

ments of both foudjars, (and ~~ch~~anahdars, acting under them,) were abolished.—That Foujdarry Courts however were continued in the several divisions, subject as before to the control of the Naib Nazim, and the English Judges of the Courts of Dewanny Adawlut appointed Magistrates.—That for the superintendence of the administration of justice in criminal cases, a separate department was established at the presidency, under the control of the Governor General; and for his assistance a covenanted Civil Servant appointed with the official appellation of Remembrancer to the Criminal Courts.—That under this system the administration of justice was much impeded, from the inefficacy of the authority of the English Magistrates over the zemindars, and the necessity of their (the Magistrates) delivering over for trial to the Darogas, all persons charged with offences however trivial.—That the Magistrates were, therefore, in 1787, vested with authority to hear and decide on complaints for petty offences, and to inflict corporal punishment, and impose fines on the offenders.—That the numerous robberies, murders, and other enormities, which continued to be committed, evinced that the administration of criminal justice was still in a very defective state, and that certain regulations were accordingly passed by the Governor General in Council in 1790, establishing Courts of Circuit, under the superintendence of English Judges, assisted by natives versed in the Mahomedan law, for trying in the first instance persons charged with crimes and misdemeanors; and enabling the Governor General and the Members of the Supreme Court to sit in the Nizamut Adawlut, which was again removed to Calcutta, and to superintend the administration of criminal justice throughout the provinces.—That these regulations, with the subsequent amendments, were now enacted with alterations and modifications.

The 2nd Section of the Regulation (IX. 1793) declared the Judges of the Zillah and City Courts to be

**Magistrates in their respective jurisdictions, and prescribes the oath of office.**

**The 3rd Section defines their jurisdiction.**

**The 4th and other Sections, down to the 11th, enumerate their duties.**

**The 12th to the 18th Sections relate to the periodical visits of the Courts of Circuit, the calendars and documents required to be submitted to them by the Magistrates, with a special rule regarding the commitment of proprietors of land.**

**The 19th Section refers to the committing of crimes by British subjects, and by Europeans not British subjects, without the jurisdiction of the Supreme Court.**

**The 20th and 21st Sections regard the management of Jails, and the remaining ones relate to miscellaneous matters, and to the transmission of monthly and other periodical reports to the Nizamut Adawlut, which it is unnecessary to describe in detail.**

**Regulation XXII. 1793, is entitled, a Regulation for re-enacting with alterations and amendments the regulations passed by the Governor General in Council on the 7th December, 1792, *for the establishment of an efficient police throughout the country.*—The Preamble, after adverting to those regulations, declares them re-enacted with alterations and amendments.**

**By the 2nd Section, the Police was declared to be under the exclusive charge of native officers (Darogas or thanadars), appointed by Government, and the land-holders and farmers of land were exonerated from the charge of keeping up police establishments.**

**By the 3rd Section, land-holders and farmers of land were not to be held responsible for robberies, except in particular cases specified.**

The 4th Section divided the different districts into police jurisdictions, and defines ~~their~~ extent.

The 5th Section relates to the numbers and designations of the police jurisdictions, the 6th to the nomination and removal of the thanadars, and the security to be given by them previous to appointment.

It is less necessary to follow out this Regulation in detail, inasmuch as many of its provisions have been rescinded by Regulation XX. 1817, being a Regulation for 'reducing into one Regulation, with amendments and modifications, the several rules passed for the guidance of darogahs and other subordinate officers of police, &c.' and other parts of its enactments were again rescinded by Regulation XXII. 1817, some also by Regulation XIII. 1814, and Regulation VII. 1811.

It is also unnecessary here to offer any observations upon the utter inefficiency of the Thanadaree system as exemplified by experience, the same having been fully developed in '*Crawford's Letters from British Settlers in the interior of India*,' and such practical remedies suggested by the writer of the *Remarks* on those Letters, as appeared to him (after some local experience and meditation on the subject) calculated to mitigate, if not remove the evils complained of.

The remaining Regulation XXIII. (1793), was entitled a Regulation for raising an annual fund for defraying the expence of the police establishments entertained under Regulation XXII. 1793; but this Regulation (XXIII.) having been bodily rescinded by Section 2, Regulation VI. 1797, no further notice of it in this place appears necessary.

The regulations passed in the REVENUE Department, in the year 1793, amount (exclusive of the salt and opium) to 24 in number, and any thing like a detailed examination of each of those Regulations would be to tax too severely the limits of your columns and the patience of your readers. A numerical Analysis of them has been already given in

Letter VII. (p. 44) and being now desirous of collecting together the several letters which I have at different times addressed to you on this most important subject of CODIFICATION, and of reprinting them in a separate shape for distribution to, and the perusal of those, who in India, and in England, take an interest in the accomplishment of so great a desideratum, I gladly avail myself on the present occasion, of the advice of your correspondent *Sutch Baut*, already alluded to, and beg to refer merely to the Revenue Regulations themselves, classified under their subordinate heads, and enumerated in the letter already cited.

By the great, the important Regulation I. 1793, Department REVENUE, subordinate division *Land*, the property in the soil was declared in Bengal, Behar, and Orissa, to be vested in the Zemindars or land-holders, and the revenue payable by them to Government, fixed for ever.

It would be foreign to the purpose of these letters to enter upon the '*veanta questio*,' or comparative review of the Zemindarry and Ryotwaree systems. Enough, more than enough in the opinion of many, has been written (if not read) on the subject.

The Permanant Settlement, by fixing the demand on land, has unquestionably encouraged the extension of cultivation, increased the wealth of the zemindars, and in many instances promoted the welfare and prosperity of the ryot. It has rendered the land-tax sure, and easy of collection, and reduced the expense of the Civil Establishment.

"Let those, (it has been truly observed, in an able official and printed report, which reached the Presidency in the course of last year, from the Western Provinces :) "Let those who see evils in *that* measure, compare the condition of the beautiful provinces now under the influence of it, *either as respects cultivation, or the comfort of the inhabitants generally*, with the state of those parts of the British



territories where the much-lauded native system of temporary settlements (and therefore real Government property in land) still prevails, and then let them pronounce whether the great Creator of private property in land in India deserves to be commemorated by the Statue now standing in the Town Hall of Calcutta, or to be branded as the author of a measure of pure and unmixed evil."

