

often augmented to a most fearful height by the dispensation of justice being made entirely dependent upon the caprice and temper of those entrusted with them. "An issue is evolved according to the rules of Westminster, and decided according to those of Benares," was the pertinent remark on the subject of an eminent man. Very able persons in the judicial and administrative services of India had recorded their opinions on the subject, and suggested the necessity of an uniform code of laws for the whole Indian empire. And with the object of remedying this serious evil, the framers of the new Bill proposed to invest in the Supreme Government the power to make and issue laws and regulations for the whole population of British India, European as well as native, which were to be binding alike on the Crown's and on the other Indian Courts of Judicature. It will be remembered that the Governor-general in Council already enjoyed the power by virtue of the Regulating Act, but all the rules and regulations* framed by him had to be approved by the home authorities and were re-

* All the enactments of the Supreme Government were called up to 1833 'regulations', since then, however, they were distinguished by more dignified names—such as 'Acts', 'Laws,' and so forth

quired to be registered by the Crown's Judges in India before they could be enforced. Beside these checks, which were always tedious and often turned to a most undignified use when the civil and judicial functionaries were not well-disposed towards each other, the disgraceful quarrels between the first Governor-general and his Council from the very commencement of their administration, had thrown their privilege of legislation into disuse.

The Supreme Council was to consist in future of four instead of three members, as formerly, beside the Governor-general. The appointment of the fourth additional member, who was to be an English juriconsult of reputed ability, and in no way connected with the Company, was to be made by the Directors and confirmed by the sovereign. He was entitled to sit and vote in Council only when it met for making laws and regulations. The three ordinary members were to be selected by the Court of Directors from among the Company's Civil and Military Servants of not less than ten years' standing. The Commander-in-Chief was also entitled to sit in Council as an extraordinary member, if he wished it, and to draw the salary of a member.

The authors of the new Act knew well ; when they entrusted the power of legislation to the Governor-general that the task was of too difficult and incomprehensible a nature to be accomplished in the integrity of their intentions by the Supreme Government, overwhelmed as they already were by the various other functions of administration. A Law Commission was therefore appointed, consisting of not more than five members including its President, who was to be the Legislative member of the Supreme Council, though that was not absolutely necessary. These appointments were to be made by the Court of Directors, subject to the confirmation of the Royal Commissioners. The members were to be persons of the Law Board experienced in the judicial administration of India, and one or two of them were to be English jurists of reputation. It was the duty of the Commission to afford all possible aid and advice to the Supreme Legislative Council to enable them to perform their legislative duties with the necessary precision and completeness. It was also to enquire into the existing laws and systems of judicature which prevailed in the different parts of the Indian Empire, and to report the results of those enquiries and to suggest from time

to time such changes in them as the Commissioners might think conducive to the welfare of the people. All their attempts were to be directed towards removing the uncertainty and confusion in which the existing systems of administering justice in India were involved, and were to end in the formation of a code of laws uniformly applicable to the various races and communities inhabiting British India.

We have said that the new Bill was remarkable for the great but injudicious changes which it effected in the frame of the local governments in India. The object sought to be attained was to augment the power and supremacy of the Supreme Government to a magnitude, which could not fail to make them abused ; and to lessen in proportion the authority of the subordinate governments so that their already humble situation might be made humbler still. While the Governor-general was invested with the power to legislate for the whole of British India, the Governors of the minor presidencies were deprived of the power they enjoyed by virtue of the Regulating Act, to frame rules and regulations for their respective towns. They were further rendered subordinate to the Supreme Government by the sanction of the latter being made

necessary to their incurring any expenditure, however insignificant. The question whether it was necessary that they should have the aid of Councils was referred to the joint discretion of the Court of Directors and the Board of Control. Though duly cautioned of the injurious consequences of this part of their new scheme by the East India Company and though severely opposed in Parliament also, the Ministers insisted upon the clause being passed. Consequently an uncommon amount of importance and quantity of work with their attendant responsibility were appended to the office of the Governor-general, the proper discharge of whose functions henceforth required the services of talents by no means common or easily procurable. While in a direct opposite ratio the governments of the subordinate presidencies were humbled and reduced almost to mere formal institutions requiring very little, if any, display of talents or diplomatic skill. A few brief years, however, sufficiently proved the injudiciousness of the plan, and its subsequent overthrow suffices to explain what it actually resulted in.

Mr. Grant's Bill created a fourth Presidency in India. The vast extent of territory, recently ac-

quired by British arms, embraced all the Western provinces and thus enlarged the presidency under the immediate government of the Governor-general to an almost unmanageable area. This extensive tract of land bordering upon the limits of a warlike and hostile country required to be governed with great care and vigilance; which, it was felt that, the Supreme Government with the proposed augmentation in their authority and the change which it was meant to effect in their constitution could not satisfactorily do. The North-Western Provinces of India were therefore formed into a fourth presidency. Notwithstanding the provision in the Act of 1813 restricting Europeans to possess land or to make settlements in India (though the Act had made them free to resort to that country at their pleasure) it was discovered that many of them stealthily owned large estates under fictitious names and cultivated on them indigo. This agricultural produce became in a short time a very profitable article of merchandize, and there being no apparent disadvantage in allowing Europeans the right of settlement in India the local governments had, by a little stretch of authority, resolved to remove, without previously consulting the home

authorities, the restriction of the Act of 1813, with however this stipulation, that the period of the lease on which*Europeans were to hold their lands should in no case exceed sixty years. But the East India Company, divested as they were of their most cherished rights by the last Charter, were resolved not to yield an iota more as far as possible of the privileges remaining to them, and consequently the ruling of the local governments, deemed so important and necessary on account of the surrounding circumstances, was in the danger of being peremptorily annulled. But its advocacy by men so distinguished in the annals of India as Lord Wm Bentinck, Sir Charles Metcalfe, Sir Charles Grey and others saved it from that fate, and it was ultimately ratified by the authorities; but the term of the agreements was reduced from sixty to twenty-one years. So that the right of settlement in India proposed in this Bill to be given to Europeans may be looked upon as already given in its spirit. It was provided in the present Bill, however, that Europeans should not be admissible to the territories acquired by the Company since the beginning of the 19th century without their having a licence from the local governments. These

territories being newly obtained it was wisely deemed expedient to frame this restriction; but it was avowed in the course of the discussion on the clause that it would gradually be allowed to die out in the course of a few years.

