

every opposition, spread carnage and desolation over one nation after another, down to the very shores of Guzerat.

From the period of these invasions, which occurred near the year of Christ 1000, we may trace the gradual subjugation of one portion of India after another, to the yoke of the Mussulman Emperors, till Aurungzebe, the most powerful, and perhaps the most tyrannical and oppressive of all these conquering despots, finally, towards the year 1700, extended his actual sway over most part of the country, from north to south—and rendered even those petty states which he spared, the mere dependants on his favour and protection. According to the course observed by his predecessors, he appointed over numerous wide districts masters who, in his name and as his deputies, ruled the people at discretion—and whom he vainly hoped would be kept in subordination and obedience to his own supreme authority, and that of his successors. These inferior masters, again, parcelled out portions of the territories consigned to their government to their own subordinates, who in the same manner were empowered to rule by no other law than their own arbitrary will. Thus the people of India were prostrated beneath a hundred petty tyrants, most of whom derived their origin from foreign lands. They all governed upon the same principal policy, that of draining from the common toil of their subjects those resources which should maintain themselves in luxury and splendour and at the same time furnish them with the means of engaging in revolts against their immediate superiors.

Throughout the progress of those seven centuries, down to the reign of Aurungzebe, during which the Mussulman invaders continued with various fortunes to push their conquests in India, such had been the character of their sway, and such the condition of the subjected people. They were often opposed, with more or less permanent success, by the ancient Native states. The supreme authority of the Emperor, and the limits of his actual dominions, were often

reduced to narrow bounds, by the incursions of new foreign invaders, or by the successful rebellion of powerful subjects. No sooner had one great sovereign established by his victories, or his talents for government, an extensive and well united dominion, than his death followed by domestic dissensions, and violent competitions for his throne, again threw the whole empire into confusion. The chief officers of the government separated themselves into factions, each headed by a competitor for the supreme power. The party eventually prevailing in the struggle, usually owed his success to bloody battles, spoliations, and extortion. Amidst such scenes national industry, the offspring of national security, and the only parent of national wealth, can never thrive. It is true, indeed, that the well-ordered governments of able and powerful monarchs would sometimes create seasons of repose, and with them the return of confidence, and a corresponding increase of the general prosperity. But such seasons were but temporary, and usually short, because not based on any settled plan of power, which alone can impart firmness and permanency to political institutions. It is true that vast riches and resources would be sometimes accumulated in the coffers of the rulers, and sometimes be expended in the construction of magnificent buildings, or in maintaining the splendour and luxury of a royal palace. But these are no proofs either of the political strength of a people, or of their happiness. Such wealth may be the fruits of the forced labour of those who can retain little for themselves. Such structures may be the work of groaning slaves. We must judge of the power and the prosperity of a nation—not merely from the personal grandeur of its ruler, or the stupendous monuments he may build—but from the general diffusion of wealth, and the enjoyments of life among the bulk of the people, the security of property, the attachment of the influential men to the form of government under which they live, and their sense of its benefits; and above all, on the spread of education and useful knowledge.

From the death of Aurungzebe, in the year 1707, we may

date the gradual decay and dismemberment of the Empire of the Moguls. By the year 1749 (when the career of English Conquest began) the authority of the reigning Emperor was little more than nominal over the greater part of India: and by the year 1770 he had become a mere tool at the disposal of one or other of the various contending states of India; till at length, through the subsequent conquests of the English, all his real authority as a ruler sunk, and was extinguished for ever. The nominal title, however, is still claimed by a descendant of the family,* though no longer deferred to by the actual successor to the imperial power—the Governor-General of India. The feeble-minded descendants of Aurungzebe, involved in perpetual contests for mastery over each other, could no longer control the ambition of their subordinate chiefs, who seized on every such occasion of weakness and dissension to assert, and secure, their own independence. More concerned in seeking assistance from them than in punishing their rebellion, the competitors for the imperial throne were obliged to connive at that disregard of their authority, which they felt it impossible to prevent. Amidst these struggles for dominion, this disunion among the revolted rulers, and this breaking up of the Mussulman Empire into separate states, those Hindoo nations which had never been actually, or only partially, subdued, found opportunities of rearing other distinct sovereignties, and of claiming their own share in the general scramble for territory.

The most conspicuous among these Native powers was that of the confederated Mahrattas. It is beyond the scope of this discourse to record the history of their origin and extensive conquests. But it is material to notice that the associated nation, more than any other body of people, contributed to the downfall of the imperial power of the Moguls, by a long series of successful invasions. Like the Mussulman Empire, however, which that of the Mahrattas at one time almost equalled in extent, this new state was soon

* The title ceased in 1857, a result of the connection of the then titular King of Delhi with the Bengal mutineers.—Ed.

destined to fall asunder from the same unfailing causes. Without any settled system of government, it never could be held together in union and obedience. Every vacancy of the supreme rulership led to intestine war. Every commander of an army aimed at, and often succeeded in, establishing a sovereignty for himself. At the period when the English Company first entered into the list of Indian powers, the Mahratta confederacy was already composed of several independent states, acknowledging only a nominal master in the person of the Peishwah at Poonah. And, although these nations once more united their arms to oppose an Affghan invader, they on that occasion, in the year 1760, at Paniput near Delhi, sustained a defeat, the most memorable in the annals of history for the dreadful amount of slaughter. From that blow they never wholly recovered; but remaining split into several separate states, each in its turn had to sustain individually the shock of the approaching contest with the English.

Such, then, was the posture of the various political powers of India, at the dawn of those events which ended in the foundation of the British Empire in the east. Rivals in ambition, rivals in interest, revengers of past oppressions, or claimants of lost authority, each state regarded its neighbour as an immediate or a probable enemy. The ruler of each nation having, in most instances, attained to dominion either by domestic bloodshed, or by rebellion, made it his first care to secure himself against the opposition of his own subjects, and his next to aggrandize his original dominions by the overthrow of surrounding countries. The security of his own government, based on no fixed laws, but solely upon arbitrary will, could only be maintained by enforcing the principle of all absolute governments—namely, a fear calculated to produce universal and instant obedience. The power of such rulers over their own subjects, and their strength to resist or attack other states, depended entirely on the amount of the labour and services of those

subjects which they could engross for their own objects, or on the amount of wealth they could amass, through which such labour and services, or those of others, were to be purchased. Neither did they scruple to avail themselves of any foreign assistance which chance or intrigues enabled them to procure. When a state happens through these or other means to have acquired a preponderating power and extent of territory, resources of this nature may ensure a temporary period of internal quiet, or of successful conquest. But such a course of government is nevertheless, in itself, the source of national weakness. The people having no cause for attachment to their government, impoverished by its exactions, and harassed by continual strife, are always ready to fall off; and seek the protection of new masters under whom they may hope to enjoy more repose, and better security in their possessions. As the whole authority of the state rests in the hands of one man, the overthrow of that one man, and generally his defeat in one battle, decides the fate of the nation. The assistance of foreign powers can only be purchased by concessions, which are calculated to raise an humble ally into a superior adversary. These sources of weakness bring on the gradual decay and dismemberment of the mightiest Empire. But when an extensive country has already become divided into a great number of petty states, all labouring under the same defective course of government, their mutual weakness is likely, in the midst of perpetual and common disturbances, to keep them all down to the same political level, till some new power, stronger than any one of them singly, shall become a competitor for general dominion.

If, therefore, the nations of India had been *left to themselves* after this period of their fortunes, there is every probability that they would long have remained in the same condition. Having regard to the submissive habits of the people—the many ages of servitude in which they had acquiesced, either under foreign masters or adventurous usurpers—and to the absolute nature of their government—there

is no good reason for supposing that the internal strength of any one of them was soon destined to improve by any durable augmentation of the national wealth, or by greater stability of the governments established. The Mahratta states, which had become the most powerful, directed their efforts more to the plunder, than to the permanent conquest, of other territories, or the good management of their own. The Mussulman powers, sometimes banded against one another, and sometimes against their common foes—the Mahrattas—each with difficulty preserved its own independent existence, and continued to govern by the same system which had failed to form a steadfast and united Empire in the course of eight centuries of changeful domination. The other states of India, either leaning upon each other for their common safety, or rendering themselves subordinate and tributary, first to one, and then to another, of their more potent neighbours, as each in turn was considered best capable of affording protection, maintained their own position by thus adjusting, through their own weight, the balance of power between hostile nations. Those countries bordering on India, which formerly sent forth the armies by which it was so often devastated, and finally for the most part subdued, had themselves become weakened by continual wars and convulsions. But, whatever may have been, soon or late, the political state of India, had these nations of the East been left to themselves, of this we may be certain—that none of the existing forms of government nor any change which conquests among one another could produce, would ever raise the country from that condition which I have endeavoured to portray. Such as had been the state of the people from their earliest history under the same forms of government, and under the yoke of conquerors who introduced no better, such it is reasonable to conclude would it have continued.