The inscription on the pedestal of that Statue records as follows :

"In honor of the Most Noble Marquis Cornwallis, K. G. Gov. Gen. of India from September MDCCLXXXVI. (1786) to October MDCCXCIII (1793) : who, by an administration uniformly conducted on the principles of wisdom, equity, and sound policy, improved the internal resources of the country, promoted the happiness of its inhabitants, conciliated the friendship of the native powers, confirmed the attachment of the allies of the Company, and *established the reputation of the British name in Hindoostan, for good faith and moderation*, by fixing in perpetuity the public demand for the Landed Revenue. *He gave to the proprietors of the soil for the first time a permanent interest in it, and by the formation of a Code of Regulations for every Department of the Government*, he bestowed on the natives of India the benefit of a constitution and security, before unknown, in the enjoyment of their rights and property."

I shall conclude this letter with an extract from an able periodical Publication\* relative to the Progress of Codification in America, as I consider it to contain several valuable hints, which might be made available in the course of the accomplishment of the useful and important work which it has been the object of these letters to promote.

---

\* THE JURIST, Vol. I. Art. VI. American Law.

“The practicability and usefulness of reducing the whole body of the common and Statute law, including the system of Equity, to a written text, has been recently much discussed in America. The great variety of the sources of our jurisprudence, its complexity, constantly increasing with the multiplication of new laws, and new adjudication upon the old—*‘immenso aliarum super alias acervatarum legum cumulo’*—the inherent uncertainty of all unwritten law, depending on conflicting precedents and analogies, have forcibly impressed the public mind with the desirableness of such a work.—The nearest approach which has yet been made to such an attempt in any of our states, whose jurisprudence is derived from the common law of England, is the revision which is now being made of the Statute Laws of New York. By an act of the Legislature, passed in April, 1825, Commissioners were appointed to revise and consolidate the Statutes of that state, upon a plan approaching to that of a CODE. By the provisions of the Act, the Commissioners were authorized to revise all the written laws of the state, to *consolidate all acts and parts of acts relating to the same subjects, to distribute them methodically, under proper titles and divisions*, to suggest the best mode of reconciling apparent contradictions, supplying defects, and amending what required alteration—to *designate what ought to be repealed, as mischievous, or useless*, and to recommend the passing of such New Acts, as might be expedient or necessary to complete the System;—finally, to complete the revision, in all other respects, in such a manner as they might deem best adapted to render the laws more plain and easy to be understood. Under the authority thus given to them, the Commissioners have made a classification of the laws to be revised under the following general divisions :

“1. Those which relate to the territory, civil polity, and internal administration of the state.

“2. Those which relate to private rights, or what is commonly included in a *Civil Code*.

“ 3. The judiciary establishments and civil procedure.

“ 4. Crimes and punishments.

“ 5. Local laws and municipal incorporations.

“ *These were again subdivided into chapters, titles, articles, and sections, according to a scientific arrangement of the matters included in these different subdivisions, &c.*

“ In drawing up the text, the great object in view was to free it from inconvenient verbosity, to distribute it into short sections, each containing a single proposition, to avoid as far as possible all ambiguities of expressions, *and by simplifying the language to render it more clear, precise, and intelligible.*”

I am,

Sir,

Your obedient servant,

P. M. W.

**OBSERVATIONS,**

*&c. &c.*

OBSERVATIONS  
ON OUR  
INDIAN ADMINISTRATION,  
CIVIL AND MILITARY.

---

BY  
LIEUT.-COLONEL JAMES CAULFIELD, C. B.  
OF THE BENGAL ARMY.

---

LONDON :  
SMITH, ELDER, AND CO, CORNHILL,

---

1832.



LONDON.  
PRINTED BY STEWART AND CO.,  
OLD BAILLY.

## P R E F A C E.

---

IN submitting the following observations to the notice of the public, I must disclaim every motive but that of drawing attention to the situation of our Indian Empire; the stability of which is inseparable from the interests of our country. I have endeavoured to preserve my mind uninfluenced by personal views. Whatever they may be, I am frigidly indifferent as to the effect this work may have in facilitating, or retarding them. It has been my anxious desire to avoid bias towards any received opinion, or being influenced by any party. I have served long in India, and have been employed in many branches of the Government, and have had the honour of gaining its approbation. I now, with feelings of deference, lay before my countrymen, such observations upon the several departments of our Indian administration, as appear, in some degree, to merit the regard of every man solicitous about the public weal.

*Note.—These Observations were sent home from India in November 1829, for publication; but from circumstances beyond the Author's control were not published*



## CONTENTS.

---

POLITICAL . . . . .	page 1
JUDICIAL . . . . .	36
TERRITORIAL . . . . .	70
COMMERCIAL . . . . .	88
MILITARY . . . . .	96

# OBSERVATIONS,

&c. &c.

---

## POLITICAL.

WHETHER the existing government be the best that can be devised, and is calculated to secure the greatest benefit to England and India, or whether it is capable of improvement, and if so, in what manner, are serious questions, upon which few, even of the best informed, think alike, and demand the deliberate and mature consideration of the legislature and people of the United Kingdom.

In the contemplation of a question of such deep importance, involving the happiness of many millions of people, and the best interests of our country; every selfish or interested feeling ought, as far as our nature will admit, to be laid aside, and our minds brought to a subject pregnant with good and evil, free from prejudice, and with the least possible bias. The discussion of this question should not be hampered with theories; every thing should give way to the result of experience, and the wholesome test of truth.

This investigation, whenever it may take place,

should be carried on with a patient and diligent scrutiny into every department of the government. Political, judicial, territorial, commercial and military, should each be thoroughly sifted, and, if necessary, revised; but as this division of the subject is unconnected with the matter immediately before us, we shall leave it for the present, and revert to the question; whether, at the expiration of the charter, India and its government, as they now stand, should be continued to the Honorable the East India Company, or whether the Crown should resume the immediate charge of the vast empire that the valour, the wisdom, and energy of the nation has achieved in the East? The glory of England, and the continuance of our dominion in Europe, Asia, and Africa, would appear to rest upon the result of the decision; and every nation of the earth will await with intense anxiety, and deep interest, the opinion which parliament, when called on, shall pronounce upon this vitally important question; and no doubt the united wisdom of the nation will ponder seriously, before it hazards an opinion upon a subject on which the liberty of England, and the existence of her colonies depend. The most daring innovator will pause before he advises a change in the construction of a vast and complicated machine that answers so well the purpose for which it was constructed; more especially when he reflects that the slightest omission, the most trivial oversight, may serve to create a monstrous power in the hands

of a minister, who may, or may not, be a good and wise man ; consequently such a power would be liable to be wielded to the destruction of that constitution which has long been the boast of England, the palladium of liberty, and the dread of despotism.

