits. No code of laws was promulgated in the first instance. The course of justice was to be made conformable to the customs of the country, and to the precepts of the Mahomedan and Hindoo laws, so far as they could be ascertained and (on the criminal side) were not altogether repugnant to European notions; and various enactments were passed from time to time, modifying those laws, altering the degrees of penalties, declaring certain offences to be penal, and so forth. The bulk of the Regulations, however, had reference to the procedure of the civil and fiscal courts; they supplied by law the provisions of a procedure, which in England and elsewhere has been the development of immemorial custom; and their result has been to create artificially, and *per saltum*, almost as complicated a procedure as in countries of older civilisation has been brought about gradually by the accumulated pedantries of ages, under which the issue of an Indian lawsuit came to depend as much on the observance of nice and tedious formalities as on the merits of the case.

Certain
districts
exempted
from their
operation.

But, whatever might be the opinion held by the framers of these Regulations, of the benefits conferred by them on the body of the people, it was admitted that, to some of the races of India at least, so technical and complicated a procedure was unsuitable and pernicious. Accordingly, from an early date after their first promulgation, some parts of the Presidency of Bengal were specially excepted—by a regulation passed for the purpose—from the operations of regulation law, while a large part of the territories subsequently added to the British dominions has never been brought under it. Of the former class may be named the Sonthal districts south of Bhaugulpoor, and the wild country in the south of

THE NON-REGULATION PROVINCES.

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Behar; among the latter the great province of Assam. The extensive countries ceded by or conquered from the Mahrattas in 1818 were also not brought under the regulations in the first instance, but a limited part of them was subsequently attached to the Bombay Presidency. This was the last acquisition of importance to the realm of regulation law. Not only was the difficulty to be encountered, in the case of subsequent annexations, of suddenly introducing an entirely novel system of administration and jurisprudence into a newly-conquered country; but it was felt, by those who had to deal with those territories, that, apart from its unsuitability to the special conditions of the time, the procedure of the law-courts enjoined by the Regulations was needlessly cumbersome and dilatory, even if it were not otherwise ill-adapted to the circumstances of a simple and ignorant people; and, still more, that they limited the authority and power of action of the Government, to a degree incompatible with the proper management of a newly-conquered country. For these reasons, probably, no subsequent additions to the British Empire were brought under regulation law, but they were administered simply by the orders of the Governor-General in Council, communicated to the head of each local administration, which might or might not be made public. Generally speaking, the local authorities were instructed to conform to the spirit of the Regulations, but to dispense with the complications of formal procedure which overlaid the course of justice under their operation, and especially to dispense with the use of professional pleaders in the conduct of lawsuits.

It will be understood from the foregoing account that, in the first instance, the non-regulation provinces were the exception. British India generally was, in effect, subject to one uniform code of regulations,* since the regulations of the three Presidencies closely resembled each other, only a few sparsely-peopled and uncivilised

Non-regulation now more extensive than regulation provinces.

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Peculiar
state of
Indian law
on this
head.

tracts being exempt from their operation. But the addition of the Punjab—now enlarged by the transfer to it of the Delhi Territory—Oudh, Burmah, Sind, the Central Provinces, and Berar, entirely altered the relative importance of the two portions of the empire. The number of non-regulation districts now became in excess of those under the Regulations, and the state of the Indian law was in consequence altogether anomalous. While the inquirer would find the fullest provision made for a trifling alteration in the fees of a munsiff's court, he might search through the whole body of the Regulations, without finding so much as an allusion to what is now the larger part of the empire. The non-regulation provinces were excepted from all legislation by silence. The case is thus not altogether unlike what we might conceive of the United Kingdom, supposing that Acts of Parliament had force in a part of England, a part of Scotland, and a part of Ireland, while the remaining parts of those countries were entirely exempt from their jurisdiction, and subject to no defined law whatever, the governors of them being merely instructed by the ministry of the day to rule according to the spirit of those Acts, so far as they might consider them suitable and convenient. This analogy, however, is by no means complete. It is conceivable that a part of a country might, for political reasons, be removed from the action of the legislature, and made subject only to the jurisdiction of a separate authority, such as the Privy Council, or even a single Secretary of State. On this head there is the example of the crown colonies. But in India the very same authority controls both regulation and non-regulation provinces. In the one case, enactments were passed by the Governor-General in Council in his legislative capacity, under the authority created by Act of Parliament; in the other case, orders were issued by the Governor-General in Council in his executive capacity, which might or might not be made public, regarding ter-

ritories the existence of which was ignored by Parliament. Consequently, up to the time of the establishment of the Indian Legislative Councils, the non-regulation provinces were precisely on the same footing as foreign states, in the eye of the English law. That law empowered the Indian Government to make regulations for any portion of its territories, but it was silent as to those territories for which regulations were not made; and the courts established in the latter appear to have had no legal status, except so far as it might be deemed to be conferred by the will of the conqueror. An appeal could not be made, for example, to the Privy Council, from the decision of a court in any non-regulation province, any more than it could be made from the award of a native prince in a suit between his subjects.

It is, perhaps, the severest commentary that could be passed on the value of the Indian Regulations and the Acts which succeeded them, that the benefits to be conferred by them should thus have been deliberately withheld from more than half of the districts of British India;* but what we are more concerned now to observe is the course of the change which has been brought about of late years in the state of the law. The Indian Councils Act of 1861 established Legislative Councils for Madras, Bombay, and Bengal—three out of the four regulation provinces. Henceforward, therefore, if the

Action of
new Legis-
lative
Councils
with regard
to non-
regulation
provinces.

* The districts of India are as follows:—

	Regulation	Non-regulation
Bengal	35	19
Madras	19	—
Bombay	14	5
North-West Provinces .	29	6
Punjab		32
Oudh		12
Central Provinces .		19
Burmah		13
Berar		4
Coorg		1
Total	97	111

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supreme Legislative Council of India had not legislated for the non-regulation provinces, it would have had little or no occupation, and accordingly from this date the Acts of the Government of India have been extended to all the British territories. The necessity for doing so first arose in 1860, when the income-tax was established. It would of course have been possible to levy that tax in the non-regulation provinces, under the same authority as all other taxes are still levied there—the will, namely, of the conquerors of the country, signified through an order of the Governor-General in Council to the head of the local administration. But it was deemed advisable to make the enactment of general application throughout the country; and this constitutes the first instance of universal legislation for British India, and the recognition by the law of the non-regulation provinces. Henceforward the Acts for imposition of new taxes—stamps, licences, &c.—have usually followed the same course; but the great change has been made by the introduction of the Penal Code in 1861, whereby all British India has been placed under one body of criminal law. The Code of Criminal Procedure has also been introduced into all provinces.

Thus the old distinction of regulation and non-regulation provinces has now been swept away, so far as the original meaning of the names went. The distinction now remaining between the two, is merely that there are some provinces where more numerous and older regulations are in force than in others; there is no longer any province regarding which there are not now established Acts or Regulations of some kind. Further, the Indian provinces are no longer divisible into two main classes, each possessing the same body of laws respectively. The so-called non-regulation provinces were wholly excluded from the operations of legislation until 1861, but they have not been entirely included since that time. Many laws subsequently passed have not been made applicable

to all the non-regulation, nor indeed to all parts of the regulation provinces. Further, special laws have been passed for separate provinces. Thus the Chief Court of the Punjab has been established by a special enactment; the Recorders' Courts of Burmah by another; and the different civil courts of those and the Central Provinces have been recognised in the same way, a separate Act being passed in respect of the courts of each province. This course of legislation, it may be observed by the way, has produced a curious result, arising out of the partial legality thus conferred on the status of the more newly-acquired provinces. Thus the tehseldar's court of the Central Provinces has a legal status; but there is no law on record recognising the existence of the Chief Commissioner of those provinces, nor indeed any law constituting those provinces a part of British India. So also, while the levy of a duty on incomes in these provinces is authorised by an Act of the legislature, there is no law empowering the Government to levy the much more productive tax on the land throughout them. Anomalies of this sort are certainly to be found in all civilised countries, especially those whose constitutional history extends far back into the past. England presents abundant illustrations of the commixture of offices performing functions prescribed by distinct enactments of the legislature, with others the source of whose authority is either lost in the traditions of antiquity, or is clearly derived from an origin which would now be deemed insufficient to confer it. The peculiarity in this respect special to India, is to be found in the circumstance, that the anomalies and inconsistencies which now exist in the state of the law have not thus arisen out of the natural course of things, but have been artificially created.

Our object here, however, is not to enlarge on this point, but merely to obtain a clear view of what is meant by the distinctions, 'regulation' and 'non-regulation.' It will be plain, from what has been stated, that the broad

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Anoma-
lous state
of law re-
sulting.