These conjectures upon the probable fate of India, in the absence of any interference by European powers, may serve

to reconcile its people to those political vicissitudes which it is the destiny of all the nations of the earth to undergo, and especially to such change as should introduce a settled scheme of government, liberal institutions, and the blessings of internal peace but there can be no useful purpose in further dwelling upon them. The time had arrived when circumstanced as the whole country was, it must of necessity have become subject to one or other of the foreign contending states, which had gained a firm footing on its soil.

SECTION VI.

Of the Progressive Conquests of European Nations in India, and the effects.

The Portuguese, and after them the Dutch, had, as we have seen, for a long series of years kept up a formidable resistance to the earliest attempts of the English to participate in the trade with India, which they had engrossed to themselves. If through that naval strength, which both these nations in their contests with each other were compelled to maintain—through the vast capital they employed in this profitable trade—through their numerous and considerable territorial possessions—and through that influence which all these advantages combined gave them amongst the Native states—either of these European powers had been enabled to crush the early efforts of the infant English Company to establish their position in India, it is impossible to assign limits to their probable progress towards Eastern dominion. That these resources were sufficient to raise each of these two nations to the rank of an independent power among the states of India, is no unreasonable presumption. The superiority of their arts and arms, and the strenuous support of their governments in Europe, were calculated to extend and strengthen their further acquisitions. But these were nations altogether unequal to cope with the might of England. Their advance was at once cut off as soon as political superiority became the common cause of the English Company, and also of its government. In the meantime a far more powerful competitor for the Indian sceptre than either the Portuguese or the Dutch stepped into the field.

This was the French nation. France and England, the two most considerable nations in Europe, had at this period (1746) declared open war; and it was not long before these

distant regions of the East were destined to feel the effects of their contention. A French Company, in imitation of that of England, had with a similar view to trade possessed itself of several settlements in India, all under the government of a President and Council established at the then strongly fortified town of Pondicherry. They also held the islands of the Mauritius and Bourbon in the Indian Sea, from whence they were enabled to obtain easy supplies, and even to fit out vessels of war upon emergencies. In the year 1746, by a sudden attack, for which the English were unprepared, they had made themselves masters of Madras. The Nabob of the Carnatic, whose assistance the English had in their extremity sought and obtained, sent his son with an army of ten thousand men for the purpose of recapturing that fortress from the hands of the French. The French marched out to meet them with a body of four hundred European soldiers only. To the utter astonishment of the opposing host this small band of Frenchmen gained a decisive victory; and set the first example of the vast proportionate superiority of disciplined European troops over natives of less robust bodily frame, and altogether unversed in the art of war. The French nation now openly aimed at political supremacy in India.

An ambition of so magnificent a character, deliberately formed, and acted upon by a few individuals at the head of scarce fifteen hundred of their countrymen—settled in the midst of numerous Native states, the weakest of which could gather together an army of ten thousand men—may seem presumptuous beyond all bounds of reason. Nevertheless the history of events will shew that at least temporary success must have attended this gigantic scheme of conquest but for the opposition maintained by the English.

The interests of the French in India were at this period presided over by a succession of the most able men that ever served a negligent and ungrateful country. By the overthrow of the English at Madras, and by the discomfiture of the forces of the Nabob of the Carnatic, the French

found themselves relieved from the immediate pressure of any enemy, and in possession of a territory inhabited by a considerable and industrious population. Additional forces, both naval and military, arrived—and their strength was still further augmented by the formation of several companies of Sepoys, whom the French were the first to train according to the European rules of discipline. They now commenced strenuously, and with confidence, the apparently easy task of wresting from the English the slender hold which, after the loss of Madras, they had upon any portion of the Carnatic. At the same time they formed alliances, as well with a formidable competitor for the Nabobship of the Carnatic, as with a still more powerful Prince, a claimant for the Subadarship of the Deccan itself (of which the Carnatic was but one of the dependencies)—and they soon discovered that the might of their assistance decided the possession of both the one throne and the other. In the progress of these distractions, and of the bloody contests they produced, the French gained such an ascendancy as enabled them to set up and destroy one ruler after another, as it suited their objects of increasing their own power: till at length, in a grateful mood, one of the rival Subadars of the Deccan, who owed his elevation entirely to their interference, constituted the French Governor chief of all the countries on the coast of Coromandel from the Kistna to Cape Comorin, and appointed the Nabob of the Carnatic to be his deputy. While the French were thus becoming masters of a wide tract of country, and sovereign controllers of the affairs of the whole Deccan, they were also gaining ground and strengthening their position in Bengal. It was said without much appearance of exaggeration, that the Emperor at Delhi would soon tremble at their name.

But all these grand designs were destined shortly to be frustrated, and the French influence in India extinguished for ever by the victorious successes of the English. It will not, however, appear foreign to the subject of this discourse if I cast a cursory glance at what would probably have been

the eventual fate of India, had any other European nation but England attained that supreme power which was once so nearly within the grasp of the French.

The Portuguese nation, one of the very feeblest of the European powers, unable to subsist at all but by the protection of more powerful allies, and often on the very verge of destruction by foreign enemies, it is certain could never have retained but for a few years their hold upon such an Empire, which chance might have placed under their government. The Dutch, who with difficulty attained the rank of an independent state in Europe, were themselves afterwards subjugated by the arms of the French. The French, after a series of wars which deluged all Europe in blood, were twice utterly overthrown, and received their political destinies at the will of their conquerors.

It is obvious, therefore, that had it been the fortune of either of these nations to have attained dominion over India, new wars and struggles must have devastated the country. After another age of national misery, tranquillity might have been restored, and a new era of prosperity have begun, by the firm foundation of such an Empire as the English have now established, or on the other hand, the country might have been resigned again to that state of universal disunion and misgovernment which from ancient times had prevailed.

SECTION VII.

Of the Means and Resources of the East India Company for the conquest of India.

It was at this crisis of the highest political fortunes of the French, that the English Company—first, in compulsory resistance of attacks which threatened their utter ruin and expulsion from India, and afterwards from the force of circumstances—began in the year of Christ 1749 to engage openly in that contest for territorial dominion which ended in their settled supremacy. Having surveyed the posture of the various Native states, and the feeble condition or dependency to which most of them were reduced and the quality as well as extent, of that power and influence which the French had built up—let us turn to examine what were the means and resources which supported the Company through the arduous career upon which they were about to enter.

From the year 1698, the date of that Charter, the provisions of which I have in a general way already rehearsed, to the period which I am now alluding to; no addition had been made, either by the legislature or by any Royal grant, to the powers and privileges of the Company, nor any alteration in those already conferred. The Government of England was content with renewing from time to time their Charter rights for further terms of years; providing at the same time for the more secure enjoyment of their exclusive trade. The King interfered by his own Prerogative no farther than by regulating the course of administering justice at the three Presidencies, which were now those of Madras, Bombay and Calcutta. A treaty of peace, however, had been

arranged in 1749 in Europe between France and England, under one of the stipulations of which Madras was restored to the English Company.

In the meantime the Company had, by their own previous negotiations with the Native powers, obtained no less than thirty-seven towns in the neighbourhood of Calcutta, and added three villages to their possessions at Madras. At each of these settlements they maintained a garrison of about 300 European soldiers; and it may be presumed that no less a force was kept up at some other stations. At Cuddalore, including the adjacent fortified town called Fort Saint David, they had acquired a territory still more extensive and populous than their settlement of Madras. Their capital stock subscribed by the Proprietors amounted to near three millions sterling, as we have seen—and, such was the prosperous course of their trade, that they not only were able to pay annually dividends to the amount of eight per cent. to the Proprietors of stock, but they had credit to borrow no less a sum than six millions sterling, on which they paid regular annual interest. With this command of money they had in a long course of years erected numerous and strong fortifications, and supplied them with extensive warlike stores; they had maintained, and continued to enlist in their service, bodies of English troops and naval armaments; and they had increased their territory from time to time by purchases, until from their landed possessions alone, they derived a revenue large enough to sustain the expenses of administering a local government, which will be shewn to have been at this period of no inconsiderable importance.

