

to be somewhat an unreasonable privilege, inasmuch as it might appear like voting blindfold, and for mere party purposes, to decide questions of policy, without hearing the discussion of them. I will, however, only notice so much in explanation of a privilege the expediency of which has occasionally been canvassed, but has now for many ages been allowed to subsist as not having been found incompatible with propriety—that the Lords (as has been explained) are not liable to be *changed* at every new Parliament, and that each of them therefore *always* forms a component portion of the legislature. It is among the duties of his whole life and station always to be informed of the general policy and course of government of his country, and to become acquainted with the *principles* on which any particular class of ministers selected by the Crown conduct the affairs of the state. Indeed, most of the individual measures of the more important quality, and which usually occupy most time in debate, he may be presumed to have more or less previously considered. As, therefore, the Peer is not the representative of any other body, but himself, always intrusted with an actual share in conducting the affairs of government, and may be presumed to have studied the tendency of most of the measures under discussion, there is nothing so unreasonable, as might at first appear, in his exercising the influence of his vote, even on occasions when he may not be present personally to enforce his own opinions, and to listen to those of others.

Upon all questions debated in this House, each Peer has the privilege of entering upon the books of the public proceedings his dissent, and his reasons of dissent, to the measure proposed. And the only other distinguishing privilege of this House of Lords, which seems necessary to be noticed separately, is that of *solely* examining, discussing, and deciding on such of their rights as are supposed to exist already, and of *solely* originating any legislative measures which may affect their future rights, individually, as Lords of Parliament, or as a body composing this separate assembly. *These*

Acts, or measures, may be rejected or assented to by the other house, but the latter has no power to change or alter them.

Such are the *Lords* of Parliament—a body 'as old as the independence of the national government, and the institution and existence of which is bound up with the prosperity and glory of the British nation. For distinction of rank and honors is necessary in every well-governed state, as the reward of public services, and the appropriate incentive to great actions. Those who are actuated by a generous emulation for such distinction among their fellow-subjects can never be unmindful of the dictates of virtue and loyalty to the Sovereign and to the constitution. Those who succeed by inheritance to such honors, if they may not surpass or rival the glory of their ancestors, will scorn to disgrace their name. Holding their honors and their position in the state independently, they will feel an interest in protecting the constitution from invasion by any combinations of the Sovereign's ministers against the freedom or political rights of the people, or by any encroachment of the mass of the people upon the due authority of the Crown; since every advance towards new or arbitrary powers by the monarch, or towards uncontrollable rule by the people, must tend to diminish or overwhelm their own influence. Removed by their wealth, or at least competency, from all those cares which the necessity of earning a livelihood imposes, they have the greater leisure, as well as the greater inclination, to dedicate themselves to the public service, and to all those departments of liberal education which may best fit them for the affairs of government. Nor is the grand test of national experience wanting to stamp the true value of such an institution of dignified men, with their distinct assembly, distinct deliberations, and distinct powers. For often have the Peers of England proved the firm and successful champions of the people against the Crown itself for the attainment and maintenance of their best laws, and just political rights—and as often have they withstood the folly and fury of the people, whose factions would otherwise have utterly overthrown all government and all law.

SECTION V

Of the House of Commons.

3. Lastly, let us inquire into the quality of the third constituent part of the supreme legislative council of England—the *House of Commons*.

The members of this assembly are called the *Commons*, inasmuch as they are members of the *community* at large; not having any titles of dignity as *Peers* or *Lords* of Parliament, but chosen or delegated by certain qualified classes of the people to *represent* them especially among the rest of the community, and to act on their behalf.

We have seen that, after a certain number of *sessions* and *prorogations* of the Parliament composed of the two assemblies, that Parliament is at length *dissolved*, and a new Parliament is to be summoned. The *Lords* are summoned by a special letter directed by the authority of the Queen to each individual Lord. Let us see how the members of the House of Commons are summoned.

This is managed by a similar letter directed to certain officers, having the same name and executing similar duties to those performed by the *Sheriffs* in India. These Sheriffs are required to hold meetings in their several districts (called in England Counties, into one hundred and sixteen, of which the whole of the British territories of England, Wales, Scotland and Ireland are divided) for the election of one, two, and in some instances more, members for each such district; and they are likewise required to cause certain officers, or head authorities, in certain specified chief Cities and Towns in their several districts to hold like meetings for the

election of one, two, and sometimes more, members for each such city or town. The number of members, and the districts or cities or towns which at such meetings are to elect, are all expressly specified by the law. These members so elected are said to *represent* the places (or rather the people of the places) for which, and at which, they are elected—and are commonly called *The Members* for such places. The number of members for Counties is 252, that for Cities, Boroughs, and ~~Three~~ Universities is 406. The whole amount of members is 658.

There are certain qualifications requisite to make persons eligible as members of the House of Commons—and they are these : 1st. The candidates must be of the age of 21 years. 2nd. They must be subjects born in some part of the Queen's dominions. 3rd. They must not be any of the Supreme Judges. 4th. They must not be persons dedicated to the administration of the national religion. 5th. They must not be any of the persons (such as sheriffs and others) appointed by law to manage the elections. 6th. They must not be persons connected with certain offices for the collection of taxes. 7th. They must not be persons enjoying any pension by the bounty of the Queen ; and if any member takes an office of profit paid by the Crown, he must thereupon vacate his seat—but he may be re-elected. 8th. They must not have been convicted of any of the more serious crimes. 9th. They must (with certain few exceptions) have property in land to the value of 600£ per annum, to be eligible as members of *Counties*—and of 300£, to be eligible for any *City* or *Town*.

The qualifications for *Electors* of members are ; 1st, that they should have a certain amount of interest in landed property—according to the nature of that interest. But the amount and nature of this interest vary so much, according to the ancient customs of the several districts and places, that it would be tedious, in a general discourse of this quality, to detail all the differences and peculiarities of rights to elect. founded on this property. The obvious

principle on which this qualification is required, is that *property* gives some assurance, not merely of *independence* in the exercise of this important right, but also of some cultivation of mind and knowledge of the world—qualities so much needed in the direction of a free and competent choice. But it is equally a constitutional principle that the right of electing should be extended to all classes of the people, as far as is consistent with that competency and independence; and, accordingly, the property qualification is reduced to a very low standard—the mere renting a house of the value of 10£ per annum being a sufficient qualification in some instances, or the owning land to the amount of 2£ per annum being sufficient in others, and the merely inhabiting any house as a tenant being sufficient in others.

In some few places the right depends on being enrolled as members of some particular *trades*; and in two instances, those of the two *Universities* (as the great central institutions for the education of the superior orders are called) the qualification depends on advancement to a certain rank among the members of such *Universities*.

Further qualifications are—2nd. That the Electors shall be 21 years of age. 3rd. That they shall not have been convicted of any of the more serious crimes, or of that of perjury, or of having been bribed at any Election. 4th. That they shall only have one vote for each distinct property, or other qualifying right to vote.

Next is to be considered the *mode* of Election. This is settled by special laws, which contain a multitude of provisions directed to ensure, as far as human laws can, the unbiassed and uncorrupted exercise of a free choice by the Electors, according to their own discretion—to afford full opportunity to all who have the right of Election for exercising that right—and for precluding false or erroneous claims to the exercise of it. With this view all military persons are to absent themselves from the place of Election, during the time of voting—all Lords of Par-

liament are forbidden to interfere, as are various other persons holding offices of influence. These precautions have reference to the exclusion of all undue bias or intimidation. But further and very strict provisions have been made to prevent bribery through the proffer of any gifts or offices of emolument. I have no occasion further to detail the nature of these provisions, being of so local an interest; but a feeling of regret is not to be disguised that the depravity of mankind is too often superior to the utmost legislative efforts to guard against influences of this nature.

