



## COMPETITION AND THE INDIAN CIVIL SERVICE.

---

Paper read by Dr. GEORGE BIRDWOOD.

I have for a long time given my consideration to the system of Competitive Examination, more especially as it affects appointments to the Indian Services. I have written much upon the subject, and some of you may possibly have read elsewhere a good deal of what I have written to read here to-day. It is impossible for me to say anything better on the general question of competition for the public service than that which was said by the late Sir George Cornwall Lewis. "Look to the point and paces of your steed, but do not rest the choice of a coach-horse on the issue of a race, for the simple reason that we do not want racers in harness," or again, than Lord Stanhope's saying: "It is of far more importance to have the mind well disciplined than richly stored, strong rather than full." Still, the necessity for obeying these precepts in appointing to the public service, particularly to the Indian Services, cannot be too often enforced. I am an unfeigned advocate of competition, but it must be thorough—inspired by the hottest, intelligent, and deliberate resolution to secure the best men for the work wanted of them—searching out, and finding, without risk of failure, the special qualifications needed in each and every special case—and not a half-hearted, reckless expedient merely for ridding the responsible Ministers of State of the burden of patronage, although they, with the burden of patronage, cannot shake off their responsibility. It would be too much to say as yet that the present system of competition for the public service in England is designedly insincere, for it has been admitted from the first to be only tentative; but it will certainly be open to the charge if, now that it has proved practically inefficient and

threatens to prove mischievous, it is not reformed; and the most tenacious and redoubtable of the champions of competition are forced to admit that, as at present administered, it is attended with evils which require correction; and that large and important amendments are needed in the methods and subject-matter of the examinations, as well as in the adaptation of the system to the public economy.

In the case of the Indian Medical Services, for which no demand exists, competition has become a pretence, a delusion, and a snare. The Indian Civil Service is still, fortunately, although quite fortuitously, in demand, and so long as it continues to be so—Englishmen being what they are—but little harm may possibly come of the present unscientific mode of competition for it. But it is not the less a condemnation of the present system that it absolutely ignores that culture with the sense of responsibility which it implies, is the highest and one indispensable qualification of a governing class like the Indian civilians. The present system of competition, however, while practically surrendering Ministerial responsibility to an irresponsible Commission of Examiners, not only fails to secure the right men for the right places, but tends also most disastrously to affect the development of national education; takes no thought of the interests of the unsuccessful—of the majority—who, under it, are forced to stake everything on the issue of an eccentric examination; nor of the danger to an old and settled commonwealth of the creation within it of a large caste of abandoned intellectual reprobates; as if competition were indeed but a cowardly and cruel shift to rid Ministers of the multitude of place-hunters, and not, as was the intention and hope of the eminent and exemplary men who initiated it, a means for correcting the corruption of patronage without lessening Ministerial responsibility (which indeed cannot be cast off, although in practice it is now in suspense), for securing the ablest and best educated men for the public service, for spreading education throughout all classes of the people, and promoting national contentment; imperial aims, and worthy the nation which sought to embody them in a law.

A paper examination is at its best an unsatisfactory test of a man's powers, when its aim, the sole legitimate aim of examination, is to pass every candidate qualified to pass, and not to pluck a single man who ought to be passed. Such are University and College pass-examinations; and the leaving-examination of Prussian schools, the first qualification for the public service in Prussia. I have had very great experience of these examinations, as great, I presume, as any educationist of my age in England; and I, for one, would do away with even pass-examinations. I would give the degree or other pass-certificate as a certificate simply of a prescribed disciplinary course having been followed out—certified, if you

will, day by day, as under the system of *répétiteurs* in use in the scientific schools of France—and not for passing a set—a chance-medley—of questions. Indeed, the only men who can rightly examine a man are his teachers, as is done in Edinburgh University and Colleges founded on its model. But the express aim of a competitive steeple-chase examination is to trip up as many of the competitors as possible—to pluck, not pass, and, unfortunately too often, and almost inevitably, it plucks the very candidates who, under a scientific system, would have passed—the very men wanted in India—and passes those who ought to be plucked. I say, advisedly, that it is the present competitive system which too often plucks the best men for the Indian Civil Service and passes the worst, and not the examiners, who have simply to examine faithfully as prescribed by the system, the tripping-up system—to set puzzling and ever more puzzling questions, not to test culture, which a single examination cannot test, and which can be tested only by the continuous trial examination involved in the gradual following out of a regulated course of discipline. Mr Matthew Arnold writes “I once bore part in the examination for the Indian Civil Service, and I can truly say that the candidates to whom I gave the highest marks were, almost without exception, the candidates whom I would not have appointed. They were crammed men, not formed men, the formed men were the public school men, but they were ignorant on the special matter of examination, English literature.” And English literature, in the sense of the Civil Service Commissioners, means, be it borne in mind, the “Handbook of English Literature, by Angus,” or Shaw’s “Students’ English Literature.” Another distinguished examiner for the Indian Civil Service himself pointed out to me, as the very type of an uneducated man, one of the successful candidates of the year in which he examined, who stood almost at the head of the list. It is a fact that several of the successful candidates at the last competitive examination for the Indian Civil Service owe their places on the list to the accident of their crammer having on the very morning of the examination in natural sciences run them over the anatomy of the lobster, which was one of the subjects of the examination on that day. They probably knew as much about it the day before, or the week after, as of the anatomy of the Chumara. All that can be said of such a haphazard, “happy-go-lucky,” and Philistine system of testing men for the public service is, that at its best, and under the most favourable circumstances, it is better than the abuse of patronage, when it is thoughtless or corrupt. At a competitive paper examination for the Premiership (and why not for the Premiership of England, if for the Governorships and Lieu-



tenant-Governorships of India?) Mr. Gladstone would have been inevitably tripped up for calling London, as he, like everyone else, does, "this Metropolis;" and St. Paul's, as he did in the last Queen's Speech, "the Metropolitan Cathedral." In vain would he plead abounding usage in defence.

But it is when applied to a service for which there is no competition that this sham competitive system works unmitigated evil. The Indian Medical Services had long been out of demand before we copied the system of competitive examination from the effete Chinese, and it has repeatedly happened since they were thrown open to competition that the candidates for them have barely outnumbered the appointments to be filled up. This is simply to turn a service into a feast for the poor, the maimed, the halt, and the blind. I do not deny that many men of the highest scientific accomplishments and professional ability have entered the Indian Medical Services under the new system. My point is, that it has admitted into these services scores and hundreds of men who would have had no chance of passing under the system of the old directors. It is a startling fact that contemporaneously with the establishment of the competitive system the Indian Medical Services have ceased to be scientific. I drew attention to this about four years ago in Bombay, and three years ago in England, and official inquiry was made of the facts alleged by me. Some time ago the Director of Public Instruction in Bombay reported that it was impossible to create a professorship of geology in connection with the Grant Medical College, as there was no officer in the Bombay Medical Service qualified or competent to give the necessary lectures. Since its late accomplished Secretary left Bombay in 1865, the Medical and Physical Society of Bombay has virtually ceased to exist, although it holds its sittings in Grant Medical College. Grant Medical College itself has been hanging on the verge of extinction for the last eight years, and would have died a natural death three years ago but for the artificial life in death in which Government has kept it going. It is obvious, in short, without any further argument, that the Indian Medical Services, so long as they are suffered to remain out of demand, ought not to be thrown open to competition; strict nomination, followed by strict examination as formerly being the only plan for securing men of character and the requisite qualifications for services allowed to continue thus despised and neglected. I do not for a moment mean to imply that it is the competitive system which has brought down the Indian Medical Services from their former high estate to the dust. What I insist on is, that having been allowed to fall out of demand since the "good old days" when they produced their Roxburghs, Wallichs, Buchanans,

Heynes, Ainslies, Thompsons, Royles, Wights, Falconers, Carters, and Stocks, to throw them open to unrestricted competition is merely to sacrifice the only check to their becoming a prey to needy and incompetent men; and I affirm that it has proved so in fact.

The old directors' system of patronage was the very best for recruiting the Indian Medical Services, and I doubt if a better in its results will ever be found for even the, at present, sufficiently paid Civil Service. Indeed, it is not a little singular, that while competition for the Indian Civil Service has produced as good administrators, and, it may very probably be, better judges than we had in India before, it has signally failed to produce any men like to the scholars, Orientalists, antiquaries, naturalists, and brilliant writers, for whom India was indebted to Haileybury—a distinction in which one would have anticipated competition would have proved even more successful. The directors divided their patronage among themselves, and in this way each director was made personally responsible for its administration. As a rule, they presented their nominations only to young men personally known to them, and if they departed from this salutary rule, it was to present them for competition to some distinguished public school—Eton, Westminster, or Shrewsbury. That is my ideal. Looking round amongst the families known to them from father to son, here an able son was selected for Haileybury, and there a personable, high-spirited boy for Addiscombe. Then, after all, was an admirable plan for the directors. Boys, from the first moment that they showed any special character and ability, were at once trained up for the special services that they were destined for in India. Those of them who went to muscle, were good examples of the English country gentlemen, and always found useful work to do, for which they were found admirably suited. If one of them ran to brain, we got intellectual ability of an order no competitive examination can insure us, and the present competitive system must almost necessarily exclude. It is perfectly impossible for the new civilians to produce better men, intellectually speaking, than their predecessors were. They brought fresh and undrained energies to their work; while these too frequently bring energies worn out and exhausted by excessive and premature toil over books. Those were familiar, from father to son, with the traditions and mysteries of the art of man-government; they learnt them by living them; these—of course I speak subject to obvious exceptions—do not even know that they have to learn them.

The promise of a medical appointment was always worth accepting. There was a sort of provision for you made certain if you qualified for it; and so, at the worst even, it was worth giving also, and the directors accordingly gave their medical appointments only to men

most carefully selected. They made a point of particularly patronizing young men devoted to some branch of physical science or natural history; and indeed, and in consideration of its cheapness, the Indian Medical Services were perhaps the chief glory of their commercial system. The directors were, in short, merchant princes, and knew in every case how to make the best bargains for themselves, and pressed, as regarded their medical officers, as hardly as they dared, in the matter of pay and pension, on that humanity which the study of nature calls out in men. They made a point, also, of selecting young men for their Medical Services, it being as necessary that men should be sent out young to services in which, almost to the end of their days, they have to obey, as it is to send out formed men to the Indian Civil Service, in which from almost the first they have to command. But now we send out private school-boys for the Indian Civil Service, and broken down, spavined, winded, and galled country practitioners, as military surgeons. In short, the old directors' system of patronage was the very system for keeping up the efficiency and high tone of an ill-paid scientific service, while unrestricted competition, here "first come first have," applied to such a service, can only destroy it. I will not make much of the loss of efficiency. In India efficiency is quite of secondary importance, it, indeed, bores the natives desperately. But a high tone, down to the drummer-boys, is everything, at least to the stability of the British Government in the country.

The present system of competition has necessarily severed the personal tie, which bound the old India House and the servants of the Company together. It cuts that tie and suppresses the salutary interest in their servants which all masters by nature desire to take, and without which it is unreasonable to look for loyalty, independence of spirit, and discipline among men. The old interest of the India House in their servants, and their servants' reverence for the India House, and the old *esprit de corps* which united the members of the Services, have all been destroyed at one blow by competition. When a young man was freely given an Indian appointment he was laid under an obligation to a fellow-man for life. He might never see his benefactor again in this life, but in all his service his thought would all the more be to justify the selection of himself made by him, and if ever, with the opportunity, he won credit to himself, the chief pleasure of it would be in the satisfaction it was sure to give the director who had served him. And these excellent men stimulated this sentiment of personal loyalty to their government by following you with their goodness all your life, not less advisedly, probably, than out of that spontaneous instinct of human nature which delights to make

much, and ever more and more, of its dupes. It might only be an occasional letter from one of them, telling you of the satisfaction with which they watched your advance in the service, but none the less did it accomplish its purpose. I know that personal loyalty is not thought a right motive to duty, but the fact is that it is among the strongest motives to duty. I could understand serving a great policy for its own sake, with the unscrupulous devotion of a Jesuit to his faith, and I could understand a sort of Benedictine Brotherhood for the regeneration of India—and in consideration of the utter unworldliness and deep religious feeling of the Hindoos, it may be that of such a kind is the government they need, and not a great worldly government of State-craft, but what we have in India is not a policy or a mission, but the British Government. Under the old directors, on your first landing in India, you were taken in charge by a paternal sergeant-major, or by personal friends, who put you up to the ways of the country. Now, on landing, the young competitor, nobody's child, has to shift for himself, without an idea how to do it. He is cheated right and left outraged, defied, possibly incurs debts which he can never throw off again, and almost as certainly acquires an inveterate hatred of the country and its people. I have known this neglect and suffering kill young men outright. Then, when you came home again, it was part of the etiquette of their paternal system for you to call upon the directors. It would be sheer impertinence for any Indian officer to call on the directors of the New India House as an act of simple homage. In France and in Germany the Governments, in this way, collect much useful information, indirectly—information which they could not come by directly—and get a hold on the services which binds them and the Government together in the unity of a vital organization, living, thinking, and acting together as one being—a Spartan phalanx. Fools are fain of fair words. But now-a-days, if the Secretary of State for India wants civil servants, wants medical, or other officers, he advertises for them. If you pass the conditions of the advertisement, you get a letter by the penny post, telling you that you have done so, and after a longer or shorter period, if you have miraculously escaped the dangers of that terrible middle passage, another letter, telling you to proceed to your destination round to the other side of the globe. The Secretary of State all the while might be the man in the moon as far as you are concerned. The Secretary of State, in short, cannot, and, in fact, does not, take any personal interest in servants he does not appoint, whom he does not see, and whose rights, privileges, and interests are being, in consequence, sacrificed one after the other, until, at last, the Civil Service of India will get

