

of jurisprudence, than their own primitive usages? If the affirmative be the case, they are beneficial; if not, the reverse is the fact.

Great and good as our government in India is, its equity and beneficence are by no means so distinctly understood, nor so thoroughly appreciated as we are led to suppose; nay, cannot be, as it is diametrically opposed to the wishes and character of the nations over which it extends. That the princes and spirits alluded to in the foregoing extract do exist, no one can pretend ignorance, who avows any knowledge of the country, the people, their institutions, civil or religious, and the system we have erected upon the ruin of their dearest interests, and fondest hopes, to the imminent risk of their utter annihilation. Let us now see how far this state of things is supported by facts. What are the interests of the people? Before we say aught upon this head, it may be necessary to observe that civil, and religious ordinances are the sources from whence every thing interesting or valuable emanates; and as mind and conscience are materially affected by education, it must follow that the moral standard of every nation upon earth will vary with their polity, ethics, and laws. Hence the reasoning applicable to one state of society, cannot be brought to bear upon another, except by way of analogy. For particular illustration we must be content to examine the people of our colonies, and their interests, by the standard of their own institutions, rather than those of which they are

ignorant, or with which if at all acquainted, they know only to condemn. Let us therefore proceed to an examination of their usages, which are laws, and religion, during the earliest times of which we have any authentic history. Upon turning to their principal books of ethics we find their codes extensive, luminous, moral, and efficient ; and although defaced by the accumulated distortions of fantastic fable and superstition, quite equal in all respects to the purposes of justice in civilized society, and have been considered through a series of ages from the remotest antiquity, as the ordinances of a Providence never forgetful of the necessities of mankind.

If this be the case, and the opinions entertained by the greatest legislators, that the best intended legislative provisions are of no effect unless congenial to the disposition, religion, and prejudices of the people for whom they are enacted, be true ; it may be deemed unwise to interfere and substitute ordinances at variance with those rendered sacred by their origin, reverend by long usage, and respectable by their efficiency. Supposing Hindoo law compatible with a just administration of affairs, congenial to the character of the people, and all its parts in perfect unison with received opinions, what rational motive can we have for the introduction of our own or other institutions ? It may be argued, as it has been asserted, that the Hindoos have no law : this is, however, a mere assertion ; for as all law is acknowledged to spring from usage, we are justified in considering

usage to be law. Should this not be granted, we beg to be informed what are the Institutes of Menou? or what are we to designate the contents of the “*Durm Shaster*,” which is literally “*Judicial Institutes*,” and in every way effective and considered by the people as the only true source of wisdom and justice? It can scarcely be necessary to remark in this place, that Hindoo law is inseparably commingled with their religious ordinances, and must necessarily be in a great measure hampered by the sophistry and superstitious ceremonies which perplex the latter, and render it capable of being used most injuriously by an unprincipled and selfish priesthood. It is nevertheless adapted to the state of society, and in conformity with the passions, prejudices, and opinions of the people, which must undergo a total change before the introduction of a new code could be met with other feelings than disgust and indignation. The sympathies and affections common to mankind in all ages and conditions, will not admit of the great body of the people viewing with indifference the subversion of institutions, cherished and revered through a long line of generations, by a code, the introduction of which not only tends to the degradation of every thing sanctified by their religion, but to loosen the bonds of society and render their religious and civil rights an object of reproach to themselves, and of contempt to other nations. Let us look to the code of our Mahomedan subjects, who are so intermixed with the Hindoos as to form but one people, as

far as public opinion, feeling and language can secure a rational identity of interests. In examining the institutions introduced by them upon their conquest, we shall find they embrace a system of jurisprudence, admirably calculated, when impartially administered, to secure a fair and full portion of justice to the various classes of the people, and, under the superintendence of an English magistrate, to afford every guide the judgment can require to ensure an equitable decision, where the points litigated involve no abstract right. It would hence appear that each code is essentially efficient for the preservation of the just rights of a mixed population, whose institutions are so intimately interwoven with religious tenets, as to establish the belief of their divine origin. In such a state of things, ignorant of the manners, habits, and feelings of the great mass of the population as the wisest and best informed of our Indian statesmen and scholars confess themselves to be, it is evident the most rigid caution, the deepest deliberation, and the tenderest concern should preside over all our proceedings connected with the administration of the affairs of a people, whose destinies are subject to the control of British supremacy. In the face of the obvious policy, in opposition to our bounden duty, and in contempt of our declaration to our Indian subjects, that they should be protected in their rights according to the laws and constitution of their country, we have, instead of making ourselves acquainted with them, supplied what we considered

defects by the introduction of judicial aids that are beheld with a disgust bordering on abhorrence. If the Mahomedan laws and usages, like those of the Hindoos, emanate from their religious code, which we all know to be the fact, and if the Hindoo princes of India acknowledged their rule, it would appear to follow, and not to admit of a dispute, that the laws by which India should be governed are the Hindoo laws, except where they have been superseded by the Mahomedan institutions. The fact of the Hindoos having admitted the legality of the Mahomedan sway, is rendered notorious by the circumstance of their princes having seals engraved with a legend in the Persian language, specifying, they are the servants of the reigning Mahomedan emperor; which custom, notwithstanding the Mogul is a mere pageant living upon our eleemosynary bounty, exists at the present moment. Upon the conduct of government depends the continuance and prosperity of the state, together with the lives, property, and happiness of many millions of the human species. Involving such interests, there can be no difference of opinion upon the importance of regulating our local government, so as to preserve our faith inviolate, and secure a full share of reciprocal benefit to each country. There cannot possibly, then, amongst the various subjects relative to India, be one of greater moment to the British nation, nor one more likely to excite an intense and general interest, or to call forth a greater variety of opinions, than our system of judicature in India will

rouse into being, both in and out of parliament, when the period arrives for deliberating upon the renewal of the Company's charter. It has been already observed, that we are bound to preserve to our Indian subjects their rights ; and that their dearest rights are their laws, for upon them depends the security of every thing rendered venerable by time, and sacred by prejudice and a superstitious respect for the observances of their forefathers. There exist in every country two descriptions of law,—usage, and written law, both of which are so blended in India with the religion of the people, that the violation of one involves interference with the other. It is evident, then, that every possible motive combines to dictate the policy of continuing to them the use of their laws when they are found to be commensurate with the ends of justice. Law, to be efficient, should be simple in its construction, be thoroughly understood, be summary in its nature, and immediate in its effects. Where law, which term we always use as synonymous to usage, is found not to answer this manifest purpose, it should be amended, provided its revision be carried into effect with extreme caution and in such places as are absolutely necessary ; but never in opposition to the feelings of the people. It has been remarked by an intelligent writer, that “ premature reforms should never be rashly hazarded, as they will always create doubtful feelings unless conducted with ability and consummate prudence. To reform without the necessary pre-requisites, is to revolutionize

an empire : every contingent circumstance demands serious consideration : an immediate, which must be an intemperate reform, is to involve those in ruin who have not been necessary to the establishment of abuses, but derived from their ancestors a constitution with all its defects. To make such people victims of others' folly would be the height of cruelty. No reforms in any government can produce beneficial consequences, unless the welfare of the community is the primary cause of action, nor can it be reconciled to justice, equity, or even the principles of common honesty, to deprive one set of people of power and riches merely to invest these benefits in a change of men. Reform, both political and moral, is in itself very good ; but reform in the body politic, as well as in the physical, must be gradual and consistent with the preservation of the whole frame. Violence does not lop off the excrescences of a tree, but roots up the tree altogether."