On the days appointed for holding the Elections, the Sheriffs presiding at the meetings of their several Counties, and the other head functionaries presiding over those of the Cities and Towns, declare the purpose of each assembly. Thereupon any Elector proposes any person who happens to be a candidate, or whom he supposes willing to become so, which proposition is seconded by another Elector. The same course is pursued for each person nominated as a candidate. After such propositions of the several candidates the sense of the meeting is taken by the President calling for a show of hands. If no more candidates are proposed than the place has the right to elect, and if any number whatever vote by their show of hands for such candidates, they are thereupon at once declared duly elected, and the meeting closes. But, if there are more such candidates, the President judges from the show of hands which of them have the majority, and declares the election to have fallen upon such as have such majority. Upon this declaration every candidate, or proposer of a candidate, who is in the minority, has the right to demand that the separate votes shall be taken of all the Electors, both present and absent, who may within the time prefixed for such purpose, come and proffer his vote. And this is a course, in fact, generally had recourse to, when a greater number are proposed than the place can elect—inasmuch as the casual attendance, personally, and show of hands at the meeting can give but

little insight into the wishes of the whole body of Electors; and it may be presumed that each candidate who has any serious pretensions desires that the express opinion of the whole body should be declared. The proffering and recording of votes then proceeds—each Elector presenting himself openly in public for that purpose. If required, he must swear to his qualification, every precaution having in the meantime been taken by the course pointed out by law of registering and ascertaining his right of voting. The President of the meeting presides also from day to day at the taking of the votes, assisted by such advisers as he may think fit, and he has the original power (subject to subsequent appeal) of admitting or rejecting the votes offered, according to the nature of any objections raised. At the end of the time prefixed by law for receiving votes, the numbers voting for each candidate are ascertained, and, according to the majority, the members are declared to be duly elected.

The Sheriffs, after receiving these reports from the presiding officers of the Cities, and Towns within their Counties, send them, together with the reports of the result of the Elections in their several Counties, to the appointed government office. These reports are termed their *Returns*.—Upon the next meeting of Parliament any candidate may petition the House of Commons to examine and decide on the legal validity of any *return*, and for the return being amended by his own name being inserted instead of that of any other candidate. A delegated number of the members are thereupon appointed for this purpose,—and their determination finally adjudges the right of sitting as a member.

Thus it is that the people of England (among whom I include those of Scotland and Ireland) have and exercise their *share* in the supreme government. Those whom the Electors of each place shall choose do not, indeed, represent those Electors *only*—although by the very act of such choosing, each of these bodies of Electors expressly participate in

some degree in the government. But each member of the Commons' house of Parliament acts for, and represents, the *whole body* of the people. He does not go to Parliament as a *delegate* or *agent*, merely, to submit, and act upon, the instructions of those who elect him. If it were so, it would be plainly requisite that the body who send him should themselves, not only be competent, but have the means of discussing and determining previously all measures and laws which Parliament is to pass. This discussion, however, as well as the determining, is not entrusted to the Electors, but to the Parliament. That assembly is the deliberative organ of the whole nation. Those who go there, therefore, ought to bring their own judgment to bear on proposed laws, and not the instructions of those who have not entrusted to them the power or the means of deciding on political measures. It would be a strange absurdity that members of the national legislature should meet and discuss questions which others, who have not discussed them, have previously decided and given their orders upon. The opinions come to by the Electors, who for the most part are of the middle and inferior classes of the industrious—formed without any regular debate, often taken up without personal inquiry, and oftener without due information and reflection—are not only liable to change, but are peculiarly exposed to delusion and error. He, therefore, that should on all occasions blindly pursue the dictates of such instructors would generally betray, rather than serve, the interests of those who had chosen him for a legislator. Besides this, it is to be recollected that, in the government of such a vast and various empire as composes the whole British nation, the legislature is called on to deliberate and decide on a mass of interests so numerous and so intricate, that very few of them indeed can have ever become the subject of consideration in each place which elects a member for Parliament.

But, still, in the general public conduct of the Representative elected, and in many of the more important measures on which he is called on to pronounce his sentiments or his

vote, there is, and ever must be, a close union and correspondence between the member and his constituents. And, besides that, the local interests of each place, which are sometimes (and especially in large districts or commercial cities) of national importance, also require an especial organ in the grand assembly of the legislature. It is this tie between the electors and the elected, and this special duty imposed on the former by the latter on their own local behalf which renders the whole body of the house of commons the true Representatives of the whole body of the people, who thereby exercise a practical influence, not only in the formation, but also in the measures of the government. No doubt the electors have, and generally use also, the right of calling on their Representatives from time to time for a full explanation of all their political sentiments and acts—and the electors have the means of meeting and comparing, for their general guidance, their own common feelings in regard to those measures in which their Representatives have taken their part. The expression of such common feelings must ever be entitled to respect, and will assuredly have its weight. And, with this view, our admirable constitution provides that once in seven years, at least, all the electors in the empire shall necessarily have this opportunity of sanctioning or repudiating the proceedings of their Representatives, through the course of re-electing them, or by their rejection in favor of other candidates. Thus it is that, by possessing these sure and ample means of unning their wishes and sentiments with those of their Representatives in all their political acts, the people are enabled to identify their own interests with those of the individuals who form one, and the greatest, of the organs of the Supreme Government of the nation, and thereby to exercise in a substantial sense their *share* in such government. While their voice can thus be at all times plainly and clearly heard, and while that influence which must ever attend the expression of that general voice shall be exerted, as a component portion of the will of government itself, it is certain that neither the arbitrary

power of one, nor of a few, nor of any portion whatever among the people can arise to overthrow the common interests, and establish the reign of misgovernment, terror, and injustice.

This system, moreover, of Representation, such as I have endeavoured to explain it, is intended (as far as human foresight, and the experience of past ages can accomplish it) to comprise substantially the *whole body* of the people. It is obvious, if we look at the aim and principle of *election* that, as regards those who ought to exercise this right, we can only take into our consideration such as are competent to it in point of *understanding* and *independence*. A large portion of the people must, consequently, be struck out of the number of Electors, as either not fit to be represented, or represented by identification with others. Thus Children and those who are utterly ignorant and destitute, (to say nothing of criminals) can hardly be expected to become Electors. Thus, also, our constitutional law, having reference to domestic ties and to the general dependence of all females in every station of life, excludes them from such privilege. But, besides these, there is a very large class of the community so entirely dependent on the inclination or power of others, in regard to their interests—or who, from their very low pecuniary circumstances, may be made so, that to give such parties the right of Election would in effect be no more than unduly to increase the votes of the wealthier classes. No political subject whatever has occasioned more heats or controversy in England than this of the *proper extent* of the right of Election. It has generally been supposed that by late Acts of Parliament this right has been extended up to the very verge of expediency—and many consider far beyond it. The lovers of peace now trust that agitations on this topic may cease: and it surely may be some reason in the minds of the well-disposed for such cessation, that to all classes of the male population is this right open to attainment, by mere freedom from crime, and by the acquisition of the most slender pecuniary stake in the country.

Having now enquired into the *mode of Election* of the members of the House of Commons, and examined into the nature and operation of that *Share* which the whole people of England have thereby in the government of their country, it remains but to say that this house has the sole authority to discuss and decide questions affecting their own existing rights, or to *originate* legislative measures affecting their own future rights, either individually or as a body, and to notice one other important particular, as distinguishing the functions of this House from those of the House of Lords. It is a privilege of the people of England that they cannot be taxed for any public purposes of government except by their own consent, expressed through their legitimate organ the House of Commons, *with whom alone* any act for taxation, or any grant of the public funds, can *originate*. This privilege is the very corner-stone of that structure of government whose foundation is the duly ascertained sense of the people. As it is a necessary principle of every form of government that the support of its charges shall fall upon the industry of the people, so is it a principle of the British constitution that the people themselves shall through their Representatives guard the supply from the demands of those other powers of the state, who, having private interests of their own apart from those of the people at large, might be influenced to increase the public burdens for their own objects. At the same time, although it would prove a factious violation of the constitutional law to refuse those supplies which are evidently necessary for the purposes of government, or at all events to refuse them except in self defence against palpable violations of that law by those entrusted with the administration of government, yet this exclusive power over the finances of the country furnishes to the people's branch of the legislature another absolute check against the encroachments of arbitrary authority, should any monarch or his ministers be so rash as to attempt them.

It may readily be presumed that, next to the Lords themselves, the members of the House of Commons are among the most eminent men of the nation. Large wealth will undoubtedly in itself clothe the possessors with that influence which would go far towards ensuring an election to this august body. But it is seldom that the mere possession of riches is the main qualification of such as gain that station. The people naturally look to their Representatives taking more or less share in the public business of the assembly. it is very certain that no part can be efficiently taken without some talents, and much information. But those who aspire to distinction in an assembly like this will know that such an ambition would be vain and hopeless to any but such as possess surpassing abilities, qualifying them to conduct or advocate the vast and various interests of an Empire on which the sun never sets. It is in this assembly, therefore, that have shone forth, and still flourish, those great men whose fame fills the whole earth. It is among the debates of this body that we must look for the examples of that eloquence, which, while it convinces, delights, or amazes, fixes for ever the prosperity of nations. From this assembly we are to trace the many grand measures and laws which are the glory of the English nation and the admiration of the world. In this nursery have been fostered statesmen who have become the lights of political government, and by whose genius Empires have been raised or overwhelmed.