Distinction
between
regulation
and non-
regulation
provinces
obsolete;

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III.

line of demarcation heretofore maintained between the two classes of provinces no longer exists, and further that no distinct division can any longer be made, of provinces to which a certain body of substantive law applies, and others to which it does not apply at all. Each province now possesses already one or more special laws of its own, and the tendency of legislation is towards a further development of this special character. Another great change gradually taking place is the introduction, by parts, of a code of civil law, which either supersedes large portions of the old regulations, or supplies laws on subjects heretofore not treated of. The general result of these changes is entirely to break down the distinction between a 'regulation' and a 'non-regulation' province. These terms are clearly now quite obsolete, and inappropriate to the facts; and like the title 'presidency,' their use may henceforward be discontinued with advantage.

except as
regards
staff of
civil ad-
ministra-
tion.

Although however these distinctions are no longer applicable for representing the operation of the law, the two classes of provinces still differ in **one** important respect—the composition of the administrative body. The Act of Parliament of 1793 provides that all posts in the civil branch of the administration should be filled only by members of the covenanted civil service, and this condition is still in force, with certain qualifications to be noticed hereafter. But, like all the other enactments of Parliament, the provision was applicable to the regulation provinces only. The administrative staff in other territories could be filled up in any manner thought proper by the local government, and it has in each case been composed either wholly or in part of military officers, while a few uncovenanted servants have occasionally been elevated to the charge of districts. This arrangement has arisen out of the manner in which the administration of these territories has been assumed. On the annexation of a province taking place, the political [diplomatic] officers stationed in the country at the time

Military
officers em-
ployed in
non-regu-
lation pro-
vinces,

have naturally been employed in the first instance to administer it. This happened in the case of the Punjab, which had been governed for two years previous to the annexation, nominally by a native Council of Regency, but actually by the Resident and a staff of assistants, principally military officers. The members of the civil service, moreover, being usually fully employed in their regular duties in the regulation provinces, could not on such occasions be supplied in sufficient numbers to undertake the whole administration; and, finally, the rate of emoluments for these new acquisitions has been always fixed on a lower scale than obtained in the regulation provinces. On these accounts the administrative staff of the former has usually been made up, partly of civil and partly of military officers, the former receiving promotion to a higher relative position on the occasion of transfer, as an inducement to leave their regular employment. Within the province, on the staff being once formed, promotion goes on nominally through the whole body by selection, without reference to class, and in the lower posts military officers are promoted in succession to civil, and *vice versa*, indifferently; but it is understood that the civilians shall be deemed to be entitled under all circumstances to a certain proportion of the higher appointments, without reference to their comparative seniority or standing in the commission. This arrangement is necessary to place them on a footing of equality with their contemporaries in the regulation provinces in respect of emolument; and for the same reason a civilian is deemed to be entitled to return to the latter, if his promotion lags unduly behind theirs. The province of Burmah, as has been already mentioned, is in some degree on an exceptional footing in this respect. The language, religion, and customs of that country being altogether different from those of India, the administrative staff employed in it is necessarily retained there permanently, and the higher posts can only be filled

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as well as
civilians.

Mode of
regulating
promotion.

Excep-
tional case
of Burmah.

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properly by officials whose training has been undergone in the province; and as the junior appointments are on a less favourable footing than the corresponding ones in the regulation provinces, the prospects afforded by employment there are not sufficiently good to attract civilians to it, and the staff of the commission is composed wholly of military men.

District-
organisation.

As regards the mode of administration in these provinces, it differs somewhat in different countries; but the system introduced into the Punjab in 1849, and which was attended with marked success there, has been copied, in its main features, in all subsequent annexations. In every case the same district organisation obtains as in the regulation provinces; but the officer in charge, who performs the duties of magistrate and collector, is styled Deputy-Commissioner; in place of a joint and assistant collector, there are Assistant-Commissioners; while the uncovenanted officer who acts as deputy-collector is styled Extra-Assistant-Commissioner. The immediate superior of the Deputy-Commissioner is the Commissioner, who has charge of a Division comprising from three to five districts, and is the channel of communication between the district officers and the Government. In some of the provinces, an officer, styled Financial Commissioner, fulfils the duties of the Board of Revenue. But, although termed a commissioner of finance, this officer is really concerned with the revenue, and not the finance, of the province. In the Central Provinces and Burmah, the supervision of the revenue is undertaken directly by the head of the administration.

The
Deputy-
Commis-
sioner.
Assistant-
Commis-
sioner.

Commis-
sioner.

Financial
Commis-
sioner.

District
courts.

In respect to the law-courts, the Deputy-Commissioner and his assistants fulfil the functions which in the regulation provinces are performed by the various native and European judicial officers. In criminal matters, the Deputy-Commissioner acts both as magistrate and judge, his powers in the latter capacity extending to cases which are punishable by imprisonment for seven years. Graver

offences are committed to the Commissioner's Court for trial. The Assistant-Commissioners also exercise penal jurisdiction, with powers varying according to their standing. In respect to civil suits, the powers of the Deputy-Commissioners are considerably more extensive than those of a district judge in the regulation provinces. The courts of the Assistant-Commissioners also take cognisance of civil suits up to certain specified amounts, while the Tehseeldars occupy the place of Moonsiffs, but are only empowered to try cases involving not more than 300 rupees (30%). The Commissioner's Court is a court of appeal for all the districts within his division.

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VII.

The head judicial authority in the Punjab is vested in a Chief Court, consisting of one barrister and two civilian judges, the senior of the three presiding. This court is of very recent creation, until which the appellate court was composed of a single officer, styled Judicial Commissioner—a plan which has been followed in Oudh and the Central Provinces. This officer, beside receiving appeals, exercises a considerable degree of supervision and control over the administration of the subordinate courts, acting, in fact, as a minister of justice; while, until the new Indian Codes were established, it rested with him to prescribe the legal procedure to be followed throughout the province. This appointment of single officers, to perform the functions fulfilled in the older provinces by collective bodies, was the result of a reaction of opinion which set in during Lord Dalhousie's rule against boards and benches; but in the case of the courts of justice the change would appear to be defective, since the value of a power of appeal is diminished when it is made to a single judge.

Punjab
Chief
Court
and Judi-
cial Com-
missioner.

The system of administration in Berar and Mysore closely resembles that in force in the other provinces, but the establishments are necessarily on a smaller scale. The particulars of difference need not be detailed here.

Adminis-
tration of
smaller
provinces.

CHAPTER VIII.

THE CENTRAL DEPARTMENTS.

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III.

Subject—
the depart-
ments
which are
not orga-
nised by
districts.

THE two preceding chapters have contained an account of the duties of the different district officials, who, with their superior supervising officers, constitute the principal part of the executive agents of Government. There remains to mention, briefly, the different administrative departments,* employed on duties principally connected with the revenue, which do not follow the course of district organisation, but are more or less centralised under the provincial or supreme governments.

Customs—
sea,

The sea-customs are principally collected at the ports of Calcutta and Bombay, but there are also customs establishments at Madras and other minor ports. The collectors at the three presidency towns are chosen from the civil service; the subordinate establishments are uncovenanted officers in various grades. Their mode of collecting the duties does not materially differ from the system in vogue at European ports.

Salt—
N.W. and
Central
Provinces.

There is, however, a very extensive line of customs patrols extending across the North-Western Provinces,

* It may be as well to note here, that the word 'department' is used in India to denote two different things. The Home Department, Military Department, &c., are the bureaux in which the business of the government in its various branches is transacted. The Education, Opium, Customs, Commissariat, Ordnance, &c. Departments are the names given to various bodies of officials engaged in the various executive employments indicated by those names. Sometimes the same title is used to denote both things. The 'Public Works Department' means the office wherein the business of government is conducted which relates to public works. It also means the collective staff of engineers and subordinates engaged in the construction of works throughout the country.

Central Provinces, and Punjab, for the purpose of levying a duty on the salt manufactured in the salt-lakes of Rajpootana, on its importation into British territory; as well as a duty on the export of sugar. The head officer of this department, whose duties bring him into communication with various provincial governments, is a covenanted civilian; under him is a staff of European deputies and inspectors, each in charge of a certain length of line, and the establishment of native patrols stationed along it.

In Madras the manufacture of sea-salt is a government monopoly, and is conducted by a special establishment organised for the purpose. A similar manufacture of salt in Bengal has lately been abolished. In Bombay the manufacture is left to private individuals, and an excise levied on the out-turn. In the Punjab there are extensive salt-mines, on the produce of which an excise is levied. The salt departments are everywhere subordinate to the provincial Board of Revenue or other head revenue authority of the province.

Madras,
Bengal,
Punjab.

A large part of the Indian revenue is derived from opium, the bulk of which is exported to China. This drug is grown in some of the mediatised states of Central India, and is sent to Bombay for exportation under a heavy transit-duty. In Bengal the growth of opium is a government monopoly. No cultivator is allowed to grow the poppy except under special licence, and he is required to sell his crop to the government agent. There are two factories at which the raw opium is worked up and packed in a form fit for exportation, one at Patna in Bengal, and the other at Ghazee-pore in the North-West Provinces, both the establishments being however under the orders of the Bengal Board of Revenue, the Government of which province alone deals with this branch of the revenue. The opium, after being worked up and packed at the two manufactories, is sent to Calcutta, and there sold by auction to the highest bidders. The management of this branch of the revenue employs a con-

Opium.
Bombay.
Bengal.