to be as little sought after as the Medical Service. It would be a complete compensation, indeed, for the apathy and indifference of the Secretary of State in Council, if the competitive system were creating an interest in the Indian Services and in India throughout the people of England. But this the present system of competition has emphatically failed to do. India has been thrown wide open, through unrestricted competition, to the people of England, and they simply won't have it, not even the Civil Service, the supply of young men for which is merely kept up by one of the tricks of the trade of crammers. They impress, crimp, sharp, quick boys for the service, warranting their passing on your pledging them a heavy premium. You must be quick and rich, or you have no chance. If a boy is not superficially clever, or cannot risk their charges—the stake—they reject him off-hand. Competition, in short, instead of opening up, as it was hoped, chances for poor men to rise in life, yearly makes it more and more difficult for any but the rich to attempt the public service. The hazard run is too great, and failure is irreparable. The costly training required is absolutely injurious. It is good only for the competitive examination, and worthless for all else beyond as well as below it; while to fail in the examination is bankruptcy in purse, in mind, and soul. Competition for the Indian Civil Services has utterly failed to benefit the poor. It opposes an insurmountable barrier to poverty as well as to culture. Owing to the omnipotent crammers, the Indian Civil Services are as effectually closed against able but poor men, as the House of Commons, and it would be more straightforward and frank to sell the appointments at a yearly auction outright to the highest bidder. The money would then go to the British taxpayer, or Indian ryot, that now goes to swell the fortunes of these crammers. I know a Cambridge Wrangler who was told by one of these gambling crammers, "You have no chance unless you come to me for three months." What is this but the closest nomination by the closest monopoly! The gang of crammers being the Directors of this New East India Competitive Examination Dodge Company, strictly limited, but which even its undoubted success can never make honourable! How hollow, then, the outcry against the old directors' system of nomination as a monopoly! And while the India House—India Office it is, significantly enough, new styled—has lost its interest in its servants in India, it has fallen correspondingly in their estimation. It is an office without the only power that the mass of men can appreciate. There has been a great contention in America of late years for the reform of the Civil Service; in other words, to throw it open to competition, but the Senate will not have it, justly urging that, deprived of their patronage, they would lose consideration in the State. The India

Office has lost this consideration, which the old India House so largely enjoyed. This is of some importance in itself, and it has led, as it appears to me, to most serious consequences. The theory of the government of India, as of a great dependency, is perfect. A despotism Viceroy governs, exposed, and, if he wills, opposed to the advice of a Council as independent of him as he is of them, and responsible only through the Secretary of State in Council, to Parliament. If we could have a man or men ruling their fellow-men in the felt presence, as of the very presence, of God, it would be a perfect government, whether autocratic or democratic,—the reign of God upon earth. Well, that is what the government of India is in theory. It is government by a Viceroy ruling faithfully and true to the courage, the wisdom, and humanity of the people of England; and it is not so very far from it in practice, in respect of the half of the theory carried out in India. But the India Council in practice is the very contrary of the India Council in theory—a Secretary of State powerfully advised and supported by fifteen of the first of Anglo-Indian statesmen—fifteen of the first thirty, including the English Cabinet, of the Anglo-Saxon race! But when Sir Erskine Parry gave his vote in Parliament for the third reading of the Bill which constituted the Council, he said: “I do so under the solemn conviction that it will not last more than four or five years, and that in that time the Council will prove unworkable.” And it must be admitted that the severance of the personal tie between the India Office and India has destroyed the personality of the India Council, and reduced the India House to the India Office—a mere machine of record—a dead-letter office. It is perfect as a mere machine—but men are governed by men, and not by machines; and the members of the India Council were meant to be Kings of Men, and Helpers of Men, as were the old directors before them. The responsibility of the Viceroy to Parliament also is necessarily impaired in consequence. But I need say nothing of that. All that I am concerned with is the impersonality of the India Council and how this affects the service, whatever the other evils may be that have come of it. Imagine a private firm throwing open their appointments to unrestricted competition through the advertising columns of the newspapers and the Post-office! And if they did so, could the partners have any soul of interest in their business, other than in the till? And is it not to make shameful merchandise of the souls of men to abuse human service after such fashion? All government, small and great, is, and must be, personal; and directly that it ceases to be personal—whether by loss of faith in itself, or the loss of faith of the governed in it—it is anarchy. When the India House meant Colonel Sykes, and Captain Eastwick,

and Mr. Hogg, and Mr. Mangles, it was a felt power throughout the Indian services and throughout India. They are all a dead house now. But while it is a collateral evil of the competitive system that by destroying the tie between the India House and the working civilian, it has weakened the former, and a great evil, it would not be unendurable if only the working civilian were improved. But he is not. He is getting worse. And this is the main point I insist on.

Some of the Indian services still remain closed against competition, and it is remarkable that although paid infinitely less than the competitive services, they attract better men. Thus the very best official Europeans in India are found in the uncovenanted services, the educational departments, and the ecclesiastical establishments. The university and public school men systematically avoid the Civil Services, are deliberately excluded from them, and the accidental presence of one of them in them is owing to his being the son or nephew of an old Indian, the very man who of old time would have received a nomination from a director. And thus already the Administrative Service of India is being out-matched and literally browbeaten and overpowered by the open professions, the Law, the Press, and Commerce, all of which attract superior men from England. May India only become the stronger for our weakness, in the practice, which makes perfect, of self-government, and in the creation, throughout the length and breadth of the country, of those classes, inspired by those instincts whose existence alone makes self-government possible.

But it is more sensible and English-like to do whatsoever the hand findeth to do than to rest in great expectations, and the corrective of the abuses of competition is high at hand and unexceptionably commonplace—to throw the public services open to the public schools, the Government inspected schools and colleges, and universities, throughout the United Kingdom and the British Empire. I would give whatever appointments were open by turns to every public school, college, and university in Great Britain and Ireland, and in India and the Colonies. The appointments to subordinate services and grades I would give to the elementary schools, clerkships to the grammar schools, the higher civil and military appointments to the great public schools, such as Eton and Harrow, Marlborough and Wellington; professional appointments to the professional colleges; and appointments in the Diplomatic and Indian Civil Services to the universities, Oxford and Cambridge, Edinburgh and Dublin, Calcutta and Bombay, Montreal and Melbourne; exacting, in the cases of the Military and Civil Services, additional special training in some service institution, such as Haileybury College and Addiscombe were, and in the case

of the Diplomatic Service a fixed period of probation at some foreign Court. The Indian schools should supply their quota to the Indian Covenanted Services—and any candidates for the Diplomatic and higher Home and Colonial Services they might have—by university scholarships enabling their best students to come to England to finish their education here, and get English ideas drummed into their heads the while. And I would deal with the Colonies, whether for the higher Colonial Services or the Home and Diplomatic and Indian Covenanted Services, just as with India. In the words of an illustrious Indian statesman, “I would give no appointments in the Covenanted Civil Service to any native of India unless he came to England and spent three years here. The Covenanted Service is the English element of the Government of India, and no native, however able and well-educated, can be fit for it unless he has seen and felt in his inmost marrow how brave and courteous and noble are English gentlemen and gentlewomen, low-born as well as high-born, when not brutalized by the possession of despotic power—how bestial are English snobs, and how very terrible and formidable is the whole nation; noblemen and gentlemen, yeomen and workmen, honest fellows of the mob, and even the snobs, with our apparatus and stores of bone and muscle. All this can only be learnt by living among us; no descriptions nor imaginations can do the work like one drive through London streets. The Uncovenanted Service might be filled up in India from Indian schools and colleges. The difference between the two lines will then be intelligible—the one Englishmen and Anglicized Indians, the other Indians and a few Indianized English.” The responsible Minister of State should determine the class of schools, primary, secondary, and higher, from which the various public services severally should be recruited; and the selection of the young men, from the schools nominated by Government should be made by the masters and governors of the schools, under the supervision and subject to the veto of Her Majesty’s Commissioners for the Civil Service, or other constituted authority. The best of examiners is the examiner of his own pupils. They should select every eligible candidate offering himself, and in the event of the candidates exceeding in number the number of the appointments vacant, a practical competitive examination should be held—a competition in which marks would be indirectly given for every gift, natural or artificial, inherited or acquired, held good among men, and which gives a man advantage among men—as good birth, a good constitution (perhaps the best birth of all) a goodly presence, or distinguished manners, any perfect gift. In any school or college—and in life everywhere—they turn the balance—*ceteris paribus*, in favour of those who possess them. It is only in a wooden system of competition



by printed papers that they do not tell at all. Marks should be systematically given for physical exercises—not for gymnastics—but for walking, swimming, fencing, boxing, riding, rowing, fishing, shooting, drill, and all healthful, manful games. For my part, I would give a boy very heavy marks for an illustrious father. We do so with pigs, horses, dogs, and in the vegetable kingdom as well as the bestial; and, all else being equal, a pedigree boy should get marks as much as pedigree wheat. And what does the House of Lords mean but giving a man marks for his father? It is, indeed, peculiarly desirable, in respect of the feelings of the people of India, and out of regard for the acceptability of our rule with them, to favour the sons of distinguished Indian officials in appointing to the Indian services. I would also, if I could, deduct marks from a boy for a dishonourable father. I think this is obvious, and the principle is of very wide application, but it could not be practically enforced. But beyond gainsaying, much of the inefficiency of administration typical of the present generation of English officials is owing to the fact that the government of the country has at last been gotten into the hands of men born outside the hitherto governing families of the land, into hands bred for generations to other work than man government. In the end it will prove to have been a most salutary reformation, as it will gradually instruct the whole nation in “imperial arts.” But meanwhile, it has become the perilous virtue of a bitter necessity that the charity of every one of you toward each other aboundeth continually; and might we not almost wish that for one or two of these new men there might have been some system of competitive examination between them and power, under which just so many marks as they got for themselves should have been taken away again for their fathers unto the third and fourth generation of them back? I would not exclude from the candidature for the appointments offered to a school any boy who had left it within the two previous years, —of course from its highest class; and it might be well, perhaps, to institute a “leaving examination” for all public schools, as a certificate, for the public service, as in Prussia; only I would suit it to the differing qualifications required in the different branches of the public service, and to the grade of the schools respectively selected for recruiting them, and not make the examination uniform, as in Prussia. What the State requires, above all things, of every public servant is the sense of duty—of responsibility, which comes not of knowledge alone, which of itself indeed puffeth up, but of education. It is by education alone that men understand duty. This is the first thing to insist on, therefore; and education means time—years of mental and moral disc-

plme. But apart from this, the subjects of the qualifying examinations should have the strictest reference in each and every case to the service required by the State, and for which the State contracts to pay. There is no graver national evil to be guarded against by a people than uniformity of education, and, as conducive to it, a centralising system of examinations, pass or competitive, whether for the public services or the open professions. The greatest reproach to the system of competition administered by Her Majesty's Civil Service Commissioners is its tendency to check the tendency of English schools towards diversity of instruction, and to reduce them all to a Chinese uniformity and stagnation. Of course they cannot take this into their consideration. They must have exclusive regard to the end to which their duty is restricted—to bar the excess of candidates for place. They have no discretion, it is theirs only to set puzzling and ever more puzzling questions, and logically it should come to this, that at last men shall be tested for the public service by means of positive Chinese puzzles. The tendency of the system must necessarily be to set all the schools up and down the land to solve these puzzles, a tendency only counteracted by the fact that the schools of England are in the keeping of a noble body of gentlemen who prize culture more than profit, and rank it above the praise of a generation which sets riches higher than conscientiousness. So vigorous is the individuality of Englishmen, that no two schools in England are alike—a sign of great intellectual soundness and incorruptibility. But the tendency of the present system of competition must be not only to a dead level of education, but to the very death of the rational soul [*πνευμα*, *Geist*] of a people. At this moment the whole education of numberless young Englishmen consists in reading up the questions set during the last fifteen years at the competitive examinations of Her Majesty's Civil Service Commissioners. This is all the education they bring to the public service, and, unfortunately for themselves also, it fits them for nothing else but the public service, or, failing that, for political agitation and pot-house politics. If, indeed, the examinations tended only to reduce national education to uniformity, it would be baneful enough, as Prussia is beginning to find out, and as all who have studied the system of education in France will have vividly recognized. But our examinations for the public service not being pass, but competitive, tend also and necessarily to cram subjects—"paying subjects," in the crammer's slang—"English literature" and the "physical sciences," falsely so called, and away from disciplinary, the dead languages, mathematics, grammar, logic, and the method of science, which draw out and give edge and polish to the intellect as the sword of the spirit, and on which—their geometry and arithmetic

dialectics—the keen, bright mind of Greece was whetted. The tendency of the present competitive system, therefore, is, and it result at the last must be, to revolutionise the teaching of the English schools, which, with all their old-fashioned and, readily detected faults, afford the best of all moral and intellectual training for men, as Prussia and France are both beginning to acknowledge, and as Englishmen have proved, not once nor twice in the story of this island, from Elizabeth to Victoria. It must, obstinately persisted in, subvert our old schools and fix the national intellect in the cataleptic immobility of China. In short, competition, as at present conducted, is an unqualified curse—in the case of the Indian Civil Service, potential, it may be, rather than actual—to the public services, to its victims, whether successful or unsuccessful, and to national education and the national character, intellectual and moral. But, rightly conducted, throwing the public services open to the public schools, it would stimulate education and culture among all classes of the people, provide the different public services with men of the precisely different training and qualifications required for them, and this with injury to no man; for a disciplined, formed man is sure not to fail in life, although he may fail once, and twice, and thrice in trying to get into the public service. And in the quickening in the people of the higher principles of the intellect, we may hope that the very competitive impulse itself—a brute instinct which modern competition has most offensively developed among half-educated Englishmen, and which every true man must shrink from with loathing and abhorrence—may itself at length become extinguished in the English race, as it always has been in the few who have answered to and fashioned its highest ideal.