The population of the English settlement of Madras, amounted at this time to about 250,000 souls. That at Cuddalore could not be reckoned at less: and, besides these settlements, the several others under the Madras Presidency may be presumed to have contained many thousands. The population under the government of the Bengal Presidency, a more fertile, and a more extensive district than that of Madras, would surely surpass the number we have

assigned to the latter Presidency. The Island of Bombay, together with the adjacent island of Salsette, has never been supposed to contain a less population than 300,000; and the English settlements at Surat and at other places on the western coast, would contribute materially to swell the whole amount of the Native subjects of the Company. They might probably be reckoned at between one million and fifteen hundred thousand souls.

The power of the Company by sea had come to be of the most formidable character. In their first contests with the French, and before a step had been taken in hostility with the Native states, no less than from fifteen to seventeen vessels of war, some of them of the largest class, besides eleven vessels for the transport of troops, appeared at one time in the Indian seas. Some of these vessels, with their officers and crew, were in the regular pay of the Company; some were supplied by the King with a view to the glory of the nation and victory over its principal foe. Such a force was alone sufficient, if well conducted, to sweep the ocean of every antagonist, and to pour the tide of conquest upon any state in India it might attack.

But all the resources which the Company could command, sunk in importance when compared with that constant and resolute support which the government of England was itself invariably ready to furnish in a cause which was seen so much to concern the national interests. It was no longer the cause of a trading Company struggling for profits, which were more or less to enrich two or three thousand British subjects. The question of pursuing the English conquests in India was one which was to decide whether England should become one of the greatest Empires on the earth, or whether it was to yield in political power to some other nation, even at the possible loss of its own independence. From the beginning, therefore, of these vast contentions to their close, the Royal army of England continued, as occasion demanded, to send forth its warriors. "I see," said the tyrant of Mysore, "those who are before me, and I

“fear them not : it is that power which I cannot see of which I stand in awe.” The daring exploits performed by the great generals and officers of the Company rendered it unnecessary that the military might of England should have been more than very partially put forth : but the consciousness of *their country's* cause, and not that of private individuals merely, nerved the soldier's arm, and inspired the statesman's deliberations, with augmented energy. The Company strove for themselves; but it was as representatives also of the English nation, and with a nation's strength.

Such were the means with which the Company commenced their contest for dominion in India. They were the means, not of a body of merchants; but of a powerful and populous colony, firmly settled, and politically governed as a nation. The rulers over it were wealthy in themselves, but wealthier in the financial support of their government. Their means were not easily to be exhausted by reverses; and they were necessarily increased by success. Their power was not like that of the French Company, who were feebly sustained by their own Government, and had but little capital to fall back upon. The power of the French, therefore, as it was originally founded upon intrigues with the Native states, so also did its progress depend chiefly on personal influence, and not on any substantial political strength. They could be no match in the long run for an enterprising and persevering enemy like the English; though it soon became obvious that supremacy in India would be decided by the superiority of one or the other of these two nations.

During those first great successes of the French which I have noticed, the Government of Madras was occupied in gaining some small accession to their territories. But the overwhelming authority with which the Subahdar of the Deccan had invested the French Government at once revealed to the Company that either their own extinction, or that of the French, as a political power in India, had now to be de-

terminated by the sword. In this conviction the Company first began to strengthen themselves by espousing the claim of another competitor for the throne of the Carnatic, who, besides the possession of the fort of Trichinopoly, maintained a considerable army in the field. The price of this alliance was a grant by the rival Nabob to the English Company of the Jaghire of Madras. The French, somewhat inferior in European forces, acted with a far superior Native army, under the banners of their own Nabob. The contest was nominally between these two Princes, but in reality between the two European states. After a war of five years' duration, in the course of which many hard battles were fought, and some of the most astonishing feats of bravery were displayed that ever adorned the military annals of a nation, all the objects of the French ended in defeat. Their Nabob was made captive and slain. The authority of his rival was permanently established. The possessions of the Company, with the addition of the recently granted Jaghire, were confirmed. Those of the French were reduced within their original limits: and the predominating influence of the English prevailed over the whole extent of India, south of the Krishna.

A far more extensive scene of conquest now opened to the enterprise of the Company. Their settlements in Bengal were wantonly invaded by the Subahdar of the provinces of Bengal, Behar, and Orissa, to whose immediate government these settlements were politically subordinate. His sole motive was his rapacity; but his barbarous cruelty threw all other atrocity into the shade. Calcutta was stormed, and given up to plunder—and 146 defenceless English prisoners were on the evening of the assault shut up in a small dungeon, and, before morning, all but 23 expired of suffocation, the necessary consequence of this inhuman treatment. But this memorable murder of the *Black Hole of Calcutta*, was the cause of still more memorable results. The just vengeance of the English in India was roused. They collected all their forces under Clive,

the most daring soldier and the ablest general of his age. They gave battle, with 900 Europeans and 2,200 Native troops, to the host of the Subahdar, amounting to near 70,000 men, and in the famous plain of Plassy utterly routed this mighty army. The consequences of such defeat were the dethronement and death of this Prince, and the eventual reduction of his dominions under the English sway.

As will be presumed, this vast accession of power, together with the treasures which thereby fell to the disposal of the Company, soon led to the destruction of the rival authority of the French. With such means as they still possessed—aided by the co-operation of some Native states over whom they still had influence, and directed by the talents of many very able men—they protracted the vital contest through a constant warfare of four years after the victory of Plassy. But a series of bloody defeats ended in the siege and capture of Pondicherry, the seat of their government, and their last stronghold in India. From this final discomfiture in 1761, they never recovered; and the English Company were thereafter left to pursue their fortunes in India, free from all armed interruption, or the apprehension of it, by any foreign nation.

We have now traced the history and progress of the East India Company from its first formation to the period when it had acquired the consistency and rank of one of the most powerful and influential among the Eastern states. The limited object of this portion of my discourse being but to shew the *capacity* of this extraordinary political body to construct that vast Empire now under its settled Government—and which capacity the gradual acquisition of the position they had now attained, by the course I have attempted to explain, will rationally account for—I shall here close that discussion which more properly befits the Historian. For sixty more years the Company and its Governments were engaged in extensive warfare with Native powers: but it is their boast that throughout these contentions they have never been the aggressors; that they have

never made war for the sake of unrighteous conquests; that they have never broken the faith of treaties. If, under that providence by whose control Empires rise and fall, flourish and decay, this wide country has in the course of so many vicissitudes been at length subjected to English Government, that Government has never lost sight of the paramount duty of governing for the benefit of the people. It was no idle spirit of display which induced the House of Commons, after a laborious investigation of every detail in the conduct of the Indian Governments, to record their solemn testimony to "the unremitting anxiety that has influenced the efforts of those to whom the Government of our Indian possessions has been consigned, to establish a system of administration best calculated to promote the confidence and conciliate the feelings of the Native inhabitants, not less by a respect to their own institutions than by the endeavour gradually to engraft upon them such improvements as might shield, under the safeguard of equal law, every class of the people, from the oppressions of power, and communicate to them that sense of protection and assurance of justice, which is the efficient spring of all public prosperity and happiness."

While through the lapse of 70 years, from the year 1719 to the year 1820, the English Empire of India was being gained and consolidated, the legislature of England kept pace with its progress by its enactments for the better regulation of the Company and of the authority which it exercised. Up to the year 1773, the Company continued to conduct its affairs upon the basis of the Charter of 1698, as it had done up to the year 1749 when its career of conquest began. But, in the year 1773, a regulating Statute introduced many alterations of detail both in the internal constitution of the Company, and its method of governing the extensive countries it had acquired. This act was followed by others—the chief of which were one in 1784, first constituting a Board of Commissioners for the Affairs of India (commonly

called the Board of Control)---and by three more, usually denominated *Charter Acts*, by which in the years 1793, 1831, and 1833, the Government of India by the East India Company was delegated to that body for the respective periods of 20 years by each act. All these acts, except the two last, continued to the Company their exclusive privileges of trade, but the act of 1813 first allowed a free and general participation in it by the British public; and the last act of 1833 abolished the right of trade by the East India Company altogether.

