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RUDIMENTALS;

BEING

A SERIES OF DISCOURSES

ON

172 A 99 (2)

THE PRINCIPLES OF GOVERNMENT—THE  
GOVERNMENT OF ENGLAND—THE EAST INDIA COMPANY—  
THE COURT OF DIRECTORS—THE BOARD OF CONTROL—  
THE SYSTEM OF GOVERNMENT IN INDIA; AND ON  
JURISPRUDENCE OR THE PRINCIPLES OF  
ADMINISTRATIVE JUSTICE:

ADDRESSED TO THE NATIVES OF INDIA.

BY

GEORGE NORTON, Esq.,

LATE ADVOCATE GENERAL OF MADRAS.

MAR 93

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WITH AN INTRODUCTION

BY

JOHN BRUCE NORTON, Esq.,

LATE ADVOCATE GENERAL OF MADRAS,

And Notes added by the Publishers.

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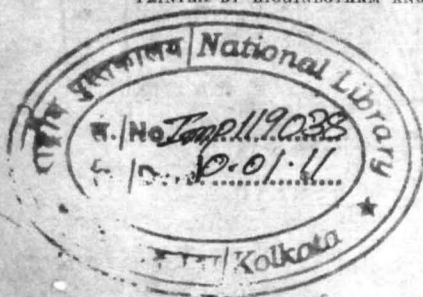
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## INTRODUCTION.

THE present re-issue, rather than second edition of Mr. George Norton's *Rudimentals*, has been undertaken by the publishers, in consequence of some observations of mine at the last anniversary of Pacheappah's Charities. Vast changes have been introduced in the administration and laws of England and India since the author composed this work: and it is perhaps to be wished that all those important novelties should have been incorporated with the text. It will suffice to notice, by way of illustration, as far as this country is concerned, the transfer of the Indian Government from the Company to the Crown, the abolition of the Board of Control, the settlement of national education upon a secular basis, the foundation of Universities, the institution of separate Legislatures at the several Presidencies, the amalgamation of the Courts, the promulgation of a substantive Penal Code, and of Codes of Civil and Criminal Procedure, the opening of the Civil service to competition, the elevation of Natives to the Legislative Councils and the High Court Bench. These, and sundry other changes of grave, though minor importance, may suffice to render such a work as the *Rudimentals*, in the opinion of some, somewhat obsolete, and not adapted to the wants or the advancement of the present day. The author himself writes to me as follows:—"Let me say a word on the proposed re-issue of my '*Rudimentals*.' It should be recollected that the work was written at a time when Native ignorance in all branches of liberal education was total. Scarce a Native, in the whole Presidency could write English; few could speak it; and none grammatically. The very elements of English, or even Indian History, were utterly unknown; and

“more particularly, our constitutional history was a sealed book. This subject had to be *introduced*; and therefore adapted to Native comprehension. A better work for the objects arrived at might now be composed for Native use, when so large a mass of the community can understand and appreciate a more learned and philosophical work. Were I to set about it, I should much change its style and enlarge its scope.”

For my own part, I think that the very baldness of the book is one of its chief recommendations; though it might be wished that the author had originally illustrated his positions by historical references; as it is a truism that *example* far more vividly than *precept* impresses our studies on the mind; nor can I scarcely conceive a more delightful occupation for the reader of such a work as this,—a teacher or a pupil—than that of searching out for himself, and verifying its truth and accuracy, by historical examples, the teaching by which forms the philosophy of history. Every page will be found to be full of deep political sagacity, and to compress within a very moderate compass the result of full knowledge of the subject, and to be pregnant with matter for reflection and further prosecution: even although all may not take the same side as the author, with reference to politics in England.

From the circumstances to which I have alluded; the *Rudimentals* must be regarded as rather of historical than living value; except indeed in so far as they search out the roots and principles upon which our constitution and our laws are founded; and that it is vain to seek to attain a thoroughly practical insight into the ways and working of the Government and Laws under which we live, without knowing also what has preceded them; what mischief, imperfections existed; why it became necessary to amend them; and how the amendment was carried out. We can never safely watch the working of a remedy, without understand the evil to which it is intended to apply.



The subject of the work—"to expound the principles of Government and of law, and the fundamental constitutions of the English and Indian Governments,"—is surely one which it behoves every good citizen, and every man pretending to a liberal education, to master and to be familiar with. How few know any thing about the matter, even among the best educated Europeans! "It is clear," writes Dr. Arnold, "that in whatever it is our duty to act, those matters also it is our duty to study." There cannot be any subject more closely affecting the daily actions of a citizen, than a knowledge of the constitution and the principles of the laws under which he lives. I know of no book where the principles of constitutional law and Government are more simply laid open and explained, so as to bring them within the ken of any ordinary capacity, than in these *Rudimentals*; and I believe that their study will conduce to a spirit, if not of loyal content with the dispensation under which the Natives live, at any rate of patient forbearance with unavoidable shortcomings, and a cheerful willingness to assist in the great task of improving those conditions which best bind society together, by securing the greatest happiness of the greatest number. I should like much to see a knowledge of this book insisted on as an indispensable requisite for the attainment of the degrees of B. A. and B. L. in all the Presidencies of India. It is replete with matter on which a Lecturer on constitutional history might well enlarge. It affords an infinity of theses for political essays. We incline perhaps somewhat too exclusively to Language and Mathematics.

Room and time might easily be found for the introduction of so vital an element of education as that which this work professes to teach; and it would then be speedily written up to the condition of things in the present day, by men fully competent to the task: for the author, with that unselfishness which characterized his long struggle in the cause of Native education, has dedicated his labors to the people of India.

In the present reprint, the Editor's labours have been confined to a few short notes, where the changes effected in the constitution since the work was first published, have rendered it absolutely necessary not to let the text stand unnoticed, for fear it should mislead. It was in the Author's contemplation "to proceed somewhat further with these dissertations; and to add discourses on the nature and quality of the laws of England, as administered in the Supreme Court, and on the law of India, as administered in the Courts of the Provinces."

Such an extension of disquisition is not only cognate to, but entirely within the scope of these Lectures. Treated in the same simple manner as what has already been accomplished, without technicality, or the mere narrow view of a lawyer, such a dissertation would be a great boon to those engaged in the task of imparting or acquiring a liberal education: and it is especially pointed to here, in order that if this work should obtain the popularity it deserves, he into whose hands shall fall the preparation of future editions, may carry out the intention of the author to its fullest development.

J. B. N.

MADRAS, 25th January 1869.

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## MEMOIR.

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NORTON, GEORGE, formerly Advocate-General of Madras. Practising in England for a few years, after he was called to the Bar as common pleader to the city of London, Mr. Norton was appointed in 1823, Advocate-General of Bombay, and after a year or two's service there, he was transferred in the same capacity to Madras, where he remained until 1854, the year of his retirement. As a legal adviser of Government, he was ever sound and judicious, while as an Advocate, he was forcible and exhaustive, gaining the entire confidence of his clients, the respect of the Court, and the approbation of the Bar. He was noted for his kindliness, his humour, and his hospitality, where all were proverbially hospitable.

But that by which his memory will chiefly live is the part he played in the establishment of the education of the natives upon a basis laid down by Government which has proved so eminently successful. He gave an impetus to this great measure in Madras during the Governorship of Lord Elphinstone, even if he may not be said to have initiated it. For years he advocated the principles on which high-class education has now been permanently founded (not without much opposition), and which has produced such men as Sir Madava Rao, Sashiah Shastry, Ranganatha Shastry, Ramiah, and Mootoosawmy Iyer, who has recently been promoted to the Bench of the High Court.