As regards the Indian Civil Service by itself, it would be practically conceding all that is desired if the rule of Her Majesty's Civil Service Commissioners, excluding from competition all men above twenty, were rescinded, and the maximum age of candidates raised to twenty-three. This would at once re-open the public service to men who had completed a university education, and enable the Secretary of State to insist on the B.A. degree of all civil servants. At least, it will be admitted that a rule which has virtually closed the Indian Civil Service against the graduates of Oxford and Cambridge is neither just nor wise. It is strange that the universities should tolerate it, while already they are up and protesting against a like Army regulation which in effect shuts out university men from the Royal Engineers and Royal Artillery, and that they do so is proof positive of how little the Indian Civil Service is sought after. Had this rule

existed from the first, it would have excluded from the early Competition-Wallahs, such men as Aitchison, Wyllie, West, Pedder and Gile, and others who have made a bright name for themselves, and sustain the highest character the Indian Civil Service has ever borne. My brother, Mr. Herbert Birdwood, of the Bombay Civil Service, and one of the earlier competitors, in proposing, in a memorandum which he submitted March 12, 1870, to Sir Bartle Frere, the return to the old rule, observes: "It may be said that the education of young men at Oxford and Cambridge is unduly prolonged, and that a student's general scholastic training ought to cease before he is twenty years old. Whatever force there may be in any such consideration, I think that until it is practically recognized by the governing bodies of the universities it is too much to expect from undergraduates that they should forfeit one-half of the advantages of their university career, if they would compete for the great educational prizes at the disposal of the Civil Service Commissioners. The continued exclusion of university men must be held to be an evil, if regard be had to some of the special advantages possessed by the English universities as training-places for the Indian public service. If the associations of undergraduate life furnish an admirable preparation for public life in England, they ought to be equally beneficial to the official Englishman in India, who moreover has the greater need of a sound training in early life, because in India he is not always subject to those wholesome checks of public opinion which, in English life, tend to counteract much of the evil which might otherwise result from a bad system of public training. Any vices of a man's birth and breeding are only too likely to be aggravated by the circumstances of his Indian life. By virtue of his official position he occupies a prominent place in the eyes of the native community. He soon finds that he is an influential man, and he may find it difficult to resist the temptation to form undue notions of his own importance. If he yields to any such weakness, his efficiency as a public servant must be seriously hindered. It is necessary that he should have learnt, before going to India, not to think of himself more highly than he ought to think, but to think soberly—that he should know, in short, his proper level. And this is a knowledge which is very readily acquired at the universities [as wherever large numbers of accomplished gentlemen are brought together], where every undergraduate is constantly brought into contact with men who excel him in one way or another, and where he soon discovers his own weak points, and is taught to measure himself by others, and not by himself." And it is this knowledge which is education

of the world, and for ruling in the world and not the knowledge that Nicholas Udall is the author, if he was the author, of "Roister Doyster," and that the author of "Grammar Gurton" is unknown and of the infernal chemistry of the sun, and all "about protoplasm" and other useless knowledge of the scientific pedants and intellectual charlatans of the class which the Right Hon Robert Lowe and Professor Thomas Huxley so much set up and set forth "Agam," my brother continues, "if a man is required to work for a long series of years in a tropical climate, his nervous energy ought not to be impaired by any injudicious forcing of his mental powers, as by cramming. Now, to what over excellence our best university men may attain, the intellectual development of the large mass of students is certainly not improperly forced. Their progress is gradual and methodical, with long intervals of mental rest and few are ever pushed beyond their strength." But so long as the rule remains, the crammers will have it all their own way, and the service will be recruited yearly by an increasing proportion of young men whose intellects have been enfeebled and destroyed by injudicious forcing, and who cannot be expected to have been humanized by association with men of culture, and to have been developed in the healthy society of large numbers of the best men of their own age and force of intellectual and moral character—pedants and charlatans, in whose hands the splendid patriarchate of India—the Indian Civil Service—must degenerate into a cruel, inefficient, and corrupt bureaucracy, into which, as I maintain it is already beginning to degenerate before our eyes.

Or, at least, Government should revive Haileybury, and why not at Cooper's Hill? But, quite contrariwise, the Indian Government at present leaves the successful candidates for its Civil Service—private school, cradle boys—to seek their special training, like their general training, anywhere, a prey to money lenders, crammers and even worse evils than these. So injurious, indeed, is this heartless, thoughtless neglect of the Secretary of State in Council on them, that it would be far better if the successful candidates were at once shipped off to India on passage to acquire their technical training under the eye of a paternal Government, and amid the self-correcting and elevating influences of their equals in the service. But of course the wiser plan would be to send only formed men out in the service, not schoolboys to be formed in India. And if the arguments for founding Cooper's Hill do not, *a fortiori*—inasmuch as it is more difficult to govern men than to make roads—involve a revived Haileybury, whether inclusive or not of making the B.A. degree compulsory for the Indian Civil Service, they become as sounding brass and a tinkling cymbal. I would like to see

# INDIA

AND

## LORD ELLENBOROUGH.

---

INDIA is no longer the land of enchantment and romance — of exaggeration and wonder. It has been transferred from the realms of fancy to that of fact. For nearly a century its interests, real or supposed, have afforded topics for discussion to parliamentary orators and ephemeral writers. During that period, the readers of political journals have been at intervals excited by startling intelligence from the East; often of successes the most astonishing and unexpected, occasionally of reverses equally unlooked for. At one time our isle has been “frighted from its propriety” by denunciations of delinquency in the high places of India; ~~and~~ <sup>moreover</sup>, the tax-bearing people of Great Britain have been encouraged to look for relief to a country which the imagination pictured as the seat of riches, which no extravagance could exhaust, though exercised through as many millions of years as Hindoo chronology claims for the age of the earth. Gradually, however, the public mind settled down to more sober views, and at present there

seems more danger of the value and importance of India being underrated, than of their being estimated at an undue height.

As to the extent of country properly comprehended under the name of India, opinions may differ. In conformity with popular acceptance, its boundaries may be assumed as follows:—On the north, the mountains which form for a part of the line the southern boundary of Nepal, and for the remainder, that of Chinese Tartary; on the south, the Indian Ocean and the Bay of Bengal; on the east, the territories constituting the Burman empire; and on the west, the river Indus for the more northern part, and the ocean for the southern. The country thus bounded extends into twenty-four degrees of latitude, and as many of longitude, and is estimated to contain a million and a quarter of square miles. Much of the land within this vast area is to be classed among the most fertile in the world, and it is overspread by an active and industrious population, the number of which cannot be reckoned at less than a hundred and fifty millions. The soil and climate are peculiarly suited to the production of various commodities, some of which are of high price, and some in universal demand. Among the latter may be mentioned cotton and sugar. Cotton might be produced in India to any extent that even the devouring appetite of the manufacturing districts of England and Scotland is likely to claim, and sugar to meet the demands of the whole world. The larger portion of this great and rich country renders homage to the Queen of Great Britain, and much of the remainder, though under princes nominally independent, is practically subject to the British Government.

For three centuries England has been endeavouring to extend its colonial dependencies. Myriads of Englishmen

have quitted their native shores for the desolate wastes of distant climes, there to extend the foundations of their country's greatness, and raise new out-posts for its maintenance. The reign of George III. witnessed the violent severance of the better portion of these offshoots from the parent stock. The North American colonies dissolved their connection with the land whence they had sprung; and the country which had previously constituted a main arm of the strength of Great Britain was thenceforward to become permanently a commercial rival, sometimes a political enemy. But the loss which was sustained in the West was compensated in the East. About the time when indications of the approaching conflict with America began to appear, the English in India exchanged the character of tenants of circumscribed factories for that of lords of extensive provinces. At the time when, after an inglorious war, the reluctant consent of the British sovereign was extorted to the acknowledgment of American independence, some additions had been made to the first acquisition, and before the close of his reign the British were paramount in India, exercising positive rule over the better part of the country, holding military possession of a portion of the rest, and overawing, by their predominant power and influence, the whole. It would be idle to discuss whether India is a colony or not. If not a colony, it is something better. If it be desirable to occupy distant lands in the name of England; slowly and laboriously, and at vast expense, to establish civilized communities in dependence upon the country which sends them forth, how much more desirable must it be to receive the transfer of a country, not only of immense extent, but of almost unbounded capacity of production, the natural fertility of which has been increased by the sedulous culture of ages, and where nothing is



wanting but that reformation in the "spirit of man," and that security to life, property, and industry, which European rule and that alone is able to give. "Ships, colonies, and commerce," were the objects declared to be specially sought by the man to whose genius and good fortune Europe, with one exception, succumbed. That exception was found in the country which, small in its extent, and limited in its natural resources, was mighty in the spirit of its sons, by whose courage and enterprise it had spread its limbs into every clime and covered every sea with its ships, richly freighted to meet the wants of every people. Napoleon, at least, understood the value of India; and happy would he have been to have wrested this precious possession from the "nation of shop-keepers," whom he at once despised, envied, hated, and feared.

India gives to Great Britain a vast accession of political power in reference to the other nations of Europe. If it were lost, the amount of loss would be incalculable and irretrievable. There is no empire on the opposite side of the world to be gained to compensate the privation, as was the case when the American colonies of Great Britain renounced their allegiance. If the British possessions of India were again over-run by native powers, the loss of them would be deeply felt; if transferred, in whole or in part, to any European rival, it would be felt still more deeply, inasmuch as that rival, whoever it might be, would gain to the extent of our loss. The loss in reputation would be greater even than that of dominion, and Great Britain would sink in the scale of European nations from a first to a third or fourth rate power. In this humble position, moreover, we must not expect to pursue our trade with India as now. The restoration of native governments would restore all the uncertainty, the vexation, the tyranny, and extortion

which they were wont to exercise towards merchants, and which they still exercise wherever they are not controlled or overawed by British influence. If the territory lost to England passed into European hands, our prospects would scarcely be better, seeing the almost universal jealousy of our trade which pervades Europe, and the wide-spreading confederacies which are formed against it. India now receives annually upwards of £5,000,000 in value of our manufactures. How much would be taken if our political connection were severed? India now affords employment to upwards of 200,000 tons of our shipping. What amount of tonnage would be thus occupied were the power of Great Britain not paramount in that country? The civil and military services of India open honourable sources of employment to many thousand Englishmen, all of them finding therein respectable means of subsistence, and some of them returning to their native land with decent competency for future years. Besides this, India remits annually a tribute of £3,200,000, to meet charges of various kinds defrayed at home. Among these charges are the dividends on East-India Stock, and the interest on East-India Bonds. Were India lost, what would be the fate of these dividends and this interest? Either the claimants must lose their property, or the nation must take the charge upon itself. Would the creditors of India be satisfied with the former branch of the alternative? Would the people of England, already complaining heavily of the pressure of taxation, and recently extricated from heavy financial embarrassment only by the re-establishment of an impost peculiarly offensive, and on that account always understood to be a special reserve for periods of war—would the people of England, thus taxed, thus relieved, be likely to submit to the latter? Would the millions who are not creditors

of India, but who would share in the common evils resulting from its loss, if lost unhappily it should be, be willing to take upon themselves the additional loss of the hundreds who are creditors? This is a question which, when the good government of India is concerned, should, in common prudence, never be absent from the minds of those who have a direct pecuniary interest in maintaining the existing relations between that country and England.

