



during which their interests were identified with it. Mr. Grant replied, vindicating the views of ministers.

The correspondence between the Court and the President of the Board was submitted to a General Court of the Proprietors of the East-India Company on the 25th March. The chairman, Mr. Ravenshaw, introduced the subject in a clear and forcible speech, touching on the principal points in discussion, but abstaining from any decisive expression of opinion. The papers were then read; and this operation occupying five hours, the consideration of the subject was postponed till the 15th of April, after a motion for printing the correspondence had been made by the Chairman and carried.

On the 15th of April the Court again met, and the discussion of the question before it was protracted, by repeated adjournments, to seven days. After the reading of a dissent, recorded by Mr. Tucker, from certain parts of the letters addressed to the President of the Board by order of the Court of Directors, Sir John Malcolm moved a series of resolutions expressive of a disposition on the part of the Company to accept generally of the bargain proposed by the Ministers of the Crown, but with certain modifications of the terms. The alterations suggested were, that the guarantee fund should be extended to such an amount as would, with the probable accumulations, be sufficient to re-



deem the annuity in forty years, and that it should be a security for the dividends as well as for the capital; that the Company should retain the government of India for a defined period, not less than twenty years, and if deprived of the government at or after the expiration of that term, should be allowed to demand the redemption of the annuity, retaining the liberty of resuming their undoubted right to trade; that all measures involving direct or contingent expenditure, should originate with the Court of Directors, and that a system of publicity should be secured, applicable to important causes of difference between the Court and the Board; and that sufficient power should be retained over the commercial assets, to enable the Court of Directors to propose a plan for providing for outstanding commercial obligations, and for such commercial officers and servants of the Company as might be affected by the new arrangements. An amendment, reprobating the denial of the right of the Company to invest their own undeniable property in the public funds, in place of drawing £630,000 per annum from the revenues of India, was moved, but withdrawn, as were also one for excluding from the resolution the words requiring that the Company's Government should be renewed for a prescribed period of not less than twenty years, and one to the effect that the Company should, for the purpose of remittance, continue to carry on the China trade in com-



mon with the public. Another amendment, for leaving the whole negociation in the hands of the Directors, and in the event of their not speedily obtaining a just compromise, directing that they should apply to the Legislature, was put and negatived. Another, proposed as a substitute for the original resolution, and the principal variation from which resolution consisted in an acknowledgment that the time had arrived for surrendering the exclusive trade with China, shared the same fate. This was followed by a further motion for an amendment, expressing apprehension from the indiscriminate access of Europeans to India; denouncing the opening of the China trade as perilous; claiming for the Proprietors the power of investing their own property for their own security, or a guarantee if this power was withheld; objecting to the annuity of £630,000 per annum being made a burden upon the people of India; anticipating for the Company a successful trade with China, though deprived of all exclusive privileges and of the government of India; in the event of the Company retaining that government, calling for undiminished authority for the Directors, and the right of submitting at all times any differences with the Board to the decision of Parliament, and expressing sympathy with the commercial servants who would be deprived of employment. This amendment was lost on a division. Another amendment, proposing to leave out the



words fixing the rate at which the annuity was to be redeemed, was also lost; as was another, proposing to exclude the words "exercising the same powers as they do under the statute," from that part of the original motion which referred to the continuance of the Company's authority for a defined period. An amendment, approving of the abolition of the exclusive China trade, but impugning the security offered for the annuity, followed. This too was lost. Another, suggesting the abolition of the Board of Control, an increase of the powers of the Court of Proprietors, and the continuance to the Company, for a limited period, of the right to trade to China in common with the private trader, was moved and lost; and the question was then formally put on the original resolutions, which were carried, on a ballot, by a very large majority.

These resolutions being communicated to the President of the Board of Control, were laid by him before the Cabinet, and the result communicated to the Court. Ministers agreed to fix the amount of the guarantee fund at two millions, but refused to increase it beyond that sum; they agreed that the fund should form a security for the dividends as well as the principal, to the extent of raising money upon its credit if necessary—to fix at twenty years the renewed term of the Company's government, and to withdraw the suggestion that the Board should have a veto on



the recal by the Court of Governors and military commanders in India—to give the Proprietors the option of having their annuity paid off, on three years' notice, at the expiration of the term for which the Company were to continue to administer the government of India, or at any subsequent period when their government might terminate, and to confirm their right to resume trade, if they thought fit—to maintain the principle previously existing with regard to expenditure, excepting only in future that no expense should be incurred without the previous sanction of the Board; and they offered no objection to the suggestion that sufficient power should be retained over the commercial assets to enable the Court to provide for outstanding obligations and for the claims of commercial officers and servants, reserving only the full power of the Board to act as might be thought fit; but they refused to sanction the establishment of any means of publicity in cases of difference between the Court and the Board, and intimated a belief that no practicable means could be devised.