Constituted as this assembly is, it must always have the chief influence in the state. For, being the organ of the whole body of the people, and being through its members individually in continual correspondence with the people, the permanent and decided expression of its sentiments can hardly be resisted. In the conduct of the legislative business, and in the passing of Acts, though all these branches of this legislature must concur, yet they each act distinctly, and each House proposes and discusses separately. The measures originated by the Lords, however wise they may be,

yet, as exemplifying the sense of only a very small though important portion of the people, they will hardly be pressed against the united conviction of the people themselves as manifested in their own House. This former body, will, therefore, watch and seek to instruct, rather than to force, the general sense of the people in the political projects they themselves introduce. And in the consideration, also, by the Lords, of the measures proposed to them by the Commons, their great constitutional service in the state will be best evinced by the wholesome check which their discussions, as well as their power, will impose on hasty and ill-considered legislation, and by the sagacious and discreet improvements they will make in the laws submitted to them. The Sovereign, in the meanwhile, possesses in the power of Dissolution the means of personal appeal to the people upon all great political questions about which the two great Councils of the nation may differ. But, when this House of Lords shall have learnt the incontestible sentiments of the united people and their steady perseverance in them, or when the monarch shall have been thus instructed in relation to the steps that should be taken in the administration of his government, or in the choice of his ministers appointed to conduct it, there can be few cases, indeed, in which a continued resistance to those expressed sentiments would be justifiable, and fewer still in which such resistance would be prudent. Such cases of justifiable resistance may arise—our constitution supposes the possibility of them. * But we should rather lament than contemplate that possibility of their occurrence, in the apprehension that they would be cases when a large majority of the whole people should aim at overturning the system itself of the government, and its constitutional rules.

SECTION VI.

Of the mode of enacting Laws, or Statutes.

Let us now turn our attention to the proceedings of the whole legislative body conjunctively—in other words to the *mode* of passing *Acts*, and to the quality of other business of the Parliament, in the conduct of which each house observes substantially the same course.

With a view to the better and more independent performance of these great duties on behalf of their country, the members of both Houses of Parliament are exempt from any *arrest* of their *persons* by the legal process of any Courts of Justice, except for *crimes*. But a more important and necessary privilege enjoyed by the members for the same end, is that of entire *freedom of speech*, subject only to the rules of each house for the preservation of regularity and decorum. No magistrate and no functionary in the kingdom is so high, but that his conduct may be examined and censured in these assemblies—no measures in the administration of government, by whomsoever advocated or effected, are free from attack and exposure. However mistaken the censurer may be, either as to facts or opinions, he is not to be questioned for the statement of his sentiments—for, great as may be the inconveniences from occasional publicity given to prejudice and error, they are as nothing when compared with the ill consequences of any hindrance to a fearless discharge of duty to the state. For the better government, however, of the business and debates of Parliament, each house has its President, whose prominent duty it is to enforce those rules of the Houses which have been

framed for ensuring propriety in debate," and due order in the conduct of business ; and whose word upon such subjects is the law.

The Statutes, or Acts of Parliament, are *laws* : and, like all other proceedings of the House, must be passed through all its stages by a majority. When a new law is to be proposed, the member desiring to propose it must first move for and *obtain leave* from the House to *bring in*, or exhibit to be read, such law. Upon the motion being made, it must be *seconded* by another member—and then every member is at liberty to state his sentiments upon the motion. Upon the debate concluded, the president (who in the House of Commons is a member elected among themselves, and called the *Speaker*, and in the House of Lords is the highest judge in the realm, called the Lord Chancellor) puts the question. The votes are given openly by voice ; and the majority of those then assembled on the question being put decide it by assenting or dissenting. It is seldom, however, that any debate arises on this preliminary question of asking leave to bring in a law ; and leave is not often refused.

The bringing in the law, which until finally passed is called a *Bill*, is by delivering it, at the proper time after leave given, into the hands of an officer in the House, while sitting, and then moving that it be *read* a first time. This motion must be seconded ; and the same course is pursued in deciding upon that motion, as before in asking leave to bring the Bill in. It is seldom that any serious debate or opposition arises to this *first reading*.

At a competent time the member again moves that the Bill be read a second time. And it is upon this motion, that, according to the nature and importance of the law, a debate (if there be any opposition intended) arises. If the Bill is allowed by a majority to be read a second time, the next course is to refer it to the examination of a Committee who discuss the Bill, clause by clause, with a view to any amendments which may appear requisite in the details ; all

which amendments, on being proposed, are carried or rejected by a majority. After it has thus passed through a Committee it is moved to be read a third time—which though occasionally, and especially in very important matters, opposed, is usually allowed without debate. Finally, the President puts the question whether the Bill shall now *pass*—which may in like manner be opposed, but very seldom is so. The Bill has now gone through all the forms and discussions required in the House where it originates, and is thereupon taken and delivered into the hands of an officer of the other House. Some member of that House must there propose it to be read in his own House; otherwise the Bill drops altogether—but if any member shall so take up the Bill, the same course must be pursued in having it read and debated three several times, as has been before pursued in the other House. Whatever alterations are made, the Bill must be returned to the House wherein it originated for its concurrence, without which the bill must either be allowed to pass without the alterations, or else it must be dropped altogether. And, it is to be observed, that a Bill once rejected cannot be brought forward again during the same sessions.

The Bill having passed in this way through both Houses is finally presented to the Queen, or some person authorised to represent her on the occasion, for her assent. For the reasons already alluded to, an instance has not happened for near two hundred years of the refusal of the Royal assent to a bill thus brought forward by both Houses of Parliament. The Bill then becomes an Act of Parliament, sometimes called a *Statute*, and becomes part of the imperative sure law of the land.

It is worthy to be observed with how many precautions, and with what provisions for ample consideration and discussion, the constitution has guarded the enactment of the national laws. It is not to be expected that any Bill would be introduced to the notice of such an assembly as the Parliament without mature reflection on the principles of the

projected law, and without an accurate scrutiny even of its every language. The opportunities for debate are such as to preclude all hasty and unadvised decisions by those to whom the laws are submitted for sanction. At the same time the necessity of passing every law by the same course through both Houses, acting independently, renders each assembly a check upon the exorbitancies of the other; and, thus, each branch of the legislature is said to support and be supported, to regulate and be regulated, by the other.

Such is the method of passing Acts of Parliament, which are the Statutes, and form a large portion of the laws of the English Empire; and by such course it was that, after the examination of many volumes of evidence delivered before the two Houses, the last great Charter Act for the government of India was enacted. But there are many other important political functions performed by the Houses of Parliament, the chief of which should be enumerated before we pass to the consideration of the *administrative* branch of the English government.

Among these functions one is, to receive petitions from any recognized portion of the people, or even from any individual, which petitions have for their object any public measures for the relief, or for the benefit of the petitioners, and which relief or benefit may not happen to be within the ordinary compass of the existing laws. Another is, that of passing resolutions upon the quality of any public measures, or the conduct of any public men, or on other topics, directed to the support, or introduction, or amendment of proceedings connected with the administrative government of the country. Another is, that of passing addresses to the Sovereign upon the same or similar topics. And, lastly, I shall notice that momentous power vested in the Common's House, of bringing charges to be tried before the Lords of Parliament, sitting on such occasions as the highest judicial court of the whole Empire, against any individuals for such high crimes against the state, or the constitutional liberties

or rights of the people, as the ordinary laws of the country cannot reach. Thus all acts of oppression in the conduct of any branch of the government by great officers of the state; all attempts by them to subvert the fundamental rules of the constitution, are subjects of these charges brought by the body of the people themselves, through their Representatives, against such powerful delinquents. This formidable power, against which not the mightiest Minister of state can prevail, affords the last of those efficient securities which I have had to enumerate for the maintenance of the English Constitution, and for the protection of all the subjects of the British Empire from arbitrary and tyrannical government.