He was one of the best friends the natives ever possessed; being always open and accessible to them when they wanted

his advice on matters connected with their political and social welfare, the elevation of their character, and the recognition of their right to an ever increasing share in the administration of their country, in proportion to their fitness for it. These were objects always present to his mind, and towards the attainment of which his consistent and judicious efforts were unflagging from the beginning to the end of his Indian career. The establishment of Patcheappah's charities was entirely due to his official action and energy. It was he who obtained the sanction of the Supreme Court to the scheme which he prepared for carrying out the trusts of Patcheappah's will, thus concentrating in one great national centre the benevolent intentions of the testator, which would have otherwise been frittered away, by the funds being applied to carrying on mere village schools, in the Mofussil. It was his prudence, also, which devoted a considerable amount to the building of "Patcheappah's Hall," which, as the foresaw has ever since been the rallying-point for the Hindoo friends of native education.

He published for the edification of the pupils of this establishment a work called "Rudimentals," which contains an admirably condensed set of lectures upon the English Constitution, and the principles of our Anglo-Indian Government.

For many years Mr. Norton continued to enjoy the results of his long and arduous Indian labours, amid his circle of private friends at home, and he will long live in the affectionate memory of many of the most highly educated natives of India. He died in 1877 at the age of eighty-five years.—*Men whom India has known, 2nd edition.*

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## ADVERTISEMENT.

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It has appeared requisite to offer to the English reader, some explanation of the nature and object of the present work.

The substance of the ensuing Discourses formed part of a series of Lectures delivered in the years 1833 and 1834, in the College Hall of Madras, to an audience chiefly composed of Natives in a respectable class of life.

These Lectures were delivered from Notes; and with the exception of the Preliminary address, were couched in the most familiar style, both in language and manner. Every effort was resorted to for the purpose of keeping alive the attention of a Native audience, and facilitating their comprehension—as, by local and personal illustration, and even occasionally by colloquial discussion.

In reducing the multifarious materials of these Lectures into a connected work, of course such a character of composition could not be adopted. Nevertheless, to warrant any reasonable hope of attracting the perusal, or fixing the attention, of a Native reader, a peculiar style and a peculiar treatment of the subjects had to be attempted. The Author who would write well or agreeably to an English reader, upon the topics treated of in this work, must write as addressing those who already know much, and have thought much. He who seeks to impart information of this nature efficiently, even to the most enlightened portion of the Native Public who understand English, must address himself to those who know little, and have thought less upon these subjects. He has to recollect that, not only are many of

the expressions he is constrained to use new to the Native reader, as well as peculiarly comprehensive and abstract—but that his ideas, and his sentiments, and his narrative statements are also new to him. They are often alien altogether to such a reader's preconceptions, and even to his personal feelings. It is seldom that allusion is permissible—explanation is necessary at every step. Literary graces must be freely sacrificed—literary faults must sometimes be leaved to

These considerations have constantly operated on the Author's mind; and, indeed, have occasioned his main difficulties in composition. His chief study has been to write suitably to Native comprehension—he has at the same time felt a desire to elevate their thoughts and feelings. He has likewise kept in view the contingency of some attempt at an exposition of the subject-matter of these treatises through the medium of the Native languages. Actuated by these impressions he has from time to time communicated portions of his manuscript to intelligent Natives, and has been in some degree guided and encouraged by their approbation.

The Author has thought it due to himself to offer these explanations to the English reader upon the style and quality of the ensuing treatises. He is prepared to be criticised by such without favour, but he is unwilling to be judged without fairness.

It may be surmised, perhaps, in reference to the above observations, that this publication is at least premature—that it neither deserves, nor is calculated, to be popular; and therefore it is not likely to be useful. This is so novel an undertaking that the Author indulges no speculation as to its popularity with any classes of the Native public. But he is nevertheless buoyed up by the hope of its becoming useful, even though it may never become popular. Since the time when the Lectures above alluded to were delivered, a very extraordinary change has become notorious in the

sentiments of Native Society throughout India. An attachment to the British rule has gradually extended, and an admiration of its institutions. A spirit of social intercourse has begun to prevail, and a desire of amalgamation as fellow-subjects of one Empire. But, above all, a conviction of the advantages of English education, and an earnest desire to promote it, and thereby to gain the only true qualifications for office and station, in the state and in society, has spread widely among the superior classes of the Native population. This change of feeling can no longer be disputed nor despised. Seventy thousand Natives of respectability entreating by one single petition the patronage of Government to the cause of education is a sufficient proof at least that such a spirit is awakened. If, indeed, the diffusion of knowledge and the increase of scholastic institutions has hardly kept pace with the wants and wishes of the people, yet the care of the Indian Governments and the benevolence of societies and of individuals have provided a whole rising generation of Native students in English literature. A Native public so directing their attention to these noble and national objects; and a rising generation so versed in the more useful departments of English learning, can hardly devote their inquiries to topics of more true interest to themselves and to their country, than such as are treated of in the ensuing pages.

If there existed any English works which compendiously and suitably expounded the principles of Government and of law, and the fundamental constitution of the English and Indian Governments, to which enlightened Natives might resort with an assurance of easy and adequate information, the following work would perhaps neither merit nor receive any notice. But, if it would be vain to point to English literature for such purposes, the attempt in some degree to supply such a deficiency is not a misguided one. It may serve to direct Native thought into new and productive channels—it may serve thereby to strengthen the union of the Native people under British rule. It may at least prepare the

way for the more successful labours of those who may bring that uninterrupted leisure, and apply that continuous thought, to their task, which, however necessary, the avocations of the author of these Essays would not permit.

It may be objected to the following Discourses that, as they contain little that has not been better written before by accredited authors, it would have been fair, and useful to the studious inquirer, to have quoted copiously and distinctly the authority from which most of the positions appear to be taken. But the truth is that not much has been borrowed from preceding authors. What is not new has been at least newly treated of; and very little consultation has been given to the great writers on politics; moral philosophy, and jurisprudence, until after the task of composition was closed. The work has, indeed, been corrected, and sometimes adorned, on subsequent references to such authorities—and the learned reader (if any should be at the pains to take up this Volume) will be reminded, occasionally as he proceeds, of Bacon, of Locke, of Montesquieu, of Hume, of Mill, of Aristotle, and of others. But he will see, at the same time, that there is not room for frequent reference to such authorities, in consequence of the manner in which their common subjects have been worked up in these treatises. Some positions, it is believed, are altogether new—as, for instance, what have been advanced as the true distinguishing principles of the Civil and Criminal Codes. The most frequent resemblance may perhaps be found between some portions of this work and some portions of Bodin's *Republic*, and of Paley's *Moral and Political Philosophy*—and yet not a line of either of those treatises was ever read by

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\* It has been remarked by a great critic and Philosopher (Dugald Stewart) that the observations of no political writer "have been more frequently transcribed without acknowledgment," than those of Bodin. And, certainly, the palpable resemblance of many of his positions, and much of his reasoning to those in the 1st and 6th of the following Discourses would lead a learned reader to censure their Author (but for his positive assertion to the contrary) as open to the same imputation. Bodin, however abundant in errors, and even absurdities, and, had a transcriber used his pages, he would hardly have avoided noticing, or refuting them. The Author has not done so for the obvious reason that, at the time of writing, he was not aware of them.

the Author till after these Discourses had been written, nor has a line been since altered in consequence of such perusal. He was, however, forcibly struck with the following observation in the preface of the latter writer; which observation he adopts for himself: "My method of writing has been, to extract what I could from my own stores and my own reflections in the first place, to put down that, and afterwards to consult upon each subject such readings as fell in my way: which order, I am convinced, is the only one whereby any person can keep his own thoughts from sliding into other men's trains." Of course these remarks apply only to the *didactic* portion of the work.