The concessions made by the ministers were neither few nor unimportant; but the Court of Directors still thought it necessary to press two points claimed in the resolution of the General Court, but refused by ministers. They urged, that when it had been proposed that the sum set apart for the guarantee fund should be about two mil-



lions, the term of the annuity had not been fixed, and that as forty years had since been determined on, the guarantee fund, with its accumulations, at the end of that term, ought to be equal to the amount of capital to be discharged. To act upon this suggestion required about three millions to be set apart for the commencement of the guarantee fund, instead of two millions. The other point which the Court never ceased to press upon ministers whenever an opportunity occurred was, the necessity of publicity. By this, it was explained, they did not mean the establishment of any tribunal of appeal, productive of delay and expense, but only an enactment requiring that whenever the Court should, after previous remonstrance, pass a resolution of protest against the orders or instructions of the Board, such resolution should be laid before both houses of Parliament. This, it was contended, could have no prejudicial effect; it would interpose no difficulty to giving full effect to the final orders of the Board, inasmuch as the communication to Parliament would not be made until after the orders had been despatched. On both points the answer of the minister was a peremptory refusal of compliance.*

* The entire reasoning by which the refusal of publicity was supported will be found in the following extract from Mr. Grant's letter, dated 4th June 1833:—

“I now proceed to the second of the two points on which



The decision of the Government upon these questions having been laid before the Court of

the Court are solicitous for farther concession. I allude to the proposition that, in any case in which orders dispatched to India by the overruling authority of the Board, shall have been protested against by the Directors, it shall be competent to the Directors, after the transmission of such orders, to lay their resolution of protest before both houses of Parliament. This proposition has engaged the renewed attention of his Majesty's ministers; and, notwithstanding the explanations of the Court, the ministers cannot precisely comprehend the grounds on which the proposition is so strongly prest. If the Court mean only that they ought to have the power of inviting the attention of Parliament to any matter of public policy which has placed them in collision with the Board, and which is, in their opinion, of a nature to call for such a proceeding, it is plain that this power already belongs to the Court, in the constitutional privilege which, in common with all other subjects of the realm, they undoubtedly enjoy, of approaching either house of Parliament by petition. Of this privilege, and of all that right of appeal which it necessarily involves, to the judgment of the Legislature and to the arbitration of public opinion, and of the means with which they are thus provided of checking any illegal or unconstitutional proceedings on the part of the other branch of the Home Government, they are already in secure possession. No new recognition of the existence of such a power can be necessary; and probably the exercise of it would be rather embarrassed than assisted, by any attempt to prescribe the mode, or to define the occasions, of putting it in action. But if any power materially different from this be contemplated, his Majesty's ministers must declare themselves unable to accede to the suggestion. It might, indeed, be enough for them to observe, that the proposition is too indistinct to be accepted in its present form; but they object to it



of guarantee, or to surrender their views on the influence of publicity. The resolution was lost, and another, expressing continued adherence to the views of the General Court, but recommending compliance with those of ministers, was carried. From this, the chairman, Mr. Marjoribanks, and the deputy, Mr. Wigram, dissented.* The result of the decision of the Court of Directors was a reference of the subject to a General Court, which met on the 10th, when the views of the majority of the Court of Directors were adopted, and confirmed.

On the 13th of June, Mr. Grant in his place in Parliament moved for the House to resolve itself into a Committee on Indian affairs.† On the

* Their dissent related to both points in dispute. The question of publicity was argued very strongly and fully. It was contended, that "some legislative provision forgiving publicity in certain cases of difference between the Board of Commissioners and the Court of Directors is indispensable for maintaining the independence of the Court, and, consequently, for the good government of India;" as "unless it is known that the two co-ordinate authorities act under a positive responsibility to Parliament, the paramount authority may enforce their views and opinions, however contrary to good government or wholesome rule, without the possibility of the Legislature becoming acquainted with the facts, by the ministers refusing the production of papers connected therewith to Parliament." This position was supported by an appeal to certain questions on which difference of opinion had arisen.

† The House was miserably thin, and on a subsequent day (July 10) Mr. Macaulay thus adverted to that fact. "The House,"



question that the Speaker do leave the chair, Sir George Staunton moved, by way of amendment, a string of resolutions relating to the conduct of the China trade, which having been negatived without a division, the House went into committee. Mr. Grant's speech, introductory of the resolutions which he was about to propose, was extremely long, but most of the topics had been discussed until no fertility of invention could impart to them any novelty of illustration. He panegyricized the Company's government, com-

said he, "had neither the time, nor the knowledge, nor the inclination to attend to an Indian budget, or to the statement of Indian extravagance, or the discussion of Indian local grievances. A broken head in Cold-Bath Fields excited greater interest in that House than three pitched battles in India. This was not a figure of speech, but a literal description of fact, and if he were called upon for proof of it he would refer to a circumstance which must still be in the recollection of the House—namely, that when his right honourable friend Mr. C. Grant brought forward his important propositions for the future government of India, there were not as many members present as generally attended upon an ordinary turnpike bill."

In reference to this, the following note appears in the *Asiatic Journal* for August 1833:—"We have the best authority for stating, in confirmation of the above remark, that there were rarely more members present than sufficed to 'make a house,' and many times less than that number"—less than forty!—"that several of the members present were asleep, or appeared to be so, and that the discussions upon the most important details of this tremendous measure were principally between Mr. C. Grant, Mr. R. Grant, and Mr. Macaulay, on the one side, and Mr. Wynne, Mr. Hume, and Mr. Buckingham on the other."



paring it with the government of native princes in India, and with the government of the colonies of Great Britain and other European nations. One point in its favour, advanced by the President of the Board, was, that by the interposition of the Company between the Government and the people of India, that country had been preserved from being agitated by those constant fluctuations of party and political feelings, which were so powerful here, and which would have opposed so formidable a barrier to improvement. Mr. Grant, however, objected to the union of trade with the East-India Company's government—a union, which marred its efficiency, and this he thought was a generally-admitted principle until he found two members of that house taking a different view.* He objected to it, not on the ground of theory merely, but of practical inconvenience. Another evil, he thought, in the existing system was the want of a proper check on the expenditure of the subordinate presidencies; and a further evil was found in too much interference from home. Adverting to the question of the continuance of the China monopoly, he said, it was one on which the nation had made up its mind; but he admitted that, if as a minister of the crown he felt that the decision of the nation was not founded