Such a revolution in the essential quality of the Company may seem to require some explanation. It must be observed that this body, from the time that it had become a ruling power over a populous and extensive Empire, acted in two capacities, each of which was in its nature totally distinct from the other. It was quite as competent to the British Parliament (and indeed this was at one time in its contemplation) to have constituted another entirely new Board of Governors to conduct the government of India, as to leave that authority in the hands of a Company of merchants, who made it equally their business to carry on their trade. That this government was still continued in the hands of the Company was owing merely to considerations of policy, and to a conviction that the success and justice of its administration rendered that measure most expedient. The same policy had suggested the continuance of the exclusive privileges of trade, the expediency of which was supported on two grounds—first, that of contributing by the profits to the better maintenance of their growing political power; secondly, that of preventing a sudden influx of Englishmen, who with their free legal rights and love of enterprise, might probably embarrass a new and unsettled government, and at the same time lead to the oppression of the Natives. But in 1813, when the English sway in India was more firmly fixed—when equal laws had begun to be regularly administered—and the Native people had become more sensible of the true advantages of the British rule—

these precautions were swept away with the most beneficial results to the public commerce of both countries. From this period the trade of the Company, like the trading of all Governments in competition with that of the public, not only dwindled gradually away, but was proved to be carried on at a manifest loss. The abolition, therefore, of all further trading by the governing body was a relief to the public, who gained consequently a greater share of the traffic. It was also a financial benefit to the Company itself, and a disincumbrance of a branch of affairs which detrimentally interfered with their more important duties, as a *Government*.

SECTION VIII.

*Of the Component Members of the East India Company—the Proprietors of Stock.**

We must now consider the East India Company as a body temporarily organized by the sovereign authority of the English nation, for the responsible government of an immense component portion of the whole undivided British Empire. This powerful body may be said to consist of the *Proprietors* of India Stock—(who may be properly deemed to constitute the aggregate Company)—the *Directors*, who being themselves Proprietors are by delegation of the whole mass appointed to manage and superintend its affairs, as their Representatives, and the *Board of Control*, which in the name of the King's executive authority exercises an appellate, and to some extent a directory, power of interference. The functions and duties of each of these bodies are copiously detailed in the Acts to which I have referred. Those of the Proprietors will occupy the remainder of this discourse. Those of the Directors, and of the Board of Control—who, together, constitute the supreme government of India, acting through the Governors and Council at each Presidency as their ministers—will form the subject of the next

* Owing to the changes introduced by the "Act for the better Government of India" passed by Parliament in August 1858, this Chapter, like the foregoing ones, has, in common with much of the remainder of the work, become History. The functions and powers of the Court of Directors, and the Board of Control were withdrawn by the above mentioned Act, and the direct Government of all the territories then in the possession of the East India Company was transferred to Her Majesty. The proprietors of East India Stock have now no more share in the Government of India, in respect of such proprietorship, than the holders of any other stock.—Ed

It will be convenient to consider of the qualifications and functions of the Proprietors, as extracted from all the regulating Charters and Statutes, under three heads—1st, the mode of their becoming Proprietors; 2ndly, the course by which they act; and 3rdly, the powers with which this body is invested.

I. The original objects of the Company having been purely *Commercial*, no restrictions were imposed on the capacity of every person to purchase shares in the common stock, and thereby to become a member of the Company as a Proprietor. Although the altered character of the Company might have warranted a change in the qualifications of its members, yet, owing to the very limited powers exercised by the Proprietors at large, it has never been deemed requisite to resort to any such measure. All persons whatever, who are of the age of 21 years, whether foreigners or natural born subjects of England, and without distinction of religion, profession, or even sex, are competent to become Proprietors by the purchase of a share or shares in the capital stock of the Company, which shares are saleable and transferable like any other property. This stock, which, as we have seen, was formerly the capital on which dividends were made on profits of trade, is now converted into a right to a certain amount of the surplus revenues of the Indian Empire, after all expenses of its administration are defrayed. At the end of the term of 20 years, for which period the government of India is further entrusted to the Company by the last Charter Act of 1833, the Government of India may finally become a portion of the general government of the whole British Empire, and the stock of the Company, agreed to be reckoned at twelve millions sterling, is to become a charge on that general government.

A Proprietor of shares to a less amount than 1000£, though a member of the Company in some sense, is not clothed with any of the administrative powers of a Proprietor. If the owner of 500£ stock, he may be present at the meetings (or General Courts as those meetings are

called) of Proprietors assembled for the transaction of business, although he cannot *vote*. A Proprietor under the age of 21 years, to whom any amount of stock may have devolved by inheritance, by bequest, or by marriage, can exercise none of his functions as such, until he becomes of that age. A Proprietor of 1000£ stock has one vote at all elections to be made, and upon all questions to be decided, at the Courts of Proprietors: a Proprietor of 3000£ stock has two votes: a Proprietor of 6000£ has three votes: and a Proprietor of 10,000£ has four votes. No Proprietor can have more than four votes, whatever may be the amount of stock held by him. With a view to the prevention of combination to serve immediate occasions, no Proprietor is allowed to vote, unless he has been truly and really possessed of the requisite amount of stock for one whole year; except in the instances of such stock devolving by course of inheritance, or by bequest, or through marriage.

II.—All proceedings of the Proprietors are transacted by *General Courts*; at which the votes of a majority present decide; or at which a demand may be made by any nine Proprietors of an adjournment for the purpose of taking the personal votes of all duly qualified members who desire to attend and vote,—whereupon the majority of votes so taken decides

These general Courts are summoned by the Directors, who may assemble them as often as they shall see cause, and who *must* assemble them at least four times in each year; namely, one in the month of December, another in March, another in June, and another in September. Should the Directors, or a majority of them, fail in so summoning any of these Courts, any three Directors may call together a Court in the next ensuing month. And, further, any nine of the Proprietors holding 1000£ stock may require, by a special demand, that a Court shall be summoned by the Directors within ten days.

When any demand is regularly made for taking the votes of the Proprietors, generally, on any question, or when any election is to be made, the method of giving in and recording votes is by what is termed the *Ballot*. By that course each voter delivers in a paper containing his simple assent or dissent to any measure proposed, or the name of the candidate or candidates for whom he gives his suffrage; depositing the paper in one of several large glasses. Certain Directors are appointed by the Court to receive the votes into the glasses, and others to count out the votes and report the result. No balloting can commence at any earlier period than 24 hours after the adjournment of the Court for the purpose of a ballot being taken; nor can the ballot commence before noon, or be closed before six o'clock of the same day. The Court before separating adjourn to some day which it fixes as the day for balloting. By the last Charter Act of 1833, Proprietors are allowed to vote at *Elections* by their *attornies* producing a duly executed authority.

III.—The powers of the Proprietors are as follows: 1st. They form the constituent body out of whom the managing body, the Directors, are elected. As by the constitution of the Court of Directors six of its members must vacate their office every year, there must be an annual election, which is appointed for the second Wednesday of April, at which each Proprietor may give in his list of names of candidates not exceeding six. Every other vacancy, occurring by death, retirement, or removal, must be filled up within forty days after the vacancy declared; and ten days notice must be given by the Court of Directors of the day appointed for the election. The Proprietors have also the power of removing any Director from his office for just cause.—2nd. The Court of Proprietors is authorized to make regulations (termed *Bye-laws*,) as well with a view to the actual government of India, and of the Company's affairs generally, as with a view to the course and method of conducting business by the Court of Directors, and to the

proper demeanour of the individual Directors in the exercise of their offices. This power of making bye-laws would, therefore, on the face of it imply a supreme and practical, authority in administering the affairs of the Company. In reality, however, it has no such effect. In the first place it gives no authority to make any regulation contrary to any provision of a Statute; and, since almost all the powers and authorities exercised by the Company are regulated by Statute, very little scope for discretionary legislation by this privilege remains. In the next place, these Statutes, having not only placed the entire administration of all matters relating to the *Civil* or *Military* Government, or to the *Revenue* of India, in the Court of Directors, but having also forbidden the revocation, suspension, or varying of any of this Court's orders relating to these subjects by any general Court of Proprietors, their practical authority is thereby almost nullified. And, lastly, so cumbrous a mode of executing the functions of a government as this, of proposing general laws, which would be sure to be opposed by the whole influence of the Directors, if aimed at the defeat of their measures, would never become efficient, even if any Proprietors could be found troublesome enough to attempt it. Nevertheless, this legislative authority is not without some practical and beneficial objects. By it the orderly course of transacting the business of the general Courts is provided; and a considerable power is still thereby retained in regard to the disposal of any portion of the revenues of the Company: insomuch that no sum beyond 600£ can at any time be voted by the Court of Directors by way of gratuity to any person, nor more than 200£ per annum by way of pension, or salary of a new office, unless with the sanction of two general Courts of Proprietors.—3rd. The Court of Proprietors are empowered to take into their consideration all new proposed Statutes, affecting the interests of the Company, and to discuss the merits of such laws, and to offer in the name of the whole Company, as well to Parliament as to the Court of Directors, the opinions resolved on by the majority of a Court. In like manner, this Court is empowered to

call for information on any topics connected with the administration of affairs by the Court of Directors, and to pass resolutions of censure or approbation upon their measures, or to suggest others; although not competent to enforce the execution of the measures so suggested. With the same view to the public expression of the opinion of the body of Proprietors on the mode of administration of the Government by the Court of Directors, that Court is required to lay before the General Courts of Proprietors an annual account of the finances of the Company. It is in the exercise of this branch of their functions, and in the duty of elections, that the General Court of Proprietors is mainly engaged.