'Trifles are, by a bigoted people, always looked upon as matters of deep importance ; they should not be interfered with. When the laws we find are calculated to secure the end in view, they should be tenaciously preserved, and rigidly followed ; to violate, or set them aside, and introduce others only as efficient, is wanton ; tending to frustrate the object of justice, and alienate the affections of the people, whose prejudices and institutions would thus be trampled on by the very government which pledged itself to preserve and respect them. Here

it may be asked, how has the sacred pledge we have given to our subjects been redeemed? Have the laws and the usages we found in the country been preserved, partially revised, or wholly set aside? Are the laws by which they have been superseded competent to the protection of the people, and the punishment of crime? And are they, in their nature and effects, summary and efficient?

We fear the most important of these questions must be answered in the negative. We have not redeemed our pledge; we have not governed them exclusively by their own laws where we could have done so. We have nothing like a competent knowledge of their laws, nor an adequate acquaintance with their social polity to permit of our performing what we have bound ourselves to accomplish. Neither are the laws we have introduced, as they are now administered, competent to the protection of the people, nor the punishment of crime; neither are they summary in their nature, nor prompt in their effect. As a proof of the adequacy of their own laws, we may refer to the reigns of Acbar and Aurungzebe for a practical proof of their efficiency, and to the common practice of their municipal polity for evidence of their fitness; and as our knowledge of them extends, we have no hesitation in declaring them capable of summary proceedings, and productive, if purely administered of just and equitable adjudication. The propriety of these sentiments will, we trust, be evinced as we proceed.

We here beg to be clearly understood, as intending nothing beyond bringing what we consider defects in our system under the notice of the public. Our present code is a compound of Arabian, English, and Hindoo law, altogether forming a mass of indigested regulations and arbitrary proceedings, either upon the part of government or its servants, not to be paralleled in any country under heaven; proof of which will be found by the enquirer in Mill's History, and the Fifth Report of the Select Committee of the House of Commons on Indian affairs; a few instances of which we shall here submit, premising the subject with a quotation from a recent work of considerable merit, which says, "Those who have written on the affairs of India, whether as to the administration of the law, or of the revenue, have, generally speaking, got entangled in the jungles (to use an Eastern phrase), both of Hindoo and Mahomedan antiquity; some looking to Sanscrit, some to Arabic, to guide them through the labyrinth; sometimes to Hindoo law, known to be obsolete; sometimes to Hindoo history, known to be fiction; sometimes to Mahomedan law, not understood, and sometimes to Mahomedan history, not to be believed."

The above, as applied to the original institutions of the Hindoos and Mahomedans, is certainly not the case; but, to the numerous and discordant commentaries, is a correct enough picture. Let us take the common law of England, which is the unwritten

law or usage, and then turn to the phalanx of expositions and annotations, and we shall not recognize, in the learned and contradictory pages of our august laws, the simple and efficient foundation upon which the present intricate and incomprehensible fabric has been raised ; but on the contrary shall be forced to acknowledge, that none but those who framed the superstructure are capable of guiding us through the interminable labyrinth, alike the offspring of accumulated wisdom and sophistry.

If, then, this temple of truth requires to have, as officiating priests at the altar of justice, a body of learned and eloquent practitioners unequalled in Europe, for the purpose of distributing equity to a civilized and enlightened people, advanced to the utmost limits of every science that can expand and improve the understanding, what must be the condition of a semibarbarous people, living under its influence, without one individual, however endowed by nature or accomplished by education, in the most remote degree, capable of leading them even into the vestibule of the fane of European idolatry raised upon the ruins of their simple but efficient sanctuary ? Let us proceed to the interior of the edifice, and upon the bench we shall see a judge who may have been from ten to thirty years in the country, who, having acquired a respectable knowledge of Persian (a foreign language to the natives), had been sent to the interior as an assistant to a judge, or a collector, and probably enough, from a

paucity of servants, compelled to act in both capacities, in process of time promoted to a register, and called upon to decide causes to a certain amount; during the period he remains in this subordinate situation, his time is fully occupied by listening to acute litigators, and deciding, to the best of his capacity, aided by an unprincipled Moolvee, and avaricious Pundit, upon such matters as come before him. In the course of a few years he is promoted to the bench, and continues, for the remainder of his life, to preside over an extensive district, with the files of his court crowded with arrears that the longest life could not bring up. Thus situated, he daily accomplishes a meritorious drudgery, harassing to the mind and body in a degree of which none, save those who have performed it, can have an adequate idea. Thus, shut out from all intercourse with the people, except those attached to his court, the most unprincipled of their species, brought up and cherished in fraud, his mind becomes disgusted with those about him, and dissatisfied with a situation in which he daily comes in contact with crime and turpitude that evade his touch and shock his feelings; or continues to act an unsatisfactory part, exposed to the influence of wretches who may have acquired estimation in his honorable and unsuspecting mind. Whilst things are suffering perversion and distortion inside the court, to such a degree as to render detecting and unravelling them next to an impossibility, the numerous vampires outside are

wallowing in the blood of those unfortunate clients, whom oppression and wrong have forced from their distant homes to seek, at the hand of British justice, a redress of grievances that may never reach the judge's ear, or if they do, continue on the files of the court during his lifetime ; or peradventure these harpies of the law are employed in extorting money from ignorant and petty offenders, or innocent people, under the threat of dragging them into court on a false accusation or a frivolous pretence, and having them punished and degraded for an imputed crime. The Vakeels or attornies of these Zillah Courts are inferior to none in every thing nefarious, and unprincipled. It is a melancholy truth, defying contradiction, that our courts are generally resorted to by the rich, who can bribe the native officers to pronounce law agreeably to their wishes ; the litigious, who are desirous of postponing justice or delaying the restitution of unlawful possessions ; or by a vindictive and disappointed rival, who, in the words of the judge at Patna, " seeks the court as a weapon of revenge ;"* those entangled in the snares spread for their destruction by the wicked contrivance of treacherous friends, or kindred at variance about the possessions of a deceased relative, which they would rather see swal-

* We are told that men of the first rank in society feel no compunction at mutually accusing each other of the most heinous offences, and supporting the prosecution with the most barefaced perjuries ; nor does the detection of their falsehood create a blush.

lowed by the court, than endure the triumph of any individual of a selfish family. The police under these Zillah Courts is no less corrupt than the native law officers, who are generally a pest to society, a scourge to the district, and a disgrace to the government of which they are the unjust and unrighteous servants. During the time of Lord Cornwallis's improvements in this important branch of government were made, such as the abolition of the powers conferred on the revenue officers, the creation of Zillah judges, provincial Courts of Appeal, and the Sudder Dewanee Adawlut, with an appeal to the Governor-general in council, and finally with reference to a certain standard to the King in council ; forgetful that, limiting the amount of appeals, shuts in a degree, the door of justice. It may be objected a standard is necessary to prevent frivolous unfounded appeals. But it may with justice be replied, that, under any circumstances, appeals to the last authority can never become numerous. Let us hear, however, what Mr. Mill says upon this subject.