* Sir George Staunton and Mr. Charles Marjoribanks. For Mr. Grant's opinions on this subject in 1813, see page 189 of this volume.



in justice, it would not become him to come forward to propose a change in conformity with it. He then pronounced a panegyric upon free trade, and its results, and expressed his conviction that the time for the natural termination of the China monopoly had arrived. The profits of the China trade, he said, were declining; (which was an extraordinary reason for the clamour raised by the mercantile interests for permission to participate in it.) The jealousy and caprice of the Chinese character Mr. Grant considered as forming other grounds for discontinuing the monopoly. (They might rather have been adduced as reasons for maintaining it.) Having noticed the plans suggested for levying the duties on teas, and the intention that the Company should not suddenly discontinue its establishments for the fabrication of silk, Mr. Grant came to the financial arrangements, by which the Company were to give up the whole of their privileges and property for an annuity secured on the territory of India. After some observations intended to show that India was capable of bearing this additional burden, he proceeded to notice the intended extension of the power of the Governor-general over the subordinate presidencies—the change proposed to be made in the state of the law, by subjecting Europeans to the same jurisdiction with natives,—the removal of all disabilities for office on account of birth or religion,—the issuing of a Law Commission,—



and the appointment of two Suffragan Bishops for Madras and Bombay. He then moved three resolutions, the effect of them being to approve of the opening of the China trade,—of the surrender of the property of the Company to the Crown on condition of receiving a stipulated sum from the territorial revenues,—and of the continuance of India under the government of the Company.

Mr. Wynne approved of the opening of the China trade, but he wished some further changes in the mode of governing India. He required that the number of Directors should be reduced to six or eight; that they should be nominated by the Crown, and that each of them should have been resident in India twelve years. He remembered, he said, that during the time he was officially connected with the Board of Control, out of seven gentlemen with whom he had successively to communicate as chairmen of the Court of Directors, four had never been in India.* Mr. Wynne, however, seemed aware that serious objections lay against his plan of transferring to the Crown the entire government of India. He pro-

* It did not seem to occur to the honourable member, that though he had accepted, and for several years exercised the powers of the highest functionary in the India department of the King's government, he was himself labouring under the same disqualification which he thought so fatal to the usefulness of four chairmen out of seven with whom he had officially communicated. Mr. Wynne, it is believed, was never in India.



tested against any comparison between the government of India and the government of their colonies by European nations, because India was not a colony, but a mighty empire. This may be admitted; but the point sought to be established by those who made the comparison* is unshaken. India is a dependency of Great Britain, deriving her government from that country; so also are various colonial possessions in the West-Indies and elsewhere. Here, then, is a similarity of situation. But India, which has been ruled through the intervention of the East-India Company, has been governed far better than those outlying portions of the British dominions which have been subjected immediately to the Crown. The analogy is sufficient to warrant the conclusion, and the result is most honourable to the East-India Company. Mr. Wynne thought many better ways of disposing of the patronage of India might be found than that of continuing it with the Directors; and he referred to Lord Grenville's plan, proposed in 1813, and then torn to pieces by Mr. Grant.† The absence of responsibility, Mr. Wynne

* Sir Charles Forbes, Sir Robt. Peel, Mr. Grant, and others.

† The plan, Mr. Wynne said, of putting up a certain number of appointments for competition at the universities and public schools, had, since its original suggestion, been carried into execution, alluding, it is presumed, to his own proceedings in that way. With regard to the competition plan, one question has never been answered—Why is it necessary for the civil



thought a great evil; and this arose from the Court of Directors and the Board of Control acting together. Mr. Wynne might have learned from the papers printed by order of the Company, that the Directors had strenuously contended for giving publicity to the differences, when any might arise, between themselves and the Board. Mr. Wynne, after some remarks on the change contemplated in the relative positions of the Government of India and the subordinate presidencies, concluded by saying that he disliked delay, but recommended that the subject should be suffered to stand over to the next session.

After some remarks from various speakers, Mr. James Silk Buckingham proceeded to attack the East-India Company, and all connected with it, in a speech, the malevolence of which scarcely equalled its feebleness. Mr. Cutlar Fergusson followed, and appealed to the comparative condition of the Company's territories and those of native princes, as evidence of the good government of the former. He testified, from personal knowledge, to the feeling entertained by the Indian Government towards natives; and said, that

service of India, and no where else? Mr. Wynne did not attain the office of President of the Board of Control by public competition, any more than he secured his seat in Parliament by the mode which he suggested for the appointment of India Directors—namely, by nomination of the Crown.



if he were to point out a fault in this respect, it was that the leaning was towards the natives rather than towards Europeans. Mr. Fergusson defended the exercise of the patronage of the Company, as having been performed with a degree of good faith, honour, and integrity, never surpassed; paid some rather unnecessary compliments to Mr. Buckingham, and concluded with pointing out the difficulties of improving the state of the law in India. The discussion, if discussion it might be called, was cold, meagre, and purposeless. The resolutions were, of course, carried.