It has been in the Author's contemplation to proceed somewhat further with these dissertations; and to add discourses on the nature and quality of the laws of England, as administered in the Supreme Courts of India, and on the law of India, as administered in the Provinces. These might be followed up by expositions of the course of judicial procedure in the Supreme Courts (and particularly as regards the administration of criminal laws,) and of the course of judicial procedure in the Provincial Courts. It will be allowed, perhaps, that such disquisitions, if adequately treated, would not be without interest or without use. It remains, however, to learn whether the reception of this volume should encourage a repetition of the present experiment. In the mean time it has been announced, that Lord Auckland's government has suggested to the Boards who have the superintendence of national education in India, the expediency of measures for engaging qualified individuals in the composition of various Elementary Treatises, as manuals of public instruction—among which are very judiciously included treatises on local law. It may be reasonably hoped that individuals will be found ready to engage in such an honourable duty, who are not only far more conversant in the local law of India than the Author of this work pretends to be—but who are more likely, from their acquaintance with Oriental languages, and an intimate

knowledge of the mental character and disposition of the Natives, to fall into a happier vein of composition. At all events they will possess that requisite leisure for the task, which this Author cannot command.

The Author has but one further observation to make—which is upon his having affected to *present*, as well as to dedicate, his work to the people of India. It is not that he assumes to put any value upon it—it may be altogether worthless, and continue to be thought so. On the other hand, it is possible that it may attain a higher degree of attention than at present he can expect. In that case he wishes it to be known that he claims no copyright. He has so little of an Author's regard for his work, that he cares not who may think fit to print it, or to extract from it, or to use up any portion of it. He has been desirous of affording a fair profit to the publisher of the first Edition—fixing the price as low as is compatible with such profit—and he has also fixed some price with a view to save himself from any serious pecuniary loss. But, if either of those purposes are answered, he places no other restriction on any benefit the Public is able to derive from this work.

MADRAS, *May 30th*, 1841.

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## PRELIMINARY ADDRESS.

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*Right Honorable Sir,† Gentlemen, and my Friends,*

I am about to undertake a task, which I cannot hope justly to fulfil; but it is an effort in which any success whatever must diffuse wide and lasting benefits. I aim at opening to the minds and reflection of the Native Community a knowledge of the principles of government and of justice—an acquaintance with the plan of government under which they live—a knowledge of the nature of its laws, and of the appointed course for the administration of justice under them.

I have meditated much on the difficulties of this undertaking; and, now, on the entrance of my path, I pause in hesitation and doubt. The only encouragement on which I rely, and which animates me at this moment, is that zeal, and that anxiety, which the spectacle before me of so numerous a body of Natives of the first class proves. Other feelings subside in gratification while addressing myself to those who evince such an unequivocal desire of availing themselves to the utmost of the means of improvement my labours can offer.

I have reason to know that you have become aware of the honorable policy which for some years past has characterized the measures of the governments, both of England and India towards the Natives. The prospects and privileges

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\* The substance of this address (a note of which was published at the time) was delivered in the College Hall of Madras as the commencement of a series of Lectures on the present and other subjects. It is here republished as an introduction to the subsequent discourses.

† The Governor, Sir FREDERICK ADAM, was present.

now opened to you, of attaining to important offices in the civil government of your country, and in the administration of its laws, are at the same time dependent on your qualifications to sustain them. You have been forward in shewing yourselves worthy of the opportunities thus afforded of advancing your political and social position. Much of this was expected of you by your fellow-subjects. They have not been deceived. Be assured that your endeavours will be cordially fostered by the government in England; and that the same disposition is felt in India requires no better proof than the presence of the Governor and of so many of the heads of society on the present occasion.

Of one voluntary effort on the part of the Hindoo community for the advancement of sound knowledge amongst themselves it behoves me here to speak. I allude to the institution of a Hindoo Literary Society, among the first fruits of which is the undertaking in which I am now engaged. I am gratified to find that this Society has deemed the principles of government and of law, the plan of power, the quality of the laws under which they live, and the administration of those laws, to be among the most valuable departments of useful knowledge. Under this impression some of its most respected members have from time to time consulted me on the best method of prosecuting their own studies or of directing the application of others; and it is scarce necessary to inform those versed in learning of this nature, and who are acquainted with the present progress of your community in English literature, that no satisfactory advice could be afforded. I might point in vain to the learned works of European scholars in politics and in laws; I might look in vain amongst these works for the most elementary opening of such branches of knowledge, such as might at once be adapted to the peculiar circumstances which characterize the present condition of the people of this Empire, and to their present state of mental cultivation.

All that I could accomplish in furtherance of these honorable desires—all that lies in my power in advancing that great interest in the native public at large to become worthy of the prospects placed before them—I am now about to attempt. I have thought it possible to effect something for the public benefit, in bringing before your view, through an easy and popular style of delivery, such as I now aim at, some outline of the principles of Government, of Justice, and of Law—some intelligible explanation of what plan of Government, and what course in the administration of the law, prevails throughout this your native land. To these my best services I bid you welcome. I hope to excite at least an impulse in your minds to consider the vast national importance of your progress in this department of knowledge, on which all your dearest interests are wound up. Hereafter (and the sooner that time arrives the better) you, or those who come after you, will better attain such information through Books and Treatises adapted to your progress in literature and experience in life.

Let me endeavour to engage your attention by enlarging somewhat further on topics calculated to infuse a desire and confidence on your parts in the pursuit to which I invite you, and at the same time to cheer my own spirit at this commencement of my labours. If we rest our momentary notice on the early and feeble beginnings of a great work, how insignificant do they appear—but that our contemplations are soon absorbed in the worth and magnificence of the work designed. How trivial a thing in itself is the first plunge of the ploughshare in the wild soil of a wasted country—how animating and sublime the vision of expanded fertility to which it directs our thoughts. Let us not be disheartened at the quality of these our first attempts, nor by the apprehension of the little we may accomplish. I call to mind what were the fears and sensations of one,\* who, in opening to the view of my own countrymen in England

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\* Sir William Blackstone, the author of the Commentaries on the Laws of England.

a systematic display of the nature of the English law and government, proved in the result one of the greatest benefactors of his age. I call to mind what were his feelings when, without patronage, or office, or duty, he first on a mere voluntary engagement, and before a few private students, undertook that task which afterwards became the source of a vast national boon, and of his own perpetual fame.

Pretensions such as these I do not advance—but I cannot fail to draw encouragement from the similarity of our undertakings. This eminent man, meditating upon the duty cast on every enlightened citizen to become acquainted in some degree with the laws of his country, and mindful how necessary was the profound study of those laws to all who sought professional or political distinction, points out in forcible language how discouraging, even to the English student, was the entrance to the study of the law—without public direction in what course to pursue his enquiries—no private assistance to remove the distresses and difficulties which will always embarrass a beginner; so that the student might be left to a tedious lonely process of extracting from a mass of undigested learning: and, he adds, it was little to be wondered at, under disadvantages like these, that men of moderate capacity confused themselves at first setting out, and continued dark and puzzled during the remainder of their lives.