All these various topics of debate form the copious subjects of those *Reports* of Parliamentary proceedings with which the English newspapers during the Sessions of Parliament are for the most part filled. It is beside my present object to explain the nature and effects of that liberty of writing and printing whatever each man thinks proper, subject only to responsibility to the Courts of Justice for any injury to the public, or to any private individual, thereby, which among the Natives of this country, as well as in England, is commonly known by the terms of *Liberty of the Press*. I notice it now, merely for the sake of shewing its operation in diffusing far and wide over the whole civilized earth, and among all classes, a full and accurate account of whatever any member of Parliament utters in that assembly of the slightest importance in a public point of view. The art of noting from the mouth of a public speaker the purport of his speeches is one of considerable skill, and the arrangements for a speedy publication of such notes are curious and extensive. But to such perfection has the method been brought in England that, within a very few hours after each individual has delivered his speech, or even an observation, and after the debate has closed, the whole purport of the discussion, with all its peculiarities and interruptions, and in many instances incorporating the very words themselves of the speakers, is presented to the reader of the English

newspaper. By this means, not only is an enlightened curiosity gratified, but an exact knowledge is continually gained of the conduct and sentiments of every member of the government, and of every public measure in contemplation. The body of the people thereby become themselves the guardians of their own political rights and interests.

SECTION VII.

Of the Executive Branch of the English Government

We will now direct our attention to another, and not less important, branch of the English political government, as settled to be conducted by the rules of the constitution, which is the *Administrative* government, or the Queen's government—and usually termed the *Executive* government.

It must be obvious that but a small part of government consists of making laws—for the greater *practical* business of government is that of carrying on its affairs according to those laws, and the rules of the constitution.

This *Administrative*, or *Executive*, department of government is entrusted to the discretion of the Queen—or, as I shall choose to denominate the power personally resting in the monarch who may be either King or Queen, the *Crown*. That discretion is no otherwise limited than by the requisite observance of the laws actually existing, and the legislative authority of the Parliament. But, to understand correctly the nature and the limits of that discretion, we must examine in detail the powers of the Crown, known in England by the term its *Prerogatives*.

The first I shall notice is that of the Crown's *personal independence* of all other jurisdictions. As it is said in the terms of the English law—the *King can do no wrong*. This, it is true, is a mere notion, or doctrine, or supposition. The wearer of the Crown may commit error; may even betray the trusts reposed—but it is a principle of the

constitutional law not to suppose it, and therefore on no account personally to charge it. In the *Executive* department the Crown is personally supreme; in the *Legislative* it is a component portion of the uncontrollable supreme authority of the whole Empire. No tribunal, therefore, can have superiority over the monarch personally. The rules of the constitution provide that every thing shall be presumed to have been done by the Crown through the advice of her Ministers—and accordingly they, and they only, are held responsible for all her measures. This doctrine of the responsibility of the Ministers for all acts of the Crown, while it imposes no injustice whatever on those Ministers who can always refuse their assent, or ask their dismissal from office, on occasions when they disapprove of the proposed measures of the Crown, provides a sure remedy against those abuses which evil counsellors or agents of the Crown might attempt under its sanction. But though the exalted quality of the monarch exempts her *personally* from any human tribunal, yet, such is the system and frame of the constitution, that any positive efforts (which the law in decency will not even suppose) through her chosen agents to subvert the rules and the rights of the people, would at least meet with effectual opposition, and endanger the enjoyment of that regal capacity, which in truth by such a course of conduct would have been abandoned. The monarch has her *duty* and *obligations*, like other inferior functionaries of the state, which main duty is, *to govern according to law*.

In the exercise of the Sovereign's vast powers for the public good, according to her mere discretion through her responsible ministers, we must, therefore, look to those matters in which the positive laws of the state, and the acknowledged rules of the constitution are altogether silent. The next Prerogative power, then, which we will notice, as entrusted to the Crown's discretion is, Secondly, that the monarch shall act as the sole *representative of the people* in all matters in the relation of the British Empire with *foreign independent powers*.

Thus, the Crown has sole authority of declaring war or peace with foreign nations, and of carrying on with that despatch, decision, and consistency which is obviously necessary (but which a numerous community or body of counsellors could never so well accomplish) the important and complicated concerns attending on the waging of wars, or the maintenance of peace. It is the Crown which appoints all Ambassadors, and makes all treaties with foreign states. It is the same authority which allows, or prohibits, the access or residence of foreigners within the British territories. It is the Sovereign who raises, and who is the supreme head over all the Military and Naval forces, and the governor over all Forts, and over all havens and ports of the sea.

Thirdly, should be mentioned, the royal Prerogative of assenting to, or dissenting from, Bills of Parliament; which, having been alluded to before, is only repeated now as explaining that, in whatever cases (as in the instance of the Government of India) any prerogatives of the Crown are *delegated* to subordinate governors, the Queen does in effect exercise her own Prerogative by herself *voluntarily conceding*, in her capacity of head of the Parliament, such powers, to be applied according to the specified arrangements provided by the Act or statute.

Fourthly, the Crown is the source, or fountain, and the general distributor, of *justice* throughout the Empire. It is not to be supposed that justice flows from the royal mind as having its origin there. *The law* is the true origin and source of justice; the Sovereign is rather the *reservoir*, and the supreme *administrator* of justice. And in early times the King himself personally sat as the supreme judge in all causes—but such a course is quite incompatible with the condition of civilized countries, and with a state of things when accurate certainty and extensive learning becomes necessary for right adjudication according to the laws. It has, consequently, become a principle in the English constitution that the King shall administer justice *through appointed Judges*.

The Queen, therefore, alone has the power of erecting all Courts of Judicature—as in India the King originally did, until the whole course of the India Government became settled by *Statute*. The Crown still, however, exercises that authority in erecting the *Supreme Courts of Judicature* in India, and appoints the Judges of those Courts. It is under this Prerogative we must class the sole power of pardoning criminals—a power often delegated to the governors of Colonies, as to a very considerable extent it is entrusted to the Governments of India; but which is still reserved to the Crown as regards all criminals convicted before the Supreme Court. Before quitting this subject, I should notice that no portion of the constitutional law is more strictly guarded than that which is directed to ensure the independence of the Judges. The fearless discharge of their duty, unawed and unbiassed by the Crown or the ministers of Government, is considered of far more importance than even their freedom from error or ignorance. For it is ever the dearest privilege of Englishmen that they shall be under the dominion of *the law*, and not of any man's will, or wishes, or inclinations. It is, therefore, so provided, that nothing short of the *Parliament itself*, can interfere, upon clear cause shewn, for the displacing a Supreme Judge in England—and great, though by no means so extensive, precautions of a similar kind surround the character and independence of the Supreme Judges even of the distant Colonies.

Fifthly, the Sovereign is the true fountain of *honor* and *office*. Her sole authority of making Lords of Parliament has already been explained. But there are many other gradations of rank, and of titles, and of personal distinctions, known in England. Thus *Lords* who are not Lords of Parliament may, and sometimes are, created by the Crown. Thus, likewise, the people of India are familiar with other distinguishing titles in the Army and Civil Service, such as persons bearing the title of *Right Honorable*, and *Honorable*, *Baronets*, and *Knights* of various classes.

So also, the holding of *offices* under the state is, in itself, a species of distinction and honor; and all such offices spring originally from the Crown. For instance, in England, all Justices of the peace are so appointed by the Queen herself—and it is only by authority of an Act of Parliament that this appointment of Justices of the peace is made by the Governments of India. In like manner all Commissions, and Ranks in the Army and Navy are held from the Crown; although those in the East India Company's Army and Navy are given by the *Directors* of that Company by authority of statutes.*

Sixthly, the Sovereign is the supreme *Governor and arbitrator* in the affairs of Commerce. As regards foreign trade the Crown can, indeed, by this Prerogative interfere but little—inasmuch as independent states will not be controlled by the authority of other states. Neither can the Crown legally dictate or regulate the terms of such trade, beyond such matters as concern the portion of that trade necessarily conducted within her own dominions. Moreover, all such regulations of foreign trade, as well as that which is carried on between England and the Queen's own foreign dominions, have been provided, upon a just observance of the infinite number of commercial interests, by Acts of Parliament—as, particularly, the trade between England and the eastern countries; which, however, *originally* was regulated by the authority of the Crown alone. But, as regards the domestic or *internal* commerce of England itself, various exercises of Prerogative still prevail, such as the erection of any new public markets—the regulation of fixed weights and measures—and, what is the most material of all, the sole right of coining money, of whatever denominations or declared value, but which must be of either gold, silver, or copper. I will not expatiate upon so extensive a subject as the nature and use of *current money*

* The power of the E. I. Company to grant commissions to its military servants ceased on the abolition of the Court of Directors in 1858.—Ed

—which nature and uses, rightly understood, must necessarily govern this exercise of the royal Prerogative. It will be sufficient to say that this royal authority is not of that mere discretionary or arbitrary nature, as that the pecuniary concerns of the people can be exposed to confusion or ruin thereby. It is a power, which, as it must for the sake of certainty and regularity in such concerns be reposed somewhere, is reposed in the Crown under settled limits calculated to preserve the integrity of all pecuniary dealings between man and man.