The Ecclesiastical Establishment of India was also a prominent subject provided for in the new Bill. The last Act had authorized the appointment of a Bishop at Calcutta and an Archdeacon to each of the minor presidencies. Previous to this arrangement the Church Establishment in India had cost about £ 58,000, which sum was more than doubled by the extension effected in 1813. But it was discovered that the establishment of only one diocese in India, which embraced not only the whole of British India but Ceylon and also the Mauritius and Australasia, imposed such an enormous amount of labour on the bishop filling the see as to make it impossible for him to discharge his duties in a befitting manner. The learned and eminent Dr. Middleton, the first Bishop of Calcutta, and his successor a still more eminent person, Bishop Heber, both sacrificed their lives to the inexhaustible toils of their office, which were rendered doubly burdensome by the heat of an Indian sun. After

the death of Bishop Heber in 1826, the see which he so honourably filled remained vacant till its labours were lightened by the new arrangement, which provided the appointments of an Archbishop, two Bishops, and three Arch-deacons. This proposal provoked much discussion when it was on the carpet before the Committee of the House of Commons, and was also opposed by the East India Company, on widely different grounds however. The opposition in the Committee of the Commons clamoured that the President of the Board of Control, the author of the new Bill, took undue advantage of his situation to establish the religion of the sect to which he belonged; and left that branch of Christianity, the Roman Catholic, which had the greatest claim to consideration from government on account of its having for its members by far the largest number of native Christians as well as a large body of Indo-Europeans, quite unprotected and unprovided for. This objection was greatly passified by Ministers holding out a promise that Roman Catholicism would receive from government all the protection necessary for the defence of her interests in India. The argument of the Company, which was also eventually overruled

was not self-interested like the one just mentioned, but proceeded from that nobleness and liberality of views which dawned upon them with the change effected in their character since 1833. The institution of the see of Calcutta more than doubled the ecclesiastical expenditure, and the further extension in the establishment proposed by the Bill led them to fear its financial results. The appointment of one Bishop in India had caused an augmentation of nearly £ 60,000 in the current clerical charge and of more than £ 4,000 in the clerical pension list annually. And the further institution of two additional bishoprics therefore justly called forth strong opposition from the Company. The arrangement was however ultimately sanctioned. To speak conscientiously, that is, to speak as the fact would strike a person uninfluenced by distant considerations, we cannot deny that the introduction of Christianity in India at the expense of the natives was in itself an act in no way justifiable. The natives, barring some most inconsiderable exceptions, not only disliked it, but sincerely hated it from its first introduction into India, and so far therefore as the natives go they were unjustly taxed for being supplied with what which they

would most avoid : and if it be said that the introduction of Christianity into India was necessary for her European inhabitants, the simple answer to that *of course* would be that the European population ought to pay the whole expense thereof. This mode of reasoning however, we are perfectly aware, is entirely alien to the mundane associations which guide our daily intercourse in this world ; and we are prepared to confess the justice of maintaining in a country the religion of its conquerors at the expense of the conquered. We therefore regard the original establishment of ecclesiastical institutions by the Company in India, and even their maintenance subsequently on a grand scale, not only with indifference, but with something like approbation having in mind the tyranny and even the savage brutalities often exercised in the act of propagating the religion of the victors among the vanquished.

Next we come to the question of compensation awarded to the Company for the loss suffered by the abolition of their monopoly of the China trade. Ministers proposed to pay interest at the rate of $10\frac{1}{2}$ per cent per annum from the revenues of India on the East India Company's capital of £ 6,000,000 for

forty years ; and it was further proposed to invest a sum amounting to £ 1,200,000 in consols to be called the Guarantee Fund, which being allowed to accumulate for forty years, was to be applied to the eventual discharge of the principal at the end of the stipulated term. The Company did not deem this offer of Ministers at all equal to the many valuable concessions they were called upon to make of "every thing which they possessed as a corporation :—their capital, computed at more than £ 21,000,000 sterling, every item of which was commercial in its origin and present character :—their right to trade, most valuable when considered in connection with that capital, and with the position which the Company had established at home and abroad, and which right, if they chose to exercise it would greatly interfere with, if not altogether prevent, the advantages which private merchants expected to reap from a free trade with China :—their pecuniary claims, some sanctioned by a Committee of Parliament, both in principal and amount, and all recognized either by Parliament and in Parliament, by ministerial statements :—their land, forts, and factories in India, for which, they contended, they had as good a title as that by which

any property is held :—and finally, their claims in respect of the territory at large, which Parliament had always reserved.” Consequently they proposed some modifications in the sums and terms named by Ministers. They deemed the amount proposed to be set apart as Guarantee Fund insufficient to redeem the original principal after forty years, and required it to be increased to two millions ; a proposal to have it increased to three millions being negatived by a majority of themselves. Another stipulation which they required was, that all the payments due to the holders of East India Stock as such should be discharged before any others whatever ; and that the revenues of India proving in any year insufficient to discharge the annual $10\frac{1}{2}$ per cent. on the East India capital of £ 6,000,000, the deficiency was to be supplied for the time from the Guarantee Fund, which was to be reimbursed from subsequent Indian revenues. The Company also modified the proposition that at the end of forty years the East India Proprietors shall be entitled to receive £5-5s. of annuity, to the effect that in case it was deemed expedient to deprive the Company of the administration of India at the end of the term of the new Charter or at any period

within forty years from the year 1833,- the Proprietors should be entitled to claim the payment of their principal at three years' notice; which being paid off they were to have all the rights of individual merchants to trade to India and China, which were suspended till the time of the final payment. These modifications were approved of, and the original propositions thus amended were eventually adopted. So that to get the East India Company to relinquish their exclusive privileges of trade with India and China these various sums amounting on the whole to between eighty and ninety million pounds sterling were to be paid them *from the revenues of India*. Whether this enormous sum was chargeable to India or not is a much-controverted question which yet remains to be decided. There are some who would tax the British merchant for it as being the party for whose benefit solely the Company were obliged to make the concessions in question: there are others who would have the amount paid from the British Exchequer; while there is a third party, larger than either of these two, which justifies the burden of this large debt being thrown on India. The full consideration of this