If with these considerations on his mind this learned and patriotic man resolved to devote his talents and acquirements to that great object in which his success was so conspicuous—how much more forcibly do the present difficulties which overwhelm the efforts of the native community of India to attain to this valuable knowledge appeal for assistance. Towards such an object, indeed, I might venture to trust that my present services are not ill-directed. But how am I to disguise, and how can I explain away, those difficulties which, not only the very nature of my task, but the peculiar

quality of my audience must necessarily oppose to my success. The subjects on which I am about to discourse are in themselves profound and, to any but an attentive and an intelligent mind, repulsive. When Blackstone addressed himself to well educated English youths, burning with a desire to enter on those studies on which their fame or fortune were to depend, he could not refrain from expressing his fears lest an inadequate manner might beget a distaste to the learning he aimed at imparting, or lest a defective execution should leave a blight upon its fruits. Gifted with an eloquence that could charm attention—abounding in all the requisite knowledge—and addressing an assembly of scholars, as greedy to receive instruction, as competent and willing to applaud his labour—he, nevertheless, hesitated at the thought of a failure which might hinder, rather than advance, the object of his rational hopes.

But if any such considerations could justify diffidence in him—I cannot deny that they operate with far greater weight on my own reflection. Neither can I shut out from my own view—nor will I attempt to do so from yours—other more discouraging obstacles to my success. I cannot but be conscious how incapable I may be deemed of so expressing myself in a language not your own, as at once to carry with me your comprehension, and to give due effect to my meaning. The novelty of such studies as these—your indistinct and unconsidered notions of government, and of law—your peculiar tenets of religion and of caste—your peculiar domestic habits—and your very modes of thinking and of expression, so widely differing from those of my own countrymen—these are all sources of perplexity, which, if they do not overwhelm me with despondence, palpably warn me of what I have to struggle against.

Such are without disguise the obstacles in our path—let us turn our more cheerful regard to those means by which through our united exertions we may surmount them—never losing sight of the noble result we aspire to, in the advancement of the best and national interests of your community.

“ I would first exhort you not to distrust your own mental powers, or the effects of persevering labour at improvement. Had I attempted ten years ago to address myself to the native community at Bombay as I now address this audience, I doubt if three natives could be found there, to whom I should have made myself intelligible. Were I now to invite such an attendance in that city, I am fully persuaded that more than one hundred enlightened and anxious students would flock to such a call. To what powerful cause was this to be attributed? To the patriotic wisdom and to the energy of one man—who made it the care of his government that the plain—the infinite—advantages of sound knowledge should be unfolded to the view of the heads of native society in that presidency. To Mr. Elphinstone, and the zealous and able agents of his policy in forwarding the same cause in which I am engaged, are your neighbours indebted for that extraordinary advancement, both political and social, which cannot fail to have attracted your admiration and interest.” But, were I to compare the condition of the native community of that presidency, as I first knew it, in point of acquaintance with the English language, and progress in literary acquirements, with the position of yourselves at this moment, I can feel no hesitation in declaring the superiority to be with you. But the necessary effects, and the value of mental cultivation (and I know of no more important objects of it than these, I propose to discuss) have been fully appreciated by your Bombay fellow-subjects. The better orders have seconded by their own zealous exertions the efforts of their English friends—and their reward has been almost as immediate as it has proved lasting.

The infinite advantages, indeed, of a liberal education it is quite needless I should expatiate upon, and it may be thought by some that your need of them, and your partial acquaintance even with the language in which I address you, must preclude altogether any effectual progress in the higher departments of knowledge through such a medium

of instruction as I resort to. Some little experience in intercourse with such members of our community as I see before me has inspired me with better hopes. I do indeed believe that any elaborated treatise, thus delivered verbally, must necessarily fail of practical success—and, although such a work might, or at least may hereafter, prove an useful assistance to those who nobly dedicate themselves to such studies (provided it should be adapted to your present circumstances and condition) yet it could only become so by being used as a source of private labour and meditation. These considerations have prompted the mode of addressing you which I propose to pursue. By delivering myself, to the best of my endeavours, in the familiar language rather of conversation than of lecture, I may perhaps not only become the easier understood, but I may better draw out your attention and interest towards the subjects I discuss. I can take opportunities of repeating and enforcing in various ways topics not at first clear to your perception—and I may attract (as I now invite) your own personal inquiries and discussion as we proceed. Let us not despair, therefore, of effectual progress together in these new and unexplored paths. Come you with a sincere desire to understand what you ought not to feel satisfied in not understanding—be you but willing to learn, and resolute in paying attention—and I think I may safely promise that you will not go thanklessly away.

Connected with these hopes it is but fair and just that I should remind you of the many examples of wise and talented men who have from time to time adorned the annals of your native history—and left their memory for your encouragement to dismiss all idle apprehensions of knowledge of this nature being too high for you. From old times down to the present moment, many have arisen among you who truly deserved the titles of moralists, of statesmen, of lawgivers. It is impossible but that most of you have often heard the name of Menu—and there are many other ancient writers whose



maxims and doctrines I might quote with respect. The progress of the Mahometans of many countries in literature is well known and appreciated; and I do but repeat, what in justice has often been acknowledged, that the European nations owe much of their advancement to the learning of Mahometans in the deeper and more useful branches of knowledge and science. The Madras System of Education has been the source, also, of a valuable boon to the whole European world, as exemplifying the plan of *mutual instruction* now so common in the schools of England, which has produced astonishing effects in disseminating the elements of knowledge throughout the youthful classes of the people.

True, indeed, it is, that this learning, those maxims, and these doctrines of Eastern Sages, are characterized with many errors and defects—(so my own reason compels me to avow)—and no system of political government or of jurisprudence has ever yet been taught or prevailed in these countries but such as falls far short of the intellectual standard of those systems generally prevailing in Europe. But it serves sufficiently the objects of our present meeting to know that strength of mind, much knowledge of human nature, much sagacity and quickness of apprehension are abundantly testified—and perhaps it required but that the minds of these eminent men should have been regulated and directed by the same bias as that which swayed the studies of the great men of Europe, to have enabled them to exhibit similar results.

Are you then the true descendants of such honored countrymen—or are we to suppose that your faculties are no longer the same? Happily our own personal experience has proved to us the contrary. You have all heard of Ram Mohun Roy—you know that he has earned the credit of an excellent English scholar and writer. I can further assure you that his advice and opinions have been consulted—not without real advantage—by the ablest statesmen in England on subjects connected with the good government of this country, and the mode of administering justice within

it? Here is a plain proof that there is no deficiency of capacity, or of talent, for pursuits such as those to which I invite your attention, among the natives of this country. I am enabled also to state, from the communication of one who knew him well (Sir John Malcolm) the name and genius of another eminent individual gifted with abilities which, if they did not form the plan of government of an empire, were qualified for even so exalted a task. I speak of Poorneah, who was the Dewan of Mysore, at the period of the deposition of Tippoo Sahib and his family. Many days of discussion—many of anxious thought—were devoted by two of the greatest statesmen of this age, the Great Duke of Wellington (then Sir Arthur Wellesley) and Sir Barry Close, in settling the future plan of government to be administered—but Sir John Malcolm, who was present at those discussions, informed me that, after all, the able suggestions of Poorneah were those finally confided in.

In naming before you Sir John Malcolm, who was personally known to several of you now present, I call on you, my native friends, to revere the memory of that man: for he was one who truly loved, and laboured for, and served this country. He had his faults—which some called vanities—but they were faults which testified a clear and noble spirit—for they were of a kind which proved the first ambition of his heart was to be useful to mankind.