“ Among the other prejudices of those who, at this time, legislated in India with so much good intention for the people of Hindostan, were the prejudices which owe their birth to the interests, and hence to the instructions of lawyers. Of these it is one of the most remarkable, and the most mischievous, that to render judicial proceedings intricate by the multiplication of technical forms, by

the rigid exaction of a great number of nice, obscure, pedantic and puzzling rites and ceremonies, tends to further the ends of justice. This unhappy instrument of justice was not forgotten in the present reforms: for courts of law provided for a people among whom justice had always been distributed in the method of simple and rational enquiry, was prescribed a course of procedure loaded with minute formalities, rendered unintelligible, tedious, and expensive by technical devices. Of the intricacy and obscurity thus intentionally created, one effect was immediately seen, — that the candidates for justice could no longer plead their own causes, that no one could undertake to present a cause to the mind of the judge according to the nicety of the prescribed and intricate forms, unless he belonged to a class of men who made it their trade to remember and observe them. A system of rules was prescribed for the formation and government of a body of native pleaders, to whom pay was provided by a small retaining fee, and a per centage on the amount of the litigated property.”*

Such a system naturally involves delay and expense, and recalls strongly to our recollection the old proverb, “Where there is not cheap and prompt justice, it may be said there is no real justice,” because some cannot purchase it, and the affairs of others will not admit of procrastination, more injurious to their interest than the wrong which they

* Mill's History of India, Vol. v. p. 425. 2nd col.

may be suffering. Moreover, there being no code of fixed unalterable law adapted to the necessities of mankind, by which the courts are bound to regulate their proceedings, and by which individuals could ascertain a probable termination of their suit, every thing is left to the construction which an ignorant or prejudiced Cazy or Moolvee, an equally ignorant or prejudiced Pundit, puts on an ambiguous and disputed sentence of the Koran or Shaster, or of the equally vague unwritten law of England by a gentleman who cannot have devoted his exclusive study to the attainment of a perfect knowledge of that intricate and complex science, which so frequently sets its profoundest practitioners at variance, and is too often what is caricatured by Swift, in his cause of "Bullum versus Boatum," or "Boatum versus Bullum," in his "Law is a Bottomless Pitt," or the case of "Straddling versus Stiles" of the learned Martinus Scriblerus. The opinion of one of the ablest civil servants of the Company should never cease to influence our proceedings, viz. "The nearer we approach to the rule of granting to all speedy justice without any expence whatever, the nearer we shall, in our judicial system, approach perfection." Let us see how far our present system approximates this standard. The secretary to government observes (vide Mill's 2nd edit. vol. v. p. 492.), "The Darogahs of police seldom, if ever, possess any previous instruction as to the nature and extent of their duties, nor any habits of life, calculated to

enable them to perform these duties with effect. A Brahman, a Surdar,* a Moonshee, or even a menial, is each in his turn a candidate for this situation, of their fitness for which it is easy to judge; the vices which render them a pest to society, are avarice and every species of extortion." We have it again recorded in the same volume (page 501.), "It is extremely difficult, I believe I may say impossible, to arrange an effectual plan of association and co-operation among the higher orders for purposes of police, or for any other purpose. We have few large towns, no societies exercising or capable of exercising, municipal authority. There are no gentlemen in whose honour and probity, in whose spirit and activity, government can repose confidence. There exists not, between the common people and rulers, a middle order, who feel a common interest in the prosperity of the state, who love their rulers, or are by them respected." Hence it is evident the whole machine is imperfect for want of a class who do not, nor can exist under the present system. A middle class of respectable natives are thrown out of employment; none but the low and ignorant can accept of our inferior situations, and they are clothed with an authority never given to any subordinate officer in England. The whole frame of our Zillah courts would appear to demand a serious and thorough reform. The intelligent judge of Rajeshahye, as we learn from Mr. Mill, says, "In the Rajeshahye di-

* A head palankeen-boy.

vision in 1808, every day's experience and reflection on the nature our courts, and the minds and manners of the natives, serve to increase my doubts about our capacity to discover truth amongst them."

Until a middle class be established, who have an interest in the good government of the country and the preservation of the peace, a class capable, by education, and a knowledge of both European and native usage and habits, of being employed with effect, there never can be an efficient judicial or police establishment. Without such a hold, without such an aid, without such a check, what are our means of governing with advantage to the people and security to ourselves? Should any extraordinary occasion, such as external invasion or internal commotion, occur, we shall, when too late, see and feel the want of the class that could or would stand between us and the effects of a crisis which the most sanguine and enthusiastic upholder of the present condition of affairs, would be constrained to contemplate with anxiety and apprehension. Does not this melancholy condition point to the remedy calculated to supply a want so generally felt and allowed? And is not this remedy the removal of those restrictions which operate against colonization under wholesome and salutary regulations? If it is not, what then will answer the wants of government? What panacea will the timid introduce to create a middle class in society, and establish a root in the soil that will enable the British oak,

planted in India, to flourish and remain unshaken during internal and external storms? It may be propped up, but props will avail not. It must be deeply fixed in the soil, or it will sicken, fade, and be laid prostrate by the first hurricane to which it may be exposed, and by its fall add another to the many lessons the world affords of the consequences of half-measures, and a timid temporizing policy, which is, at best, an unwise, ruinous and unmanly adoption of a system of expediency that has never answered any end but to expose the folly of those who resort to it. Let us now see what Sir Henry Strachey, eminent for his talents, experience and knowledge, says, as to the fitness of our present judicial system, to detect imposition or redeem truth from the well of tergiversation in which she lies im-mured.