broad question must form the subject of a separate work, yet it may be hoped that a brief expression of the ideas entertained on it by the writer will not be deemed out of place. It is but too true that the Company were obliged to sacrifice their rights of commerce for the benefit of the general body of British traders, and there is no knowing how long they would have continued to be a mercantile and administrative body had it not been for the popular opposition which put an end to their commerce. Superficially therefore it accords with reason to say that the whole amount of Compensation to the Company ought to have been exacted from the direct recipients of the benefit. But what justice is there in calling upon the British trader to pay for the abolition of a monopoly which ought never to have existed? Further, it must be remembered that the framers of the Act of 1833 distinctly avowed that another object which they entertained in calling upon the Company to retire from their trade was to secure to India a more efficient administration than what their blended character as a trading and political body could admit of. However lightly this reason might have weighed with the Parliament of 1833 in comparison

with the main one, still there can be no denying that it did weigh with them ; and its truth subsequently verified by the high tone which pervaded the Company's administration after 1833 proves that the extinction of the Company as a trading body was as much, if not more, beneficial to India as to the British traders themselves. Again, those who would argue that the Compensation ought to be paid from the British Exchequer are refutable in much the same way. They urge that the continuing the monopoly of the India and China trade to the Company after it proved lucrative was a blunder on the part of the State's ministers ; and the expense incurred in rectifying the blunder should be charged to the State. We have never come across anything more reasonable philosophically, or more unreasonable practically. Without enforcing the rights of conquerors as rigorously as any other nation of the civilized world would even at this day enforce, the British Legislature in its wisdom judged it right to charge India *only with a pecuniary debt* incurred partly for the benefit of the British nation and partly for the efficient administration of India herself, but which on the whole may not unreasonably be deemed the price

of rescuing her from an irrecoverable fall and degradation into which she had all but precipitated. We have observed with unqualified gratification that there are not wanting persons, even among the conquerors who think the burden of ninety million pounds unjustifiably laid on India, and who charitably strive to mitigate the evils resulting from it. They have arguments on their side,—arguments, solid, concientious, irrefutable. But as we have a little before remarked, the systems which their arguments uphold, are systems which, however good in theory, have never been put in practice. We fear that the expression of our ideas would expose us to the dislike of our countrymen, especially when we proceed in a strain quite contrary to that in which those who think India unjustly saddled with the compensation debt advocate their cause. But it ought to be borne in mind that we are free to express our gratefulness for such efforts, which we repeat are more generous than consistent with the custom which has been through all ages and in all nations observed, and which can be attributed solely to the habits of free thinking so peculiar to Englishmen. But we feel that it would be the utmost abuse of a freedom so liberally

vouchsafed to the people of India, and the extreme of ingratitude on their part were they to clamour against being obliged to pay a debt incurred more on their own account than on any other, because there are some among their conquerors who in the goodness of their nature would also consent to bear a portion of their debt in addition to conferring the innumerable blessings of a wise and mild government upon them. If at a future time—a time which, if ever it is to come, we must look for to distant ages—a feeling like this should grow common among the present conquerors of India, if they should deem that it is their duty to govern India without deriving to themselves an iota of its revenues, the people of India may thankfully receive the advantages of a policy founded on such broad and liberal principles, but they cannot claim for themselves greater indulgence than what has been already granted them. They have been the recipients of so many blessings at the hands of their presents rulers, they enjoy such valuable rights which, however valued by a free people, they would never have known had they continued to be governed as they were in the sixteenth century, that it would be a *wanton trample upon the indulgence voluntarily*

accorded to them by their conquerors to ask as of right anything more from them. For their own further amelioration they may point out how that may be effected,—its consummation they would do well to leave to their rulers.

Mr. Grant's East India Bill, perhaps the most important of all those previously framed for the Company, having run through all its stages in Parliament, eventually became Act on the 28th August, 1833. But before it was committed by the Lords, the Company petitioned against some of its clauses. Their main object in doing so was to get a right of giving publicity as a rule to all the differences arising between themselves and the Board of Control, so that it might work as a check on the latter body, whose interference in the proceedings of the Court of Directors had often been annoying. They asked to be heard by counsel in support of their prayer, but the House declined to consent to it. An attempt, however, made by the Minister to get a veto on the power of the Directors to recall at pleasure the Governor-general, the Governors of the minor presidencies, and the Commander-in-Chief, was so strenuously opposed by the Company that it did not succeed. Beyond submitting

this temperate petition and suggesting some modifications, which have been mentioned above, in the arrangements regarding their pecuniary relations with the British nation, the Company did not interfere in the proceedings of government. They were fully alive to the necessity, if not the justice, of being called upon to give up their privileges of trade, and consequently they bore the great change effected in their character by the new Act with all possible good grace. On the other hand, Earl Grey and his colleagues repaid the judicious submission of the Company by allowing as much breadth to their pecuniary claims as they possibly could. Neither did Lord North's love of self make them too hard in their dealings with the Company, nor did Pitt's love of power induce them to indulge the Company with illegitimate profits and false hopes of power. With all its faults the Act of 1833 has the credit of being the production of conscientious men actuated by benevolent motives. Many of its clauses, especially those touching the constitution of the government of India, proved subsequently erroneous, but there can be no denying that they originated from intentions cherishing the welfare of the people of India.

We doubt if ever a minister of a victorious nation even thought of expressing such an idea as "that no person (from Great Britain) should go to India but in connection with the interests of the natives, nay, in subserviency to their interests." It cannot be said that views like this have been acted upon in the spirit of their conception, but the bare fact of their being conceived, not hypocritically, but in the conviction that they would be acted upon, redounds not a little to the credit of the framers of the Act of 1833.