But, before I quit this topic, I must commemorate one more native individual, lately living among us, whose sound judgment, and many acquirements raised him to a very conspicuous eminence as well in the estimation of us Englishmen, as in that of the native community of this place. I allude to one whom I need not name, who was the author of the English document I hold in my hand; which, in the force and accuracy of its language, as well as in the expanded views it unfolds, evinces at once a capacity and a cultivation of intellect which I can hardly desire should be surpassed by any who honor me at this moment with their attention. In reading

and his solemn dying advice to his sons, I warm in admiration of a mind soaring above all local prejudices, and pregnant with the wisdom of a reflecting experience. How just, how clear, how convincing, and how weighty is every sentence in which he inculcates those lessons of independence, of self-government, and self-exertion, which he shews ought to supersede all slavish bonds of ignorant customs! In leaving this his best legacy to his children, he may be said to have left a legacy to human kind.\*

And when I thus presume to scan and measure the scope of your intellectual powers, and profess to test the quality of your means of comprehension—when I contrast what may be your present position in these respects, with that advancement to which your neighbours of the other presidencies have arrived, and to which this my humble effort is aimed at contributing—can I be unmindful of what history has proclaimed of the *English Nation*—from what a debasement to what an eminence it has emerged, through the influence of equal laws and a well constituted form of government? You see before you the scanty portion of a distant people—and that portion subdivided in

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\* The document was the Will of Chinnatomby Moodelly, which verbatim in his own English ended as follows:—"With a view to the real welfare of my said Sons, and considering that a life of activity and perseverance is the only certain path to independence and respectability, I earnestly recommend that they shall respectively on attaining the age of 21 years establish themselves in separate houses, each living on his own separate means, and by his own separate acquisitions, in the sole enjoyment of the fruits of his own industry, as this mode of life will be the best adapted to avoid internal domestic disputes and quarrels, which too frequently occur where too many persons compose a family, and are interested in a joint common stock; in which latter case the idle, the illiterate, and ill principled live in indolence and waste at the expence of the diligent, ingenious, and industrious members of the same family. My reason for giving this recommendation proceeds from my own observation through life, and from conviction that a state of dependence equals that of slavery. As he that has a confidence in the support of another, seldom has ambition to support himself for his own advancement, and consequently neglects the improvement

petty societies, and scattered individually throughout a country ten times larger than their native land, and amidst a population outnumbering them more than ten thousand-fold. You learn that by the force of their arms, or by the wisdom of their political measures, vast kingdoms have been brought under their sway—you see that a mighty and extended empire is governed throughout all its branches, in peace and prosperity, under the guardianship as it were of one master spirit. You observe that by their arts of commerce new kinds of wealth are spread over the country—new lines of industry are opened—new sources of national interest are flowing. The question arises in your minds instinctively—how were these wonders achieved?—and a moment's reflection supplies the instant answer. By their wise and well established government—by their just and well administered laws—this people have thus arisen. By their energy of soul and character, by their advancement beyond their fellow-men in science, in the arts of life, and in knowledge of every quality, have they commanded means which could not be resisted, and founded Empires where they but recently sought reception among strangers. But, should I call you from this contemplation, and picture to your imaginations the *original race* from which this people descended, I should summon you to behold savage hordes of men, roving through woods and wastes, without clothing—at a period when India contained flourishing cities and well cultivated plains, swarming with a people who lived under regular governments, and who were almost as far advanced in civilization and in the agreeable arts of life, as they were one hundred years ago. Judge for yourselves, then, what are the true sources of national advancement; and doubt not that

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“ of his mind, having little or no occasion for the exercise of genius or  
 “ penetration, owing to his being a stranger to business and indifferent  
 “ about his own reputation, or the good opinion which respectable and  
 “ praiseworthy characters never fail to establish in the world by a strict  
 “ adherence to instruction and useful pursuits.”

the same mental cultivation may accomplish for the people of India that which it has effected for a nation of barbarians.

It was the lot of the English nation, in these ancient times, to be invaded by a people whose empire was more powerful and extended than even that of England at the present moment. Borne down at once to subjection they gained from their conquerors far more than a compensation in the introduction of such laws and regular government as soon raised them from a savage state into that of civilization. Cities were founded, fertility overspread the plains, the arts of peace began to flourish, and literature began to raise her schools where the beasts of the forest had but lately ranged.

But events which change the destinies of Empires and of mankind drew from the land those conquerors who had become protectors—and the helpless natives, bereft of the superintendence of a regular authority, and a prey to internal divisions, soon relapsed into almost their former condition of privation and misery. A letter, which they addressed for succour to their late governors (I speak of the Roman people), who had been compelled to abandon them for the protection of their own immediate homes, was entitled “The groans of the Britons.” “The barbarians,” they say, “drive us into the sea; the sea throws us back on the barbarians. We have but the hard choice to perish either by the waves or the sword.” Such was the state of the British people some fourteen hundred years ago—sunk once more into their original ignorance and helplessness, at a period when India was composed of many wealthy and luxurious nations, living from age to age under the influence of settled laws and organized governments.

I could hardly fail of exciting your interest in tracing the progressive history of the English nation from so wretched a political condition; and it would not be altogether foreign from the object of my present address to do so. But I must restrain myself to a passing glance.

With many bloody struggles against a new invasion of foreign foes—after many desolating wars throughout all parts of the country—after two hundred years of confusion and internal disorders during which neither laws nor literature could find a resting place, nor scarce a government existed but in name—the English at last became again an united people under one settled and constituted plan of power. Then first began to be laid, under the superintendence of one of the wisest of monarchs, the foundations of a regulated system of government and of the administration of justice, from which has gradually sprung (after many vicissitudes) that splendid structure of political power and digested laws which has become a model for other nations to imitate. The details, indeed, of this system, such as it existed in early times, were very different from such as characterize that of the present enlightened period; but you will learn with some interest that in many particulars they resembled such as by long custom have prevailed in many parts of India. In England, as in India, Villages had their *Head-men*; and many Villages, forming one District, were under the control of one magisterial chief. There too as here, it was a custom for Villages to supply certain of their inhabitants to be pledges for the good behaviour of the rest—districts for inhabitants of districts—and cities for the dwellers within cities. It is at least a curious, if not an instructive, circumstance to mention that it was also customary at this early period of English history, when well considered laws began to be made and promulgated, for certain persons best acquainted with those laws and the course of administering justice to discourse before assemblies of the people, in the way of Lectures, upon those regulations and ordinances, which the public were called upon to obey. Some attempts, moreover, were made to digest into a regular code the whole body of the prevailing laws and customs of the people—and not without success. •

But now occurred another invasion by a multitude of foreigners—the ruling power was overthrown—strangers

succeeded to paramount authority—and, then, as too generally happens upon such violent political change, a long and miserable period of oppression and wrong ensued. The land became filled with but two classes, the foreign conquerors and their dependents.

At this crisis, however, of their third invasion, the people had already arisen to the rank of an independent nation. They had already felt the pride of self-government, as well as experienced the incalculable advantages of equal laws. They were never destined again to be subdued, or to fall beneath the weight of arbitrary power. It was in vain that a series of wilful or unperious monarchs, or that the band of their attendant chiefs who overspread the realm, essayed by new and burthensome mandates to destroy their spirit, or overthrow their institutions. They still claimed their ancient laws and customs as their rules of right and security—they still exerted themselves to obtain a settled and regular course of government, under which, through constituted forms, the voice of the people at large might be heard, and the general interests be the better pursued. As useful knowledge became more and more diffused, and as mental cultivation advanced, the people could not fail to be further encouraged in their efforts, in proportion as they observed the evils of uncertain and uncontrolled authority, and contrasted them with the benefits of ascertained rights. They sought, therefore, their ancient institutions, and loved their ancient laws—not because they were *old*, but because experience had taught them they were *beneficial*. For, as intelligence prevails, men become reconciled, however slowly, to the abandonment of the dearest and most inveterate prejudices which reason condemns; while they will at the same time contend against constituted authorities even for new principles of law and government which their deliberate judgment shall have approved. In the end the true cause of the English people triumphed. Their last invaders found their best interests in becoming united in rights and in duties with those whom they had



begun by oppressing. By slow gradations, and after several hundred years, a peaceful and settled government was once more established—based on *certain* and *just* laws towards the people, and on well arranged forms as regarded the security and strength of the supreme power of the State.