On the 17th they were carried up to the Lords, where some conversation took place on the propriety of laying before the House some additional information. On the 28th, Mr. Grant, in the Commons, presented a bill, founded on the ministerial plan of compromise with the East-India Company, which was read a first time.

The great outlines of the bargain between the Government and the Company were now settled; but there remained many points connected with the administration of the government of India to be arranged. The most important of those were, the proposed separation of the north-western province from the Bengal presidency, for the purpose of forming a separate government; the determination of the powers of the Governor-general in council; and the constitution and functions of the subordinate governments. The proposal to



deprive the latter governments of the power of legislation, as well as to take away the councils by which the governors had heretofore been assisted, were strenuously opposed, not only by the Court of Directors, but also, as will be seen, in Parliament.

On the 5th of July, in the House of Lords, the Marquess of Lansdown moved the concurrence of their lordships in the resolutions sent up from the Commons. In introducing this motion, the noble marquess first addressed himself to the China trade. He affirmed, that the trade of the Company was a losing trade—but this the figures which he adduced did not establish; they only shewed that the profits of the trade had undergone some diminution. In answer to the position, that the character of the government of China is inconsistent with the admission of individual enterprise and private speculation, he asserted that the Chinese Government, despotic as it is, could not oppose itself to the wishes, the feelings, and the interests of the Chinese people. He illustrated this by referring to the opium trade from India to China—a reference from which he would certainly have abstained had he spoken a few years later. To the mode in which the Company had exercised the administration of the government of India, his lordship did justice. After a variety of financial details, he adverted to the intention to render natives of India universally admissible to



office; to the state of the law in India, and the necessity of compiling a code; and to the more free admission of Europeans to India—on all which points he, of course, justified the means proposed to be taken in the ministerial measure.

Lord Ellenborough, who followed, after speaking to the financial part of the question, admitted that some compromise similar to that submitted to the House would have taken place, under the administration with which he was connected, but he said it was not intended to restrain the Company from trading. He expressed an apprehension that the character of the constituent body, the proprietors of India stock, would be deteriorated by the changes, and contrasted the position of the Company with respect to India before and after those changes. “Hitherto,” said his lordship, “they have derived their dividends from the profits of commerce. Those profits have relieved the revenues of India. Then they appeared as beneficent conquerors, deriving no other advantage from their conquest than what a generous system of commercial intercourse with the conquered realized: what will be their condition now? They will appear in the very undignified and not very popular character of mortgagees in possession, all their profits being derived from sums drawn from the Indian people.” Other parts of the ministerial plan his lordship considered still more injurious. His hostility was



especially directed against the proposal that Indian governors should be relieved from the restraint of councils, and that the Supreme Government should legislate for all India. In reference to the first he said, "When a man comes to be acquainted with the workings of the Indian Government, I admit that his first impression is, that it would be convenient that the governors should not be embarrassed by councillors. There is hardly a circumstance which would not at first sight induce him to pronounce that opinion. There is delay, embarrassment, and annoyance in having a proposition discussed in council,—in writing minutes, and going through all those operations in a small room which are gone through by the ministers here in the two houses of Parliament. It is, my lords, in truth very inconvenient, but it makes the government of India, a government of record; it makes the government here a judge of the propriety of those acts done in India—but more than that, it controls the passions of the Governor—it requires from him reflection as a preliminary to action—it leads to that constant record of proceedings which again establishes a certain, an ultimate, and not distant responsibility; it is a true security against the abuse of absolute power. In taking the councils from the Governors of India, you take from the people the best security for good government. I care not what theorists may advance—you may talk to



‘persons acquainted with the philosophy of man and of government,’ as one of the witnesses before the House of Commons expresses himself; but you know not man, nor the nature of man, if you suppose that absolute power can be exercised beneficially for a people, without placing that absolute power under responsibility, and requiring from it reflection before it acts. But you propose in this case to take away this responsibility, and this necessity for reflection; nay more than this—for what are the future powers of this Governor to be? Will any respectable man take the office? he is to be deprived of the power of legislation!—of the power of expending a single shilling! And yet to this man, so degraded by your jealousy, you leave the whole executive power of the government, without that control with which the prudence and wisdom of former parliaments have surrounded it.” In reference to the proposal, to place with the Governor-General in Council the sole power of legislation for India, his lordship asked, “Can they legislate for distant places as well as if they were on the spot? Is it possible for them to legislate for the whole of India, fixed as they will be at Calcutta, so satisfactorily as a council being in the country where the laws are to be applied? It is evident they cannot. Legislation will be much better performed, as it has been, by a local than by a distant government.” To profess to open all offices to natives, Lord



Ellenborough regarded as "a mockery." "The very existence of our government in India," said he, "depends upon the exclusion of the natives from military and political power in that country. They should be eligible to hold every office which could be held by them with safety to the state. But we are there in a position not of our own seeking, a position from which we cannot recede without producing bloodshed, from one end of India to the other. We won our empire by the sword, and by the sword we must preserve it. It is the condition of our existence there; but consistently with that condition let us do every thing to benefit the people and *for* them, although at present, perhaps, it is not possible to do much *by* the people. I confess, when I look at all the great achievements of our predecessors in that country—when I look at all they have done both in war and in peace—when I look at the glory which first dawned upon our opening career, and at the real benefits which successive great men and wise statesmen have conferred upon the natives of that great empire—I do contemplate with dismay this crude undigested mass of ignorant theories, formed by persons who know nothing of India, and who *will* know nothing of India; who imagine that men possessing all the passions, and all the prejudices which we ourselves possess, can be governed as if they were cyphers; and who place at the head of an absolute government, contrary to all experi-



ence, and contrary to the recorded wisdom of former governments, men possessing great and unlimited powers, but from whom reflection before action will not be hereafter required, and who will be placed in a position from which all real, ultimate responsibility will be taken away, because the records of their actions and the reasons for them will be altogether lost."