There was another clause still more wise and noble in the Act than any we have yet mentioned, by which all disabilities on the part of the natives of India to hold responsible employments under Government were put an end to. It enacted that no native of India nor any natural born subject of His Majesty resident therein should by reason of his colour, religion, descent, or place of birth be incapable of holding any place, office, or emolument. Before men's minds had grown liberal enough to believe that denying the conquered people a share in their own administration was an act impolitic and immoral, it was thought that to put them in places of responsibility would be to hazard the safety of the

domination of the conquered dependency. But the wide diffusion of liberal principles in England at this time did not allow of such groundless fears being longer tolerated. Accustomed as the natives of India have been made by their rulers to think themselves entitled to all the rights of a free people, they are not to blame if they fail to discern any generosity in this clause; but they cannot deny it the credit of being the result of a laudable liberality of views and an anxiety to do justice

Before concluding this Chapter the result of the labours of the Law Commission has to be mentioned. It proved a complete failure, complete when considered with the sanguine hopes entertained of the grand reformation it was to effect in the various confused systems of Indian legislation. "We do not mean that all the people of India should live under the same law: far from it. . . . We know how desirable that object is; but we know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much may be done to assimilate the different systems of law without wounding those feelings. . . . Our principle is simply

this, uniformity where you can have it—diversity where you must have it—but in all cases certainty.” Such was the exponent of the ministerial scheme. The Law Commission was called upon conjointly with the Supreme Council to draw up a code of laws for a hundred and fifty millions of people—a code uniform, and at the same time full of diversity to suit the various feelings of the numerous races and religions of the land, and certain on the whole to boot. This task was all but impossible. But it seems that its real magnitude was not comprehended at first, and consequently the Law Commission, which was thought at the time of its establishment to be quite equal to it, never completed it. After the most earnest and vigorous exertions had been vainly made to accomplish it, it was hopelessly abandoned and the Commission gradually dissolved itself; yet, utterly unsuccessful as its attempts proved, they were not entirely void of good. The researches made by the Commissioners, and their unavailing labours to draw up an uniform code has greatly facilitated and lent very valuable aid to the work of subsequent Indian legislation; the which, combined with the fact of the vast ability and energy of Lord (then

Mr.) Macaulay having been devoted to the Law Commission, has saved it from the common fate of unsuccessful schemes that "die and make no sign."

CHAPTER XIV.

THE EAST INDIA ACT OF 1853.

1835—1853.

The East India Company's uninterrupted career after 1833—The opposition which was offered them on the occasion of the renewal of the East India Act—The cause thereof—Petitions against them from the natives of India—Their real origin—The bad state of Justice in India during the period of the last Act—To what owing—The nonfulfilment of the Government pledge to appoint natives to high Offices—How justifiable—Some notable features of the new Act.

The last Charter-Act, improperly so called, so entirely severed the direct connection of the East India Company with the interests of the Anglo-Indian mercantile community, that during the whole period of that Act they were almost strangers to the national antagonism which had hitherto clogged the wheels of their progress. Immediately after they ceased to be a trading corporation, people ceased to worry them; and in their single capacity of administrators of India they were enabled to pay their undivided attention to the efficient discharge of their ruling functions. Such interests, also, as remain involved in commercial undertakings, being altogether eliminated from their affairs, a higher and nobler tone was imparted

to their proceedings. They continued with increasing success, as every year gave them greater experience of the wants of India, to use the power and means which they were appointed to command towards supplying them, and arrived at the end of the tenure of their statute in almost uninterrupted harmony. When that period, however, arrived, it was found that there were not wanting persons, who, either carried away in their zeal of benevolence towards the natives of India, lent a credulous ear to everything which malignant natures could possibly concoct about the Company's alleged maladministration, or led by motives of jealousy and ill-will, looked upon them as the incarnation of misrule, injustice, and oppression. It can hardly be denied that there were many shortcomings in the government of India admitting of reform; but it is scarcely less deniable that circumstances like the East India Company, any other form of government could have insured greater happiness to a hundred and fifty millions of people than what they did. It is true that in the act of governing an extensive dependency fifteen hundred miles distant from the mother country, and embracing a vast population of different colours and creeds, the East

India Company allowed many grave errors to endure uncorrected, and introduced a great many others; but no sensible man can be blind to the fact that the immense peculiar difficulty of the task was a sufficient excuse for deficiencies like those. While many of their best measures, adopted by them with the intention of remedying such evils as were peculiar to India, which nothing short of a long and intimate acquaintance with the country could present in their true light to a strange eye, were construed by people in England as the veriest acts of injustice and oppression on the part of the Company. Ignorance of a thing always leads to most baneful conclusions regarding it; and such was the case with those who based their opinions of the Company's administration on a superficial knowledge only of Indian affairs. It was but natural, no doubt, that measures which the Company after more than a century of experience of a strange land teeming with men of numerous widely different religions, manners, customs, institutions, and sympathies thought best adapted to mitigate the evils under which that country was groaning, should strike the minds of men who could pretend to no such knowledge and whose associa-

tions and habits did not allow of their forming an adequate conception of such wrongs, as absurd and preposterous. And hence they were led to look upon those very acts which were desirable, nay necessary, for the amelioration of a people who were in the infancy of their education and reform, as measures which took birth from an illiberal and no benevolent disposition. Such mistaken notions which a considerable portion of people in England entertained, were confirmed by petitions which the natives of India sent to the Imperial Parliament at the time when the question of the renewal of the Act of 1833 was being considered. These petitions which set forth grievances such as could not fail to call forth the indignation of men trained to English habits and used to a government like that of Great Britain, were for a time held as authority for every manner of vituperation, which those so disposed chose to utter against the Company. But it was in a short time found that these complaints which were represented as coming from the natives of India were hardly anything else than either the inventions of some of the Company's servants themselves who personally bore grudge towards their masters, or the brainborn

evils of that class of natives which was then pretty generally known as young India, whose superficial education had instilled in their minds but a misguided notion of freedom and good government.