Besides the holders of East-India Stock and the bond creditors of the East-India Company, there is another class of persons interested in like manner in maintaining the peace and security of India in dependance upon Great Britain—the creditors under the various loans raised by the Indian Government at various times for various public objects. Part of these creditors are natives of India, or residents in that country, but part also are European born, and resident here. The interest upon their capital invested in India is remitted through private sources, and its amount is not readily ascertainable; it is, however, large. To the head of private remittances, must also be added the sayings of individuals in India sent or brought home for investment, and the whole must be combined with the sums remitted for public purposes, before we can know the total amount of the wealth which India annually renders to her European protector in return for the advantages bestowed on her by the connection. Politically, commercially, and financially, then, the safety of India is an object of paramount importance to Great Britain. Territory, power, and wealth are the adjuncts of the connection, and unless infatuation, like that which lost America, prevail, every effort will be made to preserve it. Territory equal in extent to Europe, if the dominions of Russia, Sweden, and Denmark be excluded; power rivalling that of Rome in its

brightest days, and surpassing that of any other country whose history is on record; wealth in all the abundance that can flow from natural advantages improved by active commerce; these are the gifts of India to Great Britain, and the full measure of their value is not yet enjoyed. Under British protection, India will become every year more settled, more peaceful, more industrious, and more prosperous. Its territory will receive the advantages of better cultivation, its revenue will increase, its facilities for commercial intercourse will be multiplied and extended; it will become more free from internal commotion and less readily assailable by external force; all British institutions there will acquire that stability which time only can bestow, and while the possession of this noble appanage of Great Britain may still excite, as it has before excited, the envy of other powers—though such feeling may increase with the advance of that whereon it feeds, it will but become more impotent as India shall become more valuable and more closely bound to the country which is destined, as we trust, to be the instrument of promoting—gradually and safely, but not less surely—its progress in all that can conduce to its permanent happiness.

Most extraordinary is the subjection of India to Great Britain. It is extraordinary in its origin and progress, for the dominion was not sought, but almost forced on the possessor. It is the result, not of any deeply laid plan of policy, but of circumstances which no one could or did foresee. It is extraordinary, again, in regard to the means by which the dependant country has been brought into obedience to its superior, and by which the authority of the latter is maintained. The instrument by which these objects have been effected is an army, commanded, indeed, by British officers, but composed of native troops

—of men differing from those whom they serve in descent, in language, in creed, in modes of thought, in habits of life—in every thing, in short, in which man can differ from man;—some of them fierce and fanatical in the extreme, all of them intensely imbued with prejudice, calculated to shock the feelings of their rulers on the one hand, and on the other, to render those rulers objects of contempt to the masses below them—yet all rendering prompt and cheerful obedience, patient under privation, brave in action, in all situations dutiful, and even affectionate, where not irritated by ill-treatment. Such is the army of India—such is the composition of that force which has been the chief instrument of winning for Great Britain its gorgeous eastern empire. Before the experiment was made, such an army would have been judged to be but a rope of sand; yet it is by an agency which, while untried, must have been deemed so unsuitable to the purpose, that Divine Providence has transferred the sceptre of India from Mahometan and Hindoo rulers, born in the land in which they held sway, to the Christian sovereign of a small kingdom, distant thousands of miles.

The extraordinary circumstances which mark this connection do not end here. Not only is it, in ordinary language, accidental, but it is anomalous. Great empires have arisen from small beginnings. The sword of the conqueror has sometimes been rapid as well as widely sweeping in its achievements. But India has been added to the dominions of the British crown, not by the wisdom or the good fortune of the servants of that Crown—of its acknowledged and accredited ministers—but by the labours of a small and, for a long period, an obscure body of British subjects, who, seeking for themselves the profits of mercantile adventure, have given to their country the most magnificent boon ever bestowed.

At the very close of the sixteenth century, a period when the commercial spirit was superseding that passion for military adventure which formed the distinguishing feature of the middle ages, but when commerce itself, as Coleridge has observed, partook of the character of romance, a small association of merchants, stimulated by the successes of the Portuguese and the Dutch, obtained a charter from the Crown for carrying on an exclusive trade with India. At this time, when the authority of the Crown, though theoretically subjected to constitutional checks, was in practice little controlled by them; when the chief, if not the principal, business of the House of Commons was understood to be that of granting money to supply the necessities of the sovereign, and when they were not safe from reproof if they presumed to interfere with matters which were regarded at court as beyond their sphere and above their capacity, the association gave an early and notable proof of independence. It is of small importance in regard to their commercial history, but as illustrating the spirit which they displayed when humble petitioners for favour at the hands of a sovereign all but absolute, it is not altogether irrelevant to a part of the inquiry to which the attention of the reader will shortly be called. The petitioners had been encouraged to make preparations for a voyage while their patent of incorporation was under consideration. But the kindness of the Government extended further than this. Whether with a view to benefit the Company, or to promote the interests of an individual, the Queen's advisers recommended Sir Edward Mitchelbourne for employment in the proposed expedition; the committee who managed the affairs of the subscribers—the germ of the present Court of Directors—refused their consent, at the very moment when they were applicants for an exercise of

royal indulgence; when they hung on the breath of the sovereign for corporate existence, they repelled the attempted dictation of the Queen's servants as to the agents whom they should employ in the conduct of their affairs. They put in peril the grant which they sought rather than compromise their independence. The example thus furnished by the authorities of the East-India Company when feebly struggling into existence, should never be absent from the minds of their successors.

While this manifestation of independence was honourable to the Company, it was scarcely less honourable to the Queen's ministers that they abstained from resenting it as an offence. The charter applied for was granted, and the Company commenced its operations. But it was no safe or easy path which the petitioners had obtained the royal sanction to pursue. They went forth as traders, but as warriors also. They had formidable enemies in those nations who had preceded England in the enjoyment of the commerce of the East, and with the Portuguese their conflicts were frequent and sanguinary. In the Dutch they encountered not only commercial rivalry and open hostility, but cruelty and perfidy; and the murder of several British subjects (servants of the Company) by the Dutch Government of Amboyna, perpetrated as the result of a pretended judicial inquiry, attests but too well the malignity with which the new adventurers were regarded and the fearful extent to which it was carried.

Nor was it abroad only that the Company had to contend with dangers and difficulties. At home, though addressed less powerfully to the feeling of physical fear, they were neither few nor trifling. The rights secured, or thought to be secured, by royal charter, were repeatedly invaded under royal authority. New associations were

empowered to compete for a share in the trade which had been given to the Company by a solemn act of the Crown, and, in addition to these breaches of faith, the funds of the Company were sometimes put in requisition to meet the exigencies of the state.\*

Amidst all these discouragements and embarrassments the Company kept on, sometimes on the verge of destruction and never enjoying any long immunity from difficulty. They established settlements, some of which were lost; while others, Fort St. George and Fort William, remained to become the seats of powerful governments. From the British Crown they received the Island of Bombay, which had been part of the marriage portion of Catherine of Portugal, wife of Charles II., and this was the only territorial acquisition which the Company ever acquired through the English Government. All besides was gained by their own exertions, and the courage and military talent of their servants. Rarely did any long interval elapse without some occasion calling those qualities into exercise. The Company were engaged in hostilities, sometimes with the Mahrattas, sometimes with the Moguls, and with various fortune. Triumph now attended their arms, and now their factories were plundered and burned, and their servants

\* On one occasion the sovereign engaged in a transaction with the Company of very questionable character. Charles I., in want of money to carry on the disputes with the Parliament, adopted the extraordinary expedient of supplying his necessities by resorting to a practice, not unfrequent with bankrupt or swindling traders, but which, it is to be hoped, is almost or entirely without parallel in the annals of public finance. He bought the Company's stock of pepper on credit, and sold it immediately for ready money, at a loss of about thirteen thousand pounds. A small part of this debt was subsequently allowed to the Company as a set-off against a claim for customs duties, but the greater part appears to have been lost.



slain or made prisoners. At home their difficulties did not abate. A new company was raised and incorporated, and the old one was compelled to save itself from dissolution by consenting to a union of the two. Thus arose (1709), "The United Company of Merchants trading to the East Indies," which in the course of years became the most powerful corporation which the world had ever seen.

For more than a quarter of a century after the junction, the Company was silently acquiring power and importance and stability. Their credit was found useful in ministering to the necessities of the state by loans granted in consideration of their exclusive privileges; but excepting with regard to the aid which the Company were thus enabled to furnish, those who were intrusted with the administration of public affairs in England seem to have bestowed little thought upon India. A striking illustration of this occurred in the year 1746, when Fort St. George was suffered to fall into the hands of the French. Some petty additions had been made to the British naval force in the Indian seas, but they were inadequate. From advices received by the Court of Directors, that body became convinced of the necessity of further reinforcements. The subject was urgently pressed upon the attention of the Admiralty, but the answer was, that the fears entertained by the Court were groundless, and that no French ships had sailed for the East Indies. Slowly and reluctantly, some preparation was after a time commenced, but it was too late. News arrived that the celebrated La Bourdonnais had sailed with a fleet from the Mauritius, and the next intelligence was, that he had taken Fort St. George, which was only recovered by the Peace of Aix-la-Chapelle.

The Company had, however, by this time, with little

assistance from the state to which they belonged, established a high confidence in the British name; and even at this early period, though it would be ridiculous to dignify their small possessions by the name of territory, they were regarded as having a political existence, and their alliance and support were on more than one occasion invoked by native princes. This result was undoubtedly favoured by the peculiar state of society in India, where almost any one who could collect a body of armed followers might aspire to something of a princely character, and where both landed and monied capitalists frequently found it necessary to resort to such means for their safety. But the tact with which the Company and their servants conformed to this and other native habits was remarkable, while, by engrafting on an eastern stock the spirit, energy, and discipline of Europe, they were silently, but deeply, laying the foundations of the Anglo-Indian empire, as it now exists. The rivalry of the French kept them constantly on the alert; the memorable contests for the Soubahdarship of the Deccan and the Nabobship of Arcot gave strength and coherence to their military establishments; and the disastrous capture of Calcutta by Sooraj-oo-Dowlah, with the murderous horrors of the Black Hole, did but afford occasion for the British power, exercised and maintained by the British East-India Company, to spring into a degree of vigour and security greater than had previously been known. The military genius of the young writer, **ROBERT CLIVE**, unexpectedly developed by the circumstances among which he had been thrown with far different views, shed lustre on the Company's service, while it upheld their power and influence. The Great Mogul Empire was now breaking up, and the address of Clive procured for those whom he served the gift of

the Dewanny\* of three of its richest provinces. The territory known as the Northern Circars was also added to the dominions of the Company.

In looking back from this period at the history of the Company, it is impossible not to be impressed by its singularity. For more than a hundred years their career had been an almost unbroken series of difficulties and misfortunes. For upwards of thirty years afterwards they enjoyed comparative ease, but little distinction. The calm was broken by calamity—the loss of one of their most important settlements. The misfortune was overcome; the Company advanced from the position of an Association of Foreign Traders to that of one of the political powers of India, and in about fifteen years to that of a leading power. This rank was gained, after a series of contentions with an European rival, powerful, ambitious, and of military habits, by men whose chief business in India was not the acquisition of territory, and who belonged to a nation less influenced by the love of conquest than any of its neighbours. Power and dominion of equal extent were never in any other instance acquired with so little of aggression. Circumstances favoured the aggrandizement of the Company, and those circumstances were prudently watched and carefully improved.

The Dewanny was acquired in 1765. The news of the acquisition, as might be expected, had a powerful effect on the members of the Company at home. But the elation was not confined to them, it extended to the nation at large, and wherever a newspaper found its way, the most extravagant visions of wealth to be derived from England's new possessions were raised and entertained. The enormous for-

\* The Dewanny was the right of collecting the revenues; and as he who enjoys the profits of the land is virtually its master, the gift was, in fact, the transfer of the provinces themselves, Bengal, Behar, and Orissa.

tunes acquired by a few individuals in India, within periods which seemed inadequate to their accumulation, unless rupees were to be picked up on the highway, tended to feed these imaginations, which did not, as might have been supposed, prevail exclusively among the more ignorant part of the community; the Cabinet and the Parliament shared in them, and bent an anxious eye towards the mine of inexhaustible treasure, which it was believed the East-India Company had found. The proprietors of India Stock called loudly for increased dividends. The Court of Directors prudently discouraged the desire, and in this they were supported by the ministry; the latter body, however, intending, when time and opportunity should suit, to pounce upon the acquisitions, which it was soon murmured were unfit to be retained by a Commercial Company, and which, indeed, it was asserted, the Company, as subjects of the King of Great Britain, could not legally possess. Had a strong ministry at that time existed, it is probable that a desperate attempt would have been made to transfer India from the care of the East-India Company to that of the immediate servants of the Crown, the revenue expected therefrom being much wanted to supply the Home Exchequer, and the patronage being, in ministerial eyes, still more desirable even than the revenue. But the ministries which for some successive years went into office and came out again—for so brief was their tenure of employment and so insecure at all times their position, that it is more accurate thus to advert to them than to speak of their having *held* office—these evanescent administrations, which appeared and vanished like figures in a phantasmagoria, were all so weak, that it was with some difficulty that they could be held together till the next succeeding change was ripe, and they were, consequently, not in a condition to

peril the utter wreck of their miserable craft, by bearing down directly on the East-India Company. Further, there was at that time a spirit abroad among the public out of Parliament, so utterly hostile to any thing that should tend to increase the power or influence of the Crown, that an attack upon the revenues of India, if accompanied by any considerable extension of ministerial patronage, would probably have raised a storm, more violent than any—and they were neither few nor light—which the advisers of the Crown had to encounter. There was, however, a great show of doing something. Papers were called for, inquiries instituted, resolutions moved, and Acts for limiting the amount of the dividends of the East-India Company passed. Hints of something further were thrown out, and Alderman Beckford, a man whose wealth exceeded his knowledge as far as his popularity transcended his modesty, was chosen as the mouth-piece of one of the sections of political party to claim for himself and his “brother landholders” the revenues of India as lawful spoil. Behind the curtain which veils the proceedings of cabinets from vulgar gaze, intrigues were going on for effecting covertly, that which it was not convenient or safe to attempt openly. Not only were the public excluded from all knowledge of these mysteries, but even those most closely interested in the subject of them—the Court of Directors of the East-India Company. Commissions were secretly despatched to India, designed to supersede the authority of the Company. The consequence was, that at Madras, the scene chosen for this singular specimen of diplomacy, the servants of the Company and the servants of the Crown became involved in fierce disputes, to the astonishment of native powers and the discredit of the British name. The Governor and Council remained and exercised their

powers as before. The King's commissioner came, and though he did not presume to set aside the former authorities, he acted in perfect independence of them. Madras rivalled Brentford with its two kings, saying that, at the former place, instead of amicably smelling to one nosegay like the polite potentates of the latter, the governor and the commissioner pursued opposite lines of policy, and gave and received mutual affronts in a manner calculated to afford to the natives a most edifying impression of the manner in which public affairs were managed in England.