The Earl of Ripon defended the ministerial bill, and, in answer to Lord Ellenborough's remarks upon the intended abolition of councils, said this part of the subject had been misapprehended. It was not meant that councils should be wholly abolished, but that the subordinate governments should be more directly than before under the control of the Governor-General, and that he with the consent of the Government at home, might appoint a council for each government. The noble Earl also adverted briefly to some other points of the ministerial measure.

The Duke of Wellington spoke with much feeling and felicity of expression. He said: "Having been so long a servant of the East-India Company, whose interests you are discussing—having served for so many years of my life in India—having had such opportunities of personally watching the operations of the government of that country, and having had reason to believe, both from what I saw at that time and from what I have seen since, that the government of India



was at that time one of the best and most purely administered governments that ever existed, and one which has provided most effectually for the happiness of the people over which it is placed, it is impossible that I should be present when a question of this description is discussed, without asking your lordship's attention for a very short time, while I deliver my opinion upon the plan which his Majesty's ministers have brought forward. I will not follow the noble marquess who opened the debate into the consideration, whether a chartered company be the best calculated or not to carry on the government or the trade of an empire like India. That is not the question to which I wish now to apply myself. But whenever I hear of such discussions as this, I recal to my memory what I have seen in that country. I recal to my memory the history of that country for the last fifty or sixty years. I remember its days of misfortune, and its days of glory, and call to mind the situation in which it now stands. I remember that the government have conducted the affairs of—I will not pretend to say how many millions of people (they have been calculated at 70,000,000, 80,000,000, 90,000,000, and 100,000,000), but certainly of an immense population—a population returning an annual revenue of £20,000,000 sterling; and that, notwithstanding all the wars in which the empire has been engaged, its debt at this moment amounts only to



£40,000,000, being not more than two years' revenue. I do not say that such a debt is desirable, but, at the same time, I do contend that it is a delusion on the people of this country, to tell them that it is a body unfit for government, and unfit for trade, which has administered the affairs of India with so much success for so many years, and which is at length to be put down, (for I can use no other term,) upon the ground that it is an institution calculated for the purposes neither of government nor trade." His grace then proceeded to condemn the ministerial arrangements, as being framed without regard to the situation of the Company, without regard to the relation in which its trade stood, not only with the East-Indies, and the finances and general interests of that country, but also with the interests of England, and of the metropolis in particular. He alluded especially to the misery and ruin which would arise to those deriving their subsistence from the commerce of the Company, declared his hostility to the proposed arrangements for the local governments, expressed his conviction that no influx of European capital into India would take place, and concluded by urging the necessity of upholding the power and influence of the Company. "Depend upon it, my lords," said his grace, "that upon the basis of their authority rests the good government of India."

Some dispute took place as to the intentions of ministers with respect to the continuance of coun-



cils at the subordinate presidencies. Lord Ellenborough had assumed that they were to be abolished. The Marquess of Lansdowne, referring to the Bill which had been prepared, affirmed that they were to be retained. Lord Ellenborough, in explanation, said, that unless the speech of the President of the Board of Control had been strangely misrepresented in the ordinary vehicles of intelligence, he had declared it to be the intention of Government to dispense with the subordinate councils. The Marquess of Lansdowne, in answer, said that, without consulting the President of the Board, he would take upon himself to state that the report of his speech must be incorrect, as it had always been intended that the Court of Directors should have power to appoint members of council.

This statement, however, must have been made under misinformation. The intentions of Government were not left to be ascertained from a speech in the House of Commons, whether correctly reported or not. The point at issue had been the subject of correspondence between the Board of Control and the Court of Directors, the Court upholding the continuance of councils at the subordinate presidencies, the Board opposing it.*

* *Vide Papers* respecting the East-India Company's Charter, 1833. Summary of principal provisions of proposed bill,



After a reply from the Marquess of Lansdowne, the resolutions were carried.

On the 10th of July the Bill was read a second time in the House of Commons. Mr. Buckingham protested against the principle of the Bill, and made a long speech in support of his views. Mr. Hume gave a qualified assent to the Bill. Mr. Whitmore took objections to several parts of it. Mr. Macaulay defended both its principle and details. Mr. Wynne gave a synopsis of his formerly expressed views. Mr. O'Connell made some remarks on the landed tenures of India. Mr. Todd found fault with some of the provisions of the Bill. Mr. Robert Wallace thought that the Bill gave universal satisfaction, and reviled

transmitted by Mr. Charles Grant, June 24th 1833, p. 260—Letter of Mr. Grant, 27th June, p. 266—Letter from the Court of Directors to Mr. Grant, 2d July, 310—Petition of East-India Company to House of Commons, p. 404—Petition to the House of Lords, p. 450—Mr. Tucker's Dissent, p. 342—Mr. Jenkins's Dissent, p. 858. It is observable also, that while the bill as passed by the House of Commons (27th July 1833) contained a clause (54), giving the Court of Directors power to appoint councils at the subordinate presidencies (with the approbation of the board), another clause (56), declared that Governors where *no councils might be appointed*, should "have all the rights, powers, duties, functions and immunities whatsoever, not in anywise repugnant to this act, which the Governors of Fort St. George and Bombay, in their respective councils now have within their respective presidencies."



the company of Merchant Tailors.* Mr. Ewart said India wanted skill more than capital, and glanced at the salt and opium monopolies. Mr. Charles Grant replied. On the whole, the debate produced little to elucidate the questions agitated, or to affect their decision.