“ Another impediment, though of a very different nature from those I have before mentioned, and much more difficult to remove, is to me too palpable to be overlooked; I mean that arising from Europeans in our situation being necessarily ill qualified, in many points, to perform the duty required of us as judges and magistrates. Nothing is more common, even after minute and laborious examination of evidence on both sides, than for the judge to be left in utter doubt respecting the points at issue. This proceeds chiefly from our imperfect connection with the natives, and our scanty knowledge, after all our study, of their manners, customs and language. What

judge can distinguish the exact truth amongst the numerous inconsistencies of the natives he examines? How often do these inconsistencies proceed from causes very different from those suspected by us? Often from simplicity, fear, or embarrassment in the witness. We cannot study the genius of the people in its own sphere of action. We know little of their domestic life, their knowledge, their conversation, their amusements, their trades and casts, or any of their natural or individual characteristics which are essential to a complete knowledge of them."

That a class upon which government could rely to furnish information relative to public feeling and popular prejudice, is a desideratum in our Indian society, cannot but strike those who even bestow the least consideration upon this momentous subject. Had a source, calculated to furnish such imperatively called for information, existed, we should not not have to record the dangerous tumults which are frequently the result of legislative acts, at variance with the character, manners and habits of Indian society. That this deficiency has continued to be felt and lamented by the ablest servants of government, has been fully shewn by the records of the state. We shall, however, furnish another opinion in addition to those already adduced, more fully to illustrate the scantiness of our knowledge, and the bad consequences resulting from our ignorance; for which purpose it will suffice to refer to a letter addressed to government in the judicial department,

by the commissioners ordered to enquire into the causes of the insurrection at Barreilly in 1816; in which they remark, "In the remote provinces, particularly where the characters and dispositions, the habits and prejudices of the various and discordant classes of inhabitants cannot be intimately known to government itself; the concurrent opinion of the local functionaries, and the principal authorities, both judicial and revenue, might save government from being unguardedly led into measures which, at no great distance of time, it may be found expedient to retract. It might also be desirable that a mode could be found of learning the sentiments of well-informed natives in regard to the probable operation of any proposed law, in which (as in the present instance) government itself should have no direct interests. On such occasions the local authority might be intrusted to ascertain, from the persons of that description, how far any measures, solely intended for the protection and benefit of the natives, might be likely to militate against their feelings and prejudices." We shall now take leave of this part of our subject with a quotation from that admirable work — Sir John Malcolm's *Political History of India*, recently published. In describing the revolt in Rohilcund in 1816, he remarks, "The commissioners do not conceal from government their opinion that both our mode of managing the revenue and administering justice, were far from being popular with many of the principal classes in Hindostan, and they

state their belief that many particular laws were highly obnoxious, as interfering with their national habits and social feelings. They further state as an admitted fact, that our courts of judicature in these provinces are viewed as grievances by the higher classes, and not considered as blessings by the lower." "To the latter," they observe, "these courts are hardly accessible from their expense, and nearly useless from their delays."

"The commissioners remark, on that indiscriminate and over-zealous activity with which the trace of public offenders has been sometimes pursued through the agency of common informers, and the summary arrests and domiciliary visits to which men of rank and respectability have been, in consequence, occasionally exposed; this they conceive to have produced an effect far beyond the immediate sphere of their occurrence."

If that class in society, the want of which is so widely felt, was encouraged, or rather not proscribed, such individuals might be every where found, and the local authorities might derive such knowledge from them as would guide the government in its legislative functions, and furnish ample proof why a law that is beneficial to one province, may prove pernicious to the interest of another. Now as difference of religion has given birth to insurmountable obstacles which effectually separate us from our Hindoo subjects, and debar us from their domestic and unrestrained society, in which we could alone

find opportunities of becoming acquainted with the real feelings of the people upon matters affecting their prejudices ; it behoves us not to discourage the growth of that class which, by approximating to an equality with the great body of the people, would naturally, in the common intercourse of society, become acquainted with every essential. Again, it would be accordant to the principles of justice and humanity, as well as infinitely advantageous to the local government, to allow the higher classes of our subjects some participation in the advantages derivable from the many honourable and lucrative employments in its disposal, which might be accomplished with advantage to our judicial, revenue, and police departments, without incurring additional expence. To effect this, a partial change in these departments would apparently answer the end in view ; but as prejudice in favour of established rules requires not only the fullest conviction of their inadequacy, but the most disinterested manner of thinking, there will necessarily be many difficulties opposed to the introduction of improvements that, at first sight, may have the appearance of militating against the interest of the European establishment of our Indian government. Nothing, consequently, but the ardent desire of improvement, with a frigid regardlessness of the murmurs of interested people, can effect that reorganization of our executive system, which is indispensably necessary for the perfect administration of justice,

and the greater security of our sway over our vast dominions. It may be objected, that allowing the respectable part of the native population a participation in the administration of affairs, would be laying the foundation of a system calculated to weaken, rather than strengthen, the hold we have at present over the obedience of our native subjects. This, if likely to be the result, would be a sufficient cause for abstaining from the slightest innovation on the present order of things. Unfounded fears have ever been a bar to improvement; all objections, therefore, should be scrupulously examined before they are allowed to operate against the introduction and trial of an apparently wise and beneficial policy. Under the impression, however erroneous it may be, that there is both wisdom and advantage to be expected from a change, we shall succinctly touch, in another place, upon the outlines of measures apparently calculated to correct many of the existing abuses, and greatly aid the judicial servants in the performance of their Augean labour. Melancholy as the foregoing detailed condition of our judicial system in India is, it is not all; for unequal as such an incongruous and ill-adapted code is to the distribution of prompt and effective justice, it is rendered still more defective by the want of servants who can be relied upon to preside over our tribunals. That this deficiency cannot be supplied, we have the best possible assurance, that of the Select Committee of the House of Commons, viz.

“ When any great public duty is to be performed, and the number of performers is found to be too small for the demand, the most obvious of all expedients is to encrease the number.” With regard to this expedient for enabling the government in India to do justice between its subjects, the Committee of the House of Commons made an extraordinary declaration in 1802, “ An augmentation in the number of European judges adequate to the purpose required, would be attended with an augmentation of charge, which the state of the finances is not calculated to bear, and the same objection occurs to the appointment of assistant judges.” What, then, is to be done ? Are the just claims of seventy millions to be set aside, lawless aggression of every description sanctioned, inadequately punished, or not entirely suppressed, because the finances of the state are said to be unequal to the payment of a competent preventive police, and an efficient judicial establishment ? Such a question is assuredly not to be asked in an age mature in every liberal science. It is obvious, that if the easier attainment of justice be essential, the judicial branch of the service should be increased, let the expense be what it may. It ought to be placed in a condition commensurate to the demands of the country, unless some equally efficacious but less expensive remedy can be contrived to meet the necessities of the state. In such a dilemma one would think the establishment of the Panchait system,

which has under all the native governments in India been found most beneficial, might be resorted to with advantage without the slightest detriment to the sacred ends of justice, more especially as the British government is pledged to observe inviolate the rights of the natives. This system, salutary and simple as it is, has its opposers, but it has also enlightened advocates, whose experience has afforded them an opportunity of forming a dispassionate estimation of its merits. The arguments of the former do not appear tenable ; the system appears nearly if not exactly, to resemble in the simplicity and purity of its construction, our English jury ; the gigantic defender of the rights of the people against the sophistries of law, the corruption of wealth, and the influence of power. Why then, since it is congenial to the disposition, adequate to the necessity, familiar to, and revered by every class of society, and unattended with expense, trouble, or delay, should it be withheld from those by whom it is unanimously approved, and whose rights we have bound ourselves to preserve ? It will not suffice to say it has failed in this or that instance, in this or that country ; we must prove its notorious inutility, and failure in India. Unless the decriers of this adequate medium of meeting the wants of the public can do so, they can do nothing. Declamation, however specious and eloquent,—argument, however subtle and ingenious, must yield to the test of experience ; and in this instance, the very organization of a court of