A ministry which seemed to enjoy a firmer seat than any which had for some time preceded it, at length ventured upon a step somewhat more decisive than had been attempted before. Lord North, whose political courage was far greater than his political success, was the premier under whose auspices the Act of 13 George III, called the Regulating Act, was passed. The minister who lost the dependencies of the British Crown in America undertook to provide for the good government of the people of India, newly transferred to British rule. The augury was not the most happy, but the bill was, upon the whole, better than its paternity might be supposed to indicate. It made great changes in the constitution of the East-India Company, some of them improvements; but the alterations effected in India were marked by a right ministerial love of patronage. The Government of Bengal, the chief settlement, and the seat of the controlling authority, was vested in a governor and council named in the bill,—consequently named by the minister; the council consisted of five, two of whom were servants of the Company, but three—a standing majority—were either friends whom the party which then held the reins of power at home wished to benefit, or enemies whom they wished to conciliate. It has

been conjectured, with some probability, that one of the three\* was the author of a series of political letters, distinguished alike by their wit, eloquence, and acrimony, directed during several years against various unpopular public men, and even the august personage whom they served, or wished to serve; and that the appointment to India was the price of his silence. This, however, is but conjecture; but the fact is indisputable, that in re-modelling the Government of India, under the Regulating Act, one prominent object, if not the most prominent, was to open for the minister an entry to the patronage of that country—that patronage which he and his predecessors had so long and so ardently coveted. The nomination of the Council of Bengal, which the ministers enjoyed, under cover of a parliamentary majority, was not all they gained. A new source of patronage was devised in the erection of a Supreme Court of Judicature at Calcutta, where English law was to be administered by English judges, nominated by the Crown and rewarded by large salaries. Into the consequences that followed, this is not the place to inquire; the subject is noticed only in reference to patronage. But though this famous Regulating Act bore on its face the unequivocal stamp of jobbing, it is not to be inferred from this fact (no extraordinary one) that interference on the part of the Crown or the Parliament with the newly-acquired authority of the East-India Company was altogether to be condemned. The acquisition of the Dewanny and of other territorial rights had changed the character and circumstances of the Company. The Crown and the country had become materially interested, and it was quite right that provision should be made for securing the honour and interest of

\* Sir Philip Francis, believed by many to have been the author of Junius's letters.

both. For this purpose it was required, that all the Company's correspondence relating to civil or military affairs, the government of the country, or the administration of the revenues, should be laid before the Treasury by one of the secretaries of state. This was certainly not more than might reasonably have been expected. The East-India Company was not to become an independent sovereign, nor was the Dewanny to be looked upon as its private estate, which it might manage, alienate, or retain at its pleasure. The territory gained in India was to be regarded as an integral part of the British empire. The Company were not to establish an *imperium in imperio*; they had a right to expect to continue stewards of the domain, and it was for the benefit of both countries that they should; but, like all other stewards, they must account. The great evil of the Act of 1773 was, that it interfered injuriously, as well as offensively, with the exercise of the functions of the Company, by giving to India a parliamentary council; but there was this source of consolation, that the arrangement was temporary. It was renewed by an Act passed in 1779, and again by another in 1780, on each occasion for one year. The ministry were too insecure and too much embarrassed by their ill success in America, and the torrent of public indignation which followed, to think of tightening their grasp upon the patronage of India. They had reason for congratulation in being able to keep things as they were. This much they were able to effect. In 1781 another Act was passed for temporarily regulating the government of India and the affairs of the East-India Company, and two\* parliamentary

\* It seems to have been the prevailing opinion of the day, that India committees must necessarily hunt in couples. A few years before a similar nomination of two committees, carrying on their inquiries simultaneously, was ridiculed by Burke, who compared them



committees, one secret and one open, were appointed to investigate the Company's affairs. These continued to inquire and report, while rapid changes passed over the political system. The manifold blunders and failures of the American war at length precipitated Lord North from the seat of power. The Marquis of Rockingham succeeded, but his death was attended by the death of his administration. The Earl of Shelburne then took the reins of power, but was soon obliged to drop them; when they were caught up by an administration strong (as far as a combination of powerful families could confer strength) beyond any which had preceded it, and perhaps any which has followed. The great Whig party under Mr. Fox, and the party which had for a long period acted under Lord North, had coalesced, and those who had for years denounced each other as enemies of the country, now entered the cabinet arm-in-arm. The statesman, whose policy had dismembered the empire, and his eloquent rival, who had declared that for that policy he deserved to lose his head, divided between them the secretarial duties of the state. A Whig nobleman,\* potent in wealth, took his seat at the Treasury as the ostensible head of this motley cabinet; the remaining offices were allotted among the adherents of the two great chiefs, who, like the two ladies in Canning's burlesque of the German drama, had suddenly made up their minds to swear an eternal friendship. This ministry, proudly conscious of its strength, felt no hesitation in screwing its courage to the point of grappling with the two parts of a smoke jack—the one committee, whose proceedings, it seems, were slow, to the weight—the other, who were more vivacious, and, in the language of the great statesman, went “like hey! go mad,” to the flyer, and he concluded that by the combined operation the Company were to be roasted.

\* The Duke of Portland.



East-India Company; and one of the boldest and most extraordinary plans ever devised for aggrandizing a political association at the expense of chartered rights, public liberty, and royal prerogative, was the result of their councils. It proposed to take away from the Company all their political power, and to vest it in the hands of commissioners, to be named in the first instance by Parliament. But, further, the Company were not even to retain the management of their commercial concerns. These were to be committed to another set of commissioners, also to be named in the first instance by Parliament, and who were to act in subordination to the political commissioners. The entire patronage of India was thus to be transferred to the nominees of the Coalition Ministry, who already commanded the votes of about two-thirds of the House of Commons, and, thus fortified, might soon have increased their majority to nine-tenths of that assembly. But the very step meant to render them unassailable proved the cause of their overthrow. Beyond the walls of Parliament they had no party; public opinion was universal and clamorous against the Coalition Ministry and its favourite child, the India Bill. At court they were in no better odour than in the country; the King hated them, and this monster bill afforded him the means of getting rid of them. It passed the Commons triumphantly, and though warmly opposed in the Lords, would have passed there also but for the sudden announcement of the King's hostility. This induced the Peers to pause; the King availed himself of the pause to dismiss his ministry, and call a new one to his councils, and thus was turned aside this fearful blow, aimed not at the East-India Company only, but at the independence of Parliament, the liberties of the people, and the dignity of the Crown. The new ministers were of

course in a minority in the House of Commons, and a bill introduced by them for the government of India necessarily failed. But a new Parliament was called, and the result of the elections gave them a triumphant majority, by the aid of which an Act was passed (1784) which was the foundation of the system under which, with some slight occasional modifications, India has been governed down to the present time. Under this Act the Court of Directors were to continue to conduct the government of India, as well as their own commercial concerns; but in exercising the former duty, their Acts were to be subject to the approbation of a Board, composed of persons nominated by the Crown. There were certain exceptions to the exercise of the authority both of the Court and the Board. Affairs requiring secrecy were to be withdrawn from the cognizance of the Court at large, and transacted by the Board, through a secret committee chosen by the Court of Directors from their own body. The discretion of the Board was, however, limited by defining the subjects on which secret orders were to be given—they were declared to be “the levying of war or making of peace, or treating or negotiating with any native princes or states of India.”\* Further—the Board were to have nothing to do with the general patronage of India. The right of making nominations, whether to the civil or military services, was reserved exclusively to the Court of Directors.†

\* Extended by 3 & 4 Will. IV., cap. 85, by adding the words “or with any other princes or states touching the policy to be observed with respect to such princes or states.”

† This was in accordance with the judgment of the greatest and wisest statesmen who have thought on the subject. In a speech of Burke, made in July, 1773, and reprinted from an old magazine, in the ‘Portfolio’ for November, 1844, that distinguished man thus expresses himself:—“God knows, that the places, and pensions, and expectances furnished by the British establishment, are too powerful

It has not been the practice for the Court to interfere with the subsequent progress of those admitted to the services, but to leave their advancement to the established rules of promotion and the discretion of the local governments. There is an exception to this in the case of members of the councils of the chief and subordinate presidencies. To these offices the Court have invariably appointed in conformity with the provisions of the law on the subject.

As no useful purpose would be answered by minutely tracing the slight variations made in the law previously to the year 1833, it will be most convenient to proceed at once to that important era in the history of the Company when their trade, thrown open as to India in 1813, was entirely suspended. But when this great commercial revolution took place, the government of India was continued in the East-India Company, on conditions little varying from those previously imposed. The Board, the Court, and the Secret Committee, with their respective rights and duties, as already explained, are still preserved. The powers

for the small remains of patriotism and public spirit that remain in our island. What then will become of us, if Bengal, if the Ganges pour in a new tide of corruption? Should the evil genius of British liberty so ordain it, I fear this House will be so far from removing the corruption of the East, that it will be corrupted by them. I dread more from the infection of that place, than I hope from your virtue. Was it not the sudden plunder of the East that gave the final blow to the freedom of Rome? What reason have we to expect a better fate? I conjure you by every thing a man ought to hold sacred; I conjure you by the spirits of your forefathers, who so nobly fought and bled for the cause for which I now plead, I conjure you by what includes every thing—by your country—not to yield to the temptations which the East, in the hands of the Crown, holds out—not to plunge into the gulf of corruption, and drag after you your posterity—your country.”

of the chief local government have been considerably extended, and the parties comprising it are termed the Governor-General of India in Council. The Governor-General and the governors of the subordinate presidencies, under this and former Acts, are appointed by the Court of Directors, subject to the approbation of the Crown. The appointment of Commander-in-Chief of the forces of India, and of provincial commanders-in-chief, also rests with the Court, subject to the like approbation. The members of the respective councils are appointed as before, with the exception of an additional member to the Council of India, whose office is created by the Act last named, and whose appointment by the Court is made subject to the approbation of the Crown.

It will be evident, from the above sketch, that the policy adopted by successive Parliaments, from the year 1784 downwards, has been to secure to the Court of Directors of the East-India Company a large and responsible share in the government of that country, and that to that end very extensive powers have been reserved to the Court. Among the most important of these is the power of recall. This power, indeed, is inherent in the Company. It is a portion of its original authority, the exercise of which it has always enjoyed, with the exception of a few years after the passing of the Regulating Act, when it was temporarily suspended with regard to the Governor-General and his Council, in order that the nominees of the ministry might retain their appointments. But during the same period, the power of appointing members of Council was also suspended, except with the approbation of the Crown; and even in those evil times when corruption was rampant, and legislation was directed rather to private than public objects, the renewal of the right both of nomination and removal was expressly

provided for.\* Decency—even according to the standard of decency then prevailing in political circles—required this much. Except in the charters to which the Company traces its original constitution, this right of recall is nowhere pretended to be given or created; it is, throughout the statutory enactments affecting the Company, recognized as something previously existing, an undoubted and unquestionable right. It is thus referred to in the 33 Geo. III. (1793), chap. 52, where a section (35) giving to the Crown the power of recall is succeeded by another (36) which runs thus:—“ Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers or servants at their will and pleasure, in the like manner as if this Act had not been made, any Governor-General, Governor, or Commander-in-Chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors always excepted;† any thing herein contained to the contrary notwithstanding.” A similar proviso is found in the Act 53 Geo. III., chap. 155, sec. 80, wherein, after the right of the Court to appoint to the offices of Governor-General, Governor, and Commander-in-Chief, has been re-assured to the Court, subject to

\* “And from and after the expiration of the said term of five years, the power of nominating and removing the successors of Governor-General and Council shall be vested with the Directors of the said United Company.”—13th Geo. III., cap. 62, sec. 10.