On the 12th, after some preliminary discussion, the House went into Committee on the Bill. Mr. Hume proposed that the tenure of the Company should be determinable at the expiration of ten years. Mr. Lyall urged the impossibility of supposing that the Company would suspend their right of trading for the sake of having their charter renewed for so short a term as ten years. The amendment was lost. Some discussion took place on the question of relinquishing or abolishing councils in the subordinate presidencies; on the controlling power of the Governor-general; on the establishment of a new subordinate government at Agra, and other topics, in the course of which Mr. C. F. Russell recommended the removal of the seat of the Supreme Government from Calcutta to Bombay, a suggestion which was noticed with approbation by Sir Robert Inglis.

* It may not be easy to conjecture how this could have been effected in connexion with any thing before the Committee. The attack on the Merchant Tailors was based on the casual mention of that body, among other public companies, by Mr. Macaulay.



The proceedings of the Committee were resumed on the 15th. After much discussion on the legislative powers proposed to be entrusted to the Governor-general in Council, Mr. Cutlar Fergusson moved an amendment, excepting the local limits of the settlements of Fort William, Madras, and Bombay, from its operation, which was lost. On the 16th Mr. Fergusson moved another amendment, the effect of which was to withdraw any discretionary power as to the existence of councils at Bengal, Madras, and Bombay, and to make the continuance of councils imperative. The amendment was supported by Mr. Hume, Sir Robert Inglis, Mr. Wynne, Sir Harry Verney, Mr. Charles Marjoribanks, Colonel Evans, and Lord Ashley, and opposed by Mr. Charles Grant, Mr. Robert Grant, Mr. Charles Buller, and Mr. Strutt. It was lost on a division. An amendment, moved by Sir Harry Verney, appointing the Governor-general Governor of the whole province of Bengal, with two Lieutenant-governors to carry on the duties of the administration, one residing at Agra and the other at Calcutta, was withdrawn. Mr. Buller proposed an amendment, excluding the Governor-general from the governorship of any particular presidency, which was supported by Mr. Strutt and Mr. Hume, but lost on a division. On the 17th, Mr. Hume moved that a clause, declaring it unlawful for persons to reside in certain parts of India without license, should



be omitted. The amendment was lost by a large majority. A clause respecting slavery was added, on the motion of Mr. Charles Grant. A rather stormy discussion on the proposed establishment of two new bishoprics in India followed, and after two divisions, the motion that the Chairman report progress was agreed to without opposition.

On the 19th, the discussion of the subject was resumed. Mr. O'Connell pleaded for a Catholic establishment in addition to a Protestant one. Mr. Grant took a conciliatory tone, and proposed that Catholic priests should be paid. Mr. Wynne approved of this course. Mr. Shiel opposed the payment of any religious teachers. The Chancellor of the Exchequer (Lord Althorp) said Government were as willing to sanction other churches as the church of England; and Mr. O'Connell declared himself satisfied. Sir Robert Inglis supported the establishment of the new bishoprics; Mr. Hume opposed it altogether. Mr. C. Buller took the same course, while Major Cumming Bruce, avowing himself to be a member of the church of Scotland, entreated the ministers to persevere in carrying the clause, which he believed would give great satisfaction in the country. Mr. Finch, Sir Matthew White Ridley, Lord Morpeth, Sir John Maxwell, and Mr. Cutlar Fergusson having spoken in favour of the clause, and Mr. O'Dwyer, Mr. Ruthven, Mr. Halcombe, and Mr. G. F. Young against it, a



division took place, and the clause was carried. The various clauses relating to the allowances of the new bishops gave rise to some discussion, as did also the provisions relating to the education of civil servants at Haileybury, and the mode of selecting them. On the latter point, Mr. Wynne took the opportunity of re-publishing the opinions which he had so often advanced, in favour of distributing writerships by competition among candidates in the universities and public schools. To the ministerial plan, by which candidates were to be nominated in a four-fold proportion to the number of appointments, and the requisite number selected for Haileybury from among them, Mr. Lyall took a very powerful objection, that it made the conduct of the boy, instead of the young man, the rule of promotion. An amendment moved by Mr. Hume, reducing the salary of the Governor-general, was lost, and an additional clause, moved by Colonel Leith Hay, making it imperative to retain at each presidency two clergymen of the church of Scotland, which was opposed by Mr. Hume and Mr. Warburton, was carried on a division.

The report being brought up on the 22d July, Mr. Wilbraham (Member for Cheshire) submitted a motion in favour of abolishing the salt monopoly, which was seconded by Mr. Ewart (Member for Liverpool). Mr. Buckingham and Mr. Hume supported the views of those gentlemen. Mr.



Grant and Mr. Cutlar Fergusson craved time for the termination of the monopoly.* The motion was not pressed to a division. Mr. C. Buller moved an amendment, reducing the period of attendance at the college at Haileybury, which was withdrawn; and Mr. Hume renewed his motion for a clause to admit of putting an end to the Company's government after the expiration of ten years, which was lost.