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III.

siderable staff of officials. The opium-growing countries are mapped out into districts, each under a superintendent (styled Deputy Agent), who determines the area of ground to be planted by each cultivator consenting to, or desirous of growing opium; inspects the crops while on the ground, and makes the needful advances without the aid of which no Indian peasant can bring his crop to market; receives the crop when ripe; settles with the cultivator, and forwards the raw drug to the factory. The very large price obtainable for opium under this system of monopoly, compared with the cost of production, of course renders a great degree of supervision necessary on the part of the deputy agents, to ensure that all the opium produced is brought to the factory. The two Opium-Agents, who have charge of the factories at Patna and Ghazee-pore, and of all the agencies subordinate to those establishments respectively, are chosen from the covenanted civil service; all the other appointments are filled by uncovenanted officers.

Forests.

The management of the extensive forest tracts in various parts of India has until lately been conducted on no settled plan—it would be more correct to say perhaps under no plan whatever—except in one or two provinces. But within the last few years the rapid progress of the denudation of the forests, arising out of the great demand for timber for railway purposes, and to be exported to Europe, has attracted attention, and active measures have now been taken to secure the proper management of this important item of the state property. To every province which contains any forest tracts worth preserving, a Conservator of Forests has been appointed, with a staff of European assistants. The greater part of the forest tracts are state property, which under the denomination of waste land has never been alienated; but leases have also been taken of those forests which belonged to private individuals, or to the chiefs of native states, and are conveniently situated for working; so that the whole are

now directly under Government management; and active measures are being taken, by strict conservancy and planting operations, to repair the waste of previous years, and to maintain a constant supply of timber fit for use. In most parts the timber is felled and brought to market by the officers of the department; but, in some provinces, licences are granted to private individuals to fell and carry away timber, under specified regulations and conditions.*

CHAP.
VIII.

There are two mints in India—at Calcutta and Bombay, the masters of which are officers of the central government, and directly under the orders of the Financial Department. The Mintmaster is also commissioner for the management of the Government paper-currency. Mint.

A Superintendent of Stamps is stationed at each of the presidency towns, where the reserve of stamps is maintained for the supply of the district depots. In some provinces there is also a local Superintendent of Stamps, whose duty it is to maintain the observance of the Stamp Act throughout the province. This officer also usually combines with that post the general superintendence of the excise in the different districts. Stamps.

The Police department has already been referred to. The organisation of this service is entirely by separate district establishments, but the Inspector-General of the province has a general superintendence over the whole body. In some provinces there is also a staff of deputy-inspectors-general, one of whom is attached to the headquarters of each commissioner of division. Police.

The Post Office is a department which, as has already been stated, is not organised provincially, but is controlled directly by the Government of India. The head of the department is a Director-General; and India, for postal purposes, is mapped out into five divisions, each under a Post-office.

The conservancy of Indian forests on a systematic plan is one of the many important public measures which the country owes to Colonel Richard Strachey.

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III.**

Postmaster-General, who, although styled Postmaster-General of Bengal, Madras, Punjab, &c., exercise departmental control over countries by no means conterminous with the limits of those provinces; under them are inspecting postmasters of circles. The head of this department has usually been chosen from the civil service, as have been some of the postmaster-generals. Some of the higher appointments have also been filled by medical officers, an arrangement arising out of the circumstance that in former years the district medical officer used always to be also the station postmaster. The rest of the employés belong to the uncovenanted service; the inspectors are usually Europeans.

Telegraph. The Telegraph Department is also retained under the direct management of the Supreme Government. At the head is a Director-General, usually an officer of engineers; and the country for telegraphic purposes is divided into circles, each under a superintendent; these circles are further subdivided into districts, the officer in charge of each of which is responsible for the working of the different stations within it. Under the head of the station, or telegraph-master, as he is styled, is a staff of signallers. The Telegraph Department now forms a separate service, which is entered by competitive examination, passed in London.

Education. The superintendence of education has for the last few years formed a considerable part of the business of the state, and the yearly public expenditure on this account, which is constantly increasing, has already reached to three-quarters of a million sterling. This outlay is mainly bestowed on the maintenance of government schools and colleges, and the three universities, the cost of which is met in greater part from this source; but a small portion of the grant is distributed as grants-in-aid to private schools, of which those attached to the various mission establishments are the most numerous and important. The Indian schools may be divided into five classes:—I.

Village Schools, where an elementary education is given in the vernacular language of the district. These are managed by Government, but supported by a local cess.

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Schools.

—II. District Schools, established at the head-quarters of each district, where, besides vernacular teaching, the higher classes are taught English.—III. The Colleges, as they are termed, established at some of the principal cities in India, as Benares, Agra, Delhi, Lahore, and Poona; where education, embracing a somewhat extensive course, is conducted in the English language, by a staff of European professors and masters.—IV. The larger institutions of the same kind, known as the 'Presidency Colleges;' of these there are two, one at Calcutta, and the other at Madras. They are supplied with a staff of professors for giving a complete course of education in arts and law, and afford students the means of graduating in those faculties at the Universities.—V. The Technical Colleges, for Engineering and Medicine. There are four for Engineering—at Calcutta, Roorkee, Madras, and Poona; and three for Medicine and Surgery—at Calcutta, Madras, and Bombay, established especially in view to supply the subordinate branches of the government medical departments with native employes, and for training natives as engineers for the government public works. To these may be added, Normal Schools, for supplying native masters. There are now about 20,000 schools in India, either supported by the state, or under the supervision of the department. For the inspection of the government and aided district and village schools, every province is divided into circles, each under an inspector. A local committee of public instruction is also established in most districts, consisting of the principal officials and leading natives of the capital town. The Educational Department of each province is presided over by a Director of Public Instruction. On its first formation (which may be dated from 1854) the appointments were usually held by civilians, in pursuance of the established rule that all important posts in the civil

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sities.

administration should be filled from that class. But as vacancies occurred, they have been filled up by selection from the circle inspectors of schools and the professors of the larger colleges, who are for the most part graduates of the English universities.

A small income is realised in the Education Department by the students' fees, which are fixed on a very low scale, in order to make the schools and colleges readily accessible. The universities, which were established by Acts of the supreme Legislative Council, are framed on the model of the University of London, and their functions are limited to the holding examinations and granting degrees. The government of each is vested in a vice-chancellor and senate, and degrees are granted in the four faculties of arts, law, medicine, and engineering. Candidates are admitted to matriculation who belong to any school or college affiliated to the university, on passing an entrance examination; two years afterwards, another examination termed the 'first examination in arts,' must be passed [at the University of Calcutta]; and a final examination for a degree in one of the faculties is undergone at the end of the fourth year. The English language is the vehicle of study, and forms also a subject of special examination. The undergraduate, to obtain the degree of B.A., must, in addition, undergo successfully an examination in some classical language (Sanskrit being included in that category), in mathematics, history, mental and moral science, and physical science. To obtain a higher degree than that of bachelor, the candidate must graduate in honours in one of the schools. That the establishment of these universities is appreciated by the natives of India may be inferred from the numbers who flock to them. The number of candidates for admission increases rapidly year by year. In 1868, the twelfth year from its foundation, nearly nine hundred students matriculated at the University of Calcutta; in three years' time there will probably be not less than four thousand undergraduates

on its rolls. Admission to the two sister institutions, although they are not on so large a scale, is eagerly sought by the native youths.

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It will be readily understood from this account, that these Indian universities exercise none of the social and moral influences which are usually ascribed to these institutions elsewhere. They are simply, as has been said, examining bodies, and the only influence they can exercise is an intellectual one, by raising and regulating the standard of education. In this respect it may be said that they have so far done as much as was desirable, and that the possession of the lowest degree bestowed by them indicates, to say the least, the possession of as much capacity and knowledge as would be needed by the graduate of an European university.

But the system which makes the English language the vehicle for learning, certainly acts as a bar on the study of the vernacular languages of India. A movement has lately been made, in which the leading native gentry of those parts are taking an active part, for the establishment of colleges at Lahore and Allahabad with the special object of cultivating the study of Oriental languages, and the defect of the present system through their agency may be so far removed, that it will become practicable to obtain a higher education without an obligatory acquaintance with the English language. But our method of public instruction still, in the opinion of many, remains open to the objection that undue prominence is given to the study of English throughout the country, and an undue share of the public money bestowed on the schools where English is the principal subject of study, the scholars of which schools must necessarily be only a small fraction of the whole number under teaching. The supervising staff is certainly mainly occupied with this part of their business, many of the higher officers of the education department being almost wholly ignorant of the language of the people whose education they are superintending.

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The subject is however beset with difficulties. The classical languages of the East—Sanscrit, Arabic and Persian—are of little practical use except so far as they are the parents of most of the present dialects of India, while the latter are for the most part altogether insufficient as vehicles for communicating a knowledge of science—the kind of knowledge of which the Indians stand most in need—and the structure and literature of these modern vernacular languages are alike undeserving of study for their own sake. But it would be beyond the scope of this work to pursue further the subject of Indian education, a subject the importance and interest of which demand much more particular and detailed treatment than can here be given to it.