† If the Court neglect to appoint to these offices within a limited period, the right of appointment (for that turn) lapses to the Crown.

the approbation of the Crown, the Act continues, "Provided always that nothing herein contained shall extend, or be construed to extend, to take away or affect the power of the said Court of Directors to remove or recall any such Governor-General, Governor, or Commander-in-Chief, but the said Court shall and may at all times have full liberty to remove, recall, and dismiss any such Governor-General, Governor, or Commander-in-Chief, at their will and pleasure, in the like manner as if this Act had not been made." Again, in the 3 & 4 William IV., chap. 85, an Act effecting greater changes in regard to the Company than any other passed from the commencement of its existence, the right of recall is not less distinctly recognized. The 74th section secures the right of the Crown in this respect, the 75th reserves that of the Court of Directors. "Provided always, and be it enacted, that nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such officers or servants, at their will and pleasure." The remainder of the section exempts from recall by the Court, as before, "any servant of the Company appointed by the Crown, in consequence of the default of the Court to appoint.

The power of the Court to recall is indeed so clear, that to argue in defence of it may seem like an ostentatious lighting of lamps amid the blaze of a noon-day sun. An array of authority, on a point so indisputable, may appear entirely superfluous, and it would be so, but for the extraordinary statements which are reported to have been made on the subject. It is said to have been stated that the retention of a free exercise of the power of recall by the

Court "must have resulted from an oversight,"\* that the law upon this point "was renewed without consideration," or "at all events without discussion."† Now, it must have been a very extraordinary oversight which could lead to the continuance of such a power for sixty years after the government of India became the subject of permanent regulation, and could not only so continue the power, but recognize it over and over again in solemn acts of the Legislature. • These recognitions, indeed, are *mere* recognitions—they convey no new power: they only bear testimony to the existence of one previously possessed. But to talk of "oversight" in the face of these recognitions is surely trying the possible effect of bold assertion, far beyond the limits of common prudence. A clause, like this, solemnly recognizing a power so great and important, slipping into an Act of Parliament—aye, into several Acts of Parliament—no one knows how, is a fact, if fact it be, somewhat startling. Such a fact is surely without parallel, except in the case of Dibdin's Jew, who, on his return from a walk, finding a gold watch in his pocket which was not there when he set out, records the discovery in his journal with the quiet comment, "dropt in by accident." And so it seems that this clause found its way into Act after Act, and no one could account for it. There it stood plain and clear as the type of the royal printer could make it, to sear the eyeballs of those who loved it not; but how it came there they knew no more than that mysterious personage who is said to inhabit the lunar planet—"dropt in by accident!" But then the clause was renewed, in the last instance at least (in 1833), "without consideration," or "at all events without discussion." The proof offered of this is, that upon refer-

\* See Hansard's Debates, vol. 74, p. 276.

† Ibid. vol. 74, p. 345.



ence to the *Mirror of Parliament* for that year, it does not appear that there was a single word said about it in either House.\* This may be quite true, but it only proves that the clause passed without parliamentary discussion. It does not prove that those who framed the Act or those who passed it were ignorant of what they were doing—that the extent of the power in question, and the possibility of its being called into exercise, were altogether overlooked. To prove this, the eminent person whose hostility to the clause induced him thus to account for its introduction is reported to have said, “I have looked into the papers of the correspondence between the Directors and the Board of Control, and there is not one single word said of it in these on either side; and I have looked into the debates of 1784, when Mr. Pitt first brought in the bill containing this ill-omened clause, *for it was in that originally*, and I find not one single word said on either side in either House.”† Now the papers of correspondence between the Directors and the Board here referred to are undoubtedly those connected with the renewal of the Company’s government and the suspension of their trade, effected by the Act of 1833, which papers were printed by order of the Court of Directors for the information of the Proprietors, and collected in a volume, the title-page of which bears the date of that year. These papers, it is alleged, have been “looked into,” and found to afford no trace of the subject of recall by the Court having undergone any consideration; “there is not one single word said of it in them on either side” The look bestowed on these papers must certainly have been very transient and cursory, for it does happen, that instead of containing “not one single word” on the subject,

\* See Hansard, vol. 74, p. 345.

† Hansard, vol. 74, p. 345.

they contain several words, which words occur in at least three different places. At page 4, in a "Memorandum, or paper of hints," transmitted to the Chairman of the Company by the President of the Board, the following passage presents itself: "Appointment of governors subject, as now, to the approbation of the King, but the Board to have a veto on the recall. The same with regard to commanders of the forces." It seems then that the subject was not overlooked by the ministers,—nor was it by the members of the Court. At page 127 of the volume, the following passage occurs in a dissent recorded by Henry St. George Tucker, Esq.: "The retention of the power to recall governors and commanders-in-chief appears to me to be highly essential to the respectability and efficiency of the Court of Directors. This power has been rarely exercised, and there can be no temptation to abuse it; but if it be withdrawn, the public functionaries abroad may set at nought the authority of the Court, and may hold us in contempt. A governor may be lavish in the public expenditure, may think only of providing for his own dependents or those of the ministry, may be indolent and inactive, or arbitrary and capricious in the exercise of his powers, and notwithstanding these and other defects of character and conduct, he will retain firm possession of his station, as long as he can succeed in propitiating the ministry of the day, who may be interested in his continuance of office, and even derive influence and advantage from his mal-administration." Again, at page 187, it will be found that the President of the Board, in replying to a letter from the Chairman and Deputy-Chairman of the Company, thus expresses himself: "I do not know if the words 'exercising the same powers as the Company now possess under their charter' are here introduced

with any specific reference. To the general propositions which they express, his Majesty's ministers have, through me, repeatedly declared their adherence, and they are not aware that it is, in the slightest degree, impaired by any modification they contemplate in the existing system. Whatever changes Parliament may in its wisdom see fit to adopt, will, I doubt not, be made without detriment to the substantial authority of the Company. It is possible that the words in question have been inserted in consequence of the hint thrown out in the memorandum, that the Board should have a veto on the recall of governors and military commanders in India. In order to obviate misconstruction, I avail myself of this opportunity to inform you, that it is not the intention of his Majesty's ministers to insist on the suggestion just mentioned."

And was the insertion then of the provision of recognition in the new Act an "oversight?"—was the retention of an unqualified power of recall by the Court allowed "without consideration?" Above we have an official suggestion from the ministry for the modification of the power—an argument against its modification by a member of the Court of Directors, and finally a formal withdrawal of the proposal for modification by the authority from whom the proposal came—and all these are contained in the volume which was searched without one single word on the subject being found!

Let us pass on to the consideration of the statement, that the clause recognizing the right of the Court to recall was originally in the Act of 1784, and that, notwithstanding, nothing was said on the subject in the course of the debates in either House. Here, unfortunately, is manifested a defect of vision exactly opposite in nature to that which prevailed when the correspondence on the renewal of the

Company's powers in 1833 was examined. In the correspondence, that which is obvious to all the world besides, is unseen by the examiner. In the Act of 1784, that which no one else can discern is distinctly visible. Like him

" Who to the Dean and silver bell can swear,  
And sees at Canons what was never there,"

the examiner of the Act of 1784 finds a clause—an "ill-omened clause" it is called, which the Act does not contain—which it certainly never did contain, unless it has dropped *out* by some chance not less wonderful than that by which the same "ill-omened clause" dropt *into* a later Act. The power of recall by the Court is not adverted to in that Act, the reason probably being that as the Court already possessed the power, and no intention existed of interfering with it, there was no absolute necessity for bringing it forward. It was distinctly recognized in the succeeding Act of 1793, and at this distance of time it is not easy to determine the motives to such recognition. It probably originated in some apprehension, on the part of the Court, that their right might, by lapse of time, be overlooked or forgotten. But why is the clause in question—the clause which is *not* in the Act of 1784, and which *is* (whether by oversight or otherwise) in the Act of 1833—called "an ill-omened clause?" Whatever view may be taken of the question—whether or not the Court of Directors should possess the power of recall, the clause is a very harmless one. The right of the Court does not depend upon it. The sum of its possible effect is, to put a stop to quibbling. Suppose the clause had been left out of the last Act, by which the administration of the government of India was continued to the East-India Company, would the power of recall have thus been silently dropped, like the clause *itself*, from the Act of

1784? Certainly not. The Act of 1833 is only part of the law under which the authority of the Company is exercised, and it happens to contain the following section (not let in, it may be presumed, by "oversight"): "And be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, provisions, matters and things whatsoever, granted to, or continued in, the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the fifty-third of King George the Third, so far as the same or any of them are in force, and not repealed by, or repugnant to, the enactments hereinafter contained; and all powers of alienation and disposition, rights, franchises, and immunities which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control, hereinbefore mentioned, until the thirtieth day of April, one thousand eight hundred and fifty-four."

The right of the Court of Directors to recall without reference to any other authority, then, is clear; it is recognized by the Act under which the Company's term of government was last renewed; and if that Act were silent on this particular point it would be immaterial, for the right rests on preceding charters and acts, the validity of which is therein solemnly affirmed. Indeed the right is not a subject for question, though, in some quarters, it is mat-

ter for great wonderment how it ever came to exist, and how it came to be continued to this good year 1844, then to be exercised, to the astonishment of at least one of those through whose "oversight" it had been permitted to be retained. The learned individual thus amazed "verily believes," according to Hansard, "it was left in one India bill after another, from a perfect persuasion that it would never be acted upon,"—a different thing by the way from 'oversight'—"but would remain a dead letter, unless some extraordinary emergency—some crisis of the fate of our Indian empire—might render it necessary for the Directors to exercise this most anomalous and extraordinary jurisdiction."\* Now what sort of emergency, what sort of crisis is here contemplated? And who is to judge whether the emergency be sufficiently great, or the crisis sufficiently dangerous to render "necessary" the exercise of the power? Who can judge but the Court, who are intrusted in this case with uncontrolled authority? In their judgment the recall of Lord Ellenborough was necessary—in the judgment of their learned critic it was not. The whole question resolves itself into a matter of opinion, and to talk of limiting the exercise of a strictly legal right, by reference to considerations of which no philologer can fix the exact meaning, and which no casuist can reduce to logical distinctness, is idle in the extreme. The qualification, therefore, of the position first laid down, by reference to an emergency or a crisis, is worth nothing—in the language of the law, it is void for uncertainty, and we are thrown back upon the naked principle, the principle evidently entertained by the speaker, that this important power of recall, so long enjoyed and so frequently confirmed by solemn acts of the legislature, ought never to be exercised at all. In the language above quoted

\* Debates, vol. 74, page 445.

from the parliamentary debates it is to be "a dead letter." And can it be that the legislature, passing clause upon clause recognizing the power, has been only adding fresh acts to a solemn farce—that the intention was to give the semblance of power and withhold the reality? If such were the case, most clumsily has the intention been fulfilled, for the power has actually been conceded; and not until it is used in a manner which does not meet the approval of one noble peer do we hear that the law on the subject was never designed to have any effect—that its framers meant nothing—or worse than nothing, for if this interpretation of their intentions be correct, they must have meant to deceive. In what a dignified position does this place both the Legislature and the East-India Company! The latter, it seems, were trusted with the power of recall, upon much the same condition as the Vicar of Wakefield's daughters enjoyed the privilege of pocket-money; each of the young ladies received a guinea, with a strict injunction never to change it. This we are told was for the honour of the family. For whose honour the Court of Directors were to have charge of a power which they were never to use, does not appear. The contract between the Legislature and the Company, in this view, would be much like one described by Selden in his *Table Talk*. "Lady Kent articted with Sir Edward Herbert that he should come to her when she sent for him, and stay with her as long as she would have him, to which he set his hand; then he articted with her that he should go away when he pleased, and stay away as long as he pleased, to which she set her hand." So, by law, the Court of Directors are to have the power of recalling a Governor-General "at their will and pleasure"—thus runs the Act—but then, on the other hand, the Governor-General may hold office as long as he shall please (at least as far as the Court are

concerned), do what he may—except, indeed, on the occasion of some great “emergency,” some fearful “crisis” not defined nor definable—one of those extraordinary events which set at defiance all ordinary rules, and of course among others, the rule that the Court of Directors should not recall a Governor-General unless it is his pleasure to come back. Thus, for instance, if a Governor-General should throw off his allegiance to the British Crown, should declare himself sovereign of India, and raise an army to support his pretensions, why, such a case perhaps might be regarded as an “emergency,” a great “crisis,” and the Court of Directors might resort to a recall. True it is, that the case is not very likely to occur, and if it did, the exercise of an independent power of recall would scarcely be indispensable, for no authority in this country would oppose the views of the Court; and if the Court are to act on their own sole responsibility only when no human being can differ from their judgment, it must be granted that their responsibility is not very onerous.