It seems, however, that the petitioners contrived to intersperse among the host of wrongs they complained of, one or two real or seeming real grievances of such a grave nature that the British Legislative was induced to pay them that attention which would otherwise have been denied them. Indeed it was in the very nature of those complaints to have invited serious consideration from Englishmen. These were the failure of Justice in India and the non-fulfilment of that pledge which the East India Act of 1833 gave to the natives of India to employ them freely in high situations in the administration of their own country. As to the first, there were certainly good grounds for a strong complaint. Notwithstanding the exertions of the government of India, both in England and here, the administration of justice proved a deplorable failure. . We certainly do not mean to say that the dispensation of justice in India during the twenty years of the Act of 1833 was worse than

what she had ever received from her native princes, a conclusion which is to be derived from the fact of the natives of India complaining of British justice in 1853. But that it did fall far short of the high expectations which the provisions which were made for that branch of administration in the Act of 1833 held out, there can be no question. Those immediately responsible for this sad state sought refuge in the pretext that there was no determined code of laws to guide them. We have mentioned in the last Chapter what result the labours of the Law Commission brought about. Their efforts at constructing a uniform code being baffled, India was still suffering from the want of settled laws. And in the absence of a proper code, it would certainly be absurd to expect that sound and even justice could be administered to a hundred and fifty millions of men on the basis of the multitudinous widely different codes of the various races, to which they belonged. But the state of justice in India, was represented by the petitioners to be on such a disgracefully low level that, in spite of this fact, we must look forward to some other cause for it. And we find it in the persons of those officers in the Company's service,

to whom were entrusted the responsible functions of Judges and Magistrates. Before 1833, that is before the East India Company became exclusively an administrative body, the inferior and less able of their servants were appointed to offices of routine business in their commercial department. But since 1833, when their trading privileges were altogether annihilated, this branch of their service, which hitherto supplied them with the means of disposing of such persons as were unfit to be appointed to the more important offices in the revenue, political, and judicial departments, was of course abolished. Their patronage, however, continuing to flow in the same groove as before, the usual tribute of incapable men was thrust upon them as formerly. It became necessary, therefore, to appoint them to administrative functions; and a great number of them was sent into the judicial department, (the revenue and other political branches being deemed more important), where they proved positively mischievous.

The second of the two grievances which induced Parliament to set store upon the petitions from India was, that the Company had intentionally failed to comply with the letter and spirit of the

clause in the Act of 1833, which ordained no distinction of caste or colour to be observed in the distribution of offices in the Indian administrative service. It was hard to conceive anything that could go so far to cast reflection upon the Company's intention as the bare assertion that they had not given a single office of emolument or trust in their service to a native. Scanty and superficial as the knowledge of most of the members of Parliament in 1853 regarding India was, it must have made their very blood boil to hear that the Company had adjudged "1,80,000,000 of God's creatures so depressed below the level of their own civilization, that no two of them were fit to hold situations of importance in their own land." We cannot sufficiently appreciate the benevolence of motive which impelled members in the British Legislature thus to decry the Company's government; but at the same time we confess we can hardly respect their knowledge regarding India. No person having pretensions to a pretty general acquaintance with the country could have found it difficult to believe truths like the above, monstrous and beyond belief as it undoubtedly looks; and we do not think a more conclusive proof of this is

necessary than what is offered by the glaring difference which distinguishes the views expressed in 1833 from those uttered twenty years after on the same subject by that great man whose sympathy for India was a distinguished trait in his character, whose opinions regarding India could hardly be said to be influenced by party feelings, and whose intimate knowledge and experience of the land gave great weight to those opinions. "I do not blame those" says he "who do not admit them (the natives in the civil service), for it is my belief that there is not in India a young native, whom it would be a kindness to the native population to place, at the present moment, in your civil service." This is the opinion which that eminent man, after having personally seen India and studied the native character, entertains on a subject of which he spoke twenty years before in language like this : (After having alluded to the provision in question in the Act of 1833, as "that wise, that benevolent, that noble clause" he proceeds to say), "I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military

office. We are told that this is the "condition on which we hold our power. We are told that we are bound to confer on our subjects every benefit—which they are capable of enjoying?—no;—which it is in our power to confer on them?—no;—but which we can confer on them without hazard to the perpetuity of our domination. Against that proposition I solemnly protest, as inconsistent alike with sound policy and sound morality." In spite of all that was uttered against the Company's alleged unwillingness to fulfil the intention of the clause, it suits us to think that the defence which this difference in the opinions we have here referred to holds out is sufficient vindication of the course the Company deemed it prudent to follow.

It will have been seen, therefore, that these two grievances, almost the only items in the petitions presented to Parliament at this period against the Company, which invited serious consideration, were not so entirely void of justification as to throw any considerable hinderance in the way of the Company's securing a renewal of their Charter of 1833. In fact, the latter grievance, viz., the pledge to employ natives to high offices in the administration of India, being turned a dead letter,

though it offered at first a vantage-ground to the opponents of the Company whence to bring home to them the charge of being selfish and narrow-minded, was eventually discovered to be almost an empty howl of discontent begot chiefly of presumptuous ignorance. Again, the failure of justice in India was so clearly shewn by experience and by the statements of men competent to opine on the subject to be owing more to the insurmountable difficulties which debarred the possibility of framing a suitable code of laws than to any particular default on the Company's part, that the cry on that score too was shelved by the appointing of a fresh commission to enquire into and report on the judicial department of the Indian administration and to suggest such alterations and additions therein as might seem desirable. The objections against the continuance of the Company's rule being in this manner disposed of, the renewal of their Charter encountered no strong opposition in Parliament. Sir Charles Wood, the present Lord Halifax, as President of the Board of Control introduced in the House of Commons the new measure, or more correctly, the question for renewing the old measure ; for, notwithstanding that the Charter of 1855

sanctioned some improvements in the several departments of the Company's affairs, both domestic and foreign, which enlarged experience and increased knowledge suggested, it was so similar in all the most essential points to the last Charter that it could hardly be distinguished from the latter. That Indian Statesman, though at the time but a few months in office, expounded the question in a speech of great length and full of most minute and correct particulars regarding India, the proverbial absence of the knowledge whereof in her rulers has unhappily ever formed and still forms a source of discredit to themselves and injury to their subjects. The short period for which the renewed Charter remained in force obviates the necessity of our entering into all its details, consequently it will suffice to notice here only two or three of them which most distinguished it from the original.