CHAPTER IX.

THE COVENANTED CIVIL SERVICE, AND MODE OF
ADMISSION TO IT.

THE foregoing brief account of some of the leading features of the civil government of India, will have served to bring prominently into view the very important part occupied in that country by the covenanted Civil Service. With a few exceptions, all the superior posts in the administration are filled from that body: most of the Governors, the Councillors, the Judges of the High Court, the Civil Secretaries, the Members of the Revenue Boards, and heads of the Fiscal and Accounts Departments, are civilians; it supplies, in fact, the governing class. But by far the larger part of that body is employed in the district administration. In the four regulation provinces, the whole of the district appointments, and in all other parts of the country a large proportion of them, are filled by covenanted* civilians. It is by means of the little knots of officials, scattered over the country at distances of forty, fifty, and in some cases a hundred miles apart, that the main business of the Government is carried on. So far as the mass of the people is concerned, this little isolated society, the collector-magistrate and his two assistants, with the district judge, represent the Government; in them are

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Import-
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* So termed because each member of the service, before leaving England, enters into a covenant with the East India Company [now with the Secretary of State for India], wherein his privileges are recited, and he binds himself not to trade, or receive presents, &c. The practice of binding the Company's servants by covenants not to accept irregular perquisites was introduced by Lord Clive in 1765, who set the example by executing such a covenant himself.

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embodied all the functions of government with which the people of each district have any practical experience, or with which in most cases they become at all acquainted. Unless the district administration be good, no amount of efficiency in the governors, and the upper grades of the public service, will avail to make the British Government in India a properly-fulfilled trust, and a blessing to the people; while, on the other hand, if the staff of district officers are thoroughly efficient, there will always be an abundant supply, from that source, of men qualified for the superior posts. The other departments of the state are, comparatively, of quite secondary importance. Intelligent finance and a methodical system of account are no doubt needful conditions of a refined system of government, but the people of a country may be very happy without them. The want of education is a negative evil, and stupidity or waste in the conduct of public works involves, at most, a needlessly slow rate of progress. The all-important requirement in the government of India is that the people of the country, and especially the rural classes, (who in that agricultural country form the great majority of the population,) besides being lightly taxed, should have security of life and property, and liberty to pursue their occupations unmolested. These conditions imply that the law should be readily available, and impartially and intelligently applied; that the peace of the country should be maintained; above all—and this is one of the most difficult things to ensure in such a country—that the guardians of the public should themselves be restrained from oppression. This is the duty which is set before the district officials in India. That the task of governing under the given conditions should be at all possible—that a single magistrate, with one or two deputies, should be able to maintain a decent administration, and to impress the reality of government over a territory as large, in some cases, as a European kingdom, and generally more densely peopled than are European coun-

tries, is only possible at all through the extraordinary docility of the people. But this very readiness to be governed, creates, in itself, one of the greatest difficulties in the way of good government. Deference to authority tends to degenerate into servility, among all who surround the holders of power. A man in authority can never escape the sound of flattery, which from time immemorial has been the food of Eastern potentates. This want of independence which characterises the people of India, and the absence of any expression of public opinion, or indeed of the formation of any general sentiment which can properly be so styled, besides adding to the difficulty of government, equally render it difficult to form a reliable opinion as to the merits of that government. Such an estimate is especially hard, if not impossible, for an European to form, whether he be connected with the official class or not; for one of the worst tendencies of a vigorous and at the same time absolute government—that namely towards oppression by the subordinate agents of the government—is not exerted towards him. Europeans of all classes are secure from the vexatious interference of the police or revenue officials in their private concerns. An opinion, therefore, from even an unprejudiced European observer, is inconclusive on this point; what is really desired is the criticism of the natives themselves on their governors, and this there is no means of getting. The educated natives of Lower Bengal have indeed learnt to express themselves freely on political subjects, but they form a small and special class, in no way identified in ideas or interests with their fellow-subjects in other parts of India; nor do they possess the experience or the proper critical faculty which would enable them to form a just comparison between the existing state of the country and that which it supplanted.

Tried by this standard, indeed, the verdict must be most favourable. It is certainly the fashion in some quarters to praise the times gone by, and to cite some

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Difficulty
of govern-
ing well in
India;

and of esti-
mating
relative
value of
English
and native
adminis-
tration.

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Comparative merits
of native
and British
rule.

Their comparative
popularity.

Considerations bearing
on the
question.

indefinite period when the blessings of peace and contentment were enjoyed, unalloyed by the burden of taxation, and the restraints on the speedy course of justice which a more refined and artificial system of government brings with it. A very slight acquaintance with the facts ought however to satisfy the enquirer, that the course of English administration has steadily improved since it was first established on a definite system by Lord Cornwallis, and that it was even then vastly better than the best native government which it superseded. It would probably be difficult to find anyone really competent to give an opinion, prepared to deny that the state of anarchy and universal strife throughout the land, which was replaced by the peace everywhere established under British rule, must have been attended with a degree of suffering which far outweighs the defects inseparable from a rule by foreigners. This much will probably be admitted by all who have taken the trouble to inform themselves of the available facts; but there remains to be noticed the view of that party which holds the more moderate opinion, that English rule, however beneficial, is nevertheless not popular; and that, assuming a state of peace to be maintained in either case, by the influence of a paramount power or in any other way, the simple patriarchal rule of the native states is both more agreeable, and better suited to the wants of the people, than the technical and complicated system enforced in the British provinces.

To enter fully on the consideration of this interesting and important question would necessarily be beyond the scope of this work, which is limited to an enquiry into the best form of an administration of the country by the English, and does not therefore extend to the larger question, whether or not an English government is the best kind of government for the country? The subject is only referred to here, for the purpose of noticing very briefly some of the considerations which should be kept under view, in order to arrive at a reliable conclusion.

In the first place, then, any inference drawn from the condition of native states as we now find them, as to what would be the result of native rule, pure and simple, is entirely delusive. There is in truth no such thing as purely native rule in India. Not to mention that every native state is more or less controlled by British authority, exercised through a Resident or other agent of the British Government, every native ruler is, so to speak, constantly on his best behaviour; assured that any marked instance of misgovernment will at once draw on him the interference of the paramount power; and having, until quite lately, the constant apprehension before him of deposition, and the annexation of his dominions, should he allow the opportunity to occur. It is, in fact, quite impossible to abstract from the results exhibited of government in native states, the effects due to their rulers alone. The influence of British authority is constantly exerted, directly as well as indirectly, over every part of the country. Besides being subject to this influence, a native state is furthermore very favourably placed in present times for the development of good government, by being forced into a state of natural competition with the adjacent British provinces, while British methods of administration are largely, but often unconsciously, imitated.

In the next place, when it is said that our rule is unpopular with the people of the country, it is necessary to understand precisely whom we mean to refer to. There are, speaking broadly, two principal classes in India, the nobles, and the great agricultural population spread over the surface of the land, whose opinions are of most importance. There are no doubt all shades of intermediate degrees of rank; but the middle class forms a very small part of the whole community, and the mercantile and trading classes at any rate benefit by our rule. Now, that English rule is unpopular with the upper class of Indians is highly probable. It would be extraordinary indeed if

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1. Present
condition
of native
states not
a criterion.

2. Meaning
to be given
to the term
'popular.'

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it were not, for we have not only displaced them from all share in the administration, but the general tendency of our rule has been to reduce all ranks, except the foreign rulers, to one dead level of equality. With regard to the agricultural classes, however, it may at least be doubted whether a comparison of the kind referred to is really ever made. To suppose that the Indian peasant is capable of deliberately estimating the comparative merits of British and native rule, is to invest him with critical faculties which it is quite unreasonable to assume that he possesses. None but a very small part of this class has had experience of any other than his present way of life; while, as has been already observed, to the bulk of the people the Government is represented by the petty native official in their immediate neighbourhood. Many of them pass their lives without ever seeing a white face. The Dorsetshire labourer, who is brought up with no prospect but of a life passed in toil for a bare subsistence, and an old age eked out by parish aid, does not usually display any distinct appreciation of the merits of the peasant proprietary system obtaining in other countries; and the Indian labourer is equally disposed to take things for granted. No body of people has ever shown greater indifference to the form of its government than the village communities of India. Provided they are left in peaceable possession of their land, and the assessment on it continues moderate, Hindoo, Mahomedan, and English ruler is accepted in turn without the smallest exhibition of dissatisfaction.

3. Popu-
larity not
a test of
good go-
vernment.

Lastly, it seems altogether a mistake to assume that popularity is in this matter a test of success. The peace and order now maintained throughout India may very possibly be causes for our unpopularity with the more active spirits of the nobility, who are cut off from the career of turbulence, aggrandisement, and oppression of their weaker neighbours, which was formerly the normal pursuit of Indian rulers; but peace and order are not

the less public benefits. As regards the poorer classes, one possible cause for unpopularity, the recent great rise in prices, is due to the large development of trade, and is obviously beyond the control of the British authorities, except so far as that peace and security have conduced to that result. The agricultural classes, it should be observed, if they be losers, are also large gainers, since the price of all products of the soil has partaken of the general rise. But a form of government is not necessarily most popular with those who most enjoy the advantages conferred by it. If there be one class more than another in England which has reason to be dissatisfied with the institutions it lives under, it is the agricultural labourers. Yet among no class is conservatism more strongly developed. To hear those institutions most loudly called in question, we must go among the manufacturing working-classes, than whom no portion of the community has more largely benefited by the results of modern legislation.