. Upon a review of all these powers and functions of the body of Proprietors its true usefulness will appear to consist in its constituting a fair, an enlightened, and at the same time a popular, source of power, upon a system of representation; And in its supplying a solemn check on the conduct and measures pursued by those to whom the important executive duties of governing the vast East India Empire is entrusted.

DISCOURSE IV.

Of the Court of Directors, and Board of Control.

Of the Qualifications of the Individual Directors. Of the course by which the Directors act as a Court. Of the Powers of the Court of Directors. Of the Board of Control.

DISCOURSE IV.

Of the Court of Directors, and Board of Control.

SECTION I

Of the qualifications of Individual Directors

I PROPOSE to treat of the constitution and quality of the Court of Directors under three several heads—First, the qualifications of the *Individual Directors*, and the mode of their election. Second, the course in which they exercise their functions. Third, the powers with which the Court of Directors is invested.

First. Every person, to be eligible as a Director, must be a Proprietor of stock to the amount of 2000£, at least. This amount of the pecuniary qualification of a Director was first fixed by the Charter of 1698.

No Proprietors but such as are *English subjects* can be elected Directors. Every person born within *any part* of the dominions of the Crown of England is by his birth-right

* The "Act for the better Government of India" which came into force towards the end of 1858, abolished the Court of Directors and Board of Control, and transferred the powers of the latter to a Secretary of State for India. At the same time a Council, consisting of fifteen members, was established and styled the *Council of India*. Of the first members composing this Council, seven were elected by the Court of Directors from amongst their own body, and the remainder were appointed by Her Majesty. Vacancies happening from time to time amongst such members of the Council as are appointed by the Crown are filled up by the Sovereign, while every other vacancy is filled up by the Council by election. But five, at least, of the members appointed by the Crown, and four, at least, of those elected must have served or resided in India for ten years at least, and must not have left India more than ten years preceding the date of their appointment, and no person other than one so qualified can be appointed or elected to fill any vacancy in the Council unless at the time of the ap-

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an English subject · consequently, every Native born within the territories of India under British Government is eligible as a Director, provided he is otherwise qualified. So also any foreigner may become entitled to all the rights of an Englishman, by being what is termed *naturalized* (that is having the rights of a natural born subject conferred upon him) by act of Parliament. This qualification of being an English subject, is not required in *Proprietors*; but the *Directors*, being invested with extensive political powers of a national character, ought obviously to be under the obligation of every public duty and feeling to uphold the national interests.

No person who has held office in India, and who shall have been declared by the Court of Directors to have pecuniary accounts unsettled with the Company, or against whom that Court shall have declared that a charge for misconduct

pointment or election, nine, at least, of the continuing members are persons so qualified. Each member holds his office during good behaviour, but may be removed from it upon an address of both Houses of Parliament, in which no member of the Council can sit or vote. Each member receives a salary of £1000 *per annum*.

Under the direction of the Secretary of State for India, who is President, it is the duty of the Council to conduct the business transacted in the United Kingdom, in relation to the Government of India, but every order or despatch sent to India must be signed by the Secretary of State, and all despatches from Governments in India must be addressed to him. The Secretary of State divides the Council into Committees for the more convenient transaction of business, directs what departments shall be under such Committees respectively and generally the manner in which all such business is to be transacted. He has also the power to appoint any member of the Council to be Vice President, or to remove him after appointment. Meetings of the Council are convened and held when and as the Secretary of State pleases, but one Meeting, at least must be held in every week, and all the powers of the Council may be exercised by such Meeting provided there are not less than five members present.

At any Meeting of the Council + which the Secretary of State is present, if there be a difference of opinion on any question other than that of the election of a member of Council, or the expenditure of revenue, the determination of the Secretary of State is final. In case of an equality of votes at any Meeting of the Council the Secretary of State, if present, or, in his absence, the presiding member, has the casting vote, and all Acts done at any Meeting of the Council in the absence of the Secretary of State,

is under consideration, is eligible to be a Director for the term of two years after his return to England, unless those accounts be sooner settled, or such charge sooner decided.

Every Director is required to take an oath of office within ten days after his election, before certain appointed authorities, otherwise his election becomes void. The oath is of an impressive character, and is to the following effect :

The Director swears to his being duly and truly qualified in respect to the amount of stock owned by him : he swears that, in case he is in any way interested in any dealings, contracts, or purchases, made by or with the Company, he will record the same previous to the discussion or the making of any treaty or negotiation upon any subject, connected with such dealings, and withdraw, without giving any vote : he then proceeds to swear, " that he will not, directly or indirectly, accept or take any perquisite, emolument, fee, present, or reward, upon any account whatsoever (or any

except the election of a member of the Council, must obtain the sanction of the Secretary of State, or his approval in writing. In case of a difference of opinion on any question decided at any Meeting, the Secretary of State can have his opinion, and his reasons for holding it entered in the Minutes of the Council's Proceedings, so also may any ordinary member

Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State, must, unless it has been submitted to the Council, be placed in the Council room for the perusal of all the members for seven days previous to sending or making the order, unless it appears to the Secretary of State that the despatch of any communication or the making of any order is urgently required, in which case the order may be made, or the despatch sent, but the urgent reasons for making or sending the same must be recorded. Certain secret orders also may be sent to India without the Secretary of State's communicating them to the Council, and all despatches from India marked ' Secret ' may, in like manner, not be communicated unless the Secretary of State thinks fit. The Secretary of State can also overrule a majority of the Council, but in acting against their opinions he must record his reasons for doing so. In dealing with the expenditure of the revenues of India, however, which are subject to the control of the Secretary of State in Council, no grant or appropriation of any part of these can be made without the concurrence of a majority of votes at a Meeting of the Council.--Ed.

“premise or engagement for any) for or in respect of the appointment, or nomination, of any person to any place or office in the gift of the Company, or of himself as a Director, or for or on account of, or any ways relating to, any other business or affairs of the Company :” he further swears, “that he will be faithful to the Company, and, according to the best of his skill and understanding, give his best advice, counsel, and assistance for the support of the good government of the Company :” and, lastly, he swears “that in the office of a Director of the Company, he will be indifferent and equal to all manner of persons, and will in all things faithfully and honestly demean himself, according to the best of his skill and understanding.”

Every Director, going beyond sea from England, must report to the Court such his intention ; and, in case he continues absent more than one year, the Court of Directors must report his absence to the next General Court of Proprietors ; who may, if they think fit, thereupon remove him from his office. This General Court has likewise power to remove (if they think fit) any Director who shall take any office of emolument under the King’s government. And, further, any Director may be displaced by the proceedings of two General Courts ; at the first of which the grounds of the motion for removal must be brought forward and recorded, and at the second of which the question for removal is to be decided by the votes of the Proprietors then present. All these liabilities to removal are created by the *Bye-laws* of the Company, passed by the General Courts of the Proprietors.