Lastly, the Sovereign is the supreme *Governor over the affairs of Religion*. This does not imply that the Crown can dictate the religious Faith, or the modes of Worship, among her subjects. That is left to their own consciences and convictions. It cannot be properly made the subject of *force*. But, in England, there are rules or doctrines of religious Faith, as regards the nature of the Deity, and the disclosure by him to mankind of his will in respect of their conduct towards him and towards their fellow-creatures, which have been received as sacred truths by the governing power of the state, and are consequently maintained by its authority. In this sense, the Queen, as the Chief Magistrate of the state, is the head and chief governor in matters of religion. It is she that appoints the functionaries of the Church, and all priestly magistrates having authority in the conduct of the national worship. Thus, she not only appoints all Bishops in England, but also the Bishops in India, and in all other parts of the British dominions. Other religions are not only permitted, but they are under the law protected—so that every man may worship God according to his own form of Faith in peace and security.

By the English law all *charities* are considered as founded in religion, and consequently they fall within the Sovereign's protective Prerogative. The Queen has the governance and control over all charitable foundations and gifts, under whatever form of Faith, or for whatever humane purposes dedicated. This is a necessary consequence of

the Sovereign's possessing the chief administrative power; as, otherwise, this property would have no specific owner—which is obviously requisite for insuring the just objects of all charitable dispositions. For if the royal authority was not interposed through her appointed officers for the protection of such Institutions against fraud and spoliation, what hope could there be for the maintenance and prosperity of any of these public establishments, whether for education, or relief to the sick or destitute? For the objects of such institutions are too weak to befriend themselves.

Thus, it will be seen, that the royal authority ranges over the whole compass of the administration of government—and is the supreme *Executive* power of the State. Supreme in one sense, because there is no superior authority from which orders in the *Administrative* department can flow, nor any to which appeal can be made for the control of those measures entrusted to the discretion of the Crown. But still, this discretion and these powers are not altogether arbitrary and absolute; but are to be guided by certain references and principles. The Queen must govern according to the laws—the monarchy is said to be “a limited monarchy”—limited by the rules of the constitution, and by the express laws made by the supreme legislative authority of the Empire. What negotiations shall be made with foreign powers—whether war or peace shall prevail—what armies shall be raised, and who shall bear command in them—what courts of law shall be established, and who shall preside in them—how to maintain the national religion and whom to appoint its ministers—and such like prerogatives, are all within the sole consideration of the Crown. But, to deliver up the national independence to foreign powers—to make war for private objects of ambition—to cover the land with standing armies, and compel the people to serve in them—to erect courts with unusual judicial powers, and to dictate the law, or how that law shall be administered—to

change the national religion, or to attempt force upon the conscience in matters of Faith—are all beyond the power of the monarch herself. And the law of the constitution has appointed a course of calling in question those acts of the Crown which violate the rules of that constitution, or are wickedly directed against the private rights or political liberties of the people. For, although the person of the King or Queen's majesty is sacred from all human visitation—yet the *Ministers* of that Crown are answerable to the people, through the Parliament, for all the measures emanating from the royal authority. The Queen, therefore, governs through her Ministers.

In the choice of these Ministers the Queen's sole discretion is supreme. Influenced indeed in all cases, and even governed in some extremities, that discretion must ever be by the united voice of Parliament. For that is an authority, which under a judicial course of procedure may condemn that Minister who may have betrayed his country's interests to death itself—and no royal inclinations can withstand the opposition of a whole people against the disastrous measures of a weak or wilful ministry. But, according to the ordinary course of administering the government, it is within the Queen's breast to select those in whom to repose her confidence, and with whom to consult in the exercise of the powers of her Prerogative. Thus, one high functionary of state is placed over the affairs of the nation with foreign countries—another over the affairs of the law—another over those of the colonies—another specially over the affairs of India—and so on. Over the whole body of Ministers one is selected as the more immediate organ of the Crown, and is termed the *Prime Minister*, by whose name the particular administrations of government during the time of his presiding is usually distinguished.

Limited as the powers of the Crown are, the limitations are of a character rather to exalt, than to lower, the true dignity of the monarch. The real rank and dignity of a monarch must be estimated, not so much by the extent of his domi-

nions and the obedience he can enforce, as by the independence of those dominions of all influence or control from foreign states—by the wealth and resources of his people—by their love towards the Sovereign's person—and by their quality and advancement among the civilized nations of the earth. Judged by all, or any, of these standards, where shall we find a monarch who can surpass, or even rival, the Queen of England? It is not on the splendour of her palaces and domestic court that the Englishman loves to dwell in upholding the personal honor of his Queen—it is in pointing at the glory of that nation which she has been called to govern—its great deeds, and great men—its abounding and industrious population—its wealth and security—the many, the immense, and the distant countries under her sway—and the proud feelings which inspire this mighty people to preserve their renowned station among states even against the world in arms. It can never impair the true dignity and honor of a monarch over such a people, that its assigned powers are united with duties; and that they are bound by rules founded on the experience of ages, as best calculated to ensure the national prosperity against human error or caprice.

By the dispensation of Providence these wide countries of India have been brought under the sway of this great Empire—and the dictates of its government, the principles of which I have endeavoured to unfold, all who live in this land equally obey. For the Natives of this country, and the English and others who find in it a home, are all *equal in the sight of the law*. To all of us the same protection is due, and by all the same rights may be claimed. The sole difference lies in our various qualifications; and arises from the exercise of that sound discretion and judgment which the local governments of this country—guided and controlled as they are under provisions made by the superior authority of our common Government of England—are bound to exercise for the political and general benefit of all.

But these considerations lead me to a new, and perhaps a more interesting, subject.

DISCOURSE III.

Of the East India Company.

Introductory Observations. Of the meaning of the word "Company," and of the Nature and Objects of such an Association. Of the Origin and Formation of the East India Company. Of the Progress of the East India Company, until they became a Political Power. Survey of the Political Progress and Condition of the Native States of India, previous to the Conquests of the East India Company. Of the Progressive Conquests of European Nations in India, and the Effects. Of the Means and Resources of the East India Company for the Conquest of India. Of the Component Members of the East India Company. the Proprietors of Stock.*

DISCOURSE III.

Of the East India Company.

SECTION I.

Introductory Observations.

It was about the year 1590 of the Christian era that a few merchants, travelling from Aleppo on the coast of the Mediterranean Sea, down the Tigris to Bagdad, and sailing from the mouth of that river across the Persian Gulf to Goa, planted the first English footsteps on the shores of India. They traced their way from Goa northward to the cities of Agra and of Lahore. They thence traversed the fertile plains of Bengal. Embarking again at the mouths of the Ganges, they gradually compassed the whole circuit of India; and, finally, retracing their course across the Persian Gulf, and thence by the Tigris and the Mediterranean Sea, they returned to their native country.

These venturous men, weak strangers in a foreign land, passed from city to city over the dominions of various powerful rulers governing under the supreme authority of one great Potentate. They depended for safety and protection on the mere curiosity of the people around them, and on the consideration yielded to the humble insignificance of their character. They were the first to give an account to their countrymen of the existence of an Empire which, as regards natural wealth and resources, was one of the most magnificent on the face of the earth; and which contained a population outnumbering by ten times the whole of the people at that time under the British sway.