I date the period as no longer back than about four hundred years, when, the frame and outline of the English plan of government having been thus placed on settled foundations, and the administration of justice now proceeding on ascertained rules and principles, the qualities of both began to form the subjects of general study among the best educated and superior classes of the community. Long previously, indeed, schools of law existed, and many learned persons had during the course of two or three centuries taken up the task of expounding portions of the national jurisprudence—to which circumstance the acknowledged merit to which in after times it attained has been said to be greatly owing. But, at this latter period, the progress of these national laws towards perfection had suggested the reduction of them into some regular order, such as gave to them the character and dignity of a *science*; and it began to be evident that on the learning of its professors must depend in no small degree the maintenance of those laws, and with them the security and the prosperity of the whole people.

The course adopted for inculcating a public sense of the value of these important studies, and of instructing the class of aspirants to this most distinguished of all the branches of human knowledge, was mainly by the *delivery of public lectures*. You imagine to yourselves a literary people, reposing in internal peace; amongst whom the arts of life had already spread plenty and refinement, and ministered leisure for the highest mental occupation. Not so. The students who at this period, to the number of 2,000, are said to have flocked around the fountains of legal knowledge, and all of them members of the highest

class of the English people, lived in cities for the most part built of wood and clay, and were content with earthen floors in their houses strewed with rushes in the place of carpets. In the self same age we learn that Bejjapoor existed in all its grandeur. We read of the Emperor of India stepping forth from his marble palace—and Akbar, reigning over thousands of flourishing cities and a population of one hundred million souls, surveyed the sources of a nation's wealth and prosperity, and found his empire to be the richest on the earth. Pausing in meditation on the varied subsequent fortunes of these two countries, who cannot see in the gradual decay of the one, and in the astonishing advancement of the other, wherein lies the real and permanent strength of a nation? Who is so cold in feeling as not to gather excitement from such thoughts, as the path to national honor opens to his view?

These Lectures I have spoken of, delivered to a comparatively rude and unrefined people, making their early efforts in the attainment of political and legal science, under equal disadvantages with yourselves, were of far inferior extent and merit to those afterwards commenced by the great expounder of English law in modern times—Blackstone. In the progress of three or four centuries, as the national power and greatness increased, so also increased the commerce, the wealth, and the population of England—and in proportion with that increase necessarily accumulated the laws which regulated the enjoyment of rights and of property. As education also became more generally diffused among the people, it might be presumed that the quality of the laws would improve, and the true principles of a just and stable government become better understood. But, now, at a period when the interests of the people most required that their laws and rights should be thoroughly known and guarded, not only had these laws become a mass so vast and incoherent, from want of some system originally in the enactment and promulgation of them, as almost to defy the grasp of the human intellect, but the custom also of expounding

them through scholastic lectures had gradually ceased from the same cause. It was then that the master-mind of Blackstone conceived the design of digesting into one consistent whole an exposition of all those general rules of law on which the government of England, the rights of persons, the security of property, and the well-being of society throughout all its gradations, were founded. And he did not undertake a task too mighty for his accomplishment. In four short volumes he has described an outline, which though faintly marked in some parts, encircles the whole body of the English law.

I have thus traced, though by slight allusions, the progress of the English people, of its government, and of its laws—because true history, which teaches wisdom by examples, reads a more impressive lesson to those who will think, than any which the most eloquent reasoning could supply. That we may turn such a lesson to account, let us take a survey of that political prospect, which now, if you, the people, will begin your career in rivalling the prosperity and power of other nations, lies before you. Let us contemplate what are those hopes, and objects, and advantages, which all persuade an acquaintance with your government and its laws.

The people of India now for the first time in the known history of the world live under a *stable* government, the power of which is too widely extended, and too firmly consolidated, to be easily shaken, either by external foes or internal disorders. And this consideration carries with it, indeed, the promise of those chief national blessings, security and peace: but, how far your union in interests with the greatest of nations may assure you of more extensive privileges than what depend on the mere strength of government—in short, of those valuable rights and means which distinguish your fellow-subjects, and have rendered them what you find them to be—must depend on the policy of the governing powers under which your lot is cast. Of that honorable policy I have already spoken, and I should not find it difficult to corroborate by instances its liberal quality. You have be-

some witnesses of its disposition to advance the common prosperity through *equal* and *fixed* laws—its measures for facilitating your access to office and authority must have been felt by those who have inquired. If you shall look around you, to mark what is doing at the other presidencies, you will find that the promulgation of those arts and sciences which most contribute to the happiness of mankind has become the public care. Nor need I to point out to your notice the increasing spread of commercial enterprise, which must ever be the most copious source of wealth and civilization, or its attending benefits in advancing a more social intercourse among all classes. All these considerations, be assured, afford proofs of that liberal policy which aims at uniting the whole community through the same interests. Neither can wealth abound, nor the arts flourish, nor distinctions in society be coveted, where the government is oppressive, or the laws unequal. for justice in government is the staff of peace and of honor.

If these are the national prospects before the people of India, it surely behoves you to reflect on their value, and lend your endeavours in warding off all disastrous change. The evils of foreign conquest, or of the overthrow of a settled government, those who have experienced can never find language to express. But, unless you have some *knowledge* of the nature and plan of your government, and of your general and common duties under it, you cannot have a sense of its benefit. While you shall obey without reason—while you shall be incapable of forming an attachment or an interest towards those laws under which you live, from ignorance of their quality, what aversion can there arise in your mind to change, or union and firmness in resisting it? That national virtue which is a peculiar characteristic of a great people, and which the English call *loyalty*, is not more an attachment to any monarch, or particular family of monarchs, than a love for the *plan of power*, and *system of law*, upon which the prosperity and glory of the country depends. Upon this principle of *loyalty* men are always found ready

to sacrifice all they have, and their very lives also, for the preservation of their country's independence. But of this noble virtue you can have no just notion while unable to value or understand that which is its only source. Having no other care or object but to obey—incapable of judging the difference between any two modes of government—content to live as servants—you would cast aside all hopes of further advancement, and be ever the prey to oppressors whom your indifference to change had most served to invite.

Thus may you be led to perceive that it is a *duty* which all good citizens, who aspire to share the full benefits of a liberal government, owe to the state, to become more or less, according to their means and circumstances, acquainted with the nature of the laws under which they live. So much so, that in that state, which once was the mistress of the civilized world, the very boys were obliged to learn its fundamental laws. But it is not merely a *duty*—it is a most important personal *concern* to every one of you who listen to me, and who look to be entrusted with a share in the offices of authority. How can you expect to exercise the functions of such offices in acknowledged ignorance of the duties they impose? What but contempt can pursue the mischievous efforts of such unqualified persons? Can it be expected, for instance, that those can be qualified to act as magistrates who know none of the rules which the law lays down for the detection of crime and the awarding of punishment? But, whether as magistrates, or as grand jurymen, or as jurymen, you should ever understand that you will be required to exercise your functions *as by law provided*, and not according to mere natural sense or the human will—for nothing is less to be trusted to, as between the magistrates and the people, than the human passions, or the varying suggestions of half-informed natural sense.