But it is not so. The right to recall is not a mere name; it is not a piece of solemn, but hollow pomp—an appendage of state harmless as the sword that dangles by the skirts of a court-dress, for show and not for service, or as the mace of the Lord Mayor, which has never been raised as a weapon of offence since wielded by Sir William Walworth, in Smithfield. It is a substantial power, and it is a power necessary to enable the Court of Directors to discharge their functions with efficiency. Without it a contumacious servant might altogether defy them. He may be disobedient now, but it is at his peril. For the exercise of the power of recall the Court, like all persons in the country who are intrusted with political authority, are responsible. They are not to exercise it



capriciously, or without just cause. Indeed, it should never be exercised but with the highest degree of gravity and deliberation. So great is the punishment thereby inflicted upon the offending party—so deep is the wound inflicted upon his reputation—so fearful the effect upon his prospects—that those at whose bidding the punishment descends may well pause before they strike. A meritorious minister may be excluded from the cabinet by jealousies and dissensions among his colleagues, or he may be removed by the influence of parliamentary faction. Neither of these causes can operate in the Court of Directors. They may act erroneously in dismissing one of their servants, but the presumption must always be that they act honestly.

The Court have certainly shewn no undue appetite for the exercise of this great power of recall. The first instance of their recalling a Governor-General does not occur till sixty years after the Government of India was placed on its present footing, and during that period the power of recall has been exercised only once with regard to the governor of a subordinate presidency. The novelty of the event which has deprived Lord Ellenborough of office, has more than any other cause drawn attention to his removal, and the habitual moderation of the Court in the exercise of its power, has thus given to the act a degree of public interest which but for this circumstance it could scarcely have commanded. If the recall of a Governor-General were of frequent occurrence, it would pass with little observation; but the rarity of such an event, together with the circumstances under which it is understood that the appointment of Lord Ellenborough was made, and those under which it was annulled, give an impulse not only to popular curiosity, but to the inquiries of those who desire to form a rational judgment on the merits of the case. The circum-

stances here alluded to are these. It is believed, that in appointing his Lordship to the office of Governor-General, the Court of Directors were nearly unanimous; it is pretty generally known that on the question of his removal they were quite unanimous. Now if he had been elected by a bare majority and afterwards removed by a bare majority, there would have been room for ascribing his removal plausibly, whether justly or not, to personal feeling, or to chance operating through the periodical changes in the Court, which take place under legislative provision. But when all but unanimity of opinion in selecting him, is succeeded by perfect unanimity as to the necessity for his removal, it is quite impossible to attribute the later act to any such causes as those adverted to. Again, if his Lordship's tenure of office had been of extraordinary length, circumstances might readily be imagined to have arisen gradually to cool the affection of his friends, and give confidence to his enemies. But his Lordship retained his honourable appointment for only about two years, and the accomplishment, within so brief a period, of a revolution of opinion, so great and general, in the body to whom he owed both his appointment and his recall, is certainly a startling fact; and the more so when the character of that body is taken into consideration. If any one quality were to be selected as peculiarly characteristic of the Court of Directors of the East-India Company, it would be caution. Every member of the Court has a pecuniary stake in India, and the Court collectively are the representatives of the great body of claimants upon its territory. Among the Directors are men personally acquainted with India, and with the sources from which danger in that country is likely to arise; men trained by long experience in civil, political, legal, military and maritime affairs; merchants of great eminence and bankers of

the highest standing ; most of them are of mature age, and the political opinions of the majority are those of the party with which Lord Ellenborough has generally acted. If indeed a body eminently conservative in its views and habits, and cautious beyond the ordinary measure of caution, were sought for, it would be found in the Court of Directors of the East-India Company ;—if they be found to act rashly, there is no faith to be placed in human discretion. By that body Lord Ellenborough was elevated to the office of Governor-General—by that body he has been dismissed, under circumstances of striking singularity. It remains to inquire into the reasons for this last step ; and there is no satisfactory mode of ascertaining them but by examining his Lordship's policy and conduct during the brief term of his government.

In ordinary candour, it must be admitted, that on the arrival of Lord Ellenborough in India, his situation was neither enviable nor easy. He found the long triumphant flag of England humbled by disaster and defeat. A vast army had been sacrificed without any countervailing advantage ; isolated bodies of British troops still remained exposed to danger, while a number of unhappy captives were in the hands of a ruffian chief, on whose probable disposal of them no one could guess ; the power of the British name had received a fearful diminution ; the spirit of the army was shaken by the disasters which had overtaken their comrades, and the past and the future seemed alike involved in gloom. The earliest impressions and earliest declarations of Lord Ellenborough were such as became a British Governor-General. He arrived at Calcutta on the 28th February, 1842, and on the 15th March following his Lordship in Council addressed the Commander-in-Chief, Sir Jasper Nicolls, in language well suited to the circumstances which surrounded him.—“ Whatever course,” it is

observed, " we may hereafter take must rest solely upon military considerations, and have, in the first instance, regard to the safety of the detached bodies of our troops at Jelalabad, at Ghuznee, at Khelat-i-Ghilzie, and Kanda ar, to the security of our troops now in the field from all unnecessary risk, and, finally, TO THE RE-ESTABLISHMENT OF OUR MILITARY REPUTATION, by the infliction of some signal and decisive blow upon the Affghans, which may make it appear to them, to our own subjects, and to our allies, that we have the power of inflicting punishment upon those who commit atrocities, and violate their faith, and that we withdraw ultimately from Affghanistan, not from any deficiency of means to maintain our position, but because we are satisfied that the king we have set up, has not, as we were erroneously led to imagine, the support of the nation over which he has been placed."\* In a subsequent part of the same letter his Lordship, after urging the necessity of paying regard to circumstances in coming to action with the enemy, so as to secure to the British force the advantages derived from their superior discipline, thus continues "At the same time we are aware that no great object can be accomplished without incurring some risk, and we should consider that the object of striking a decisive blow at the Affghans, more especially if such blow could be struck in combination with measures for the relief of Ghuznee—a blow which might re-establish our military character beyond the Indus, and leave a deep impression of our power and of the vigour with which it would be applied to punish an atrocious enemy—would be one for which risk might be justifiably

\* Papers relating to military operations in Affghanistan, presented to both houses of Parliament by command of her Majesty, 1843, p. 167.

incurred, all due and possible precaution being taken to diminish such necessary risk, and to secure decisive success."\* His Lordship likewise adverts to the release of the prisoners taken at Kabool, as an object "deeply interesting in point of feeling and of honour," and suggests, with a view to attain it, the taking of hostages from those parts of the country which the British force might be able to occupy, as well as the prospective advance of General Pollock beyond Jelalabad even to Kabool.

Thus much was well, but how did his Lordship fulfil the expectations which he had thus excited? He found that considerable preparations had been made for recommencing operations in Affghanistan, and he proceeded to complete and to add to them. He left Calcutta and his Council in order that he might be nearer to the seat of war and give the weight of his personal influence and the advantage of his personal superintendence to the affairs in progress on the frontier. This seemed to indicate not only great energy, but great determination of purpose; and those who observed the conduct of the Governor-General, who knew the character of the officers and men at his disposal, and who thought, moreover, of the great objects before him—the military reputation of Great Britain to be re-established—the terror of its name to be restored—treachery to be punished—and its surviving victims, comprising women and children as well as men, to be rescued—those who felt the importance of these objects, and who witnessed or heard of the restless vivacity of the Governor-General, never doubted that all would be well—never supposed for a moment that any check would be put upon the ardour of the military commanders, that any obstacle would be interposed between their desire for action and the

\* Papers—*ut supra*—page 168.

gratification of it ; or that he who had thought the prosecution of the war a matter of so much importance, as for the sake of aiding it to separate himself from his Council, and make a journey of several hundred miles, was prepared to acquiesce in so pitiful a termination\* of the labours of himself and his predecessor as that of merely getting the troops in Affghanistan back again to India. Yet thus it was. Some ill success befel the British cause—Ghuznee was surrendered to the enemy, General England failed in his attempt to join General Nott at Kandahar, and further, a bad spirit was understood to prevail in a part of the force under General Pollock. The new Governor-General, it became apparent, in spite of his high purposings, was not a man to encounter difficulties or persevere under discouragement—his moral courage oozed away as he approached the scene of action, and the “re-establishment of our military reputation—the decisive blow at the Affghans”—and the safety of the prisoners—were all cast to the winds. On the 19th April, General Nott was ordered to destroy Kelat-i-Ghilzie, to evacuate Kandahar, and to fall back to Quetta.\*

In advising the Commander-in-Chief of the transmission of these orders, the Governor-General says, “The severe check experienced by Brigadier England’s small corps on the 28th ultimo—an event disastrous as it was unexpected—and of which we have not yet information to enable us to calculate all the results, has a tendency so to cripple the before-limited means of movement and of action which were possessed by Major-General Nott, as to render it expedient to take immediate measures for the ultimate safety of that officer’s corps, by withdrawing it, at the earliest practicable period, from its advanced position, into nearer

\* Papers, pages 223, 4.

communication with India.”\* On the very day on which these orders to General Nott and the letter to the Commander-in-Chief bear date, the Governor-General published a notification of the successful advance of the troops under General Pollock into the Khyber Pass, and of the evacuation by the enemy of the fort of Ali Musjid.† On the same day the Governor-General addressed to Sir Jasper Nicolls a second letter, the subject being the position of General Pollock,‡ to whom he desired the Commander-in-Chief to transmit instructions; and this was followed by a third, in which the nature of these desired instructions is unequivocally anticipated. His Lordship says :—“ What ulterior destination may be given to those corps, when that of Major-General Nott, having drawn off the garrison of Khelat-i-Ghilzie, shall be concentrated ultimately in the vicinity of Sukkur, and *that of Major-General Pollock having drawn off the garrison of Jelalabad shall be again on this side of the Khyber Pass*, is a matter for the most serious consideration, and one upon which I am most anxious to have the opportunity of conferring personally with your Excellency, or with some officer in your confidence, whom you may depute to me for that purpose”§ His Lordship then alludes to the possibility of selecting a new line of advance should the war be renewed *after the retreat of the two Generals as above assumed*, but immediately adds :—“ It will, however, likewise be for consideration, whether our troops, having been redeemed from the state of peril in which they have been placed in Affghanistan, and, it may still be hoped, not without the infliction of some severe blow upon the Affghan army, it would be justifiable again to push them for no other object than that of revenging our

\* Papers, page 224.

† Papers, page 201.

‡ Papers, page 224.

§ Papers, page 225.

losses and of re-establishing, in all its original brilliancy, our military character." For no other object! The restoration of our military character is not much it seems, and the safety of the prisoners nothing, for this point is not adverted to. Two days after this, namely, on the 21st of April, the Governor-General received authentic information of Sir Robert Sale's victory at Jelalabad and of General England having regained, without further loss, his position at Quetta, where he had been joined by the rest of his brigade. These events he communicated to the Secret Committee in a letter dated the 22nd, together with the following account of their influence, or rather want of influence, on his opinion with regard to the necessity for retreat. "These several events, although they improve our prospects to some extent, have in no respect altered my deliberate opinion, that it is expedient to withdraw the troops under Major-General Pollock and those under Major-General Nott at the earliest practicable period into positions, wherein they may have certain and easy communication with India;"\* that is, to withdraw the troops of General Pollock to Peshawur, and those of General Nott to Quetta. "That opinion," his lordship adds, "is formed upon a general view of our military, political, and financial situation, and is not liable to be lightly changed." The same general views are expressed in nearly the same words in a letter dated the 24th April, to Mr. George Clerk, the Governor-General's agent with the Sikh Government—"To regain concentrated positions for our armies, having easy and secure communications with India, is the present object of the Government, and one not lightly to be changed;" and again—"All that the Governor-General regards"—*all*, be it observed—"is the security of our communication with the troops beyond

\* Papers, page 223.



the Upper Indus, and their withdrawal, at the earliest practicable period, from their advanced positions, in a state of continued efficiency, undiminished by the climate or by the enemy.”\* Such was the unvarying tenor of Lord Ellenborough’s language from the time that he quitted his council and acted without advice or check of any kind. The burden of his instructions was retire—fall back—get towards India as fast as you can—leave the Affghans to themselves, and by consequence leave the British prisoners to be mal-treated and murdered by those whom our pusillanimity will thus relieve from the restraint hitherto imposed by their fears.

Reverses had shaken his lordship’s confidence in every thing but his own judgment; success had no power to re-assure him. And yet, on one occasion, he did indulge in a flight of expectation which, to all but himself, must appear most extravagant. It has been seen how he spoke of the situation and prospects of the British armies in Affghanistan on the 19th, 22nd, and 24th April. On the 28th he caused no less than three letters to be written to General Pollock, one intimating his belief in the reports of the death of Shah Shoojah, and his conviction of the impossibility of the British Government recognizing a successor under the circumstances that prevailed; a second, giving permission to treat with a *de facto* government for the exchange of prisoners, if such government were capable of carrying an exchange into effect; and a third, the crowning letter of all, announcing that the aspect of affairs in Upper Affghanistan appeared to be such, that his lordship could not but contemplate “the possibility”—a possibility indeed—of General Pollock having been led to “advance upon and occupy the City of Kabool.”† Certainly his lordship’s

\* Papers, page 232.