To return to the more immediate subject of this chapter. It will be at any rate within the scope of this treatise to hazard an opinion on the merits of the British administration in India, not considered relatively, with reference to an imaginary standard of independent native rule, but regarding it simply as what it is, a government of India by the English. In other places will be found stated in what points I venture to think the existing system most requires modification. That this administration is, from the nature of the case, one of the most difficult in the world to carry out with success, will probably be allowed by everyone; while the position of a handful of foreigners, conducting a complex and refined system of government throughout so vast and densely-peopled a country, is a unique spectacle, which nothing else in the world resembles. But as to the personal character of that administration, at any rate a decided opinion may be formed, although its validity does not

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Great
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by Civil
Service.

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admit of demonstrative proof. That the verdict should be favourable; that on the whole the members of the civil administration of India, so far as their individual exertions are concerned, have been extraordinarily successful; that they have been distinguished not only for perfect integrity, but, with rare exceptions, for a high degree of zeal, industry, and public spirit; that a large proportion of them have displayed conspicuous ability; and that many great men have sprung from their ranks — this much, I believe, will be admitted by all who have any practical acquaintance with the matter. The Indian Civil Service is the most able, as it is the most important official service in the world.

Cause of
its high
efficiency.

Not the
mode of
nomination

To what causes, it will be interesting to inquire, are due the eminent qualities for which that service is so honourably distinguished? Certainly not its origin and mode of appointment. The former is connected with one of the least creditable chapters of modern English history; the latter has been till lately a matter of accident. It need hardly be said that the Indian Civil Service took its rise from the establishment of merchants and agents employed in buying and selling the Company's wares. For many years after that occupation had ceased to be more than a subordinate part of the Company's business, they continued to be ranked in the grades, and styled by the titles, of senior and junior merchants, factors, and writers. In the first instance, as is well known, the nominal salaries paid to civil servants were very small, and their emoluments were almost wholly derived from the profits of private trade; and however little objectionable may have been the system which required them to look to this irregular source of profit, so long as their duties were confined to mercantile business, that mode of payment was the natural cause of the malpractices which arose in every branch of the service, on the British becoming involved in the politics of India, and when the merchants and factors of the

Company found themselves suddenly transformed into lords of the country. The scandalous corruption and political immorality which ensued—partially extenuated, perhaps, by the magnitude of the temptation presented—are too well known to require further notice here. Suffice it to remark that the remedy was applied by Lord Cornwallis, who, not without opposition from the Court of Directors, established the emoluments of the service on a scale calculated to place its members beyond the influence of temptation. From this time corruption ceased; and though probably the old vicious ideas, inherited from past traditions, were not at once cast off altogether, nor the high standard of probity instantaneously acquired, which has since characterised the service, it seems certain the change was very rapid; and during the rule of Lord Wellesley, who succeeded Lord Cornwallis after an interval of five years, the service appears to have already attained to an unexceptionably high character for honesty. In ability and professional experience it was still exceedingly deficient. The change from merchants to rulers was but grudgingly recognised by the Directors, who made no provision to meet the increased responsibilities placed on their servants by establishing a proper standard of qualification. It could hardly be otherwise than that merchants and merchants' clerks, called from the counting-house and ledger to administer justice in a foreign land, and govern people of whose language, laws, and religion they were ignorant, must often have been extraordinarily incompetent. The remarkable development of talent and statesmanship evinced by several men of that day, must not be allowed to hide the fact that these instances were exceptional. The extraordinary progress of the British power at that time offered unusual opportunities for the exhibition of talent; the Governor-General was continually in quest of proconsuls to rule over his conquests, succeeding each other in rapid succession; and skill in selection of proper agents to

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carry out his aims was not the least of that statesman's qualifications for command. But it may be gathered from Lord Wellesley's own writings, that the bulk of the Civil Service was at this time quite incompetent. On one occasion he states that, 'In the several stations of revenue and judicature throughout the provinces, many public officers are to be found avowedly incompetent to the due discharge of their duties: some from ignorance, natural incapacity, or fixed habits of indolence and dissipation—others from age and infirmity.* In another letter he remarks, with reference to the qualifications of the young writers: 'The age at which writers usually arrive in India is from sixteen to eighteen; their parents and friends in England, from a variety of considerations, are naturally desirous, not only to accelerate the appointment at home, but to despatch the young man to India at the earliest period. Some of these young men have been educated with an express view to the Civil Service in India, on principles utterly erroneous, and inapplicable to its actual condition: conformably to this error, they have received a limited education, confined principally to commercial knowledge, and in no degree extended to those liberal studies which constitute the basis of education at public schools in England. Even this limited course of study is interrupted at the early period of fifteen or seventeen years.† While, as to the erroneous view of the duties of their servants in India, still cherished by the Court in their adherence to the grades of merchant and factor, already referred to, Lord Wellesley thought it necessary to observe that 'commercial or mercantile knowledge is not only unnecessary throughout every branch of the Judicial Department; but those civil servants who are invested with the power of magistracy, or

* Letter from Earl of Mornington to Right Hon. H. Dundas, dated March 5, 1800.—*Wellesley Despatches*.

† Minute of the Earl of Mornington, dated July 10, 1800.—*Wellesley Despatches*.

attached to the Judicial Department in any ministerial capacity, although bearing the denomination of merchants, factors, or writers, are bound by law, and by the solemn obligation of an oath, to abstain from every commercial and mercantile pursuit; the mercantile title which they bear not only affords no description of their duty, but is entirely at variance with it.'

To remove these glaring defects, and to educate the young civil servants for their duties, Lord Wellesley established the College of Fort William, at which the civilians of all the three presidencies, on arrival in the country, were required to undergo a course of study in law and the classical and oriental languages. This measure was violently opposed by the Court of Directors, and Lord Wellesley only succeeded in preserving the college in a very contracted form, by bringing the influence of the English Ministry to bear on the India House. The final result was, that the young civilians of the Bengal service only were required to reside in Calcutta, and pass an examination in the language of the province for which they were destined, and in one other oriental language, before they were pronounced qualified for the public service; similar rules and language tests were established for the Madras and Bombay services. At a much later period the two subsequent tests were instituted, involving a more particular acquaintance with the written and spoken vernacular language and with the business of the courts, which have been already referred to, and which, with the preliminary examinations in the languages, are still in force.

Provision was thus made by Lord Wellesley's measures that all civil servants should obtain a certain amount of knowledge of the native languages. No provision was made for giving them any previous education until 1806, when Haileybury College was established, in substitution for Lord Wellesley's plan of a college in India. It must, however, be admitted, that this institution having been

Or of preparatory education.

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III.

forced upon them, the Court so far endeavoured to render it efficient, that a highly competent staff of professors was appointed in every branch of study necessary for the education of an Indian statesman or administrator. But this advantage was in a measure nullified by fixing so low a standard of qualification that study was virtually left optional with the students. The patronage of the first appointments to the Civil Service formed a highly valuable part of a seat in the Direction, affording an excellent provision for a director's family and relatives; and it was by no means in consonance with the views under which that seat was sought, that this advantage should be nullified by a scholastic test so severe as to exclude the Directors' nominees from the service. The result was, that while the Haileybury course offered excellent means of instruction to those who chose to take advantage of it, it had no sufficient effect in eliminating incompetence; and, with very rare exceptions, every young man who obtained a nomination to Haileybury was practically assured of obtaining an appointment to the Civil Service. To which may be added, that the term of probation (two years) was too short for a thorough course of study; that the number of students—the college was divided into four classes or terms, of about twenty each—was too limited to afford any reasonable amount of emulation; while the standard of the so-called 'honour class' was fixed so low that not to obtain honours was quite exceptional.