When this immense question is brought before the public, advertence will, no doubt, take place to the discussions in parliament upon Mr. Fox's India Bill, which will serve to call the attention of gentlemen to the imperious necessity of keeping out of the minister's hands the means of retaining possession of his place when the measures have ceased to be beneficial to the nation. It should never be forgotten that gold will tell upon the necessities of the highest human nature is, and must continue defective ; and wisdom will, in legislating for the future, keep a strict eye upon the infirmities to which mankind have ever been liable. It is not sufficient that parliament is pure ; precautions for preventing the application of means calculated to corrupt its integrity must be adopted, which will necessarily point out the salutary effects that might be expected from a partial revision of the Indian departments in England. It cannot be denied that the Board of Commissioners for Indian affairs absorb the whole of the executive authority, leaving the Directors a powerless, and worse than useless body, possessing sufficient nominal authority to enable His Majesty's ministers to saddle them with the mismanagement

and odium caused by the superordinate body. While the Governor-general and the members of government can be recalled by the crown, and no governor appointed of whom His Majesty's ministers do not approve, who can assert that parliamentary influence will not operate on our governors, who are virtually dependent upon the minister, or that such a state of things will not secure a powerful and predominant weight with those members of parliament who have sons, brothers, and other near relations in the Company's service? The principle that conduces to this evil will induce the minister to lend all his interest to screen a Governor-general who is actually the creature of his power, and dependent upon his will. If the pernicious effects of the controlling Board, under the positive dictation of the cabinet, requires illustration, we shall find in the conduct of the Board in 1785, the year after its creation, with regard to the settlement of the Nuwab of Arcot's debts, ample proof of the injustice, disgrace, and pollution which was the result of the establishment of a power, alike inimical to the true interest and honour of England, and her Asiatic possessions. Let Paul Benfield, and his attorney, Atkinson, serve as an illustration and a warning of the contamination and infamy that may be introduced into our House of Commons, through the means of an interference with our Indian government. Let this serve as a beacon for future ages, to avoid "the golden-cup of abominations; the cha-

lice of the fornications of rapine, injury and oppression, which was held out by the gorgeous eastern harlot, which so many of the people, so many of the nobles of this land, have drained to the very dregs." Experience has proved, that the executive functions can never be salutarily exercised by the supreme authority of the nation. Our Indian government should be effective and responsible, whether it remains in the Company's hands, or is transferred to the Crown; and if it be continued to the former, the Governor-general should be selected by the court, under such restrictions as would ensure an impartial choice. He should not be drawn from their service; his fortune should be unimpaired; and he should be confessedly a man of talents and experience. In legislating for our Indian possessions, it should be recollected, that Mr. Pitt introduced his celebrated bill as a palliative, rather than a remedy for the evils then existing in the government. In framing rules, therefore, for our Indian empire, it appears essentially, if not imperatively necessary, that its altered state and condition should be thoroughly ascertained, and fully understood, and that the chances and changes to which it is exposed should be calculated on, and provided for, to the utmost extent of human foresight and prudence. The period is rapidly drawing near, when the charter, under which the present system exists, will expire, and the awful question, how our distant realms are to be governed for the future, will force itself

upon the deliberation of Parliament, and the nation. Our sway in Asia is no longer a subject about which the country can be indifferent; the interests of England have become inseparably interwoven with the welfare and security of our Asiatic sovereignty, which has gradually, imperceptibly, but naturally, forced itself into contact with one of the most powerful nations in Europe. In the present state of things it must be manifest to the most desultory observation, that England, and Russia, must either guarantee the independence of Persia, or the former must look on with unwise, and incomprehensible indifference, whilst the latter establishes her influence, if not her dominion, over that state, and gains a position, that will secure an easy entrance into our Indian territories.

Russia, immense, extensive, and powerful as she is, has not yet reached the fulness of that gigantic size, at which fate has apparently destined her to arrive. Upon her southern, and eastern frontier, the countries of Khorasan, and Bucharía (the latter of which, is under the influence of petty, but turbulent, and warlike chiefs) present by no means a difficult nor insurmountable barrier to the attainment of an influence, that may be exerted to our serious detriment if not to our imminent danger. Hordes from independent Tartary, little Bucharía, and Thibet, would gladly join under such powerful auspices, in a plundering excursion into India. It will be wise to recollect, that our immediate eastern frontier has

already become insecure; a provident and cautious policy will instruct those who preside over the destiny of our Indian empire, to adopt such measures, as wisdom may consider best calculated to embrace and provide for all contingencies.

The vast and profound problem of government is susceptible of so many, and varied solutions, as to puzzle the most vigorous, comprehensive, and discriminating capacity; therefore the less complicated it is, the better. A simple piece of machinery, must obviously require fewer repairs, be exposed to fewer accidents, and when out of order, be more easily restored to its functions, and at less hazard, and expense, than a more intricately constructed instrument. The more, therefore, our system of government is simplified, the less exposed it becomes to danger. Colonies are supposed better provided for by a simple form of polity, than when subjected to numerous and conflicting regulations. To secure to any distant country an equitable, energetic, and efficient government; we have only to guard against a minute interference with the natural genius of its inhabitants; render their lives and properties secure, and allow them a just and adequate share in the executive government of the state. In other words, identify the interests of the population, with those of the ruling authority; and allow active and honest industry a fair and legitimate competition.

When the rights of the community are not respected and secured, there cannot possibly exist a



sound and affectionate devotion ; there must be a reciprocal conviction, that each is necessary to the prosperity of the other : without such an impression, there can be no union of interests, no common cause to rally round, nor common principle to impel : So long as the rights of the bulk of the inhabitants are made subservient or are sacrificed to the aggrandizement of the few ; so long will injustice, dissatisfaction, and a desire to change the existing system disturb the community.