Within two centuries and a half from that period this vast empire has been totally overthrown; and all the extensive dominions subjected to its authority have become consolidated anew, under the rule of a nation, separated from them by fifteen thousand miles of ocean. It has been subdued by a body of Englishmen whose political power and means were of little consideration, compared with those of the other governing authorities of England. They have achieved this conquest with less than one-twentieth part of the military strength of a nation whose whole territory was no larger than an Indian province. State after state has been reduced under the government of their servants. At length the supreme power of the great Mussulman Chief over all, whose armies had from age to age spread desolation throughout the ancient Hindoo Governments, and established the despotism of many foreign masters in their place, was destined to give way to English domination. The wide regions enclosed by the Himalaya Mountains on the north, the Brahmapootra on the east, the Punjab on the west and by the wide ocean reaching round from the Indus to the Ganges—including a hundred ancient nations—has finally become an united portion of the great British Empire.

So firmly is the English Government established through its well regulated plan of power, that the evils of internal war and devastation have long ceased; and all commotions attempted to be raised have become plainly desperate. With so much wisdom and foresight have the resources of national strength been called forth and organized, that surrounding nations stand in awe of that might they can never hope to match, and which is competent to defy and to repel the whole world in arms. So regular and settled is the administration of the government and the laws, that the people enjoy a peaceful security hitherto unknown in Indian history, and have made advances in national prosperity which no former government has ever witnessed.

The course of events which has effected this stupendous change is the wonder and admiration of the world. Few but must have some curiosity to learn the origin and progress of transactions such as these. Some, however, are content to read of the battles, sieges, marches, and all the vicissitudes of warfare—the politic devices, and the turns of fortune—through which Princes have been deposed, and countries won, without casting much thought on the creation and quality of those original powers out of which the means arose of attempting these grand objects, or through which they were actually accomplished. Others, and for the most part the Native community of India, who have as yet so little access to that genuine history and information on these topics which must naturally interest the great bulk of the people, are constrained to attribute these events to some incomprehensible but all-powerful political body, of which they know no more than its designation of “the Company.” Their minds are utterly puzzled to account for its resources and authority—they do but know that, under whatever reverses, their means have ever appeared to be unexhausted, and they settle to the conviction that their power is irresistible. Others, again, can with difficulty believe that any other cause than mere delusion and accumulated mischances could have occasioned the overthrow of so many kingdoms, and so great an Empire. They cling to the notion that common energy on the part of the people would have prevented all conquests heretofore, and that some union of efforts might still raise the fallen powers into existence again. They indulge a false estimate of past times—and most erroneously suppose that greater peace, and tranquillity, and plenty, prevailed under ancient governments; and would so prevail again, should some general insurrection succeed in restoring them.

It will be my business in the ensuing pages, to explain what that body called “The East India Company” really is—how it originated—what is the quality of its constitution—and according to what plan, or system its powers are exer-

cised—what were its efficient means of subjecting India to the British Empire—and by what course it continues to superintend and control the government of the country. The details of those glorious victories, and able political measures, by which the subjection of the country was accomplished, and by which so many distinguished men among the Company's servants have immortalized their own fame and that of their country, is the proper theme for the historian's pen. That portion only of the historian's task will be mine, whereby may be unfolded the *sufficient causes and means* of these great achievements; and whereby it may be shown that the condition of the country, of its governments, and of its people, gave ample scope for those successes, which military valour and political talent ensured. It will then be perceived by reflecting minds that no exertion on the part of the people, and no efforts on the part of their misgoverning rulers, could long have retarded the subversion of the country under *some* new dominion. And it may be hoped that all who have just views of the true prosperity of a nation will become convinced, that the destruction of the British power and of its plan of government, whether by the successful force of Native or of Foreign conquerors, would assuredly involve this vast country in universal rapine and violence, and remove to distant ages all prospect of a settled rule under equal laws.

SECTION II.

Of the meaning of the term Company; and of the Nature and Objects of such an Association.

Any number of men associated together for a particular purpose may be properly called a *Company*: but the term is most usually applied to those bodies who bind themselves together by some mutual covenants or rules, with a view to carry on some general course of trading, or some particular branch of manufacture or commerce. Thus, four or five persons, and sometimes a greater number, agree together to become *partners* in carrying on commercial dealings, when the business they engage in is of that extent, and requires so large a capital, as to suggest a subdivision of labour and a joint contribution of funds. They settle the terms on which their affairs shall be managed, and the profits divided, by some express written instrument. They thereby become a *Company*, and trade under that designation—one such *Company* being distinguished from another by a reference to the names of some one or more of its members, or by a reference to the nature of the business carried on, or the object of their association. Thus we hear of Arbuthnot and Company, the British Iron Company, Dwarkath Tagore and Company, the Equitable Insurance Company, and so on

Private and voluntary associations such as these, providing as they do for a succession of members as vacancies occur in the partnership, are calculated, when their affairs are judiciously managed, to last long; and some such houses of trade, through their extensive dealings and large accumulations of capital have exercised great influence on a whole nation's commerce. The union of many such houses

for the purpose of representing and protecting the general interests of all trading classes will necessarily have weight with even the Council of Government, and will sometimes qualify, and sometimes dictate, its commercial measures. But such private partnerships have in their very constitution the seeds of gradual decay—the bond of association by which they are kept together is uncertain and discretionary in point of duration—their capital, and the power and influence depending on its amount, is necessarily confined within very narrow limits. For, in the first place, *each* individual member being responsible in his person and estate for the whole amount of the Company's debts, their speculations, would naturally be the less bold and extensive. In the next place, it must be expected that, in a long series of years and changes of members, the mischances of trade, or the mismanagement of the partners, would at sometime or other dissipate the whole existing capital, and thus at once dissolve the association. In the third place, it has always happened that the expenditure, or the accumulation of each member for his own personal objects, has kept the current capital, and the consequent extent of their dealings, within such bounds as would always leave the Company exposed to the various chances of dissolution. And, lastly, the existing members commonly, at one time or other, combine in the desire to abandon the labours of their business, and either appropriate their whole funds by division, or transfer some remnant of them into the hands of other parties, who commence a new course of dealing, or one upon some smaller scale. Under all these circumstances there are few instances of *private* trading houses sustaining their existence as an associated Company beyond the period of a hundred years; and none of their effecting any political results beyond the immediate commercial objects of their uniting in partnership.

But there are some commercial enterprises of such magnitude, calling for so large an extent of capital, involving so much risk, demanding so much the discussion of able and

experienced men, and requiring the various labour of so many in the management of them, that they are quite beyond the means, as well as the courage, of a few individuals bound together only by their private mutual covenants. They can only be undertaken by the strength of the government itself, and the employment of the national funds of the people, or else by some numerous association of a public quality, sustained by special privileges and powers, and secured from sudden dissolution, and the individual ruin of its members, by express public rules and laws. It is seldom that a *Government* can engage advantageously in any trading affairs, which so peculiarly depend on that activity and zeal which is only to be kept alive by some personal interest in the results. It has, therefore, been the constant policy of the English Government rather to encourage such speculative undertakings by those who are altogether unconnected with its administration; and which undertakings it has always shewn itself ready to assist by the delegation of all those powers and privileges, which, according to the specific quality of each such speculation, those who engaged in them might appear to stand in need of.

Objects of this nature have suggested the formation of Companies of a different, a more extensive, and a far more powerful and permanent quality, than those Companies which arise out of mere trading partnerships governed by the private covenants of the members. Various as may be the powers granted by the government to such associations—various as may be the peculiar advantages conceded, in proportion to the risk of losses in the undertaking—and various as may be the systems laid down for conducting their respective affairs, there are some characteristics which all such Companies have in common, and which it is expedient to bring to particular notice.

The acquisition of the great capital required can only be accomplished by dividing the shares into a large number, the price of each being of so moderate an amount as that every person joining in the undertaking may take a larger

or smaller stake in the concern proportionate to his means. According to the amount of the capital must therefore be the number of the shareholders—and that number is never so small but that a selection must be made from the general body of some small portion who are to *represent* all parties, and conduct, or at least govern, on behalf of the whole association, the details of their business. Each individual member is only to be responsible to the extent and value of the contribution by which he has purchased his share. With that view, the whole body is to be considered by all who deal with them as if it was one individual person; its *joint property* being only liable to be made available for the payment of debts, and for the satisfaction of engagements, but not the *private* property of any of the members, and still less their persons being subject to imprisonment, as other private persons would be for the purpose of enforcing payment of their private debts. Such a scheme for the transfer and inheritance of the shares of each member, and also for election to all vacancies arising among the directors or governors of the affairs of the Company, is provided by the express laws constituting the Company, that the existence of the Company must last as long as the law itself lasts on which its existence is based. Not even the loss of all their property can put a final end to the Company. It may still raise new funds, or it may still exercise any powers or privileges which do not depend on the employment of capital. And, lastly, such a plan for the internal government of the united body is ordained, as that the resolutions of a majority, in some cases that of general assemblies of all who will attend, in others that of the selected governors—in some cases a simple majority, in others a majority of some larger proportion—shall bind the whole Company: and in a similar manner general regulations are allowed to be passed, for permanent observance in the conduct of their affairs.