Haileybury, therefore, practically failed in the full realisation of the object for which it was instituted; it never attained to any general repute among the schools

The Haileybury honour lists were formed into two classes—of those outgoing students who were deemed to be 'highly distinguished,' and those who 'passed with great credit.' About three-fourths of the whole usually attained to the honours of the first class; the remainder, with the occasional exception of one or two, who did not obtain any honours at all, were placed in the second class. The prizes bestowed were almost as numerous as the students.

and colleges of England, and no men admitted the shortcomings of the place more freely than those who had passed through it. Yet, notwithstanding these facts, there have been found writers to assert that the general excellence of the Indian Civil Service; the high standard of public character and intelligence maintained by most, and the remarkable ability displayed by many of its members—were the result of the system of nomination, under which the patronage of all first appointments was vested without check in the individual Directors. But since it has never been pretended that these persons exercised any selection in their nominations on grounds of ability, while it is certain that the subsequent tests did not provide in any appreciable degree for eliminating incompetence, it must be apparent that such an idea rests on no foundation whatever. The real cause of the excellence of the Civil Service is to be found in the admirable school which is afforded by its special duties. The Indian civilian, immediately upon his arrival in the country, is placed in a situation calculated to call forth, in an extraordinary degree, all his best qualities. His duties as a magistrate, judge, and administrator, begin almost from the day of his admission to the service, and are prosecuted throughout his career on a scale, and to an extent, far exceeding what is attained by any other service in the world. The ever present need for the practice of industry, zeal, and self-control; for affording in himself an example to others of public virtue; the constantly felt want for, and immediate value of, professional knowledge; the enormous effect of personal influence; the vastness of the scale on which he is working; the very impossibility of doing all that has to be done—all these conditions are calculated in an eminent degree to educate the Indian civilian to a high standard of energy and intelligence; while the heavy responsibilities placed on him, and the extensive power which he wields, form in themselves a training of incomparable value, by

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practical
education
of Indian
official life.

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inducing a confidence, quickness of resource, and readiness to undertake responsibility, which are most necessary qualities for a successful administrator. And, if further inducement were needed, it was to be found in the large number of high appointments—as commissioners, judges of appeal, diplomatic agents, councillors, and governors—to which the distinguished civilians were certain of succeeding. The Indian Civil Service contains an extraordinary number of prizes, and no blanks. To these circumstances then, and not to the mode of appointment, is the high character of the Civil Service to be attributed. That service, in fact, consisted of a body of English gentlemen, chosen, so to speak, at random—for relationship to a director was an accidental attribute—who, without being subjected to any special test or training, were entrusted, for the whole period of their service, with most important and interesting duties. And it may safely be asserted that any body of English gentlemen, chosen and employed in the same sort of way, would have exhibited the same merits.

Defects of
the nomi-
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tem;

The defects of the nomination system need hardly be stated. Among every body of men chosen by chance—be the chance one of throwing dice, or of relationship to another set of men themselves in no way specially gifted—there must always be found some, in whom the power of indolence or deficiency of intelligence will be too strong to overcome. Had such men been always retained in subordinate posts, the evil would have been reduced to a minimum; but, although promotion by seniority had long been abandoned, the traditions of the service still required that every man should be raised at least to the charge of a district, and eventually to a judgeship. How mischievous might be a man in such a post will be understood, when it is considered that a district officer was practically in many cases removed from all personal supervision; that public opinion has no expression in these parts; and that all that could be known of his

proceedings was to be found in his own reports, made to official superiors belonging to the same body with himself. In the case of a judge, indeed, the evil was experienced in greatest intensity only by the suitors at his court; but it would be difficult to measure the extent of the mischief which might be wrought, by placing an idle or incompetent magistrate in charge of an Indian district with its million or more of people.

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If the Court of Directors had provided a sufficient remedy for these two weak points in the system—if they had required that every nominee should reach a reasonable minimum standard of qualification for admission to the service, and that no men should be advanced to posts of responsibility who had subsequently displayed marked incompetence—they might probably have retained the patronage of the service till the date of their extinction as a governing body. But such conditions would have pressed hardly in some instances on family interests; and when the inquiry of 1853 took place, public opinion pronounced that in these two points they had failed to administer their trust properly, and this valuable patronage was taken away. On the renewal of the Charter in that year, it was provided that appointments to the Civil Service should be thrown open to unrestricted open competition, an arrangement which has been maintained ever since.

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As to the success of this measure, it has beyond doubt fallen far short of the expectations formed of it by the first supporters of the principle of competition, so far that it has entirely failed to attract to the Indian service all the rising talent of the country. The most successful men of the universities have kept entirely aloof from the contest, while even the number of competitors has so far been exceedingly moderate. If from those offering themselves at the annual trial, be subtracted the considerable number who, judging from the marks gained by them, undertake the examination without any reasonable prospect of

Unexpec-
ted result
of intro-
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success, and who therefore are only nominal competitors, the remaining candidates have usually not largely exceeded the number of appointments annually offered. On only two occasions have they exceeded that number in the ratio of more than two to one, and then the number of appointments offered was exceptionally small. These facts show that the competition for the Indian Civil Service is really by no means severe, especially compared with the eager competition for admission to the Woolwich cadetships, and with the crowd of applicants who present themselves for any vacant situation in the public service at home.* The result however is so far satisfactory, as dispelling the illusion formerly obtaining regarding the advantages of Indian service. Men who have distinguished themselves at the universities have shown clearly enough that, in their estimation at any rate, the chances of an English professional career are to be preferred to the certainty of competence, and prospects of more than competence, afforded by Indian official life, with the certainty also of the drawbacks attending an exile in India; and they, it may be presumed, reflect the general opinion of the English middle-classes. So that the fact seems to be established, that no great injustice has been inflicted on that body in having kept them so long from sharing in this good thing, as the advocates of competition were wont to urge. The good thing has been offered to the English public, which has shown itself generally indifferent about accepting it.

Degree of
success
which has
attended
the
measure.

Even with this unexpected result, the change must be pronounced a complete success in one important particular. Open competition may not have secured a body of men, all of striking ability; but it may be fairly assumed that, on the average, quite as many men of exceptionally great power will enter the service under this plan, as

* The number of candidates is however steadily increasing, and the foregoing remarks are not likely to be applicable much longer.

entered in the times of nomination; while at any rate it secures that no thoroughly stupid or quite uneducated persons shall be elected; and this, when the important functions are considered which every civilian is called upon to fill, is a substantial gain. While, as to the fears so often expressed by the opponents of the competitive system, that it would give India a race of pedantic book-worms—men of intellect, but not of action, unfit physically for the duties of Indian administrators; not to urge that the hypothesis, that the possession of mental ability is usually conjoined with less than average physical power, is quite unsupported by fact—it may be safely said, as has indeed been already implied, that all such fears have proved groundless. The exhibition of a morbid excess of intellectual power can certainly not be charged against the bulk of the successful candidates. On the other hand, the needful minimum of talent has now been secured in every case—and this after all is the most essential thing—while in every other respect there is no sort of reason to suppose that the new men are as a class in any way inferior to the class they are gradually replacing. On this point it has to be observed, that the reports which have been furnished from time to time on the qualifications of the former must be received with some degree of reservation, as having been written by senior members of the old service, who may not unnaturally have been prejudiced against a class the very existence of which implied a reflection on their own efficiency. As to social characteristics, about which so much has been said, it is true that unlimited open competition affords no test of moral or social qualification, and some men of questionable fitness may have been admitted by this means; but considering that the highest places and prizes at the English universities, and by consequence those in the English bar and church, have always in effect been open to unrestricted competition, the idea that the general status of the Civil Service is in danger of being lowered by the

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same mode of recruitment need surely not be seriously considered. The bench of bishops and the bench of judges are at least as refined a set of men as the Indian civilians of the old school. The story therefore that the natives of the country, with their keen appreciation of manner, are sensible of a difference between the bearing of the men of the old and the new school, may be regarded as equally apocryphal with the assertion that the same natives experienced a peculiar attachment and respect for the possessors of certain familiar Indian names—names which, it may be added, are many of them first noticed in Indian annals in connection with some of the least creditable passages in British Indian history. As to the supposed physical inferiority of the new men—the complaint, sometimes boldly alleged, that they are not sportsmen and men of action like those of the old school, nor ready like them to ride down a robber as well as to try him afterwards—that is merely another illustration of the facility with which men mistake the accident for the essence of a thing. Clearly it was their training in India, and not their previous antecedents, which made the civilians of the old school what they were—men both of the saddle and the cutcherry, good in the field as well as in the cabinet; and this the new men have equally the advantage of. Relationship to an East India Director did not necessarily carry with it an aptitude for horsemanship, nor was the little college of Haileybury ever specially distinguished for excellence in the cultivation of manly exercises; while the new civilians include a considerable proportion of graduates from the universities, a class which certainly attains physically to the average standard of Englishmen, but which was practically excluded from Haileybury by restrictions of age.

So far, therefore, it may be said that the new system has been fairly successful. The competition is severe enough to exclude a stupid person, while the incomparable subsequent training and education afforded by the

Indian civilian's occupations remain as before. The test indeed is not afforded, if such were possible, for ensuring that every man selected shall turn out reasonably industrious—and an idle man in a civilian's post can work almost as much harm as a dull one; but the new class have at least as much incentive to exertion as the old, since they for the most part enter the service strangers to the dispensers of promotion in it, and depending solely for advancement on their own merits and exertions. That young civilians should have arrived in the country with an hereditary interest in the government may possibly have had its advantages, but the disadvantages are also obvious. When a great official body is mainly composed of a few families, and their connections by blood or marriage, and the tie of relationship extends from the governor (who is generally a member of the service) downwards through all grades, the tendency to form official cliques and to favouritism is inevitable, however honest may be the desire to repress it. This evil has been effectually stopped by the competitive system.