To render a foreign possession secure, we must obtain some hold in the soil, which, in a country in a great measure occupied, can only be accomplished by cautious and slow degrees. The governed and governors, to render the one happy, and the other stable, must have a community of feeling upon all important subjects ; they must assimilate in religion, usages, manners, language, and education ; every thing tending to accelerate such a consummation should be encouraged, and every thing disposed to retard it should be removed with prudence, or guarded against with undeviating solicitude. Hence it is clear, that colonization, under limited restrictions, should be admitted, and unless this necessary step be taken, our footing in India must continue infirm, and exposed to every commotion which may agitate the public mind. The security of our possessions, the prosperity, peace, and good order of society, alike demand that we should take a liberal and extensive view of our situation. It is time to cast off the

trammels which have bound us, and extricate our minds from the 'bugbears which have hitherto prevented our making the slightest\* advance towards securing ourselves in that distant land. After\* occupying India for the best part of a century, we may look round in vain for a class, upon which the several important duties in the various departments of the executive government could devolve, without ruin being the consequence. We are informed by an able and philosophic historian, Mill, that, the most experienced of the Company's judicial servants are unanimous in the opinion, that, the \* zumeendars and merchants, are alike unfit for any confidential employment in the executive branch of the government, nay, that their employment would prove mischievous, consequently it would not be advisable that they should be invested with any judicial authority, because such an investiture would entail innumerable evils upon the people. There are none to feel sentiments of regard and respect for the government, and yet be bound to the people by a common interest, and sympathies growing out of a daily, intimate, and social intercourse ; the state of society is fictitious, and disjointed. There exist none, who, in the hour of danger, would exert themselves to aid the executive authority ; such a class is unknown, and without it permanent stability is not to be attained. Government, in its present isolated situation, can neither ascertain the wishes nor opinions of the people,

\* Landholders.

nor explain fully, matters of which it is necessary they should have a thorough knowledge. In the face of such opinions, held and proclaimed by our ablest servants; in the face of prolonged experience, and in defiance of common sense, are we to continue bound in the chains of selfish avarice, and besotted prejudice? We cannot now plead ignorance, and the necessity of experience; the first has ceased to exist, the latter stands copiously recorded in the every-day transactions of our rule.

This class in our Indian society, would appear to be our chief want; it also appears that through its influence alone, we can entertain any rational hope of perpetuating our dominion. By taking root in the soil, and thoroughly incorporating ourselves with the inhabitants, we shall succeed in becoming a part of the population, and creating a communion and identity essential to our existence; without which our dominion cannot be considered as established upon a permanent foundation. The history of India, from the period when we were first called upon to take an active part in its affairs, has, down to the present moment, satisfactorily and incontestibly proved that we cannot avoid doing so, in every question that arises between the states with which we are connected. The opinion entertained by some of the leading men in Europe, "that by a steady and conciliating conduct, the lasting tranquillity of our eastern possessions might be secured," is a mere chimera, tending to precipitate our down-

fall, unless it be supported by a population, actuated by a community of feeling, a similarity of manners, reciprocal advantage, and a conviction, that the prosperity of the one, rests exclusively upon the safety of the other. A religious impostor of either sect is at present able to agitate and inflame the public mind, from one end of India to the other. This is not an assertion unsupported by facts. Let those who observe and reflect on passing events attest the verity, or prove the fallacy, of the supposed danger attending religious imposition, combined with any political feeling inimical to our interest in a country, where superstition, and a passive and blind obedience to their spiritual guides reigns triumphant over a population of millions, a population from whence the supporters and servants of the state are drawn. Our army, our civil establishment, and menial attendants, are exposed to be acted on by a spark, capable of producing an explosion pregnant with danger; against which, situated as we are, it is utterly impossible to provide the slightest guard. The effect of such a shock would be the obliteration of our very name; of which not a trace would be left. Let but the present system be revised, and in time our army, and the principal servants of the state, might be furnished by a population connected by ties of consanguinity, by religion, by social intercourse, and feelings of reciprocal safety. At present we are exposed to the daily danger of utter annihilation, caused by internal rebellion, or external

invasion, either of which might bring on the other. In each case we have nothing to retreat upon, or rally round; and assuredly, if once compelled to retrograde, no trace would be left behind us but the remembrance of our aggrandizement. The arguments of unjustly and forcibly displacing the present occupiers, to make room for our colonists, will, we are aware, be brought against any proposition in favor of colonization. The futility of such a puny opposition is obvious; there is not the slightest shade of similarity between our situation, and that of the Spaniards, and Portuguese, in South America. There we find the invasion of a newly discovered country, impelled by avarice; there we find an army of strangers, roaming over a country, the inhabitants of which had, by a feeble resistance, exasperated that rage which drove them on with impetuosity in quest of wealth, as well as revenge. Horde, in succession to horde, reached that ill-fated land, in which, as the golden attraction decreased, their stay necessarily became prolonged, that they might search for that which they were aware existed. In consequence, places of abode and cultivation for their support became indispensable. The expatriation of the natives became inevitable, and their houses, women, and properties were seized. Thus the native population disappeared before rapine, murder, and oppression, while its place was occupied by the descendants of their exterminators. How essentially different would be the progress of colonization in

India. Under, a just, moderate, vigilant, and well regulated government, the interests of each class would be protected by the most rigid impartiality. The European settler, or his descendants, must come into the market like any other purchaser of land, and here our progress could not be marked, as in South America, by extirpation, and spoliation; here neither the lamentation of the widow, nor the cry of the orphan would be heard; our introduction would be attended with benefit to the people, by bringing ability, vigor, and capital into every branch of industrious labor, as it is evident, the higher classes only could colonize; agriculture would keep pace with commerce, and every species of mechanical art, emulation, moral improvement, and security would be the happy results of our amalgamation with the people of that favored but ill-fated land, whose population, so far from suffering evil at the hand of a well regulated and prudently restricted colonization, would have reason to bless the coming of a people who would lead the way to all the blessings of civilization, and to return thanks to the common Father of mankind, for conquests which, however ruinous in their immediate effects, were ultimately productive of such a glorious consummation. We must further recollect, that notwithstanding all that has been written to the contrary, India is not near populated; its finest districts, and those climates most congenial to an European constitution, are but thinly inhabited, and artizans are no where to be

found out of Calcutta, and even there, very few. It by no means follows that an European capitalist, who might purchase an estate, would, as a matter of course, extirpate his native tenantry, had he the power, for the purpose of introducing an European peasantry, at an enormous expense, under the conviction that in so doing he was effectuating his irretrievable ruin. We are warned of the probable rise of the natives, should they witness the accumulation of British, or Indo-British inhabitants, lest they should ultimately subvert their religion. This is a mere scarecrow to frighten the "citizens."