† Papers, page 235.

notions of possibility were not narrow. He speaks of marching to Kabool as coolly "as maids of fifteen do of puppy dogs." This offhand way of treating a great and most difficult military operation—an operation so great and so difficult, that the Governor-General seems, both before and after this communication, to have regarded it as all but hopeless, is highly characteristic. The consistency of his lordship is not less remarkable. At one time to advance, is treated almost as much beyond rational contemplation as a journey to the moon. At another the march of an army from Jelalabad to Kabool is spoken of as lightly as a walk from London to Highgate. But, let justice be done—though the Governor-General actually indulged in a vision of the possibility of an army situated like that of General Pollock, without preparation and without arrangement or understanding with General Nott, pushing on to Kabool and occupying it as easily as a party of schoolboys would run over Blackheath, he still harps on his old string, retirement. General Pollock is assured that the Governor-General's views are unchanged, and that if he should be at Kabool, he must leave it as quickly as possible. "If that event," the imaginary march to Kabool, "should have occurred, you will understand, that it will in no respect vary the view which the Governor-General previously took of the policy now to be pursued. The Governor-General will adhere" (this WILL is very characteristic also) "to the opinion, that the only safe course is, that of withdrawing the army under your command, at the earliest practicable period, into positions within the Khyber Pass, where it may possess easy and certain communications with India."\* But the hallucination about marching to Kabool afforded but a temporary interruption to the

\* Papers, page 235.

uniformity of the Governor-General's strain. Only nine days before it commenced,—that is, on the 19th April,—he had called on the Commander-in-Chief to furnish additional instructions to General Pollock, and it has been seen what sort of instructions were expected. Sir Jasper Nicolls seems to have doubted as to the propriety of thus embarrassing the general; whereupon Lord Ellenborough, unable to brook delay, himself undertook the duty of reading a lecture on war,—not to Hannibal, but to a very able and experienced officer, who, in the judgment of his immediate military superior, stood in no need of the assistance. “The general,” said Sir Jasper Nicolls, “is a clear-headed, good officer, and you have loaded his advance with heavy cautions.”\* These heavy cautions, however, were repeated in a letter dated the 4th May. Not quite a week had elapsed since the Governor-General had hoped or feared, it is difficult to say which, that General Pollock was at Kabool, or in full march thither. On the 4th May, he indulges imaginings as to what the general is about, as he did on the 28th April, but their complexion is not quite the same. Let the reader judge. Here is Lord Ellenborough's vision of General Pollock, as presented to his Lordship's mind on the date first named above, but last in the order of time,—viz. on the 4th May: “The most recent accounts which have been received of the difficulty experienced by you in obtaining supplies at Jelalabad, and in bringing forward supplies from Peshawur; and the very deficient means of movement, as well as of provision, which you possess, induce the Governor-General to expect”—now mark the expectation; within a week after, he thought it possible that General Pollock had gone to Kabool—“that you will have already decided upon withdrawing your

\* Papers—*ut supra*—page 240.

troops within the Khyber Pass into a position wherein you may have easy and certain communication with India, if considerations, having regard to the health of the army, should not have induced you to defer that movement."\* And while the reader notes the marvellous consistency of these expectations, between the indulgence of which six days only intervened, let him not omit to notice the testimony given by the Governor-General to the means possessed by General Pollock for making the march to Kabool, which it was thought possible he might have undertaken—"the very deficient means of movement as well as of provision which you possess"—these are the Governor-General's words, and yet he dreamed that in such circumstances an officer of so much ability and so much experience as General Pollock should commit the folly of marching for Kabool; this too, in the teeth of his own avowed opinion thus declared: "His Lordship is too strongly impressed with confidence in your judgment to apprehend that you will ever place the army under your command in a situation in which, without adequate means of movement and supply, it could derive no benefit from its superior valour and discipline, and might be again subjected to a disaster which, if repeated, might be fatal to our power in India."\* Most just was this his Lordship's impression; but how is it to be reconciled with his former impression or supposition, something less than a week old?

Before the letter of the 4th May was written, the Commander-in-Chief had come to the rescue, and had issued instructions in general accordance with the Governor-General's wishes; so much so, indeed, that his Lordship tendered in return, not only his approbation, but his thanks; and in order that the instructions might have all the weight

\* Papers, page 241.

which his own military knowledge and experience could give them, Lord Ellenborough lost no time in assuring General Pollock, by another despatch, that his judgment confirmed that of the Commander-in-Chief.\* The orders thus embodying the views of the Governor-General and the Commander-in-Chief were very distinct. After adverting to the instructions given to General Nott to evacuate Kandahar, and retire first upon Quetta, and ultimately upon Sukkur, it is added, "You are required to make a similar movement in Upper Affghanistan, and to WITHDRAW EVERY BRITISH SOLDIER FROM JELALABAD TO PESHAWUR."†

From these orders no deviation was to take place, except in three possible cases. First, that certain negotiations in progress for the release of the prisoners lately confined at Buddeabad should have been brought to such a point that its accomplishment might be endangered by withdrawing; secondly, that before the receipt of these orders, General Pollock should have despatched a lightly-equipped force to endeavour to rescue those prisoners; thirdly, that the enemy at Kabool should be moving a force to attack that of the English general. In this "improbable case," as it was most justly termed, it was held to be advisable to inflict a blow on the enemy, but provided only that "any respectable number of troops" should "have descended into the plain below Jugdulluk" with the intent of making such an attack as that referred to. If the number were not "respectable," or, though "respectable," should not have advanced beyond Jugdulluk, but were only on their way thither, the British army was to run before them. With regard to the prisoners, the qualification introduced was as follows: "I allude entirely to the officers and ladies now or

\* Papers, pages 242, 243.

† Papers, page 242.

lately at Buddeabad, or its vicinity. Those at Kabool cannot, I think, be saved by any treaty or agreement made, under existing circumstances, at Jelalabad." So their recovery was given up. Such were the instructions of which the Governor-General entirely approved, as he assured the Commander-in-Chief and General Pollock. Lest General Nott should be inconveniently influenced by a professional passion for maintaining his country's honour, he, too, on the 7th May, was once more addressed; he was apprized of the nature of the instructions which had been forwarded to General Pollock, and reminded of the tenor of those previously transmitted to himself. The 13th May produced another letter to General Nott, adverting to the proposed advance of General England to join that officer, and admitting that the position of the former at Kandahar was more favourable than it had been supposed to be when the orders of the 19th April were issued; "But," it was added, "this improvement of your position is not such as to induce his Lordship to vary those instructions, in so far as they direct your retiring upon Sukkur. That movement you will make at such period, and with such precautions, as may best conduce to the preservation of the health of your troops and the efficiency of your army. The Governor-General understands that, consistently with the necessary regard to these objects of primary importance, you cannot retire below the passes till October."\* This extension of time is attributed by Lord Ellenborough to the advice of the Commander-in-Chief, Sir Jasper Nicolls.\* A similar extension was conceded to General Pollock, in accordance, as it would appear, with the views of the General himself, acting under the discretion intrusted to him by the Commander-in-Chief, when, in compliance with

\* See Papers, page 251.

the pressing desire of the Governor-General, he issued his further instructions. This is to be inferred from a letter of Mr. Clerk to Sir Jasper Nicolls, dated 5th May, in which he says: "Adverting to the opinions expressed by General Pollock, in his letter written after the arrival of Captain Mackenzie in his camp, I conclude that, with the discretion vested in him under your Excellency's orders, he will not abandon either the British captives, or the position he holds at Jelalabad."\*

Referring to this letter from Mr. Clerk, Lord Ellenborough, writing to the Commander-in-Chief on the 14th May, says: "The advance of the season, however, which really renders the retirement of Major-General Pollock at the present moment a measure of some hazard to the health of his troops—the improved facilities which the major-general finds of obtaining supplies of provisions—but, more than all, *the influence which those now about him*, anxious to vindicate the army by some signal blow against the Affghans, and to effect the restoration of the prisoners to liberty by negotiation supported by force, must necessarily have upon his mind,—all these things induce me to apprehend that it will hardly be until October<sup>2</sup> that the major-general will commence his homeward march."†

Notwithstanding all the reasons here enumerated in favour of delaying the retirement of General Pollock, the measure was obviously not in favour with the Governor-General. This might be presumed from the somewhat ungracious reference to the "influence of those about" the general, and the presumption is strengthened by a letter to General Pollock, dated the 29th of May, written, as it

\* Further Papers, ordered by the House of Commons to be printed 17th February, 1843.

† Papers, page 252.

appears, under a deep apprehension that the General might have mistaken his instructions, and have given to the discretion left him wider limits than those by which it was intended to be circumscribed. The date of this letter, however, affords some food for reflection. The ostensible occasion of its being written is a passage in a letter from Mr. Clerk to General Pollock, dated the 18th of May, a copy of which was forwarded to the Governor-General on the 21st. In this letter, Mr. Clerk had expressed his belief that, with the negotiations pending in front, General Pollock would not withdraw. There is no evidence as to the time when this letter was received by Lord Ellenborough, but it is certain that on the 14th of May he was in possession of a letter addressed by Mr. Clerk, on the 5th of that month, to Sir Jasper Nicolls (already quoted), in which he says (speaking of General Pollock), "I conclude that with the discretion vested in him under your Excellency's orders, HE WILL NOT ABANDON EITHER THE BRITISH CAPTIVES, OR THE POSITION HE HOLDS AT JELALABAD." The Governor-General, on the 14th of May, if not before, knew that such was Mr. Clerk's belief, and that it was formed upon opinions expressed by General Pollock; but he takes no notice, beyond a brief reference to it in addressing the Commander-in-Chief on the subject of General Pollock's remaining, until October, beyond the Khyber Pass, in which measure, though with some reluctance, he seems to acquiesce. But on the sight of another letter, shewing that Mr. Clerk continued to hold the opinion which he had declared in the previous letter, namely, that General Pollock would not withdraw, the Governor-General is suddenly thrown into an agony of apprehension and anxiety. He has good reason, on the 14th May, for believing that General Pollock intends to follow a certain course, which he



disapproves, yet he does nothing, but waits the result with as much calmness as a Swiss herdsman expects the avalanche which is to crush his cottage to atoms, or a good Mussulman the fire which is raging three houses off, and must soon reach his own. But Mr. Clerk's letter of the 18th May rouses him. Why? Thus is the question answered by the letter to General Pollock of the 29th May: "As Mr. Clerk was, on the 18th instant, in possession of the orders addressed to you by the Commander-in-Chief, on the 29th ultimo, the Governor-General infers that in so expressing his belief that you would not withdraw, with the negotiations pending in your front, he had in view the paragraphs in those orders which relate to negotiations for the release of the prisoners."\* "*The Governor-General infers!*" Did he only infer? Had not Mr. Clerk, in his letter to Sir Jasper Nicolls, dated the 5th May (a copy of which letter was in Lord Ellenborough's possession on the 14th), used these memorable words?—"I conclude that with the discretion vested in him (General Pollock), under your Excellency's orders, HE WILL NOT ABANDON EITHER THE BRITISH CAPTIVES OR THE POSITION HE HOLDS AT JELALABAD;" and after this the Governor-General—cautious man—can only "infer" allusion to the said discretionary power. But the ground of this inference is worth looking at: "As Mr. Clerk was, on the 18th instant, in possession of the orders addressed to you by the Commander-in-Chief on the 29th ultimo, the Governor-General infers," &c. Indeed Mr. Clerk *was* in possession of the Commander-in-Chief's orders on the 18th of May, for he was in possession of them on the 5th, when he wrote the former letter. That letter commences: "I do myself the honour to acknowledge the receipt of your Excellency's letter of the 30th ultimo, enclosing a copy of your Excel-

\* Papers, page 294.

lency's orders to Major-General Pollock, of the 29th ultimo." This letter was before Lord Ellenborough on the 14th; from it he knew that Mr. Clerk had the Commander-in-Chief's orders on the 5th, and that he was of opinion that General Pollock would exercise the discretion thereby allowed, and remain at Jelalabad. Yet the Governor-General, on the 29th, speaks of Mr. Clerk's being in possession of those orders on the 18th as though he was ignorant of his possessing them on the 5th, and he "infers" that Mr. Clerk's belief as to General Pollock's course has some reference to the discretion vested in that officer, a point distinctly noticed in the letter of the 5th, which Lord Ellenborough had lying before him fifteen days before he drew this notable inference.\* However, having drawn it—and the task required no extraordinary measure of sagacity—he caused General Pollock to be enlightened as to the precise limits of his discretion with regard to the prisoners. The general was informed that the instructions could only apply to negotiations, almost brought to a close at the time of receiving the Commander-in-Chief's letter—not to any then pending, the event of which might be doubtful, still less to any which might be subsequently commenced. The letter thus closes:—"The Governor-General does not suppose that you can have misunderstood those instructions"—the instructions of the Commander-in-Chief—"but if the observation in Mr. Clerk's letter of the 18th instant had been suffered to pass in silence, that silence might have appeared to be acquiescence in a wrong interpretation, and you might possibly have been so misled into adopting it."† Yet Mr. Clerk's letter of the 5th, referring to what he believed to be the General's opinion as to

\* Mr. Clerk's letter of the 5th May does not appear in the Blue Book, but is printed as a supplementary paper.

† Papers, page 295.