Punchait, offers a full refutation to every objection that has hitherto been brought against it. Previous however to noticing it, we solicit the reader's attention to the opinion of the Select Committee, on the delay of bringing criminals to trial, and the hope expressed that some plan might be introduced to mitigate its effects ; with respect to which, the committee observes, " It is probably not so great as when formerly it was the subject of objection to the then existing system ; it still appears to occur in a degree productive of evil, and which it should be the object of government to remove." In continuation of this subject, the committee further remark, " Expedients have been resorted to for the purpose of relieving the judge, by enlarging the limits of causes referable from him to his register, and to the native commissioners, by limiting the term for appeal. Something however is yet wanting to complete that system of speedy justice, both civil and criminal, which Lord Cornwallis was so desirous of introducing, but which has not yet attained that degree of excellence of which it may be still hoped it is susceptible." We now beg the reader's attention to the following slight outline of the prominent features of a court of Punchait. The complainant and defendant, each choose one, two, or three, individuals to whom the Potail of the village, or the Cazy of the town, adds a foreman, or Mookh, or the litigants themselves fix upon some person to preside over the Punchait, which is generally composed of

the class to which they belong. Its business is to examine witnesses, institute investigations, and is at once deliberative, inquisitorial, and arbitrative. In every village or town, there is generally of each class or trade, one whose eminent and acknowledged integrity has secured him the distinguished preference of being selected to preside as Mookh, over all Punchaits composed of the tribe to which he may belong. The love of fame, and that virtuous ambition which is generally diffused throughout the human species, whether in a civilized, or savage state, is a most effectual guard against a partial or a flagrant departure from equity, by a court thus constituted. The moral consequences attending an individual who has swerved from a conscientious discharge of his duty, as an honest man, and good citizen, are so immense, that nothing could compensate for it. The slightest deviation would become a matter of notoriety; the forfeiture of character would follow, which, to a tradesman, a merchant, or a banker, would inevitably lead to ruin. The writer has presided over three large districts, in which the inhabitants were mixed, and in a great measure degraded, and had no other assistance than that afforded by the usage of the country, and the people; and in justice to both, is bound to bear testimony to their perfect adequacy to the legitimate ends of a good government. Inefficient as they may be supposed, it is satisfactorily established that their very nature, renders them infinitely superior to our own

courts in all petty and litigious disputes between natives. We are told in the Fifth Report of the Select Committee, that more causes remained on the files of the Zillah Courts of Tirhoot, Dacca, Jellalpoore, and Bahar, than had been dismissed from them in five years. This condition of our judicial system would seem to warrant the query which the Court of Directors seriously apprehended, and feelingly express in their Revenue Dispatch to Fort St. George, 26th March 1812: “ We should be very sorry that from the accumulation of such arrears there should ever be room to raise a question whether it would be better to leave the natives to their own arbitrary and precipitate tribunals, than to harass their feelings, and injure their property, by an endless procrastination of their suits, under the pretence of more deliberate justice.”—Daily experience and the concurring opinion of our best servants answers this query in the affirmative. Let the liberal and enlightened judge of Bahar speak upon the occasion: “ The commitments for the breaches of the peace arising from boundary disputes, and other contests concerning landed property, are ascribed to the great, though unavoidable arrear of untried causes pending in some of the courts; since by necessarily protracting for years the decision of suits, it frequently drove the suitors to despair, and induced them to run the risk of taking justice into their own hands, by seizing the object in dispute, rather than await the tardy issue of a process which

threatened to exceed the probable duration of their own lives." Having in the course of this chapter, fully, and, we hope, satisfactorily displayed the inadequacy of our judicial establishment, we shall now advert to the amendment we would, with due and deferential consideration, recommend to the notice of those presiding over our Indian possessions. Instead of petty disputes from distant villages being brought for decision to our Zillah Kutcherries, the Potails, or heads of the villages, should be authorized to take cognizance of them to a certain extent, reporting the proceedings of the Panchait to an authority established for the purpose. No cause should be received by the superior authorities that had not first been preferred to the Potail, and from him, regularly up through each intervening tribunal. By this means, the time of the industrious would be saved, and the knavery of the litigious would be frustrated; our courts would cease to be overloaded with business; the contamination that pervades their proceedings would in a great measure, be curtailed; and its baneful effects confined to its immediate vicinity. Momludars in the several Purgunnahs, avowedly men of property, and respectability, and selected from the first families in the district, with due attention to talents and character, should be nominated, with an adequate salary, and should, in addition to their fiscal duties, be empowered to assemble Panchaits to take cognizance of all disputes commencing where the Potail's authority ceased, and

extending to another fixed sum and crime : appeals lying from the Potal's decree to the Punchaits assembled under the sanction of the Momlutdar, who should report in writing to the Judge's, or Collector's Kutcherri. Here there might be two other officers, one in a judicial, the other in a fiscal capacity, and designated Native Assistants to the judge or collector. Their business should be to receive appeals from the Momlutdar's courts, investigate the matter, and send it up to their superiors. These should be the highest grade, and be nominated by government, and allowed a handsome salary. At this point should commence our European establishment — an assistant judge, and an assistant collector, whose duty it should be to receive and submit all extraordinary cases to their chief, with such matter as might be elicited in the course of their investigation. Such an arrangement could not but be attended by beneficial effects, both to government and the community; its immediate advantage would be the acceleration of justice in every department, and doing away the complaint so common throughout our provinces, of the impossibility of getting through the heavy duties imposed upon our civil servants, and the consequent clogging of the wheels of justice; and in many cases its utter extinction. It would likewise tend to create an upper order in our native society, which would not only improve their moral character, through the medium of example, but serve to bring us more immediately into contact with them, than

the present system, by which, both parties would be benefited by a reciprocal knowledge of each other. We should hence gain a stronger hold upon their affections through the all-powerful motive of self, and their interest in the existence of an establishment in which they had solid advantages at stake.