Under such a constitution as this, and with these fundamental powers for their support, many important Companies

of a national interest and character have been formed in most of the countries of Europe. In none, however, have they existed so numerously as in England; and in no other country have such extensive enterprises been undertaken or accomplished through such bodies. But neither in England itself, nor in any nation on the face of the globe, has there ever arisen an association, which—whether we look to the enormous amount of its expenditure and of its accumulated wealth, or to its influence on the commerce of the world, or to the vast political changes it has effected—has equalled that of the East India Company in real grandeur and importance. Its origin, constitution, powers, and privileges we will now proceed more particularly to examine.

SECTION III.

Of the Origin and Formation of the East India Company.

The trade between Europe and India had from the earliest ages been carried on partly by way of the Persian Gulf, and so by a tedious and dangerous journey across a large portion of the continent of Asia, and partly by the course of the Red Sea, and so through Egypt. The first discovery of a passage to India by sailing round the Cape of Good Hope was made by the Portuguese towards the end of the fifteenth century of Christ. The comparative cheapness, facility, and certainty of this new route of communication between the ports of India and Europe, *entirely* by sea, led to the abandonment of the ancient courses of traffic. The Portuguese by seasonable presents and successful negotiations with some of the stronger states, and by the terror of their arms and naval forces employed against the weaker class of states, established in the course of a hundred years settlements and factories, not only on various parts of the Indian Coasts, but on many of the Islands washed by the Indian seas, and even upon the shores of China. Possessed of all these advantages, and undisturbed for many years in their prosperous career, they soon formed the resolution of engrossing to themselves the whole of that trade, by the first fruits of which they had become enormously enriched. They prepared themselves at any sacrifice of their wealth, by the utmost exertion of their influence with the various Native governments, and even by open warfare, to crush all attempts by any other merchants to open a course of commerce with any of those Eastern territories with whom they had effected an intercourse—which attempts they presumptuously held to be an invasion of their rights as the first discoverers.

Such was the state of things when, at the close of the sixteenth century of Christ, many of the merchants of England combined in the determination to contend for a share in the lucrative trade with the East. It must be obvious that any efforts of one, or of a few private individuals, to open such a traffic must fail. The pre-occupancy by the Portuguese of a trade which had been established at an immense outlay of national funds, and which funds had been increased to a vast amount through the gains of a hundred years, enabled them easily to undersell and ruin any such private speculatists. It was also fully to be expected that, soon or late, this right of trade must have to be contended for by force of arms. At the same time it was seen to be an object of great national concern to the growth of the commercial prosperity of England. It was felt to be a public reproach that a nation, boasting itself as inferior to none in maritime strength, should be excluded, at the will of one of the most insignificant states of Europe, from any participation in a trade which by nature lay open to all mankind.

The plain and the only method of engaging in this enterprise which, under the circumstances related, could justify any confidence of success, was by the formation of a public Company upon those principles and upon that plan of association which has already been in some degree explained. It was necessary that naval expeditions should be prepared on such a scale as might promise some protection, if not security, against violence—and at the same time might win respect from the Native powers. It was necessary that the value of the merchandise, and the amount of purchase money, should be of such an extent as to attract the consideration of the people with whom they proposed to open a permanent commerce. Competent persons had to be engaged for the task of effecting negotiations and treaties with the Native powers. A large expenditure had to be provided for in the purchase of land, the construction of warehouses, factories and residences, and for a variety of other purposes, needless to enumerate. The capital to be contributed for

objects of such magnitude and extent must necessarily be large—the risk of failure manifest—but eventual success would be shared by the whole nation, as well as by the adventurers. All these considerations were sufficient to suggest, not only the organization of a great public Company, with all those constitutional powers requisite for maintaining its existence, its union, and good government—they suggested, likewise, to the British Government the expediency of giving peculiar encouragement to the undertaking by the grant of extraordinary privileges and advantages.

It may be remembered that, when referring in the last discourse to those independent powers of the Crown which are termed *Prerogatives*, mention was made of that by which the reigning King or Queen regulates the conduct of the national trade. It is chiefly with a view to the encouragement and regulations of commercial affairs that the Crown has been used to exercise another Prerogative power; which, though distinct in itself, I have thought it most convenient to notice in connection with the subject of this present discourse; and which consists in the creation of those associated bodies, usually termed *Companies*, but also named by the more general term of *Corporations*, having perpetual existence by course of succession, as vacancies arise, or by addition to their number according to any scheme for the admission of new members. The document by which the Crown creates this associated or corporate Body, or Company, is called a *Charter*; and the characteristic qualities common to all public chartered companies formed for the purposes of trade have been already alluded to. It was formerly usual for the Crown, in granting charters to these trading companies, not merely to concede to them the faculty of acting as if it was one individual, with the same powers of making contracts, holding property, suing in courts of law, and being responsible only through its common property for debts and liabilities incurred, but it was also customary for the Crown to grant to them the liberty of exercising many of its royal powers, and many exclusive

privileges and advantages, which, however expedient, could only be legally granted, according to the true constitutional laws of the English Government, by the authority of the supreme legislature itself. It will be seen in the progress of this discourse that, as the laws of the English constitution have become better settled and known, all the powers and privileges of the East India Company were at length sanctioned by the legislature itself in a series of *Statutes*. But, at the time of the first formation of the Company, recourse was had only to the authority of the then reigning Queen of England, Elizabeth, who granted to them their first Charter in A. D. 1600.

By this Charter all the merchants and adventurers who were willing to contribute such sums as might be agreed to be received by the governing portion of such subscribers were declared to constitute a Corporation, or Company, with all those inherent powers and qualities which have been shewn to be the common characteristics of such associations. They were to be governed by a governor and twenty-four individuals, in this Charter called *Committees* but subsequently termed *Directors*, and who were to be chosen annually by the subscribers, who have been since denominated *Proprietors*. And, besides the grant of some exemptions from the payment of duties on their exports from England, the Charter conveyed the important privilege of sole and exclusive right of trading with all countries eastward of the Cape of Good Hope. The association was named "The Governor and Company of Merchants of London trading to the East Indies." The duration of the Company was, however, limited to fifteen years, with a right of renewing it for fifteen more with the consent of the Crown—and the Crown at the same time was empowered to abolish the Company at any time upon giving two years' notice.

SECTION IV.

Of the Progress of the East India Company, until they became a Political Power.

Under the terms and privileges of the Charter of Elizabeth, often renewed by succeeding monarchs, the Company continued to prosecute their trade for a course of sixty years. They raised funds from time to time of various amounts, which were managed sometimes as a common stock in a joint trade, and sometimes as separate stocks of one or more of the subscribers, and traded with on their separate accounts. The voyages were made at 10 regular periods, and the ventures of capital in each voyage were of the most various and uncertain amounts. Their successes, though often clouded by reverses, were on the whole prosperous enough to encourage their perseverance. Throughout this first period of their trading, they were involved in continual warfare and contests, not only with the Portuguese nation, but also with the Dutch, who, with far more energy than the Portuguese, engaged in such an extent of commerce, and founded such numerous and extensive settlements, as to one time threaten to overwhelm all competition for the trade of the East. The Company had likewise to endure many contests with rival traders and Companies of their own countrymen, who prosecuted a trade in defiance of their exclusive Chartered rights. In the result, however, the commercial intercourse between England and India, through the agency of the Company, was by the year of Christ 1660 fixed on a permanent basis, and no less than eight Settlements or Factories had at that period been established on various parts of the coast of India, governed by two Boards, each consisting of a President and Council, who conducted all the business required to be transacted in this

country. One of these Boards was stationed at Surat ; which, under the permission of the Mogul Emperor, was in the year 1612, the first settlement founded by the English in India. Under the presidency of this Board were placed the Factories of Cambay, Ahmedabad, Gogo and Calicut. Under the presidency of that of Fort St. George were placed the Factories at Hooghly and Masulipatam.