The palpable contradiction which we see in the Mahomedan colonization, is a quite satisfactory demonstration of the futility of such arguments, and the absurdity of the fears to which they may have given birth. The nation, however, when the matter with which this interesting question abounds comes to be discussed, will bestow upon it that impartial and patient consideration which its importance demands.

Colonization would be pregnant with beneficial consequences to the people of India, and to the stability of our rule, inasmuch as it would create a class of subjects well-informed, and tolerably acquainted with the prejudices, manners, habits and interests of the rulers and ruled, that would eminently qualify them to fill with ability, integrity and assiduity, the subordinate situations in the revenue and judicial departments, and ameliorate the

innumerable grievances the people at present suffer from abuses existing in these branches, which would necessarily give us a hold over public opinion of the greatest possible importance to the stability of our sway ; as the light and energy infused into the minds of our subjects must be in proportion to the extent of our colonization ; it consequently could not prove inimical to our rule until such time as the united population was capable of forming an independent power, in which British interest would necessarily be identified with the independence of British India.

The quotation from Harrington (vide Colonial Policy, page 140.) respecting the Janizaries of Turkey as being applicable to our situation in India, appears to be quite the reverse ; the governments of the two countries are essentially dissimilar, and the constitution of the Janizaries and our Sepoys no less so ; the former being literally a local military body, destitute of interest in established order, whilst the latter, being drawn from the body of the people, are absolutely identified with the continuance of our rule. The danger to which our empire is, from its very nature, exposed at present, would become gradually less as colonization increased, and we should be less liable to the immense hazard attending either external invasion or internal convulsion.

With reference to the suggestions upon this topic contained in page 223-4, of " Colonial Policy, as applicable to India," free and full participation to all qualified persons, without regard to religion, ought



to be the basis of any rules relative to colonization; and natives, as well as foreigners, should be allowed to redeem the land-tax, or, in other words, become actual proprietors. Should colonization ever be admitted, and restrictions be imposed in the outset upon our native subjects, we may peradventure, instead of adding any stability to our empire, give it such a shock as will ultimately cause its fall. The effect of such restrictions would be immediate, and dangerous, if not fatal; it would be considered as an attempt to supplant the native population, by the introduction of foreigners; the tocsin would be sounded from the Himmaleah, and echoed from the Indus; discordant interests would be temporarily united by the common principle of self-preservation, and we should assuredly be considered and treated as the common enemy by every description of people throughout this mighty empire.

It is said we hold our sway in India by opinion: this no doubt may have had, and possibly still has, considerable influence in rendering it more stable; but that it is the mighty talisman by which we hold our dominion, is at once unfounded and dangerous. Our tenure may be traced to a more certain source — our army. Let that be once debauched from its obedience, that moment our rule will cease; and should Russia ever make a serious attempt upon our Indian possessions, by combining with Persia, or stimulating the Afghan population of Candhar, or the hordes of Bucharia, to join in an invasion of

India, our empire, should it escape the external assault, may, nevertheless, fall by internal rebellion. We have nothing but force to rely on ; we have no population, and are considered as usurpers, by people of every degree above the cultivator and the mechanic. It cannot be concealed that their interest, pride, religion, manners, and knowledge of us and our laws, combine to generate a desire that our expulsion should be effected; and that such a sentiment would inspire a general feeling of hostility against us if the smallest hope of success was apparent, there cannot exist a doubt in any mind unwarped by prejudice, or not darkened by the decree of providence for some wise purpose beyond the scrutiny of our finite comprehension.

In conquered countries, particularly in those in which there does not exist a link between the people and their governors, dominion must be retained by a military force. Should that force belong to the nation of the conquerors, the chances of disaffection and rebellion are comparatively few, and unattended by immediate bad effects, even when they take place. But should that force have been embodied from the mass of the inhabitants of the conquered territories, as our Indian army is, separated from us by religion, manners, prejudices, and social propensities, the probability of their disaffection and rebellion will be considerably increased, and render their loyalty and allegiance a matter of anxious and feverish solicitude, and the

tenure of our dominion excessively precarious. Let our native soldiery once feel the conviction that their interests are overlooked, their prejudices unattended to, their feelings violated or disregarded, and the transition from their being the instruments of our sway to that of our downfall and expulsion, will be rapid in its progress, and in its effects fearfully awful. In such a crisis public opinion would not avail ; any expectation founded upon it would prove a dreadful delusion ; and those who rest secure upon such a quagmire will become, and deservedly so, the objects of contempt and derision. The magnitude of such an evil is too immense, and the occurrence of it too likely, to admit of a wise administration not applying the safest and most obvious means that human sagacity can suggest to avert such an event, or to meet it, should it come to pass, with the most powerful opposition. It is, therefore, the bounden duty of the legislature to examine strictly the system under which our Indian territories are held ; and if limited colonization, progressive in its effects, hold out to its apprehension a tendency to render our rule more stable, it is incumbent on it to aid it by rescinding such parts of our present code as militate against it, and to further its progress by such new ordinances as may facilitate its commencement and completion. On the other hand, should conviction, founded on a demonstration of its baneful effects, continue to impress the mind, after a deliberate and dispassionate

enquiry into all its probable consequences, the legislature is equally bound, by the most imperative and sacred duty, to oppose every attempt to carry a measure, which they may consider fraught with evil to so large a part of the human species. In adopting one of these obvious duties, the prejudices, passions and self-interest of individuals should be discarded ; for so long as these continue influential, every sentiment of the mind and every sympathy of the heart remains perverted, and it becomes impossible to survey important measures through that disinterested medium which can alone afford a correct view and a true delineation of the right course to the natural end of all legitimate government.

Our present system, to be rendered effective, must be released from the shackles with which it is bound ; every obstacle to improvement must be removed ; the forms and regulations which clog every department must be done away. We shall then behold that favoured region rise vigorous and triumphant from her present prostrate and inanimate condition.

It has been truly observed, “ No system of government can be virtually or practically good in which the people are denied participation in the legislative, judicial, and executive branches of the state. It is obvious, that being shut out from these our unalienable rights, the prosperity of the country must suffer depression. When every department in the state is filled with foreigners, no community of opinion or feeling can exist ; neither worth, nor

talent can be called into action ; and thus strangers, whose interests are opposed to those of the community, are left, fortified and prejudiced against the approach of truth and experience, to preside over a system degrading to the governors, and ruinous to the governed."