But besides the comparative failure of the new system to attract the highest talent of the English middle classes, there are two points connected with it which deserve a word of notice. It was generally supposed that the offer of these great official prizes to open competition would have had a marked effect on the course of English education, and that the public schools and universities especially would, to a certain extent, have adapted their studies to embrace the new field thrown open. It need hardly be said that this expectation has proved entirely delusive. Those bodies in effect have elected to disregard the invitation held out to them, and the practical result has been to place the preparation of candidates for these examinations in the hands of a few persons, who have specially laid themselves out for the purpose. The pupils of the 'crammers,' as they are termed, form the large majority

Its effect
on course
of English
education.

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nature of
the test.

of the successful candidates; and if we bear in mind the small proportion which the total number of their pupils bears to the total number of young men under education elsewhere, the truth of this assertion will be apparent. Practically, none but a man of marked ability has a reasonable chance of successfully competing at these examinations, if he goes direct from a public school or university; the 'cramming' masters, on the other hand, profess to prepare with success all but the really dull.

This result, however, if unsatisfactory, is yet generally known by those interested in the matter. The other fact, which has now to be noticed, will probably occasion some surprise. It is generally understood that the subjects of this competitive examination are so arranged, that each shall receive its proper value; that it is left open to the student to select his course of preparation; and that the knowledge he brings up in any subject will be appraised with reference to the difficulty and time occupied in attaining it. Mr. Lowe, who might be expected to be as well informed as most persons on this subject, speaking not long ago about it, said: 'With the assistance of Lord Macaulay and other eminent men, we prepared a scale which has since, with very little change, been the scale on which these offices [appointments to the Indian Civil Service] have been distributed. Thus, we took everything we could think of that a well-educated man might learn; all the languages, Latin, Greek, French, and English—all the modern languages of Europe; we took the principal branches of physical science; we took history; we took the philosophy of mind, as taught in Scotland, Oxford, and other places; we took everything, and gave marks to each according to their relative importance, as near as we could arrive at it; and under that system all persons have been admitted equally and fairly to the benefit of those offices, whatever their line of study might have been. Instead of loading the dice in favour of the dead languages, we gave them all a fair start; and the thing, as

far as I know, has worked smoothly and with perfect success.*

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This account probably describes very completely the general impression abroad of the actual state of things, as it certainly does the system contemplated. But a reference to the annual reports of the examinations held, and to the questions set, will show that, not only have the dice not been loaded in favour of the usual subjects of study; some of these have been so heavily weighted as to disqualify the carrier from the race. If there be one subject more than another in which a little knowledge is useful, for its own sake, and not as a stepping-stone to further study, that subject is mathematics. An acquaintance with the elements of geometry is highly valuable in itself, and the study of it may be made complete, so far as it goes, without reference to the other branches of the science. The same thing is true of the ordinary operations of arithmetic, or of the simpler parts of mixed mathematics. This fact is fully recognised at Cambridge, where competitors for honours undergo a searching examination in the elementary as well as in the higher branches of mathematics.† But, under the system adopted by the Civil Service Commissioners, the simpler parts of the science have been almost wholly ignored; the student finds that, in order to obtain any marks in this subject, he must have carried on his studies into the highest branches of it taught at the universities, and that the knowledge immediately gained will count for little or nothing. To gain high marks in mathematics involves, therefore, an amount of study which will produce a very much better result—according to the test of marks—if bestowed on other subjects. The result is that mathematics are practically driven out of the course, and are scarcely ever

Unequal
weight
assigned to
different
subjects
of examina-
tion.

* Speech delivered at Edinburgh by the Right Honourable R. Lowe, on the 1st Nov. 1867 (*Times* Report).

† Three out of eight days' examination are given to the simpler treatments of the science, which do not involve the use of the infinitesimal calculus.

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taken up to the examination by successful candidates. On the other hand, it seems to be assumed that a much smaller degree of knowledge should be expected from the candidates in physical sciences and the oriental languages, in the latter especially, the papers in which contain questions on the formation of cases and inflections of verbs, which, applied to Latin and Greek, would be answered by any junior boy of a public school. The result is that a candidate who, when commencing his course of preparation, does not start with any special proficiency in some particular subject, finds that the time available may be best bestowed for the object in view by neglecting mathematics altogether (and the classics, too, if he has no previous knowledge of them), and devoting himself either to physical science or oriental or modern languages, and especially to English, studied in view to answering questions of the kind put by the examiners. The 'cramming' masters have apprehended this fact, and a special kind of teaching has now become established for this examination, quite different from that pursued at the public schools and universities. As a proof of this it may be mentioned that, in some years, the number of candidates taking up Sanscrit exceeds the number of candidates in mathematics. It is clear that Sanscrit can only have been studied in view to this special purpose, the facilities for studying that language being certainly much less than the facilities available for studying mathematics.*

Modifications
needed to
perfect the
competitive sys-
tem.

The defect to which this peculiar state of things is due has no doubt only to be exposed in order to be remedied. The first thing requisite in this view is, plainly, such a revision of the mode of conducting the examination as shall place all the subjects of study really on a footing of equality. The notion, in fact, has to be got rid of, that

It is proper to add that of late a larger proportion of elementary mathematics has been introduced into these examinations. The change has been followed by a marked increase in the number of candidates taking up mathematics.

because physical science and Oriental languages are less frequently made subjects of study in English education than mathematics and Latin and Greek, a comparatively smaller acquaintance with the former is as valuable as a greater knowledge of the latter. Even then the fact would remain, that the system of study contemplated by the test laid down for these competitive examinations is one not recognised substantially either by the public schools or universities; and the question deserves answering, whether it may not be desirable to reconsider a plan which has certainly failed of the intended object, of attracting a large part of the best talent of the country, and practically throws the education of the Indian Civil Service into the hands of a very limited body of instructors. Not that the merits of a system of teaching should be altogether condemned, as is usually done, by stamping it with the question-begging name of 'cramming.' That the 'cramming' masters are so successful is probably due as much to their mode of teaching as to their selection of subjects. What is termed cramming appears really to consist in two things: personal teaching aimed at the special capacity of each individual student, as opposed to the gregarious method of the public schools, where from thirty to fifty boys are taught in the same class; and concentration of the attention on one subject at a time, instead of diffusing it over a number of subjects. It would seem, indeed, that in the discussion which has so much occupied public attention of late regarding the supposed merits and defects of what is termed classical education; the equally important questions have been lost sight of,—what is the best mode of conducting education? and, even assuming the classics to be the best subject for teaching, are they taught in the best way? That the student's attention is never to be kept for more than a brief time on the same subject, but is to be constantly diverted from one thing to another, seems to be accepted unquestioned as a necessary condition of tuition through-

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Peculiar
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Causes
which ren-
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out the schools of the country. An hour for Latin, an hour for Greek, half an hour for mathematics; a prose author one day, a poet the next; a few minutes for modern, a few minutes for ancient history; translation in the morning, composition in the afternoon;—this, with the freest use of the lexicon, and stringent rules against short cuts to knowledge, is the accepted practice of almost every school in the kingdom: the result being that a boy by the end of the term has read a little bit of the works of four authors, and a little bit out of each of a number of other different books; and then passes on to another form, to cull fresh pastures in the same intermittent fashion. Yet it is the very last plan which a student adopts who is left to himself, especially a student who has gained some experience in the art of acquiring knowledge. He has discovered that concentration of attention on one subject is the first requisite for progress, and that if he wishes to master any subject quickly, he should devote the whole of his available time to the study of that alone, to the exclusion of all others; while he will certainly endeavour to avoid as much as possible unnecessary and artificial difficulties. If the subject be a modern language, he will not keep aloof from the country where it is spoken, and the simplest road for becoming familiar with the language, in order that his mind may be braced by making the study as difficult as possible; while if it were a dead language, he would probably make the freest use of a translation—the *crib* forbidden to all schoolboys—and would certainly familiarise himself with the style and modes of thought of one author before passing on to the works of a second. It is this difference in the mode of working which probably explains the greater rate of progress which the grown up student, notwithstanding professional engagements, may often be observed to make, than the boy whose whole time is free for education. Something is due, of course, to the development of mental faculties which comes after manhood, but

the restricted amount of leisure at the disposal of most men is more than a set-off for this; the crammers at any rate have found out the plan, and in the results exhibited by them have given a practical answer to the question.

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This, however, is a digression from the subject at issue. The fact is admitted, that the system of competitive examination has so far failed to meet the expectations formed of it by its advocates and framers, that it fails to attract the *élite* of the public schools and universities. Be this result due to the fact, that the prizes offered are not valued on the conditions attached to them; or that the training afforded by the public schools is inferior to that of the special schools of preparation; or that the test is peculiar and onesided; the result is incontestable. I have endeavoured to show that all these causes have a share in that result. An Indian career is not preferred to a successful university career; the public schools have not adapted themselves to train specially for the former; and the test has come to assume a special and onesided character, in which the standard subjects of English education—especially mathematics—have been unduly weighted. Now, every one will probably admit that this result is not in itself satisfactory, and that it is at least worth consideration whether the Indian Civil Service—the most important public service open to Englishmen—cannot be made attractive to the cream of English youth, and admission to it rendered at any rate as much an object of general ambition at all the great schools of the country, as an ordinary college scholarship.