The number of Directors is twenty-four. Until the year 1773 all these Directors were chosen *annually* ; but in that year a Statute provided that six only of the Directors should go out of office every year by rotation : consequently, no Director can serve for a longer period than four years. There must necessarily, therefore, be an annual election of six Directors in the room of those who go out by rotation ;

which election is appointed to take place on the second Wednesday of every April. Previously to that day two lists are printed of all Proprietors entitled to vote: one list is to be ready to be delivered to any Proprietor demanding it five months before the day of the annual election; and the other list, which must comprehend all Proprietors who have become such since the delivery of the last list, is to be ready fourteen days before the election. Every candidate must signify in writing to the Secretary of the Court his desire to become such, thirty-two days before the day of election; and a list of all the candidates is published thirty days before the election. The mode of balloting for these annual candidates, and for others, as individual vacancies occur, has been explained in the last discourse. When an individual vacancy occurs, not in the course of annual rotation, the candidate elected in his place can only serve for the remainder of the period which his predecessor had to serve. Such a vacancy, when it occurs, must be published by the Court—a day for electing another to the office must be fixed within forty days of such declaration of the vacancy—and ten days public notice of the day of election must be given.

There is no restriction, however, against the same Directors who have gone out by rotation becoming candidates to succeed to the next annual vacancies—and, in practice, they always do become so, unless they choose voluntarily to retire from office. For experience having shewn the advantage of retaining the services of those who have previously become versed in the affairs of the Company, and who may at the time of their turn for vacating have become engaged in originating or carrying into effect some important measures, it proved an obvious policy to re-elect such Directors as soon as their legal competency to act was restored. Moreover, the individual Directors would not be so likely to pay such zealous attention to their duties, or to be so free from every bias to serve their private objects, if they apprehended that their authority might

terminate within a short period by the changes and changes* of a popular election. With a view to ensure such re-election against any opposition of Proprietors who from caprice, or favor to other candidates, might be disposed to reject such old Members, without there existing any just cause for their removal, it has been for many years the custom for all the Directors to join in recommending the six late Members to the suffrages of the Proprietors, and in supporting them by their own votes, and those of all others whom they can influence, in case any rival candidates should appear. This recommendation of the old Members by the Directors is termed "Publishing the *house list*," and it never fails of its object. In practice, therefore, there are *thirty* Directors; six of whom by rotation vacate their office for one year—and it must be acknowledged that the original policy of this rule of rotation, which was that of affording to the constituents of the Directors a periodical *discretion* in the appointment of their representatives and rulers has been frustrated.

SECTION II.

Of the course by which the Directors act, as a Court.

Second. All the measures are transacted, directly or indirectly, through *Courts*, at which a simple majority decides on all questions and proceedings. But, by a bye-law of the General Court of Proprietors, every Director, whether present or not, may, within fourteen days after any measure is resolved on, enter his dissent, with his reasons, on the records of the Court. No Court is competent to proceed on business, unless thirteen members attend. By a bye-law the Court of Directors is required to meet once at least in every week for the purposes of business. By another bye-law the Court of Directors annually appoint one of their members to be their *Chairman* (which is a term commonly used in England for the President of any assembly, as being the person occupying the principal seat) and another their Deputy Chairman for the ensuing year. The Deputy Chairman usually, though not as of course, succeeds to the office of Chairman for the next year. The duties of the Chairman (and in his absence of the Deputy Chairman) are, to govern the course of proceedings at all Courts and other meetings at which he presides—to bring forward ordinarily the various matters to be discussed—and to be the organ of personal conferences with the President and Board of Control, upon such affairs of the Company as require such communication. The Chairman is allowed by his brother Directors a large proportionate influence in the disposal of appointments in the gift of the Court, and also in other matters.

For the greater facility of business the Court is divided into several Committees. These Committees consist of different numbers, but the Chairman and Deputy Chairman are

always two of their members. The principal committees are :—

- 1st. The Committee of Correspondence.
- 2nd. The Committee of Secrecy.
- 3rd. The Committee of Accounts.
- 4th. The Committee of Treasury.

It will be expedient to notice, in a general way, the quality of business delegated to each of these four principal committees. There are several other Committees of less consideration—such as that of *Lawsuits*, that of the *House*, that of the *Civil College* in England for the instruction of those nominated to become Civil Servants in India, that of the *Military Seminary* for the instruction of *Cadets*, that of the *Library*, and that of the *Military Fund* for retired officers, and their widows and families.

The Committee of *Correspondence* is the most important of all the Committees. It is their province to consider of and prepare all orders to be issued to the Governments of India in the Public, Political, Military, Revenue, Judicial, Law, and Ecclesiastical Departments. They receive all Despatches from the Governments of India in these Departments, and prepare replies. They receive all Petitions and Memorials addressed to the Court by individuals complaining of grievances, or requesting favours. To their consideration and report also are remitted most of the appointments of the great officers in the service of the Company.

The Committee of *Secrecy* is one which is expressly directed to be appointed by a Statute passed in the year 1784. The appointment of a Secret Committee was first made by the Court itself upon the commencement of those contests with the French, which have been referred to in the preceding discourse. The object was that of considering all political matters arising, as between the Company and those nations which might be at war with the English, and as between the Company and the various Native States. Such matters as these were common to the consideration of the

English Government and the Company—and it often became of the utmost importance that the ministers of the Crown, and certain organs of the Court of Directors, should communicate confidentially together—and that the subjects of their joint deliberations should be kept entirely secret, not only from the public, but even from the numerous members of the Court. The subjects of such deliberations were, commonly, projected wars, invasions, campaigns, treaties, acquisitions of territories, and alliances,—and all such projects were obviously liable to defeat or failure by being prematurely disclosed. The formation of such a Secret Committee was, therefore, naturally suggested by the important political position the Company gradually arrived at. It was rendered compulsory by the Act passed in 1784, and was limited to three members only. In time of peace the duties of this Committee, although of eminent importance, are neither so numerous nor so urgent as in time of any war. The members and all the officers of the Committee are sworn to secrecy, and communicate only with the Board of Control.

The Committee of *Accounts* has the custody of the books in which the transfers of stock are registered, and the investigation of transfers and superintendence of such registry. They receive all bills drawn on the Company, and accept or not according to advices. They receive and report on all bills of charges, and manage the issuing of all the Company's bills of exchange and notes issued in England. They superintend the correspondence with the Accountant's offices in the several Presidencies of India. They have the preparation of annual accounts of the Company's cash, of their stock, produce of revenues, sales, disbursements, receipts, payments and debts, and an estimate of the same for the current year, to be laid before the Board of Control and before both Houses of Parliament, and also before the general Court of Proprietors.

The Committee of the *Treasury* provides for the payment of all dividends on stock, and interest on the Company's bills and notes, and negotiates the Company's loans. They superintend the communications between the Court and the Indian Governments in the departments of their general treasuries at each Presidency. They have the custody of the Company's seal, used in England for the purpose of executing the deeds and contracts of the Company, and see to the due affixing the seal on instruments to be executed. And, generally, they have the care of and dealing with the cash and bullion of the Company.

None of these Committees, it is to be observed have any power in themselves; unless any matters are by special orders of the Court directed to be carried into effect by them. Their only actual duties, in ordinary, are to *inquire* and *report*, and to *nominat*e or *recommend* to certain appointments. These reports must be signed by the members; and, unless they are laid before the Court itself within eight days after being so signed, they become null and void. It is rather, therefore, with a view to the requisite *information* of the whole body of the Court, and for the sake of obtaining the opinion of members who have made it their business to ascertain all details of the matter under discussion, that these Committees are appointed, than with any view of delegating that authority which can only be exercised by the Court itself, consisting of no less a number than thirteen of its members.

Copies of all the proceedings, resolutions, and orders of each Court must, within eight days after the holding of the Court, be forwarded to the Board of Control. Copies, also, of all letters, advices, and despatches received from India, which relate in any manner to its government, or to its revenues, or to the appropriation of them, must be laid before the Board of Control immediately after their receipt. I shall explain the objects of submitting all this information to the Board of Control, when I come to treat of the func-

tions and authority of that body: in the meanwhile it will be sufficient to mention, that no orders or instructions whatever, relating to the government or revenues of India, can be sent out by the Court, until either approved by that Board, or such a course be taken by the Board, with a view to a revising or alteration of such despatches, as will be hereafter noticed.

SECTION III.

Of the Powers of the Court of Directors.

Third. The powers of the Court of Directors over India, for as long as the Parliament of England have so determined, and subject to such control as has been, and will be further, detailed, are in their nature those of a supreme sovereign authority. The great distance, however, of this supreme governing body from the actual scene of their operations renders it necessary that a system of subordinate local Governments should be organized—to which Governments very large discretionary powers are given; some by the general instructions and orders of the Court, and some by the Statutes of the English legislature itself. But, whatever discretionary powers are exercised by the chief, or other local Governments of India, they are all, nevertheless, subject to such interference, sanction, revision, or reversal, as the Court in its paramount authority may judge expedient.