It sanctioned the constitution of a New Presidency comprising Bengal and Bahar. The government of these provinces, which was hitherto under the immediate control of the Governor-general, was placed under the presidency of a separate Lieutenant-governor. The constitution of the Board of Directors also suffered a notable change. The num-

ber of its members was reduced from twenty-four to eighteen, and of the latter number three were elected by the sovereign. The last feature in the new Bill which we shall mention was the change it proposed to effect in the mode of election to appointments in the Indian Civil Service. Hitherto the patronage lay partly with the Minister and partly with the Directors, and the mode of its distribution being unsecured by any defined provisions, the elections were apt to be influenced by various motives. The new provision, however, ordained that the distribution of patronage should in future be regulated by examinations, and this system, known as the Competitive System, formed the most benevolent as it was the most important characteristic feature of the Act of 1853.

CHAPTER XV.

TERMINATION OF THE EAST INDIA COMPANY'S RULE.

1853—1858.

The Charter of 1853 brought to an end in 1858—Responsibility thrown in the wrong quarter for the Indian Mutiny—Its causes still remain to be determined—The ostensible causes thereof—An investigation into them—Views on the annexation policy of Lord Dalhousie—The effect of the news of the Mutiny in England—Its bearing on the Destinies of the East India Company—Used as a pretext for the Abolition of the Company—Their Protest against such a step—Lord Palmerston's Bill for the purpose delayed and subsequently withdrawn—Mr Disraeli's Bill—Allowed to fall off—Process by Resolutions—The Third East India Bill of 1858—Its progress through the Legislature—Becomes Act.

The Charter of 1853, the final Charter granted to the East India Company, did not last long. With the heart-rending Indian Catastrophe of 1857 the term of the Company's existence was run out

It is certainly not the least condemnable weakness of human nature to be blind to errors of the most mischievous kind till it becomes quite impossible to avert the calamities in which they in the fulness of time culminate. Nor is it a less reprehensible frailty of the human mind to stumble on the wrong path in the confusion and crisis of danger. There have, indeed, been very many instances in the

history of mankind, where whole institutions with the most absurd discrepancies staring in the face have been suffered to exist without any attempt having been made to remove them ; and where, when at length the evils resulting therefrom had grown to such an unwieldy extent as not to allow any longer of their being winked at, persons by no means accountable for the mischief, and beyond in fact whose power it might have been to have averted it, have been picked out as expiatory sacrifices. But we doubt whether even one among them offers a parallel illustration of this weak characteristic to what is furnished by the precipitate haste and want of judgment with which the people threw the onus of the dreadful events of 1857 on the East India Company.

It is perhaps too well known that the various attempts hitherto made to determine precisely the cause or causes which brought about these events have all, notwithstanding the vast ability and diligent research brought to work on several of them, been wrecked on the dubious rock of conjecture. The unsatisfactory conclusions to which all questions of contemporaneous history are generally brought, are owing no doubt to those conflicting

feelings which, exerting an influence over the mind such as it would be impossible to disregard, prove utterly prejudicial to an impartial reviewing of the various points at issue ; as well as to the absence of a foreground sufficiently removed to present to the eye the picture lying beyond in due proportions. And certainly to them is mainly due also the failure of the efforts made hitherto to arrive at the origin of the Indian out-break of 1857—a problem of such gigantic proportions and involving so many and such opposite considerations, that it may not improbably require the lapse of more generations than one before the penetrating judgment and facile language of some yet unmoulded Mill or Macanlay shall have enshrined it in its proper niche in the Temple of History.

This, therefore, being neither the proper place nor time for the investigation of the subject in question, we gladly avail ourselves of the opportunity to pass it over, for we are too well aware of our own inability not to feel a sort of relief at being able to shelter ourselves under a sufficiently decent plea from the task of dwelling at length and risking opinions on an historical event of uncommon magnitude and importance. We may,

however, safely lay before the reader the ostensible causes to which is attributed the origin of the bloody rebellion. The first supposition, the one which has by far the largest number of advocates, is, that the mutiny was mainly due to the alleged attempt to meddle with the religious customs and observances of the native soldier. Next comes the Dalhousie annexation policy as having sowed the seeds of what, if it had only been allowed to arrive at sufficient maturity, would have had the fatal effect, and to none so fatal as to India herself, of extinguishing the British domination over her. Then we have another article, in which the belief is comparatively small, namely, the introduction of the Land Revenue System: and a fourth one still, not to be compared with any of the foregoing in point of importance, but which, having upholders all its own, might bear mentioning. It was the discontent which was alleged to have arisen on account of high-castemen being exclusively employed in the Bengal Native Regiments,—an almost idle conjecture were it not for the fact of the mutiny being confined chiefly to the presidency of Bengal.

The first named position finds, as has already been mentioned, a great many supporters from the

fact of the impression generally created even some time before the mutiny broke out, that great dissatisfaction prevailed in the native army in consequence of some orders from commanding officers, which were liable to be construed as the ground-work of what was generally and is to a less extent even now believed to be the be-all and end-all of the English rule in India—the spread of Christianity throughout the land. Then again, there is no gainsaying the fact that the greased cartridge kindled into conflagration the fire that had been smouldering below the surface. This event indeed lends a stability to the supposition, which justifies the belief placed in it. But, therefore, those who hold the Dalhousie policy of wholesale annexation responsible for the melancholy event do not fall very wide of the mark. Indeed, up till now, though since the time we are speaking of nearly a decade and half has elapsed, hardly anything has transpired to falsify this view; and to all appearances, it promises so long as the problem will remain veiled in uncertainty, to retain its worth for the thoughtful consideration of the historian. It would, however, be absurd to believe what each of the two assertions suggest, to be the *fons et origo* of

the mutiny. In fact each of them was hardly capable of producing dissatisfaction to a degree which could fire even a nation scrupulous of the least encroachment on its rights and privileges into an open rebellion, much less a people known, as the people of India have been known, for their indifference to common and divided interests. We may, however, so far believe in their bearing on the Indian mutiny as to regard them as strong incentives towards the propagation of a national dissatisfaction which, for our part, we believe to be the result neither of the false notion just referred to nor of the annexation policy exclusively, but of a series of enduring blunders committed, we would fain confess, with purposes and motives which, had they only been carried into execution in a manner worthy their nobleness and liberality, would have this day half effected what it is the avowed mission of the English man in India to effect—her regeneration. We may not doubt that the sepoy's unfounded apprehension that his officer's orders were each of them an attempt to tamper with the customs and prejudices which from his childhood upwards he was taught to observe with religious veneration; or that the fears entertained by the native rulers and their