One thing may be postulated on this head. If it be desired to obtain a fair proportion of marked talent for any branch of the public service, the candidates must be chosen young; the younger they are chosen, the more likelihood is there that some will be included who possess superior abilities. The old nomination system certainly possessed this merit. A lad in former days was marked off by his relatives from early boyhood as destined for India, and in

Competition takes place now at too advanced an age.

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this way many a man has been secured for that service, who, if he had had time to measure himself with other men, might have preferred to stay at home, and throw in his lot among the chances of English professional life. Such persons are almost certainly eliminated from the present competition, which takes place at an age when men have already had the means of estimating their chances of success in open professions. Further, the publicity of a competitive examination, conducted at a central point, involves a certain degree of discredit under failure, which probably deters many eligible men from coming forward, who would readily be candidates at local competitions. And lastly, considering that this examination is merely preliminary, and that the successful candidates are required to undergo subsequently a special course of study, before being finally pronounced qualified for the public service; it is at least questionable whether the examination should any longer be extended to embrace a class of subjects, which are practically not to be studied anywhere except at a few training-schools which have laid themselves specially out to teach them. At the time when the examination was first instituted, it was intended that the successful candidates should at once proceed to India. But a subsequent course now intervenes before they leave England, extending over two years (and which might easily be made still longer), which appears to obviate the necessity for including the Oriental languages among the subjects of primary examination.

Proposed
modification
of
existing
method.

Under these views it is suggested, as a practicable way of removing the objections which have been shown to attach themselves to the present arrangement, that instead of inviting candidates to attend a special central examination, the vacant appointments to the Indian Civil Service should be distributed among the principal public schools and colleges of the United Kingdom, to be competed for in each case on the spot, the test being simply as to the merits of the candidates offering themselves at each place in the

subjects of study pursued therein : the selected candidates to be then brought together, and placed under a further course of study, with special regard to the subjects needful to qualify them for the practice of their profession—particularly jurisprudence and Oriental languages. It may reasonably be presumed that a prize offered in this way, easily within reach, would be sufficiently attractive to bring forward the best students at each place where the appointments were offered ; nor need the subsequent probation be made incompatible with the completion of a university career, the abandonment of which being now often a necessary condition for competing, operates to deter many from coming forward. If the age for competition were somewhat lowered, the period for subsequent study might well be lengthened from two to three years ; while it would be in every way desirable to substitute a methodical system of instruction for the existing arrangement, by which the selected candidates are left to make their own arrangements for pursuing their studies. That system cannot be said to be in any sense satisfactory. The candidates, once chosen, are assured their final appointments on passing a test-examination at the end of two years, when they are reimbursed a part of their expenses, and are graded to the service in the order of merit at this examination, as determined by the number of marks gained. The incitement to take a high place at this final examination is not powerful, since the order of merit does not affect the candidate's destination to any particular part of India. This was necessarily settled beforehand, in order to enable him to select the appropriate vernacular languages for study ; nor is a high place in the list of the smallest practical importance in a service of which the various appointments are made wholly by selection. The inducements presented to the selected candidates to make good use of their two years' probation are therefore but slight ; while the influence exerted against the tendency some may exhibit to make a bad use of the time,

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especially during the reaction after the effort made at the original competition, by the knowledge that the only account to be rendered takes the form of a final pass-examination, will certainly with most dispositions operate much more feebly, than would the sustained influence of academical supervision and association. There are other obvious objections to the existing system, which would be met by establishing a college, at Oxford or Cambridge, where a combined special and university education might be imparted. At such a place a much higher standard of attainments might be reached than is possible under existing conditions; while its alumni would be incited to go forth to their Indian career with the *éclat* conferred by distinction gained at the university, as well as in the special competitions of their own college. Too much stress, however, need not be laid on this point. The object of such a training should be rather to encourage fulness and solidity of learning among the many than a striving after high places in the honour list among the few; but there may be added to the benefits of education in such a place, that its members would be united, from first appointment at an early age, by a bond of fellowship which, when it is not based merely on family ties, should be a highly valuable attribute in a body whose members are so dispersed in after-life as the Indian Civil Service. In fact such an establishment would possess all, and a great many more than, the advantages of Haileybury, without any of its drawbacks.*

* The one solitary advantage gained by leaving optional the place of residence during the probationary civilian's subsequent course of study, is that he is able to make himself familiar with the practice of the law-courts. The preparation of notes of cases which he has attended, at Westminster or elsewhere, is a part of the existing prescribed course of study. But it would be quite possible to make special provision for attendance at the courts of law during the university course; while as to the study of the general principles of law, and their special application to the laws of India, it would surely be practicable to provide a much more complete and philosophical training, by a systematic course of instruction at the university,—by means, for example, of an expansion of Downing College, Cambridge, according to

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objections
to proposal
considered.

Of course a change of this kind is not to be carried through without the exhibition of some energy and strength of will. And it may probably be objected, that to select certain places of education to be presented with appointments to compete for, would be too invidious a task to be practically feasible. It would no doubt be a somewhat difficult and delicate duty; and it must be confessed that the proposal runs counter to the tendency, manifested at the present day, to relieve the executive authority of executive responsibility, and which would substitute open competition, drawing by lot, promotion by seniority—any plan that saves responsibility—for personal selection. But this feeling, to be found in cabinets no less than in trades-unions, is not the less pernicious because widespread; and it may be hoped that there is at least enough political courage extant to resist the cry that competition should be maintained, not because it is the best plan, but because no one can be trusted to exercise the power of nomination. As to the mode of selection, there ought not to be much practical difficulty in forming a conclusion. Two conditions might be required from every school claiming to share in the distribution of these appointments: first, that it has attained to a fair standard of excellence in the course of study it pursues, as shown by the success of its members at the universities or elsewhere; secondly, that the course of study pursued by it is a fairly liberal one. A Royal Commission has lately laid down what it considered to be the requisite conditions on this head, in terms which have commanded almost universal assent; and it would be reasonable at once to decide that every school which did not comply with those recommendations should be excluded from the list. In this way the preparation for the Indian service might exercise a practical effect on the

the scheme contemplated by its founder—than could be within the reach of the solitary student, left to wander at will through the mazes of a law library.

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course of education throughout the kingdom, which the advocates of the competitive system expected from their plan, but which, as has been already pointed out, it has wholly failed to produce; while in the Commissioners nominated in the Public Schools Act to carry out its provision, is to be found an agency in every way suitable for making the needful selection of schools to be invited to compete, and for distributing the available appointments among them according to the value of their claims. I will only add, in conclusion, that the plan here advocated is in close accordance with a scheme proposed, for the supply of the Indian Corps of Engineers, by the late Lord Canning—himself a scholar as well as statesman.

Appoint-
ment of
natives to
Civil Ser-
vice,

Another objection, however, and at first sight a more forcible one, will probably be raised against this scheme—namely, that it would bar the natives of India from admission to the Civil Service. In reply to such an objection, it may be observed that it is open to a native of India to enter himself at an English public school, just as it is already open to him to come to England and present himself at the competitive examination. But, in truth, while under existing rules he is nominally eligible to enter the Civil Service, virtually he is ineligible, since the condition that the examination shall be held in England effectually debars natives from competing. In proof of this it is only necessary to observe that, while the Indian universities send out every year several candidates in honours, of attainments sufficient to place them easily in the list of successful candidates, scarcely a single native of India has as yet come forward to compete; and this although a place in the Civil Service involves, to a native, a degree of elevation in social position which perhaps can be properly appreciated only by persons familiar with the sort of relations maintained in that country between the governing class and the governed. To conceive a state of things in England under which every officer in the army and navy should be required to spend three or four

years in the ranks or before the mast, or under which every employé in a public office should undergo the test of a previous residence on the west coast of Africa, would quite inadequately represent the force of the restriction, which the conditions of the competitive examination have practically raised up against the admission of natives of India to it. Instead, therefore, of maintaining an apparent equality of advantage in this respect between the two races, which a closer view shows to be entirely delusive, it will surely be more just to recognise fairly the insuperable objections which the orthodox Hindoos entertain to crossing the sea; to proclaim distinctly that the test prescribed for the covenanted Civil Service is intended for Englishmen only; and to make distinct and separate provision for the admission of native gentlemen to a share in the administration of their own country. This important subject will, however, be better treated of in a separate Chapter.*

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to be pro-
vided for
separately.

* Four Indians competed at the examination of 1869, but that only four should be found to come forward out of the many hundred youths under education in our Indian Schools, shows how complete a bar the sea voyage practically is to their doing so. But in fact, were that bar removed, either the competitive examination would have to be abandoned, or the Civil Service surrendered to the Indians. Offering as it does to them a career of extraordinary attractions, the appointments to it would be competed for by thousands, and the English candidates would be driven off the field by sheer stress of numbers. This would be the probable effect of holding examinations in India simultaneously with those held in England, as has been sometimes proposed.