But in 1661, through another Charter granted by King Charles 2d, the Company became vested with further important powers. After confirming all former privileges, the King granted them the authority to *judge* according to the laws of England all persons living under them at their Settlements, and to *make war and peace* with all Native states. This was, in truth, to empower this Company to *found and govern Colonies* in whatever parts of India they might obtain any territory. Each settlement became, as it were, a petty nation, over which the Company ruled with regal authority ; and the whole of these settlements acting in combination, and supported by the naval force which the numerous vessels employed in carrying on the trade could at all times supply, displayed a national strength calculated at least to deter any hasty aggression by the surrounding Chiefs. This local strength was very considerably increased by the acquisition of the Island of Bombay which the same King, (to whom it was ceded by the Crown of Portugal) granted in full property to the Company, shortly after the gift of his Charter.

The objects of the Company, however, were still for many subsequent years, solely confined to the prosecution of *their trade*. As their powers became augmented, so also did their knowledge in the most profitable methods of carrying on their traffic improve. Greater union and greater regularity marked their proceedings ; the number of members, and the amount of their subscriptions proportionably increased. Their command of money enabled them to establish additional Factories and Settlements, as well as to

extend the dimensions of those they already possessed. Pipley, Cossimbazar, and Balasore—and soon afterwards Calcutta and Govindporc, in the interior of Bengal, and Vizagapatam and Fort St. David on the eastern coast, were added to their territorial possessions. Many of their towns contained a numerous population of Natives and English, who were governed as subjects, and protected by the erection of military fortifications.

In thus fixing themselves permanently within the dominions of the Indian states, the Company doubtless had in view their independence and security against the violence of the surrounding Native powers. But, although the firm establishment of their commercial intercourse, and the gradual augmentation of the trade by which they were continually enriched, was for a long period the sole principle which actuated these and all their measures, nevertheless, in the progress of events, transactions occurred which, perhaps unconsciously to themselves, clothed the Company still further with a National and Sovereign character, and in reality placed them in the position of one of the political states, among whom the territories of India was divided. In the year 1685 the Company, resenting many oppressions and wrongs which their servants at their Factories in Bengal had endured at the hands of the neighbouring Native powers, fitted out an armed fleet of ten ships, with several hundred soldiers, and also a regiment supplied by the king himself, for the purpose of vengeance and future security by force of arms. They maintained a warlike struggle for many years with their oppressors, and at length called down upon themselves the forces of the Mogul Emperor Aurungzebe himself, who at first resolved on expelling the English altogether from India. But so formidable were the military resources of the Company, that, after much fighting and various fortunes, an amicable adjustment of all differences was effected, and the Company were left in possession of all their acquired territories. About the year 1690 the Company resolved to raise a revenue from the inhabitants.

living under their government—that being, as the Directors expressed themselves, “as much a subject of their care as their trade; for by it they must *maintain their forces, and make themselves a nation in India.*”

We have now arrived at the end of the first century of the Company's intercourse with India, at which period a further and more important change was made in its quality, resources, and internal constitution; and when such an improved organization of its government was arranged, as rendered it at length capable of those vast conquests it was eventually destined to achieve. Under this new organization and settlement of its powers, it was enabled to maintain its rule over those large provinces it gradually brought under subjection; and under the same principles of its constitution, modified in some details by subsequent Acts of Parliament, it continues* to direct and superintend the administration of the British Empire in India to this day. This change arose out of a circumstance which, at first, rather threatened ruin to the Company than any addition to its strength.

The people of England, according as the fundamental rules of its political government came to be canvassed and settled, saw that the exclusive privileges and sovereign powers granted to the Company by the sole authority of its monarchs, and not by the supreme legislature, were inconsistent with the constitutional law of the land, and might fairly be disputed by such as chose to make it their interest so to do. These considerations led to the formation of a powerful rival Company determined to claim their share of a commerce, the extensive advantages of which, both commercial and political, became continually more apparent, and in which it was commonly asserted that every Englishman had an equal right to partake. This rival Company was established under the express authority, and under the special regulations, of an *Act of Parliament*; which act authorized the

* Did continue till 1858.—Ed.

King to grant another Charter in conformity with its provisions to the new Association. The Charter was in 1698 accordingly granted to them by King William the Third, under the name of "*The English Company trading to the East Indies*"—(the old Company having been termed the *London Company*)—and thus two Companies, with opposite interests, and no small animosity against each other, engaged in the same commercial field. The Charters of the old Company, indeed, being limited in point of duration, would have shortly expired; and thus the new Company trusted they might have become relieved from their powerful competition. But the old Company, being still in possession of so many valuable settlements, and having influence enough to get their former Charters partially renewed, still kept their ground. It was soon seen how mutually prejudicial, if not ruinous, the contests of two such Companies must prove; and, after some years of warm discussion, an union of them was accomplished, under the new Charter lately granted to the English Company; and, as the grant of this Charter had been previously sanctioned by an express Act of Parliament, so (upon the union of the two Companies becoming completed) it was afterwards confirmed in favour of both the Companies united by the express sanction of another Act. Under this new arrangement the Company surrendered all their old Charters, and the two Companies took the one denomination of "*The United Company of the Merchants of England trading to the East Indies*." This continued to be its legal and proper name, until the passing of the last statute for the regulation of the Company, and of the Government of India, in the year 1833, when its title was altered to that of "*The East India Company*."

This Charter of William 3rd, so sanctioned and subsequently confirmed by statute, was dated in the year 1698. It granted (with many modifications, and in a more specific and detailed form) to the new English Company similar powers, and exclusive privileges, to those which had been granted in the previous Charters of the old London Com-

pany. It ordained what persons might become members of his Company under the name of *Proprietors*, and upon what terms. It regulated by what body the whole affairs were to be managed, and the mode of their meeting and course of transacting business. It regulated the qualifications of those Proprietors who were to be eligible as Directors. It laid down the course of holding general assemblies for purposes of elections, and for making ordinances and regulations for general observance in the exercise of their powers and functions. And, lastly, it laid down certain general rules for the mode of conducting the government, and the administration of justice, in India. I shall have occasion to notice in greater detail some of the provisions of this Charter, after referring to those later Statutes by which they have been modified and extended, and when I come to explain the nature of those present existing powers, and that settled plan of rule, by which the Company still superintends and directs the course of government in India. In the meantime we will pursue the history of the Company's progress.

Greatly as the Company's means were augmented by the union of this numerous body of members, from whom a capital stock was shortly raised, of upwards of three millions sterling (or three crores of Rupees)—greatly as their political ambition might be supposed to be excited by the consciousness of their own strength, by the assurance of every needful military assistance on the part of the English Government, and by the firm security in which their extensive territorial possessions were held—they still confined their whole attention for the course of the next forty years, to the prosecution of their commerce, satisfied with the amount of annual dividends, which their successful management of it produced. About the year of Christ 1749, however, unforeseen and apparently casual circumstances (but such as the real condition of the people naturally gave rise to), urged them upon that career of territorial conquest, in which they found themselves unable, even though so in-

clined, to stop, until the mighty Empire of India was reduced under their rule. In order that such a result may be rationally understood, instead of its being the theme of ignorant wonder, it will be useful to make some survey of the political posture of the various states of India up to this period, as well as of the means and powers which on the other hand sustained the Company throughout the contest.

SECTION V.

Survey of the Political Progress and Condition of the Native States of India, previous to the Conquests of the East India Company.

Those who have examined with care all the genuine materials of information, as regards the true condition of the people of India in ancient times, and before its invasion by the Moguls, and who have at the same time been capable of drawing probable inferences from such information, have been led to the conclusion that the whole country has ever been the scene of internal wars and convulsions. They have found no reason for supposing that any considerable portion of the country ever long enjoyed peaceful repose under a strong and just government; and still less are there traces of any settled plan of power, under laws regularly framed, and as regularly observed. The country seems to have been from the earliest times divided into numerous petty states, which their several rulers governed on no other principle than their arbitrary will. Sufficient has been said in a former discourse, to shew that little happiness, tranquillity, or security can be enjoyed by any people in such a condition.

It is a plain proof of the correctness of this view of the former condition of the people of India, that the first invasion of the Mussulmans from the north-west was repeated under the same chief twelve times, and with scarce any other object than devastation and plunder. Twelve times did Mahmood issue with his horde of undisciplined barbarians from Ghizni, and the neighbouring cities—and, overcoming with ease