subjects that, the Western conqueror of their land was actuated with a wish to

“violate each saddening shrine,
And bear its altars o’er the long reluctant brine,”

and that consequently he pounced on every fair opportunity or foul pretence to establish his control over the property of others and tried by every possible means to make at length India’s sons “too weak her sacred shrines to guard;”—we may not doubt that either of these mistaken views can be identified among the causes which brought on the Indian insurrection. But we cannot lend our belief to the supposition that it was the out-come exclusively of either or even of both of them, unless it be at the same time granted that they were but the means through which the national discontent begot of the weaknesses and vagaries of men in power years before reached its culmination. But we must leave the question at this stage to be settled by the future historian, and proceed to state briefly what effect the Indian mutiny had on the destinies of the East India Company. We believe, however, we are not trespassing on the limits we have prescribed to ourselves by throwing out a thought or two regarding the annexation policy.

We shall not commit ourselves to opinions either for or against the wisdom thereof any further than to avow that it may be favourably viewed as a wholesome restraint on the savage atrocities and mischievous caprices which have formed during generations gone, and still form, the characteristic of the native ruler. The policy has been, we suppose, defended mainly on this principle; and if this supposition be not wrong, we are unable to perceive why it should have been put into execution in such a manner as to render it capable of bearing the construction which its opponents naturally try to put on it. If the misrule of a native prince should at all render it advisable for the Paramount Power to make itself the guardian of his territory and subjects, why should it wait till in the course of nature his life is ended? Not only does such a mode of proceeding give weight to the supposition that the Dalhousie policy was meant to extend the English territories in India, but it seems to lack even the support of common-sense when it strikes us that by allowing action to depend on the uncertainties of natural events,—and it requires no argument to prove that the mode in question does so—a whole people may be left exposed for years to-

gether to the vagaries and brutalities of that scourge of the human race, an uncultivated despot. In case, however, the policy of annexation was meant otherwise than to operate a salutary influence on the proceedings of the native rulers, it is impossible to view it as something very distinct from a policy whose avowed object was aggrandisement,—a policy more selfish and narrow than could be identified with the liberal tendencies of the British Constitution. Superficially, we confess, this conclusion is open to argument in so far as the defenders of the policy can urge that the Paramount Power is the legitimate heir of heirless territories. It would be sheer impertinence to deny the plausibility of an argument like this were it only advanced by a government less liberal-minded and less conscientious than the English; but we are constrained to remark that, after the promulgation of the doctrine of unqualified religion freedom, the policy in question has the appearance of being subsequently invented to furnish some sort of qualification and limit to that wise and enlightened principle. The religious *Shastras* of the Hindu not only permit but enjoin adoption in absence of a male heir, and if the tendency of any measure on the part of

government be to render nugatory, or even to lessen the value of any such privilege, as it undoubtedly appears to be a phase of the Dalhousie policy, their claims to the merit of religious toleration are, we submit, hardly permissible. But we are loth to attribute conduct so flagrantly inconsistent to the British Government of India.

It therefore but too naturally follows that the annexation policy contemplated no less than to confer the blessings of good government and freedom on peoples crushed and debased under the arbitrary will of illiterate tyrants, whenever opportunity should offer : and therefore, notwithstanding that its course of action is open to grave censure, the motive of its conception at least deserves to be commended. But, unfortunately, the way in which it was put to work was, as has been remarked, so unstatesman-like and to such a degree incompatible with the broad principles which regulate the British rule over India that public opinion has condemned it as one of those blunders which tarnish the fair fame of its actions and intentions. It hardly stands to reason to say that a legitimate son may not grow to be a more vicious or a more wicked man than an adopted son, or that an adopted son may not

turn out a wiser and nobler heir to his^e father than a born heir. But it is to reasoning like this alone that the annexation scheme inaugurated twenty years ago could look for defence. In the face of avowed religious toleration in the first place, next of the acknowledged superiority of right over might, then of the affirmed dis-inclination to extend its territories, and lastly of the sound sense and impartial justice which are all characteristic of the British Indian administration, a policy of temporary annexation only, or, in other words, a policy of rescue and amelioration with a high hand would be, in our opinion, the nearest approach that could conscientiously be made to the Dalhousie scheme. A policy like this alone could fittingly enunciate the high-mindedness with which Englishmen are said to regard their connection with India, and at the same time enable them to fulfil the object of their mission in the land. Through its instrumentality they might assume the conduct of a dependant state's affairs on the demise of its native chief, and resign it to the rightful owner, no matter whether he be a born or an adopted heir, when he has attained sufficient age and intelligence to be able to feel the importance and discharge the obligations of his rank and

responsibility. They might even go further, and fortified by a policy as manifestly disinterested as noble the consideration begetting it, and this above all :

“ attended

“ By a strong siding champion, Conscience,”

assume the functions of government over a persecuted people and a plundered province from the tyrannising hands of an inconsiderate Chief, to restore them, after the lapse of a sufficient period, a prosperous people and flourishing fields to the same prince but a different, that is a wise, just, and enlightened ruler, having for their reward the blessings uttered by

“ a people’s voice,

“ The proof and echo of all human fame.”