As a code of good laws, founded upon wisdom, is held to be the noblest present that can be made to a nation; so is an ambiguous code the greatest evil under whose withering influence a people can languish. Let us then conscientiously endeavour to deserve the acclamation of the present generation, and the gratitude of posterity, by revising and correcting our Indian jurisprudence, keeping steadily in view, during the progress of our reformation, that man has in all ages of the world been a slave to habit, and averse to innovation; that the operation of any change is always difficult, and frequently hazardous; that the public mind once convulsed, is not easily tranquillized. Consideration for the superstitions of our subjects, and delicacy in the treatment necessary for their removal; dexterity in seizing the time for introducing changes with precaution, and address in effecting them, will go far to crown our efforts with success. By such a course, England will challenge the admiration and applause of Europe, whilst she secures the affection and devotion of her Asiatic subjects.

Perfection, we are told, is not to be obtained in jurisprudence; we must be satisfied with a pre-

dominant good, and leave our subjects to the enjoyment of their ancient establishments, until their mental acquirements, which we are bound to aid and further, fit them for other constitutions, until which period, we should respect their usages, wherever we find them better calculated to secure the obvious ends of justice, than the more elaborate and more expensive system introduced by a benevolent but mistaken notion.

TERRITORIAL.

IN conquered countries in Asia the natives cannot set up a claim of inherent right arising out of previous possession, for the very act of conquest subverts all former rights, and transfers the conquered country to its new masters. Policy and expediency however will, no doubt, induce conquerors to respect all public possessions and, as far as is consistent, the properties of their new subjects. This has been the case in India. The Mahomedan emperors seldom interfered with the usages of the people, nor disturbed by sudden and violent innovations the simple, yet efficient institutions long established throughout India, from which the proprietary rights of the cultivator have been set up, instead of his real rights, those of occupancy. This question has been and continues a fruitful source of discussion and disagreement to all who have written upon landed tenure in India. To enter upon a subject that has divided the opinions of our best informed and dispassionate Indian historians and statesman, would be at once useless and presumptuous; as it is not likely that

those who have professed to have taken pains and trouble to obtain data for the opinions they advocate, would be disposed to relinquish them, without that sort of proof which our meagre and equivocal historical information does not pretend to afford. We shall therefore leave the several parties in the undisturbed possession of the opinions which they have so stoutly maintained. As far as information upon this knotty point is required for all practical purposes, it will suffice for our object to take Mahomedan law for our guide in all discussions subsequent to the Mogul conquest; and the immemorial usage of the Hindoos as handed down through each successive generation in matters anterior to that date. With reference to the first, we learn that all conquered countries belong to the Mussulmans, and that the leader of the conquering army, or the king, is merely the guardian of the rights of the community, and that Jagheers are nothing more than an appropriation of the revenue of the land, and that even an alienation of the revenue by the crown is restricted; and although such grants are inheritable, it by no means follows they are transferable. We are further informed by Mahomedan history, that upon the occupation of a newly acquired country, the people were frequently left to the undisturbed possession of the lands, upon stipulating for the payment of a tribute; and that their embracing the faith led to better terms being granted. From this it would appear, the land was held in trust by the sovereign,

on the part of the commonwealth; the proprietary right therefore is virtually, for all practical purposes, lodged in the state. In those parts of India into which the Mahomedan influence found its way without deposing the native princes, we find the system of village communities (for a description of which see "Central India," vol. ii.) universally prevalent, and all revenue settlements concluded upon the part of government with the Potali, aided by the Putwarree and some of the oldest and most respectable inhabitants. The limits of each village are ascertainable by established marks, and the land is not alienable. The right of occupancy by the cultivator being as indefeasible as that of proprietor by the state, Zumeendars or Jagheendars cannot have a claim for aught beyond the terms of their assignments: the former were generally collectors or farmers of revenue; the latter servants or pensioners of the state. Under native governments there is no individual right acknowledged that has not been derived from the state; and all Zumeendaree claims about which so much has been written, were rather honorary and nominal than real; as they are seldom found to consist of more than a few trifling fees of office of different denominations, indicative of former rights long since usurped or set aside. The claim, therefore, of Zumeendaree rights has no tendency whatever to hamper our revenue proceedings, and, however interesting it may be as an historical speculation, should be disregarded as a claim to the proprietorship of

land. The fees of Zumeendars are their only pretensions; they should be respected, and with them they are generally content. Should any reform in the revenue branch of our Indian government be contemplated hereafter, it will remain with the home authorities to decide between the systems of Lord Cornwallis and Sir T. Munro, either of which must be generally adopted. There is no alternative; we must either admit the purchase of substantial proprietary right, or follow the Ryotwaree system. The former of these has been fairly tried on a large and liberal scale, and has completely failed; instead of proving what it was intended it should be—a blessing to the country, it turned out a curse; previous to the illustration of which, we shall give a short sketch of its origin and progress, and then quote the sentiments of our revenue officers in their own words. Upon Lord Cornwallis's appointment to the governor-generalship of India, it was averred by the then authorities, that our financial system was bad. That the frequent substitution of farmers, and temporary agents, for the permanent Zumeendars, the failure of all attempts to increase the revenue, and the exclusion of collectors from a share in forming the assessments, were all liable to censure. Complaint was made of the heavy outstanding arrears of the last four years' settlement, and of the exhausted, and impoverished state of the country. To improve this condition of things, it was ordered, that the settlement should be made with the Zumeendars, for a

period of ten years, and to be ultimately permanent. That collectors of revenue should be invested with judicatory, and magisterial powers. This settlement with the Zumeendars, who were in fact nothing more than revenue collectors, upset at once the rights of the inhabitants, and the immemorial usages of the country; the Zumeendars never having possessed even the shadow of a proprietary right, which belonged exclusively to the crown, and that of occupancy to the Ryots, and village communities. The proceeding was consequently unjust, and an ignorance disgraceful to the government, which, in lieu of the robbery committed, decreed, that the Zumeendar or collector should give the Ryot a permanent lease of his lands, at such a rate as the Zumeendar's discretion might dictate, instead of enforcing long leases, or making their tenure as perpetual and unalterable as that of the Zumeendar. In default of payment of their taxes by the Zumeendars, Government reserved to itself the power of selling such portion of land as might be equivalent to their arrears; the effect of which was the virtual abrogation of the permanent system, and the introduction of a confusion, uncertainty, and beggary, to which the country had happily been a stranger in the most desolating period of Mahomedan ignorance and despotism. Upon this subject we are informed by that enlightened and profound historian, Mr. Mill, that "Government had established courts of law, and appointed for them a numerous list of forms, through which it required

much time to pass. In their own case, however, it would, they perceived, be highly desirable to obtain speedy justice. To obtain speedy justice they saw it would be absolutely necessary to be exempt from technical forms. To what expedient then had they recourse ? To the abolition of technical forms ? No indeed ! They made a particular exemption of their own case. They enacted, that in all suits for rent or revenue, the court should proceed by summary measures ; nay, further, that in such suits the proceedings should be exempted from those fees and expences to which other candidates for justice were appointed to submit. By a high and conspicuous act, more expressive than words, they declared that one thing was conducive, or rather essential to justice ; and established, by their legislative authority, the very reverse." We shall now proceed to the opinions before alluded to.