That such a system, in the hands of the crown, would prove strongly influential to the corruption of our constitution, and the ultimate demoralization of England, and her East Indian possessions, and reduce them to a similar condition with Spain and her South American colonies, we have the experience of the past for believing.

The fate of our predecessors, the Portuguese and Dutch, should not be disregarded ; for however superior our system confessedly is to that of either of those nations, the defects which accelerated their fall are to be found in the course which we pursue, and particularly conspicuous in the jealous exclusion of our native subjects from every department of the government. The elements of the present generation are precisely what the elements of the past have been, and what the future will prove.

The fall of the Dutch sovereignty in Asia can alone be attributed to the home government having become so connected with the company, or rather, having usurped the functions which it should have watched over and controlled, but not exercised.

It may here be useful to take a brief retrospective view of the rise and fall of the Dutch in India, for the

purpose of drawing the attention of the public to a subject of deep and serious importance. The unexampled rise of the Dutch to power and wealth, was owing in a great degree to the decline of the Portuguese, about the period of their rounding the Cape of Good Hope, occasioned by their being debauched by a course of success and prosperity scarcely paralleled in the history of nations. Tyrannical measures, intolerance in religious matters, and a spirit of proselytism, rendered them at once obnoxious and detestable to the people they ruled; about which time the Dutch appearing in India, the Portuguese fell without a struggle before the uncorrupted simplicity of a people destined to be their successors and rivals, who speedily became masters of all their possessions, and soon rose to the highest pinnacle of prosperity; but the constitution of this remarkably successful and powerful association was, as has been observed, defective. The entire absence of efficient controul over the governing body in Europe, and the governor-general in Asia, who held his situation for life, soon led to luxury, corruption, and vice. The greatest families in Europe possessed themselves of all the patronage, and seized the most important and lucrative situations, which descended as heir looms from one generation to another. The natural effects of such a system were, the chiefs of the nation, together with the Stadtholder, became implicated and interested in malversation. In this condition, when measures of reform became im-

perative, the home government, from whence they should have emanated, was, from the peculiarity of its nature, and the venality inseparable from such an anomalous system, unable and unwilling to interpose vigorous measures to rectify mismanagement, and rescue the affairs of the company from ruin.

The impunity with which misrule and cupidity indulged their views, both in Europe and Asia, served to incapacitate the constituted authorities of the republic, and the company's functionaries abroad; and to open an easy entrance to the English, who about that time appeared as actors on the great theatre of the Eastern world. England has now possessed herself of all the land and commerce of India, and has filled every civil and military situation of honour or emolument with her own sons; she has likewise subverted, in many cases, the laws and ancient customs of the people over whom she rules, and introduced her own in their stead, and these acquisitions and innovations are supported and defended by an army raised from the Indian population. In return for this, it will be asked, what has England done for India that can be considered even as a partial return for the advantages she has reaped, or the injuries she has inflicted? It may be averred, she has secured the lives and property of millions; that a man can plough his field, and reap it, that he can build a house, and live in it; and it must be acknowledged that it is so. But it is no less true, that

his share of the harvest is a mere subsistence, and that his house is a mere hovel!!

If, upon the expiration of the present charter, the existing restrictions on the trade should be modified, and colonization neither encouraged, nor retarded, but left unimpeded in its natural course, and our judicial system revised, India will then become the first-born of Great Britain, and in a burst of heartfelt gratitude, and glowing eloquence, will hail her at once as a parent and friend. In the changed condition above noticed, it will remain for the legislature to determine with whom the government shall rest. This is a grave and serious question, not to be discussed and decided upon, as elsewhere observed, in the spirit or language of party or faction. Such an immense increase of patronage to the crown as would flow into the cabinet might give it an undue and unwholesome preponderance. Such a dilemma is not to be avoided under such circumstances, and as the preservation of our happy and matchless constitution must ever continue to be the dearest object of the nation, it will be cautious how it gives power to one of its parts, to the injury, if not to the annihilation of the remaining members. If this consideration be of sufficient magnitude and importance, it will possibly be conceded, that the present Indian corporation might with advantage be retained. To this it may be objected, that a community of sovereigns (for such the Court of Proprietors might be termed) would be as absurd as rare; nay, that it



would be creating an opposition in the state at variance with reason, and hostile to its existence. But what would be the effect of such language? Or what would it establish? Nothing; it would be mere declamation resting upon no data; it would prove a party fiction to forward party views. In reality, such a condition would be no increase of power to the Court, which is at this moment a court of princes, the organization of which would require little, if any change. Deprive them of their worst influence, their exclusive privileges, of the principle which blights every thing it approaches—their mercantile avarice, and they will be enabled to preside with vigour over the simple and obvious duties they would have to perform.

“The East India Company is in no way advantageous as a commercial and political institution, but rather an expensive incumbrance, and an obstruction which ought long ago to have been removed.” As a commercial institution, the East India Company may not have the most favourable influence upon trade, and that diffusion of knowledge and civilization which distinguishes and enlightens its track, by introducing affluence and science into every nation which opens her ports to the substantial blessings arising out of unshackled commerce. But as a political institution, it should not be rashly condemned. It has been observed in another part of this pamphlet, that the immense addition of patronage, civil and military, which the minister

would derive from the possession of the entire executive government of our Indian colonies, would prove of such an overwhelming nature as to crush every parliamentary attempt to oppose his establishing an influence, injurious, if not destructive, to the principles of the constitution; and Lord Grenville's plan of selecting young men for the civil service, from our universities and public schools, and for the army, from families whose fathers have fallen in the service of the country, would be subject to serious objections, inasmuch as the youths so selected would be the children of our aristocracy, and intimately connected with parliament, and would rather facilitate than retard its corruption, by giving the guardians of our institutions an indirect participation in the corruption so much to be apprehended. The Indian service must be retained distinct and separate from the crown, and the selection of youths, if ever the Company be done away, must devolve upon some body having no connection with His Majesty's government, and the patronage in India as at present must remain in the hands of the local government; a partial change in the constitution of our present system would appear all that is requisite to the formation of an efficient establishment.