But to return. When the news of the breaking out of the insurrection in India first reached England it was by no means looked upon in the dreadful light of its reality. But succeeding despatches revealed the true aspect of affairs, and the unusual event of the attention of Parliament being drawn to matters relating to India within five years of the time when it last discussed the question relating to the administration of that dependancy, occurred. The nation also

became greatly excited ; whether on account of the hideous nature of the insurrection itself, or because it at length found a pretext for effecting the total annihilation of a body whom it had already treated so ill, it is hard to say. The latter, however, does not seem to be by any means the least likely reason of the two, as can be clearly inferred from the strange explosion of credulity which raged in the people and wrought in them the belief that the Indian mutiny was wholly due to misrule on the part of the East India Company. Though with the abrogation of their trading privileges had dawned that unfortunate epoch in the administration of India, which distinguishes it from the period when even a Burke or a Pitt did not despise it as any unfit subject for the exercise of their unrivalled powers of oratory and legislation ; and notwithstanding that by such sequestration of their commercial element the nation appropriated to itself all the available profits which it could expect to derive from its Eastern Possessions, still the very name of the Company had become so execrably odious to the popular ear that, ever and anon there was a complaint or a claim against them pressed on the attention of Parliament. In such a state, therefore, of the popular mind, influenced as it

undeniably was by a most unreasoning prejudice, the nation found instant relief at finding a way out of the labyrinth in which its boasted tolerance of the chartered rights of a corporation on the one hand, and its injudicious but helpless intolerance of the existence of a body the first of that nature on the other, had involved it. Consequently, almost the first Parliamentary movement with regard to the mutiny was the introduction of a scheme to extinguish the existence of the Company altogether, and to transfer the administration of the territories acquired by them to the direct control of the Crown. With this view the late lamented Lord Palmerston, then at the head of the Ministry, asked for leave to introduce a Bill in the early part of 1858. Though it is but justice to say that in the course of his speech on that occasion the noble Viscount freely confessed to being in a great measure guided by the popular voice in taking this step; still the attempt to put together the blunders committed by the Company, and to paint them in the darkest colours as if to form ground for an act which, neither judicious nor politic in itself, was at the time and under the circumstances most injudicious and impolitic, was too obvious to

escape notice. But this futile attempt, besides being attacked in Parliament, was entirely frustrated by a petition which the Company submitted to the Legislature for the double purpose of answering the aspersions cast on them and of urging the inadvisability of effecting any change in the prevailing system of administration, especially at a time when the people were by no means in a state admitting of calm deliberation on such a momentous subject. This document, however, which, it should be remarked, bore ample evidence of being the offspring of a master mind and which formed a worthy *finale* finale to the invaluable records which must be looked upon as a portion of the almost imperishable heritage the East India Company has left to the British nation, failed of its purpose quite as expected. Not that it lacked either force or argument,—rather backed by the ‘irrefragable logic of facts’ and strengthened by an eloquence of language not often to be met with, it would have carried the day:—But what could reasoning or words avail before a people whom rancour had made incapable of judgment, and in respect of an institution, the hatred regarding which was as old as itself and had grown with its growth? The minister, therefore,

had hardly any difficulty in obtaining permission for introducing his Bill. It had, however, to be withdrawn after being presented to the House, on account of a change in the administration, and a fresh Bill by the Conservative Government was brought in by the present Mr Disraeli. There were two main principles on which the opinions of those insisting on a change of Indian administration were divided. Some wished to retain the same form of Government as existed but under a different name only; others would have a different form inaugurated as well as a different name. Those, however, who advocated the latter, were disagreed on a point of vital importance. They all proposed to place the administration under a Secretary of State, but one portion of them was for the appointment of a Secretary of State with subordinate officers only like the other State Secretaries, while the other insisted on offering him the benefit of a council. Among those with whom the latter found favour, reckoned both the administrations, and consequently it was common to the Bills of both, though in details they widely differed. The principle on which the future Government of India was to be carried on was, therefore, as good as

determined; but the East India Company had become an institution of such unrivalled magnitude and antiquity in the history of British India that in spite of this unanimity on the main point, and of the general feeling against the existence of the Company, it was found impossible to alight upon a plan which should give India a better government than that which existed. Consequently there was danger of the new India Bill also encountering the most strenuous opposition in Committee and being ultimately thrown out. The only course that could be pursued in such an exigency was to proceed by resolutions. Mr. Disraeli in consequence withdrew his Bill at the same stage at which its predecessor was withdrawn, and brought forward seven resolutions instead, which being ultimately amended were reduced to five, viz :—

1—"That as the Territories under the Government of the East India Company are by Law to remain under such Government only until Parliament shall otherwise provide, it is expedient that the transfer of such Government to the Crown should now take place, in order that the direct superintendence of the whole Empire may be placed under one Executive authority."

2—"That for this purpose it is expedient to provide that Her Majesty, by one of the responsible Ministers of the Crown, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India."

3—"That in order to assist such Minister of the Crown in the discharge of his duties, it is expedient, that a Council be appointed of not more than fifteen Members and not less than twelve."

4—"That in order to secure the greatest amount of knowledge and experience in the management of the affairs of India it is advisable that the principal portion of the Members of the Council shall have served or resided in India for a term of years to be limited by statute."

5—"That with a view to the efficiency and independence of the Council it is expedient that it should be partly nominated and partly elected."

Pursuant to these Resolutions Mr. Fitzroy, the Chairman of the Committee wherein they were

passed, Lord Stanley (the present Earl of Derby) and the Right Honourable Benjamin Disraeli conjointly framed a Bill, which being duly carried through successive stages was committed on the 25th June when

With respect to the Second Resolution : It being the avowed object of the new constitution to centre in the person of one Minister responsible to Parliament only all the powers hitherto exercised by the different branches of the East India Company, the Secretary of State for India was made entirely independent of the Council proposed to be given him and was to have a seat in Parliament *ex-officio*. He was also empowered to exercise the functions hitherto discharged by the Secret Committee without being obliged to communicate the same to his Council.

And with respect to the Third, Fourth, and Fifth Resolutions:—It was enacted that each of the Councillors was to receive a salary of £ 1,200 per annum, and a pension worth £ 500 at retiring after ten years' service in Council ; that a majority of them should consist of persons who should have served or resided in India for a period not less than ten years, and shall not have last left India more than ten years next

preceding the date of their appointment; and that of the fifteen members of which the Council was to consist, eight should be nominated by the Crown and seven elected. It was also agreed upon to vest the real and personal property of the Company in Her Majesty, and to charge on the revenues of India all the existing as well as the future expenses, debts, and liabilities that might be incurred for the purposes of the Government of India. The dividend of the Company was also to be paid out of the India Treasury.

The rest of the clauses of the Bill being agreed upon almost without amendment, the Bill was ultimately read a third time and passed in the Commons on the 8th July following. On the 23rd of the same month it was carried through, subject to one or two amendments, in the House of Lords; and these amendments being acquiesced in by the Lower House, the Bill Re-constituting the Government of India received the Royal Assent on the 2nd of August, 1858.

FINIS.