Our revenue system, according to the arrangements introduced by Lord Cornwallis, is thus described by the collector of Midnapore in a letter dated 1812. " All the Zumeendars with whom I have ever had any communication in this and other districts, have but one sentiment respecting the rules at present in force for the collecting of the public revenue. They all say that such a harsh and oppressive system was never before resorted to in any country ; that the custom of imprisoning landholders for arrears of revenue was, in comparison, mild and benevolent to them ; that it was no doubt the intention of govern-

ment to confer an important benefit on them; by abolishing this custom, it has been found by melancholy experience, that a system of sales and attachments has in a few years reduced most of the great Zumeendars in Bengal to distress and beggary, and produced a greater change in landed property, than has ever happened in the same space of time in any age or country, by the mere effect of internal regulations?

The collector of Burdwan, in a letter to the Board of Revenue says, “ The Rajah of Burdwan begs leave to submit to your consideration whether or not it can be possible for him to discharge his engagements with the British government, with that punctuality which the Regulations require, unless he be armed with powers as prompt to enforce payment from his renters, as government had been pleased to authorize the use of, in regard to its own claims; and he seems to think it must have proceeded from an oversight, rather than from any just and avowed principle, that there should have been adopted two modes of juridical process, under the same government; the one summary, and efficient in the satisfaction of its own claims: the other tardy and uncertain, in regard to the satisfaction of the claims of its own subjects; more especially, in a case like the present, where ability to discharge the one demand, necessarily depends on the other demand being realized.”

Such a monstrous anomaly in our reformed re-

venue regulations as that complained of, has not a parallel in any code with which we are acquainted. In fact the system altogether appears to be a wanton infraction of the rights of the community, an unwarrantable and forcible robbery of the people for the purpose of establishing upon a rotten foundation an order in society, that had never existed, the constitution of which was incompatible with the existence of and at variance with the sacred and ancient institutions of the country. The pernicious and ruinous consequence of such censurable precipitation, has been widely and severely felt, occasioning in its extensive course animosities and calamities, from which the simple code of their fathers had, up to that fatal period, exempted them. We learn from the history of this much-to-be-reprobated and deplorable innovation, that the beneficent object intended by the projectors of the scheme entirely failed; that instead of creating the intended aristocracy, it but served to enlarge the bounds of desolation, drawing into its irresistible vortex the whole mass of the landed society, confounding and overwhelming all in one common and irretrievable ruin. It is stated that the amount of land advertised for sale in one year exceeded 28,70,000, rupees, and that the process of a civil suit in one of the Zillah Courts for the recovery of arrears of rent, would occupy a longer time than the "ordinary period of human life." Enough has surely been learnt from experience, to induce the most sturdy admirers of the permanent system to

yield to the generally prevailing opinion of its inutility. It is time that the public mind should be made up as to the system best calculated to secure to government, without injuring the cultivator, the greatest advantage that can be derived from the land, consistent with the comfort and happiness of the people; and it may be conceded that the village system, deprived of its frequent vexations, and over-assessments, is the one most consonant with the interest of the state, the comfort, security, and happiness of the cultivator. A few years' experience would, we imagine, serve to afford ample data for an equitable assessment, which should be subject to revision at intervals of five, ten, fifteen, twenty, twenty-five, thirty, forty, fifty, even to one hundred years; but never beyond that period; at the expiration of which a fair maximum, equal to contingencies on both sides might be fixed upon for a still longer period of lease. By the adoption of some such measure the rights and comforts of society would be secured, the government be protected from a fluctuating revenue, and our Zillah Courts freed from the greatest part of their troublesome and difficult duty. In forming such arrangements, government would of course adjust its leases, so as to leave the tenants merely sufficient to furnish stock, and defray labour, together with the ordinary profits of farming. If, therefore, the greatest possible advantage that can be derived from lands consistent with the well-being of the tenant, be the object of those states whose

income is derived from the land, it is evidently beneficial to make agreements with the cultivator, or to have as few mediums between the lord paramount and cultivator as the nature of the transaction will admit; for each mediator must have a profit to enable him to live, and each superior grade will naturally exact as much from its inferior as it can, until it comes down to the cultivator, who is left to languish in poverty, with a bare subsistence. That this must necessarily be the result of all Zumeendaree systems, is now indisputably known. An examination of Lord Cornwallis's settlement 1793 will prove the fact: by far the greater part of those who were vested with lands to which they had not the shadow of a right, have been obliged to sell, wholly or in part, their estates, to make good the defalcation of rents. In consequence of which, land, instead of remaining, as it had continued for ages, and as we found it, the property of the state, paying fees in lieu of labour to those who had charge of and cultivated it, was unjustly and forcibly made the personal property of an individual who was never any thing in the estimation of our Mahomedan precursors, but a collector. The almost universal exclamations which have been uttered against the Zumeendaree system would appear sufficient to warrant a deviation from it, where we have made no promise to the people, and where it does exist, it would prove advantageous to purchase the rights and allow the revenue branch of our system to resume its former character, as any devia-

tion from it is considered by the country to flow rather from ignorance than liberality. So long as our settlements are made through the medium of our European collectors, directly with the heads of villages, founded upon an exact knowledge of the arable, cultivated, and waste lands, will our assessments be susceptible of increase, till we arrive at the maximum rent the land can defray, which will not be till all the waste lands fit for cultivation be redeemed ; and as the population is infinitely below what the land can provide for, our revenue will not have arrived at its maximum for ages to come. In the Zumeendaree system, it is the object of the Zumeendar to receive the greatest rent he can derive with the least trouble ; and as there will always exist needy adventurers, ready to sacrifice the well being of others to their own ends, there will necessarily exist a competition for the farms ; and to secure the full benefit to be derived from such an unnatural state of things, short leases must be resorted to, and thus, every intermediate degree from the Zumeendar to the cultivator, is exposed to an extortion, and oppression, which ends only in poverty and ruin. The greater exertions the tenant makes to improve his lands, the more keen in proportion becomes the insatiable avarice of the superior ; the effect of which is displayed by the penury and misery of the actual cultivators. It hence follows, that as the lower classes are deprived of increased means, the increase of population is impossible. Let this vitiated policy

be changed, and increased means will be attended by an increased population; the consequence of which will be the redemption of waste lands, and an increased revenue to the government.

The dense population of Bengal may be set forth as a proof in contradiction of what has been stated; but it must be recollected, that Bengal is in a great measure independent of agricultural profits, and that it is full of British subjects, independent of the great landholders whose tenants they are, and whom they cannot oppress; and that the lower orders are generally labourers and mechanics, less connected with the soil than any other people in India.