On the 26th July, a General Court of Proprietors was held, and a petition to the House of Commons against the bill agreed upon. The petitioners complained of the want of any provision for reporting to Parliament cases, where the Board of Control and the Court of Directors might finally

* The concluding remarks of Mr. Cutlar Fergusson were very important, but they do not appear to have fixed the attention of the House. "I will take this opportunity of expressing a hope, that while such active endeavours are made to extend the manufactures of England, we should also do something for the manufactures of India. At present our cottons and woollens are imported into India on payment of a duty of two-and-a-half per cent., while at the same time a duty of ten per cent. is charged upon the cottons of India. A few years ago in Dacca alone 50,000 families obtained the means of subsistence by the cotton manufactures, but from the commercial policy this country has pursued with regard to India, not one-tenth of the number are now employed in this branch of industry. I trust that this system will be abandoned, and that articles produced by the natives of India will be admitted into England on payment of a small duty."



differ,—of the increase given to the power of the Governor-general, and the diminution of that of the subordinate governments,—of the institution of a fourth Presidency for the north-western provinces,—of the proposal to withdraw councils from the Government of Madras and Bombay,—of the increase of expense which would be occasioned by the creation of new offices,—of the increase of the ecclesiastical establishment,—and of the retention of the college at Haileybury. The petition was presented the same evening by Mr. Cutlar Fergusson, who moved, that the petitioners be heard by counsel at the bar of the House on the third reading of the bill. The motion was seconded by Mr. Hume, supported by Mr. Wilkes, Mr. Buckingham, and Sir Richard Vivian; opposed by Mr. Robert Grant, Mr. Macaulay, and the Solicitor-general, and lost on a division by a hundred to thirty-three. It was objected, that the petitioners ought to have come sooner. To this Mr. Fergusson answered, that they had not the opportunity; that the Court of Proprietors could not be summoned without giving several days' notice, and that the Court of Directors had delayed calling them together, in expectation of receiving communications from the President of the Board of Control, which, however, he had not thought fit to give.*

* Mr. Fergusson had occasion, of which he availed himself,



This refusal of a hearing to the East-India Company, who were about to be deprived of privileges and power, the growth of centuries, was followed by a desultory debate, each member selecting for his topic any point of Indian policy on which it suited him to expatiate. Mr. Buckingham declaimed against the limited right of settlement, and the church establishment; Mr. Wynne gave

of rebuking the proverbial impatience of the House with respect to Indian affairs. While calling attention to the petition, he was interrupted by noise, on which he said, "I give the House full credit for the most perfect indifference to the statements of these petitioners, but I do think they are bound to preserve something like silence, instead of the incessant conversation and confusion which now prevails." And in his reply, after dwelling upon the deep interest which he felt in the bill, he said, "Have the Company, I ask, been heard upon this subject? I deny it. If a member has ventured to open his mouth in their favour, he has scarcely been able to obtain a hearing." Sir Robert Inglis on the same evening adverted to the subject. He said, "I know how little interest is excited by India, how much less by China. Adam Smith, in his 'Theory of Moral Sentiment,' has said that it would give a man of tolerable humanity more distress to be told that his own little finger was to be cut off to-morrow morning, than to hear that the whole empire of China had been swallowed up by an earthquake. In the one case, he would perhaps lie awake, in the other he would only think that he would lose his tea." Mr. Wynne, in reference to the bill then before the House, observed that he "did not remember any bill occupying so much time, and on so important a subject, which had excited so little attention and created so little interest."



utterance to his never-sleeping wish to reduce the number of Directors; Mr. Poulett Thomson defended the burdensome and unequal duties imposed in this country on India productions. Several other members speculated on futurity; after which Mr. Grant made a short and very unnecessary reply, seeing that the fate of the bill was as certain as though it had become law. It was read a third time, when Mr. Wynne moved, by way of rider, a clause embodying one of his favourite views as to patronage, by setting aside a certain number of military appointments, to be bestowed on the sons of officers. The clause was negatived without a division. Mr. Shiel, who had previously contended that no form of Christianity should be supported in India, then moved a clause for extending support to the Roman Catholic church "and others differing" from the established churches of England and Scotland; but, on a promise from Mr. Grant to add to a future clause a proviso, leaving the Governor-general at liberty to grant sums of money to any sect or community of Christians, Mr. Shiel withdrew his clause. Sir Richard Vivian then proposed a clause, restraining the Governor-general in council from making laws affecting the inhabitants of the presidencies, without registration in the European courts. It was lost: when Mr. Cutlar Fergusson moved the omission of the clause, vesting the governments of the presidencies in a gover-



nor irrespective of a council.* This motion was pressed to a division, and the retention of the clause carried by a majority. After various additions, which excited little or no discussion, Mr. Grant proposed his proviso (promised to Mr. Shiel), allowing the Governor-general in council, with the sanction of the Court of Directors, to grant money to societies of Christians not belonging to either of the established churches of Great Britain. This was strenuously opposed by Mr. Andrew Johnstone, who said he felt bound to the course he was adopting, by a sense of his duty as an elder of the church of Scotland. Mr. Sinclair, Mr. Pease, and Mr. Plumtree agreed in the objections of Mr. Johnstone; but, on a division, the proviso was adopted by a great majority. Mr. Wynne moved an amendment, the effect of which was to dispense with the necessity of candidates or writerships passing through Haileybury. Mr. Lyall took occasion to avow his conviction, that the four-fold plan of nomination could never be brought into effect.† Several members attacked the college: its solitary defender was Mr. Robert Grant, but the amendment was lost. The bill then passed the Commons. On the 29th July, it was

* These discussions, both in Committee and in the House, prove the accuracy of the remark made at page 611.