I hope the time may not be far distant when, not only in the Provincial Courts, but also in the highest, such duties as myself and others exercise therein will be shared

By individuals chosen from among the native community. But those who aspire to the higher stations in the department of the laws must acquire that sufficient knowledge of its rules as to enable them to advise on the rights and remedies which certain and fixed laws declare. Much shall I rejoice if, even in my time, some of the rising generation shall be mented under the guidance of these principles to undertake a profession of so honorable a character: for I am of opinion that the laws of this land will never be administered with their fullest and most beneficial effects, until practitioners shall be selected from the natives themselves—beginning with those who shall first surmount the difficulties which at present beset their way.

It is not, however, to such alone that I now address myself. I hope to awaken an interest, and to stir that spirit within you, which, after generating a conviction in your own minds that some knowledge of your government and of the laws is every enlightened man's concern, shall diffuse its influence over your community at large, and produce its fruit in after-times.

To you, then, whose honorable zeal in so noble a cause has brought you from the ease and habits of your homes in search of knowledge, however hard to find—to you, who set your fellow-countrymen an example, never, I trust to be forgotten among them, and advance from the foremost ranks of your society to render yourselves but as pupils and children before a teacher—to you I earnestly appeal to pursue the path you have thus begun to tread. Among you the light of knowledge must first spread—as the dawn must first gild the summits before it pierces to the levels and depths. Be mindful of those great benefits you thus prepare to hand down to your children's children. Let the difficulties and embarrassments, which may now attend your efforts in mature life to acquire the elements of that knowledge which most interests you as a people, teach you to

weigh well the better means held out to your children *through education.*

Turn your reflection on the prospects of prosperity held out to your country through the diffusion of that valuable knowledge in political government—in rights—and in the laws, on which alone national welfare can be based. Cherish these feelings, as they may arise in your own breasts; encourage them as they may spring up in the contemplation of others. Then may I hope for the day—and that not far off—when one *from among yourselves* shall worthily fill *this place* which I now assume. Then may you trust that many will be born among you, who shall pass through a life of usefulness, and honor, and dignity, in *the service of their country*, and bequeath their illustrious example for the benefit of a grateful posterity

## DISCOURSE I.

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### Of the Principles of Government.

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*Of the quality and usefulness of the Science of Political Government. Of the Origin of Political Government. Of the Object of Political Government. Of the necessity of a settled Plan of Power—or a Constitution. Of the Marks and Characteristics of a well-constituted Government: First; Attention due to the Habits, Feelings, and Manners of the People. Second; Changes should not be sudden. Third; The Eternal and Natural Condition of a country, and of its inhabitants to be observed. Fourth; Of the Share which the people should have in the administration of the Government. That the share of the people in the government to be exercised by means of a system of Representation. Reflections on the marks and characteristics of good government which have been discussed; and on the political condition of India. Of the evils of Arbitrary Government.*



# DISCOURSE I.

## On the Principles of Government.

### SECTION I.

*Of the quality and usefulness of the Science of Political Government.*

I PURPOSE in my present address to discourse on the nature of *Political Government*, and on its *true principles*. This is a topic, the due investigation of which requires much thought, and extensive reading. It has exercised the most powerful minds throughout all ages. The doctrines from time to time laid down on this subject have been the result of much insight into human nature, and of a careful comparison of the laws, the manners, and the history of many nations. The proof and explanation of those doctrines have taxed the intellectual faculties to the utmost. And those who would study the quality of Political Government, with a view to practical application in public life, must bring with them habits of reflection, and a vigor of mind, beyond the ordinary endowments of mankind.

It would, therefore, be a vain thing in me to deceive the reader into an impression that through the course of one short Lecture I could afford that complete information in the Science of Political Government, which scarce any single voluminous treatise could supply. And some may perhaps feel disheartened at a commencement in my labours, which announces a call upon their attention, such as may be apprehended to be almost beyond their present capacity, and which at the same time appears to promise but very inadequate results. But to such let me hasten to say that the labours of many distinguished Philosophers of various countries have already furnished for the instruction of mankind a number of general and indisputable positions or principles,

the truth and value of which will be found by no means difficult of comprehension—and to all, let me say, that, confining myself to such fundamental rules, I trust to attract some interest in the discussion of them, and to satisfy my readers that such a discussion is entirely appropriate to the objects we have in view.

In all well-governed countries there are certain *right principles* to be looked for, as distinguishing the plan of power which prevails, whence justice must flow, and whereon depend the well-being and the prospective advancement of the people at large. It is obviously fit that all those superior members of society who aim at understanding and contributing towards the welfare of their country should form clear notions of what these right principles are. But, more especially should it be a care with those who, warmed with that zeal for useful knowledge which I have endeavoured to excite, desire an acquaintance with the quality of the *English Government*. Those who, like myself, have been bred under the protection of that form of government, and who have had occasion to study its character, have been led to the conviction that there never has existed in any other country a system of government so powerful and so just—so calculated to defend the rights of individuals—to ensure the upright and effectual administration of justice, between man and man—and to protect every subject from violence and wrong. But it is for the people of *India*, as well as for their English rulers, to form a true judgment of the nature and value of the English plan of government, out of which is derived that under which they live, by conceiving just impressions as to what are the characteristics of good government. And my persuasion is that, the better the just principles of Political Government are known, the more firmly will the people of India become attached to the British rule, and the better prepared will they be to understand and to assist in improving that plan of government, and that system of law, under which their own rights are to be protected, and their political hopes advanced.

## SECTION II.

### *Of the origin of Political Government.*

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The origin of government must be traced to human nature itself. The helplessness of infancy falls necessarily under the protection called forth from the natural love of the parents. The incapacity of the child, as contrasted with the superiority of the father, imposes the duty of obedience on the one, and that of direction on the other. Gifted with the faculty of speech, whereby to communicate their thoughts amongst each other, the whole race of mankind are drawn by this natural impulse to associate together. From such an association they immediately perceive their increased means through combination in pursuits. Such combination can, however, have no existence without personal rule, or ascertained law, directing the common aims and actions of the whole body to the same ends. Neither can such combination be held together for any the least permanent purpose without greater security than each individual can assure to himself by his own unaided strength against the violence arising from human passions, and the mischiefs arising from human errors. As in the case of a family, so in the more enlarged circle of human society, in the bond of which mankind are equally by nature held, the differences in the intellectual power necessarily held to the controlling influence and authority of such as are most highly endowed. Hence the directing and governing and controlling power of one, or of a portion, and the dominion of some fixed regulations, over a body of men held together by a greater or less strength of union. Government must thus be perceived to be co-existent with the very being of man: and we know of no tribe or race so entirely

degraded from human attributes, as to be altogether dissolved from every obligation to political authority.

In the progress of human affairs governments of almost every conceivable quality—over every variety of people—and of every territorial extent have existed in the world ; and we have before our attention the histories of a thousand nations, from which we may draw instruction as to the comparative success, or the inherent merits, of the one form of government over another. The records of these various plans of power all disclose excellencies as well as defects. Every one of them fall far short of absolute perfection. Relieving ourselves from the copious *controversies*, and the laboured *reasonings* which many ages of disquisition on topics so interesting to every civilized nation has engendered, let us proceed to pass in review before us some of those *positions* which the ablest of political Philosophers have established as *settled truths and principles*, applicable to the consideration of every system of dominion.

### SECTION III.

#### *Of the objects of Political Government.*

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The just *object* of government can only be that of the *happiness of the people*—and it might be said, generally, that was the best form of government which best provided for their *happiness*. But in what consists the happiness of a *whole embodied People*? That of an *individual* greatly depends on circumstances having no other than *peculiar* and *personal* influence—his taste, his habits, his temper, his wisdom, his virtue, and so on. But, to form an idea of the well-being of a whole community, we must conceive some notion of more universal and permanent benefits—indiscriminately to be participated in by *all*. Let us fix it by adopting as a maxim (as it appears to me we safely may) that the happiness of a *people* consists in the perfect enjoyment of private rights and acquisitions, and personal security from wrong. These, then, are the main and final objects of good government.