There cannot, in reason, be any objection brought forward against such a course, as there is not a state in India, even among the Rajepoots, whose usages have been least affected by the Mahomedan conquest, where the sovereign has not assumed proprietary rights. The Bheels, Meenahs, and Goojers were the possessors of Central India previous to its conquest by the Rajepoots, and where are we to look for their unviolated rights as sovereigns? If abstract opinions of right are to govern our proceedings, let us restore the dominions we have subjugated to the Takoor of Beadlah, in Meywar, the lineal descendant of the renowned Pirthee Raje; and the sceptre of the great Mogul to the feeble grasp of his degenerate and nominal successor, and rest content with a free trade to the several ports in India. Or, let us cease to view this question in any other light than

as an amusing speculation, or historical research. Why investigate a question for the guidance of our conduct, that opposes no obstacle to our interests? Is it not sufficient to respect the usage we find in force? Why should we seek to act upon systems long since forsaken, or upon laws that have been obsolete or nugatory for ages? In considering the merits of each system separately, it would appear that the over-assessment of the Ryotwaree, with the vexatious interference consequent upon an annual arrangement, and the under-assessment of the permanent system, with the insurmountable difficulties the Zumeendars experience in realizing their rents, together with the gross oppression of the under Ryots by the middlemen, are evils which require a remedy. Hence it follows, that what we should attend to, is the interests of government, and the rights of the people, with a view to which we should so regulate our revenue measures, as to preserve both, and secure each a full enjoyment of its legitimate rights, leaning somewhat to the side of the latter. A substantial population is evidently the strength of the government; its opulence and well being is the source from which our exchequer is replenished. A middle course is obviously the one we should pursue.

“ Princes and lords may flourish, or may fade,
 A breath can make them, as a breath hath made,
 But a bold peasantry, a country's pride,
 When once destroyed can never be supplied.”

Next in magnitude, and importance to our land-revenue measures, come our salt and opium monopolies, the produce of which forms a considerable item of our receipts; they consequently merit sober deliberation. It is generally understood, and we believe justly so, that the manner in which our salt is procured, is productive of infinite misery to those employed in its manufacture. Mr. Tucker, in his review of the financial state of the East India Company, expresses his sentiments on our salt monopoly in language which bespeaks the statesman and philanthropist, and they will unquestionably attract the attention of parliament when the time comes for revising our present system.

Agreeably to this gentleman's statement, our profits upon this monopoly average an immense sum, which consideration induces him to advocate the tax, although he admits to a certain extent the objections to which it is obnoxious.

Salt, however, being an indispensable article, and one that must be procured at any hazard, by all classes, should, we think, be left unshackled to the public. Why not leave the greedy cupidity of the capitalist to bring it into the market, and by a fair competition, allow the lower orders a free and unrestrained use of this simple necessary of life. Would not a prohibition to sell the article without a licence suffice, and would not a tax upon such a licence answer our object?

Our opium monopoly is another lucrative branch

of revenue, and although not attended with the loss of life, and actual misery consequent on the other, is, notwithstanding, an oppressive evil to the inhabitants of our own provinces, and a source of certain destruction to the inhabitants of the territories of our allies, as well as a most vexatious interference with their legitimate rights, although guaranteed by ratified treaties. Central India is exclusively an agricultural country, depending entirely on the productions of the soil. The staple commodity is opium. Sugar, cotton, and grain are bulky articles, the exportation of which is attended with an expense which renders them but little, if at all, productive articles for external commerce, as they are undersold by other districts nearer the sea, which have the advantage of water-carriage. Grain too, which in times of commotion was cultivated in small quantities, has, with the other blessings attending peace and security, become a drug; every district yielding tenfold the quantity required for consumption. In this dilemma, opium presented a certain source of profit to the states, and a comfortable independence to their subjects, till our necessities, aided by the irresistible influence of power, seized upon the only source from which they could with any certainty look to derive a profitable return. Monopolies in their very nature are bad; they are the resort of an unwise policy, and a thirst for gain. They are well described as being "the device of improvidence, which, for a present advantage, wastes the resources of futurity."

We are told that the measures here reprobated, are indispensably necessary for the Company to provide for the payment of a dividend at the rate of ten per cent. Against the validity of such an argument we must protest. Why should one body be pampered with an interest branded by parliament as illicit, and inadmissible to the rest of the nation ?

It is certain there has never been a case made out by the Court of Directors that would justify a dividend of ten per cent. ; because the reason assigned—the credit of the Company failing, and the stockholders selling out, and the Company thereby becoming insolvent,—is ridiculous, a mere bugbear to silence the ignorant and alarm the timid. Dividing ten per cent. will not supply funds to meet bills payable within a certain time ; it will rather deprive them of ultimate means, by taking away their present resources. The idea of foreigners becoming alarmed at there being no dividend, is so flimsy as not to merit a moment's thought. The debates in the House of Commons on the subject, proclaimed the true state of the Company's affairs, and afforded the nation at large, the best ground upon which an opinion approximating to truth can be formed ; added to which, preventing a dividend would be attended with more salutary and immediate consequences to the finances, than a dividend of fifty per cent. ; the one would serve to nurse and cherish the means, the other but serves, by lavish expenditure, to increase embarrassment ; ruinous in its consequences to the

corporation and the state. The idea that foreign proprietors would take alarm and sell out, is at once puerile and preposterous. The very circumstance includes a purchaser as well as a seller, and where lies the difference to the corporation who holds the share? Scandinavian, Turk, Jew, or Hindoo, it is the same to the state. The sale of shares by foreigners would obviously prove beneficial, inasmuch as the dividend, when shared, would be received and spent in England. Moreover, the dividend appears incompatible with a fair, efficient, and good government; contrary to the first principles of all associations, and substantial and reciprocal benefit. The principle of the dividend would seem to be as unsound, as its practice is pernicious. What advantage does a proprietor of Indian stock derive exclusive of his dividend? None; those about London may, and do, no doubt, derive great advantage by making their votes upon particular occasions serve as a provision for their offspring or connections; but the majority of stock is held by foreigners, or individuals away from London, whose inducement is the mere dividend, and nothing else. Hence it would appear that the sure passage into the Direction was through the favour of the proprietors; consequently the most obvious road to their favor is their interests, that is to say, keeping up or increasing the dividends. Let us see how this is accomplished, either by borrowing at a ruinous interest, or by forcing capital to provide investments from India, which yield little return, the principal

portion of the product being wasted through the countless and endless ducts in which it flows from Leadenhall Street into every kingdom in Europe. Thus this unjust and vicious distribution is fraught with the most perilous consequences: it may justly be considered a nightmare which lies heavy on the bosom of our Indian possessions; and renders its breathing and the circulation languid unto death, requiring, at times, a gigantic struggle to shake off the torpor which threatens its existence.