As the promulgation of the truths of Christianity, and the uncontrolled freedom of the press in India are intimately connected with the interests of our subjects, and the permanency of our sway, we shall

make a few desultory remarks upon each before we leave this part of our subject, as it appears the fittest place to notice them. The importance of both these topics requires more ability than we can bring to the discussion ; we shall consequently, as in other matters deserving the most serious ~~serious~~ consideration, rest satisfied with bringing them under the notice of the public.

The conversion of the natives of India has apparently excited an extensive interest, and gained many adherents among the best informed classes in England, and is unquestionably a matter of deep concernment ; but in contemplating the good and evil consequences that may flow from the idea, if ever it gets abroad, that such an undertaking was meditated, we are called upon to observe the utmost caution, lest we should inadvertently afford grounds for the suspicion that government even indirectly favoured an attempt to introduce a foreign religion into the country. The most benign measures are not unfrequently followed by the most mischievous effects ; and religion, above all other concerns, is infinitely calculated to elicit the most impetuous, exasperated and sanguinary feelings. The history of the world abounds with awful lessons upon this momentous subject, interference with which, at one time or another, has proved a scourge to every nation whose annals have reached posterity. It is a powerful engine, and in unskilful hands may involve in ruin those who attempt to direct its opera-

tions. Ignorance, though audacious, is seldom so fortunate as to escape unscathed from the wrath which its presumption is sure to incur. There are but few master spirits in these times capable of allaying the storm that unwise temerity may provoke. In societies where civilization has made but a limited progress, the human mind is generally found warped by prejudice and superstition, which render it incapable of discrimination, and chain it to the popular religion of the state. To wean it from these, and awaken a deep and disinterested sense of its erroneous belief, we must enlighten it by education, and afford it the means of examining the pretensions of each persuasion previous to any attempt to influence its selection.

In acknowledging the duty of a Christian to exert himself strenuously in the promulgation of the sacred and immutable truths of the Gospel, we must not lose sight of the more paramount one conveyed by Christ himself in the following impressive words : " Whatsoever ye would that men should do to you, do ye even so to them, for this is the law and the prophets." The practice of this divine commandment is positively inculcated, the observance of it is in nowise to be evaded. How then could we reconcile it to our consciences to upbraid men who have spent their lives in the faithful performance of the rites of their religion, and their duties as fathers, friends and good citizens, with besottishly adhering to the knavish or ignorant tenets of idolatry, and

denounce them as offenders against the living God, and as the rightful heirs of eternal damnation? Are we warranted in insulting the feelings and rousing the passions of men who have for accumulated ages been taught to consider their faith as an immediate emanation from divine wisdom? Or could the conduct of government be held excusable for allowing, however pure, noble and generous the motive, indiscreet zeal, or blind enthusiasm to preach under the supposed sanction of its influence, a doctrine for the comprehension of which the minds of our subjects are not duly prepared? Are we to permit fanatical bigotry to roam through the country, disseminating its doctrine in offensive language, and thereby engendering in the mind of the public the utmost alarm and solicitude for the safety of the established religion? There is nothing more likely than premature proceedings in the great work of conversion, to excite and accelerate a crisis alike fatal to our sway and the general interests of christianity. Arrogance and mistaken zeal have proved in every country of which we have any account, the greatest enemies of the Gospel. Let us, then, shun the rock upon which the best efforts of the followers of Christ to spread his religion have been wrecked, and leave the great work to the holy and pious labours of such instruments as may be ordained by heaven to perfect the object of his blessed incarnation. Let us foster the knowledge, and forward the instruction of our Indian subjects, and

leave to the inscrutable wisdom of heaven the fulfilment of the word of God.

It is surprising, at a period like the present, when abundant information is every where to be found, that such erroneous conceptions regarding our Indian rule should be so generally prevalent, that we can scarcely take up a pamphlet or speech upon the most trifling subject, that we do not meet with opinions that would discredit more remote times than the era in which we live.

It appears a common error amongst the writers and orators of one party, to impute all our misrule to restrictions upon the press, and to place all our future security upon the affections of the people, which they say would follow unrestrained freedom. If an unrestricted press would carry in its train all the blessings of a free, enlightened and liberal government, who would not advocate its cause and triumph in its success? We must not deceive ourselves by such visionary expectations. The warmest advocates of a free press must admit that it is rather a part of the superstructure than the corner-stone of a great and good government; and, although quite essential to its preservation, it is not alone the fulcrum by which it can be raised into existence.

The constitution of our Indian government must undergo great changes before our possession can be looked upon as secure, or be considered mutually beneficial to England and India. To obtain this

highly desirable consummation, our native subjects must be allowed to participate in the executive authority. They must have a deep interest in the stability of our sway. They must have every thing to lose, and nothing to gain, by a change, before we can securely rest on their devotion to our cause and attachment to our institutions. They must be bound to our rule by more durable links than the recorded cruelty and misconduct of their Hindoo princes "and the no less gloomy recollections of their Mahomedan masters." The memory of both is faint, and would vanish before even a remote hope of freeing themselves from the shackles of foreigners, who are looked upon as the usurpers of the government, and every respectable situation under it — as usurpers who have shackled their trade, and enslaved them to a system more inconsistent with their education, habits and prejudices, than any under which they have before suffered. With former conquerors they shared the honour and emolument of the executive authority; under our sway they share nought, but are alike shut out from every department of the state, and thrown entirely upon the precarious profits of curtailed commerce for that affluence and independence which they are precluded from sharing with their subjugators by our monopoly of every thing else.

Thus situated, how can they understand or appreciate the vituperation of an irascible and exasperated writer, or the delusive speculations of an Utopian

enthusiast? No! something more tangible and substantial must be offered to their acceptance—an obvious and permanent benefit, participation in the offices under government, an efficient administration of defined and equitable law, through channels the least susceptible of fraud, corruption, and delay; all of which would spring from any salutary change in the present system, that would facilitate the access to situations of respectability and confidence of such of our native subjects, who might render themselves eligible by their knowledge of our language, literature, and laws. The establishment of colleges in the principal cities and schools at our out-stations would afford them the means of acquiring a competent education, and seminaries might be endowed with sufficient to render them objects worthy of the ambition of our European scholars, at an expense not exceeding that incurred for similar establishments in England, for a purpose which has been but partially obtained.