Now, it is with a view to protection of all in their rights and acquisitions, and in their personal security, that, as well every provision to guard against foreign aggression, as all public internal laws, will, upon tracing objects to their principles, be found to be directed. It is the first practical application of the authority of a government, which is founded on a system or plan, to appoint the Ministers and Commanders for maintaining the independent strength of the country, and Magistrates with sufficient powers to enforce those public laws. These are the duties to which all such magistrates and functionaries of every grade and quality are pledged; and it

is in consideration of the just performance of those duties—so directed to these final objects of a well constituted government—that the emoluments and the honors of the magistracy are conferred. Thus we may gain an intelligent view of the whole scope and aim of political authority: for we must acknowledge that such is the best government which best ensures the happiness of the people; we can agree in the conception of what constitutes national happiness—namely, the perfect enjoyment of property, and security from personal wrong—and we are prepared to understand whence these sources and constituents of national happiness are supplied and upheld, namely, from the just performance of the *assigned duties* of rulers and their officers. The prosperity and strength of a nation does but little depend on a fertile soil, or the bounties of nature—inasmuch as the history of the world has proved to us that the most fruitful parts of the earth have often become deserts through the foreign invasions they have continually invited, or through internal decays; while great nations have flourished in those parts to which nature has denied almost every thing. But we must look for strength, and wealth, and internal peace, in those nations, where a settled government, and just, equal, and well administered laws have place, and in which every citizen is ready in his vocation to fulfil his duty to the State.

Observe, therefore, that supreme rulers, and all who bear *authority* under them, have but one just origin, and should have but one just object—namely, the *good of the people*. And this, indeed, is so evident a truth, that I might have spared to state it, did not the history of this country and of the surrounding Asiatic nations develope little else but one long continued violation of that plain maxim. It is fit that the people of India should know, and reflect on the evil, that the labour of multitudes in these countries has been for ages expended in the supporting the pageantry, the idle indulgencies, and the mischievous vices of such

rulers, and their families and their favourites, whose only arts of government have been how best to secure the fruits of their people's toil for *their own private purposes*. Monarchs who thus act, and those who would uphold them in their system of dominion, can never have reason or justice on their side; unless there be reason in supposing governments to be established for the aggrandizement of one individual, or of one family, or one set of men, and not for the safety and welfare of all. But it behoves those who would think justly of the quality of any system of government, to inquire if there be any who, out of the labour of the people, appropriate wealth which has never been earned by their own or their ancestor's exertions, and receive it for the purpose of maintaining the magnificence of royalty, and the rank and honors of magistracy, without any corresponding *duties* whatever assigned, or adequately performed for the benefit of that country which supports them. If such there be, it will be well to consider them as leeches of the Commonwealth, who drain its blood but for waste. None can less deserve to be members of it than such as, having no concern whatever for the public, seek from the public toil to gratify but their own private interests. The world unwillingly contributes to the maintainance of men so utterly empty of desert.

## SECTION IV.

### *Of the necessity of a settled Plan of Power—or a Constitution.*

It is next to be shewn that it is of the very essence of Political Government that its *plan* or *scheme of power*—or what the English term the *constitution* of government—should be *fixed*; and that its method of exercise should be by the course of *laws*. Without this there can be no certainty of property, or security of person, which we have seen to be the only purposes of Government. Nor indeed, can property or personal safety be said to exist at all, when the power to which we must necessarily submit is constantly liable to change, and when the exercise of uncontrollable authority is restrained by no rules. It is an eternal truth that every man is by nature disposed to abuse that power which depends solely on his will, and that his abuse of it will extend up to the very *checks* he may feel to be imposed against such abuse.

But, it may be said, have there not been great states—powerful in relation to their neighbours—peaceful and prosperous in themselves—who have been governed by the absolute authority of even one man? And do we not know of such states thus governed even at this day? This is a point I may do well to explain; for it will be found, nevertheless, that the maxims I have laid down are just.

It is true, that great nations have arisen, and for a while have flourished, or appeared so to do, under no other rule of government than what depended on the arbitrary will of one man. But observe—first, that those nations which have been most famous in history for the power they have attained, under one, or some few successive leaders, have



been also the most conspicuous for their oppression of their *conquered subjects*—and among such unhappy people, who have thus been reduced to hold their lives and their property at the mere discretion of their oppressors, Political Government, in its true sense of a fit exercise of power towards the just object of the public happiness, cannot be said to exist. Moreover, the *original followers or subjects* over whom such absolute monarchs have gained and put in force a pure arbitrary control, are far from the enjoying internal peace or security, *even among themselves* : inasmuch as it will be found that all the wealth and luxuries of life fall to the share of the monarch himself and of his favorites ; who, while they devour those who are beneath them, tremble daily at the evils with which their superior may in a moment visit them ; and inasmuch as the internal strength of the people, as an independent nation so governed, arises from the promptitude with which every individual sacrifices each wish and pleasure, and submits all his very faculties to the ordering of his prince. And, secondly, observe—that power of this arbitrary nature—a scourge to surrounding nations, and the unfailing source of much misery, and more discontent, to those subjected to it—can never last long. The struggles of ambitious men, which no regular laws restrain, and the vengeance of the oppressed, which soon, or late becomes too strong for the fear of any consequences, unite to produce internal convulsions throughout the state, and rebellions also from without. The country soon becomes an ever-changing scene of wrong ; and usually, in the end, surrenders itself either to a better government or to a more powerful people.

Such is the fate, and such the inevitable result, of arbitrary power, directed by *no rule*, and exercised *purely in subserviency to the human passions*. But it must be allowed that the form or quality of government, known by the term of *absolute monarchy*, has not always exhibited these characteristics. It has sometimes happened that the union of mental talent, and a benevolent disposition towards

mankind, has combined to establish firmly, and to govern prosperously, an extensive and powerful State. There have been also instances in which under the same supreme arbitrary authority of one man, such established states have been happily ruled, although much of that talent, and even of that disposition, has been wanting. But in these cases, it will be found, upon scrupulous examination, that one of these two solutions offer. Either the quality of the monarch is such that the course of his government is as surely directed towards the well being of the state and the happiness of his people, *as if it was* directed by fixed laws—a rare occurrence, and so rare that it can scarce be quoted except from fabulous story—or that such absolute monarch is content to govern by fixed laws already settled, or newly enacted by such an appointed course as may best ensure their wisdom and efficiency. In fact, it is in proportion as great and good princes are observed to *resign* the exercise of power according to the dictates of the *human will*, and to submit to those checks upon its abuse which either *fixed laws* themselves impose, or prudent and respected counsellors administer, that their subjects can be considered as enjoying the blessing of political government.

It may be admitted, therefore, that absolute monarchies may exist, without implying the absence or utter dissolution of any systematic plan of government whatever—although, if such a course of exercising power was in reality *followed out in practice*, so as to exhibit in all acts of authority nothing more than the measures suggested by the *pure arbitrary and unchecked will* of one or more individuals, such an exercise of power would necessarily end in confounding all notions of right and wrong, and in a violation of all the essential qualities of political government. And, indeed, confined as the use of absolute power really is (with such exceptions I shall hereafter notice) *in practice*, by such restraints as laws and a due respect to the sense of the community imposes, that is a form of government which is not altogether without some advantages. For it must be