By the terms “*of supreme sovereign authority*” is not to be understood a pure arbitrary power, without any constitutional rules of action, and without law. The Court is created by a law; and it governs according to laws. The law which has constituted its plan of government is, like that of the law of the English constitution itself, a law to be traced to the general will of the people, expressed in this instance by a Statute of the Imperial Parliament, which is the organ of the whole English nation. The laws, according to which the Court governs, are either such Statutes (which this Court cannot repeal or disobey)—or they are the ancient unaltered local laws of India, or laws

made by themselves or their local Governments of India, all of which the Court must conform to, until they, through their Indian Government, or the Indian Government itself, shall alter or annul them. By saying, therefore, *that the nature of the Court's authority is supreme* is meant, that it has the *legislative power*, by which it may dictate what shall be law, and what shall not—with the exception of such laws as its own constitution is dependent upon, and such as the Parliament of the united nation, by which itself was created, shall have laid down for its guidance. Moreover, the Court unites in itself the *executive*, as well as the legislative authorities of Government—there being no separate branch of this Court (as is the case with the supreme authority of England) entrusted with the *administration* of that authority according to those express laws which may have been enacted, or according to sound discretion in all cases not provided for by express laws. It is true, indeed, that, by Statute, the Governor General of India in Council is entrusted with authority to make general laws, but its laws may be annulled by the Court of Directors, and the laws which that Court may require to be enacted must be passed by the Government in India. That Government, therefore, is in all respects subordinate, and not in itself supreme in any sense, although the Government of the Governor General in Council is usually called the Supreme Government of India, for the sake of distinction. The regulated power, also, of the Board of Control to reject, or alter, the orders and instructions of this Court in matters of government, certainly *qualifies* its political supremacy: but, inasmuch as the Board is not empowered to *originate* any measures or orders, its authority operates but as a *check*, and is not altogether subversive of the supreme character of the Court's powers of Government subject to the restrictions I have noticed—subject to the express Statutes of the British Parliament—and subject to the interference of the Board of Control, by the specially appointed course, and to a limited extent—

the laws and administrative powers of the Court of Directors, so long as its constitution continues, have absolute force over the property, liberty, and lives of all who dwell within the Company's territories in India.

To the Court of Directors, then, is delegated the power of issuing such orders and directions, to be carried into effect by the local authorities of India, and of framing such laws to be observed in the conduct of Government, and in the administration of justice, as to them may be expedient. Upon submitting such measures to the consideration of the Board of Control, and receiving notice of its disapproval, or of its reversal, of them, they are authorized to make such representations and explanations as they may think fit respecting the matters upon which any disapprobation has been expressed, or variations suggested, by the Board; which representations, the Board is required to give attention to, and then finally to decide upon. If any difference of opinion shall arise, as to whether the subject-matter of the Board's disapproval, or alteration, has relation to the *Government* or *Revenues* of India (upon which subjects only the Board is entitled to exercise its powers of control) or as to whether their orders or directions are in any other respect beyond the scope of their legal authority, the Court is empowered to submit any such question to the adjudication of certain of the judges of England.

By the last Charter Act of 1833, the Court has been required to draw up, and submit both to Parliament and to the Board of Control, a body of standing *general rules* for the guidance of the Supreme Government of India in the superintendence and administration of the affairs of the country. These general rules have reference to the *mode* of exercising the powers entrusted to the local Governments, and to the most expedient course to be adopted in *giving publicity to the laws* of the country. This is one of the many precautions devised for ensuring *some systematic plan* in conducting the administration of the Indian Governments and for

imposing limits upon the discretion even of the executive branch of those governments, as far as a due regard to their efficiency will allow of.

The Governor General of India (as will be in a future discourse explained) has, under authority of a Statute, certain powers of acting, in matters entrusted to the administration of the governments of India, by his own sole authority, without any previous communication with any of the Councils of India. To the Court of Directors, however, is reserved the power of suspending and restoring the liberty of exercising this special privilege. All *individual* power and discretion is contrary to the spirit of the constitutional laws of England, which in all political measures aims at securing the advantages of free discussion and union of opinions. Although, therefore, emergencies may arise, during the absence of the Governor General from his Council, calling for immediate resolutions—yet, so jealous is the English Government of all arbitrary authority, that it provides against all defects of a personal quality, and supplies the means of denying to the rashness of one man a power which may be safely reposed for a time in the cautious discretion of another.

The Court of Directors has but very limited power in granting away the funds and revenues of the Company, for the mere benefit of individual persons. No pecuniary grants can be made of any gratuity beyond 600£, or of any pension, or of any new or increased salary, beyond 200£ per annum, without the consent, not only of the Board of Control, but also of two general Courts of Proprietors.

All the chief and most important offices held in India, both in the Civil and Military Departments of its Government, are in the appointment of the Court of Directors. To some of these offices the Court appoints directly and expressly—as regards others (which form a vast proportion of the appointments held in India) the Court selects two classes of persons, out of which classes only can individuals be chosen to fill such offices. One of these classes is that

of the Civil servants, each of whom is originally appointed by the Court under the name of a *Writer*—the other is that of the military servants, who enter the service of the Company under the denomination of *Cadets*. Of the military servants, who also hold commissions in India as military officers of the Queen, and who rise in rank and are governed in a similar way to that in which all other portions of the English army are governed, I have no occasion to make further mention. Upon the quality of the civil service it may appear to the purpose to offer, presently, a few observations.

The Court of Directors appoints expressly to the office of the Governor General of India, to that of all the members of his Council (save one), to that of Governor of each of the other Presidencies of India, to that of all members of those Governors' Councils, to that of Commander-in-Chief of all the military forces of India, to that of Commander-in-Chief of the forces of the Presidencies of Madras and Bombay, and to some other minor offices which it is unnecessary to enumerate. The functions of one of the Councillors of the Supreme Government of India are confined exclusively to the legislative department of that government.

The appointments to the office of the Governor General of India, to that of the Governor of each of the Presidencies of India, to that of the Commander-in-Chief of India, to that of the other Commanders-in-Chief, and to that of the legislative member of the Supreme Government, are neither of them valid or complete until approved of by the Crown. This provision of the British legislature supplies another link in the chain by which the destinies of India are bound up with those of the whole English Empire. The Court is necessarily compelled, though the risk of rejection, to select persons to fill these high political stations whose principles of government, and whose qualifications, are satisfactory to those who administer the general affairs of the English Government. These ministers of the Crown can, themselves, hold their authority no longer than while their own measures

are satisfactory to the British Parliament, as being conducive to the national strength and prosperity. And thus is secured, as far as human designs can perhaps accomplish, an union of councils and of policy through all gradations of authority, from the supreme organ of the state down to the humblest official entrusted with a share of political power.

The Court of Directors can, at their own discretion, and without assigning any other cause than such as they may see fit to specify, remove from their offices either the Governor-General, or any Governor, or Commander-in-Chief, or Member of Council; and in like manner may suspend, or dismiss altogether, from their service, any of their Civil or Military servants. There is, however, one case of exception to this power of removal provided by the last Charter Act of 1833—which is, that when, upon any vacancy of any office in the appointment of the Court, that Court shall make default in appointing within the time prefixed by the Act, (which is two months from the time of the vacancy being notified to the Court) and the Crown shall consequently, according to the course by that Act detailed, make the appointment to any such vacant office, then the Court shall not have the right of removing the party so appointed, not by themselves, but by the Crown, and the power of removal of this party shall be solely in the Crown.

The exclusive power of this Court, to appoint all persons who are to be engaged in the Civil administration of the government of India, is open to serious objections. As my object is to explain, and not merely to set forth, the constitution and quality of the Company and of its system of government, I shall proceed to examine and comment upon these objections.

So long as the Company pursued purely, or mainly, their objects of *trade*, it was no proper concern of the rest of the public at large, whom the organs of the Company's Government employed as the servants to superintend or manage

their affairs. Such appointments necessarily fell to the private patronage of those members of the Company, to whom were entrusted the Company's private interests; and there was a sufficient security in the common interests of all that such a patronage would be employed to the best advantage of all.