There cannot, it is presumed, exist a doubt in the mind of any man who has given the subject due deliberation, of the vast importance that would accrue from an order directing the business of our courts, judicial and revenue, to be transacted in English instead of Persian; such a change would at once secure the judge and client from the impositions of mercenary native expounders of law that few of them understand, and which is capable of interminable misinterpretation and evasion by those who are most



deeply read and intimately acquainted with its quiddities and quirks. Then public business would no longer be impeded, nor fraud rest secure against detection, and the population would be placed in possession of the strongest possible inducement to seek an intimate knowledge of our language, manners, and institutions. Under the influence of such a change, and the strongly operating power of self-interest, and the almost certainty of realizing reasonable expectations of fortune, honour, and distinction, we should see our native subjects emerge from their present state of ignorance and degradation, and become instruments of the greatest importance in rendering our empire stable by an affectionate devotion, resting upon the best interests of those over whom we ruled.

At present, even in the absence of all inducement to acquire a knowledge of our literature and language, we see the natives forward and anxious to avail themselves of the means held out by the College established in Calcutta by the Hindoo community, with a trifling aid from the British government, to acquire all the information their instructors can communicate. Here youths, sons of the most respectable and affluent Hindoo citizens, devote themselves with assiduity to their studies, and are really in a state of forwardness, considering the very limited means within their grasp, remarkably demonstrative of the culpability of the British government for neg-

lecting to cherish that from which the most important and beneficial results might be expected.

The aptitude of these youths, and their capacity for acquiring a distinguished proficiency in the several branches of scientific, useful and ornamental literature, from the specimens which the College, under the superintendence of Mr. Wilson, exhibit, would not suffer by a comparison with youths enjoying more extended means of instruction in Europe.

If such limited means are so productive, and hold out so much promise of an abundant harvest from a more liberal culture, how can we hope to be exonerated by posterity from having incurred the guilt attachable to a wilful neglect, from unworthy motives, of that which it was our sacred duty to perform, and which could not have failed to be beneficial and honourable to our own nation.

By educating the natives, we in a great degree secure the temporal advantage and triumph of our country, and under Providence are doing that which would prove instrumental in diffusing the divine influence of Christianity over the largest portion of the pagan world; and by neglecting to do so, we meanly resign a noble and irresistible claim to the gratitude and admiration of our Indian subjects.

If, as we are told, intellectual knowledge keeps pace with political freedom, and that science will spring up if not checked by despotic and arbitrary power, it is manifestly our bounden duty to allow as much freedom to our Indian subjects, as is con-

sistent with the security of our sway. This proposition, it is conceived, will not be contradicted; in which case, the difficulty will be to ascertain the precise degree of restraint that will admit of the vigorous expansion of human intellect, while it checks those violent ebullitions and wild sallies, so inimical to the interests of the people, and so pregnant with danger to the existence of the state. There surely cannot exist a doubt in any well organized mind of the imperative necessity of the executive authority, in that distant country, being armed with absolute and independent power, for the application of which it can only be held responsible by the authority from whence it is derived. Turbulent, wayward, or seditious characters are by no means uncommon; so far otherwise, that they may be said to be the weeds which naturally spring up in all free communities, neither can it be denied that the judicious exercise of authority to eradicate in the germ, a plant so deleterious in its influence, would be more than was the paramount duty of those to whose hands the safety and well-being of our possessions were confided. Upon the other hand it is obvious, that the free exposure of the conduct of the executive authority would be productive of a happy and beneficial tendency, as it would necessarily render it more deliberate, rouse its energies, and stimulate it to a vigorous exertion of its faculties, that would enable it to throw off the sluggish confidence generated by the exemption of its measures from free discussion, which, like an un-

natural action in the human body, taints the sources from whence nourishment is derived, and by rendering the whole mass of fluids vicious, contaminates and deranges the system. Freed from a noxious and infectious principle, a healthy action would ensue, bringing with it a communion of sentiments well calculated to excite the best sympathies of government; and, so far from weakening the tie which connects it with the vast population of the mighty empire over whose destinies it holds sway, the strongest bond of union would be produced, the obedience of the heart, the conviction of the mind—ties more durable, and affording greater stability to the state, than all the chains and trammels the invention of despotism could contrive. Hence, then, it may be allowed, that the utmost limits consistent with prudence should be granted to the press. It is sufficient that government be armed with adequate power to crush a notorious and audacious offender. Such a power, however, should be exercised under a heavy responsibility, and never put forth save when the evil was obvious and dangerous. Justice should never permit punishment to exceed crime, however mercy might be induced to temper its infliction.

## JUDICIAL.

“WE are the masters in India, most happily for India itself; but there are native princes in that country who would gladly recover the absolute authority that their fathers possessed. There are adventurers, and restless spirits, even in greater proportion than in Europe; who eagerly desire to see times of anarchy renewed, that their lawless and reckless ambition may once more have free scope, —the only possible means by which a hostile feeling could be excited in the great body of the people (and in that class especially who are the very sinews of our strength) against an equitable and beneficent government, the blessings of which are felt and understood.”—(Quarterly Review.)

The conviction of the truth of this passage should induce us to abstain from every thing likely to rouse the dormant spirit existing in the several sources above described, and engage us to examine most carefully our institutions, for the purpose of expunging whatever we may find calculated to excite, or likely to accelerate, the crisis which must attend

(however it may be susceptible of procrastination) the alarming and uncertain situation in which the British power in India exists. In the course of the present examination we shall briefly notice what is allowed to be the basis of a beneficent government—equitable, and efficient law; consequently, where the happiness of the people is the question, nothing can come in competition with it. Law is often variable, frequently unintelligible, and at variance with the genius of the people living under its influence. It therefore behoves legislators never to lose sight of the principles which should govern all law. Morality, equity, and religion, are the offspring of immutable truth, and according as we adhere to, or deviate from them, we shall be right, or in error. In forming a code for our colonies, the above fundamental principles, together with the natural disposition of the nation, should be kept constantly in view. The manners, customs, prejudices, former government, and innumerable minor considerations should be strictly attended to. The happiness of the people is the great end of all law; from it emanates the right to command, and the obligation to obey; and unless it be secured by their institutions there cannot possibly exist a legitimate pretension to command, nor an adequate motive to obedience. In reviewing our Indian system, it appears to be a fair question, whether the judicial code introduced by the British government is such, as to secure to the people, in a greater degree, the acknowledged object