But, when the Company no longer had the care of any private interests—when their trade was totally abandoned, and the *political government of the country*, and the *public concerns of the people* were their sole occupation;—the case became very different. It must be obvious that the interests of the whole nation were those alone to be considered, as well in the system of making appointments, as in every other mode of exercising their functions—and that in the appointment to all public offices the just and *most efficient administration of the government* should be exclusively had in view. In the system, however, of appointing individuals to the Civil Service the *private patronage and interests of certain members of the Company* is had in view, as well as those of the nation at large—and it remains to enquire whether that system does not operate prejudicially to the government of the country.*

The original appointments to the Service are given to youths between the ages of 16 and 21. The qualities which will eventually characterize a person's manhood cannot be ascertained with much accuracy at that period of life, though existing abilities to a certain extent may be pronounced upon. But, whatever the Civil Servant may afterwards prove, in point of capacity his qualification to be employed in the administration of the Indian Government has been definitively settled. Unless absolutely deficient in intellect, he can hardly be rejected from employment at any period of his after-life—but if the greatest genius, in the full strength of manhood, should be a candidate for employment, he could not be admitted if he had not originally been ap-

* See note at the end of the book.—Ed.

pointed to the service in his youth; and the other must be placed in office in preference.

The Court require, before granting an appointment to the Service, that the probationer should pass through a certain course of education, or at least evince his acquirements by passing successfully through a scholastic examination. The scale of competency is, however, not beyond what a youth of ordinary intellect, with ordinary exertion, by the age of 18 may attain. As no one can be a candidate but such as are nominated by the Court, no amount of talents or attainments could obtain for their possessor the liberty of devoting them to the service of the Company, without such nomination. The Court secures the Government of India against the absolute incompetency of the Civil Servant at the time of his appointment; but their objects of private patronage would be interfered with, if they made provisions to secure to their service the most competent servants that could be obtained, in preference to those nominated by themselves—and, therefore, no such provisions are made. Indeed, it may be said that to some degree this power of patronage operates to the preference of a comparatively inferior nominee. For, if a nomination be secured to any party, and he can give it to one of several whom he desires to advance in the world, he might with reason propose to the ablest youth to make his way in some ordinary occupation or profession in which he was likely to gain distinction; and he might reasonably give the appointment to the Civil Service to another, who, though not *incompetent* to that employment, might have less chance from his capacity to succeed in any other.

If these were all the objections to the system of appointment to the Civil Service, there might appear scarcely a sufficient inducement to notice them; for it must be allowed that, out of so large a number of well educated youths, a considerable supply is made of talents for the exigencies of the Indian Governments. But these are not the only objections. Those who thus enter the service are usually

such in whose progress their patrons take a personal interest. They come out with an acknowledged *claim* to be not only put in some office of emolument, but to be advanced according to their seniority to the higher and more important offices in the administration. They are presumed to be provided for during life with an ample income, and also with the means, by a prudent course of management, of realizing a competent, or perhaps a large, fortune. The Governments of India would, in justice, manifest much caution in exercising a preference of one servant over another on the mere score of superior abilities—they would be still more cautious in rejecting from important employment any party on the ground of absolute incompetency. The total exclusion from any lucrative employment, merely on the ground of absolute deficiency of intellect, or of industry, or of acquirements, is a circumstance almost unheard of. The raising to high office of a junior, altogether out of his class, and over the heads of a large proportion of his seniors, on account of eminently superior qualifications for the public service, is equally unknown. Such measures as these would be universally considered, as well by the body of the Civil Servants, as by the Court itself, to savour of injustice. The Governments of India cannot direct an unlimited discretion towards selecting those who are to administer the chief affairs of the state, according to the test of their superior ability to fill their posts for the public benefit. Their choice must be chiefly influenced, if not guided, by a deference to the private interests, and to the claims by seniority, of individuals. They can exercise some discretion in excluding the incompetent, but very little in promoting the most meritorious.

It may be justly apprehended that the effect of this system is to mortify emulation, in proportion as it diminishes hope. The aim of a virtuous and elevated mind is, not the mere attainment of a high station, but the attainment of it through pre-eminence of qualifications. The possession of a distinguished office is chiefly valuable to a man of supe-

rior talents and honorable principles, as affording him the means of performing some conspicuous public services. But such qualifications can only be acquired, and such services can only be rendered, by laborious exertion—and the only incitement to exertion is the just expectation of reward. In proportion, therefore, as the system of advancement in the Civil Service holds out equal expectations to the negligent, the ignorant, and the weak-minded, and to the able and industrious, must it be reasonably expected that there will be a deficiency of that exertion on which high qualifications for public duties depend. In that proportion has it a tendency to lower the level of the Civil Service, and reduce all its members to that same level. As far as birth, and manners, liberal education, and the prevalence of honorable principles can serve to raise that level, it must be allowed that it is a high one. The majority of its members, appealing to such well founded credit, and also to the exalted merits of several among them whose abilities and public virtues have gained them an illustrious name in the history of this country, will probably deny the justice of these remarks, or disregard them. Those, however, who feel a consciousness of superior talents—who burn with a noble ambition for the enlarged means of serving the interests of their country—and who toil to attain eminence by improving those qualities by which they may adorn it—such men will regret that they can only advance with the throng; they will be sensible that the true dignity and reputation of their service is impaired by the obstacles which oppose the rise of its most meritorious members; and they will scarce think justice is duly observed towards the people in neglecting the very best means of securing an efficient administration of their government. They will reflect with pride on that character for integrity, and general talent, which has been justly earned by the body to which they belong; but they will not mistake these merits for those of the most exalted quality which can be displayed in the government of a vast Empire. They will appreciate the excellencies of

those of their body, who by their conspicuous public services have done honor to the first offices of the state; but they will distinguish between those services which may have been accomplished in spite of a faulty system, and the merits of the system itself.

If no other consideration is likely to lead, ere long, to some change in the mode of selection to civil employments, the growing intelligence and qualification for civil duties of the Native community must necessarily produce it. Hitherto this question has attracted little concern amongst them; and, however important in a general and political point of view, it has been one of little moment as respects their immediate individual interests. Until the Empire of India was consolidated, and its plan of government thoroughly brought into operation, and firmly settled, it would have been not only useless, but disastrous, to have attempted these great and beneficial objects through the Natives themselves, to whom the domination of the English was new, and by whom their principles of government were scarcely in any degree understood. But the condition and the feelings of the Native people have greatly altered. As internal tranquillity, the security of possessions, social intercourse, and useful knowledge has increased—so has advanced the attachment of the people to the British rule, and their natural and laudable desire to share in the honors, as well as the labours, of public employment. These are sentiments which must be respected. These are wishes which cannot be disappointed. The access of Natives to power and office is acknowledged to be just on principle, and expedient upon sound policy. In the spirit of these generous views the authorities, both in England and in India, are forward in holding out these encouraging prospects to the Native community. The author of these pages contributes his humble labours to promote so great and so just a national cause. For it must ever be borne in mind that it is by such intellectual exertion as that which engages the Native reader in his present task—it is by the extent and quality of his informa-

tion, as well as by his ability, his incorrupt integrity, and his love of truth—that the Native candidate must justify his claim for public employment. But, when qualifications and virtues such as these shall mark his character and pretensions, I know not the office, however eminent for honor, and however important for usefulness, which may not (as I earnestly hope it will) be open to Native ambition.

Before quitting this examination of the powers of the Court of Directors, I would desire to advert to one other particular, which is rather among the duties than the powers of that Court; namely, that of receiving and pronouncing upon petitions. All persons, of whatever rank or condition, living under their Government are at liberty to address themselves directly to the Court itself upon any subject within that Court's authority to redress. It is, however, a rule observed by that Court to require that every such petition stating any grievance or cause of complaint should be addressed to them through the Government of the Presidency. The reason of this is, that the Government may have an opportunity, before the consideration of the Court is given to the subject, of making all expedient inquiry on the spot into the truth and grounds of the statement made, and of affording whatever explanation the case may appear to call for. Without such information from the Government, or some competent authority, it must be obvious that no reliance can safely be placed on any representation from an interested party. It is another rule that the Court never interferes in matters upon which the ordinary tribunals of justice can afford redress. The propriety of this rule is clear. These tribunals are expressly appointed for the purposes of deciding on all rights claimed, or crimes charged. They are clothed with all necessary powers—and their course of investigation is expressly regulated with view to the attainment of truth through a fair hearing of both sides. The interference of any authority would be an arbitrary violation of the laws of the country, and the substitution