† The result has shown this belief to have been well-founded. By the 1 Vict. c. 70, the operation of the plan was suspended.



read a first time in the Lords; and again on the 2d of August *sub silentio*.

A General Court of Proprietors of the East-India Company had been held on the 31st of July, when a petition to the House of Lords, similar to that presented to the Commons, was agreed upon. This petition was presented on the 2d of August by the Earl of Shaftesbury, who proposed to move that the petitioners be heard by counsel, if not contrary to the sense of the House; but, as some Peers opposed this proceeding, and none supported it, the noble Earl took for granted that his intended motion was contrary to the sense of the House, and abstained from making it. The Marquess of Lansdowne then moved the third reading of the bill without a single remark in its favour, alleging that as Lord Ellenborough intended to move an amendment, he reserved his observations to a future period of the debate. Lord Ellenborough thereupon claimed a right of reply, if he should deem it necessary, which the Marquess of Lansdowne instantly conceded. It was certainly a novel mode of proceeding, to allot the opening and reply in a discussion on a ministerial bill to a member of the opposition. Lord Ellenborough, to whose care a bill, brought in by his opponents, was thus suddenly surrendered, then moved, "that it be an instruction to the Committee to omit all such clauses in the bill as relate to alterations in the constitution and powers



of the governments of the several Presidencies of India." The Marquess of Lansdowne made some observations in defence of the ministerial measure. The Duke of Wellington followed, arguing against the total discontinuance of trade by the Company, and pointing out some difficulties in the proposed constitution of the Governments of India.* Lord Ellenborough's amendment was lost, and the House then went into Committee on the bill. The different clauses were dispatched with great rapidity. Lord Ellenborough took some objection to the clauses, directing a reference to the Court of King's Bench, when the Court thought the orders of the Board contrary to law. His lordship appeared to desire to limit the power of the Court of Directors more closely than had ever before been deemed necessary, and to suspect that the contents of secret despatches were communicated to Directors not members of the Secret Committee. Lord Auckland answered that, as the members of the Committee were sworn to secrecy, it was highly unlikely that such circum-

* With regard to the Governor-general, the Duke observed that, "he would not only have augmented duties to perform with the assistance of an augmented council, but also to attend to the business of Bengal without any council." The Marquess of Lansdowne immediately exclaimed, "Not so; he will have the assistance of a council." This, however, appears to have been incorrect. The governor of Bengal has no council.



stances should take place. On the 7th the remaining clauses of the bill were proceeded through with equal celerity. On the 8th of August the amendments were reported, and on the 9th, after some discussion on the claims of various classes of creditors whose interests might be affected, the report was taken into consideration. Some amendments of a financial character were moved, and negatived; after which the Marquess of Lansdowne moved that the fifth member of the Council of India, who was to be a person not in the service of the East-India Company, should be excluded from sitting or voting, except when making laws or regulations, which was agreed to; as was also a modification of the clause respecting slavery, submitted by the same nobleman.

The fate of the bill and of the Company in connection with the government of India, were now approaching to a crisis. A General Court was summoned for the 13th of August by the Chairman and Deputy-Chairman at the request of the President of the Board of Control. On the previous day a Court of Directors was held, when a motion was submitted (it is presumed from the Chair), declining to recommend the acceptance of the bill by the proprietors, and referring the question altogether to the discretion of that body. An amendment was moved, which, while lamenting the cessation of the Company's trade,—disapproving



of the increased power of the Board,—regretting the refusal of Parliament to provide a rule of publicity,—and avowing apprehension as to the effects of the intended changes of the finances of India,—yet in the conviction that the powers of the Board would be exercised so as not to interfere with the independence of the Company as a body acting intermediately between the King's Government and the government of India, which independence all parties had admitted it to be of vital importance to maintain,—and, in the belief that Parliament would interfere for the relief of financial difficulties, if any should arise in consequence of the changes, to recommend to the proprietors to consent to place their trade in abeyance, in order to undertake the exercise of the government of India for twenty years, under the conditions and arrangements of the bill. The amendment was carried, and the Chairman and Deputy (Mr. Marjoribanks and Mr. Wigram) immediately delivered in a dissent.*

* The following is the paper referred to in the text :—

“Differing from the majority of the Court of Directors who have this day passed a resolution recommending the proprietors to place their charter in abeyance, we record our dissent from that proceeding, and shall briefly state our reasons for doing so.

“It is impossible for us to contemplate the annihilation of the basis upon which the East-India Company was originally incorporated, without reflecting that Great Britain owes to their exertions the valuable trade with India and China, as well as

At the General Court on the 13th, various papers were read—the minutes of the Court of Directors

its maintenance during two centuries, amidst great embarrassment at home and the powerful opposition of European and native enemies abroad, and that in its prosecution the Company laid the foundation of the British empire in India.

“The extension of the Company’s territorial possessions became matter of great national interest, and led to political power, under Parliamentary regulation, being engrafted upon their commercial character.

“The union of government and trade being thus considered the system best calculated to preserve the stability of our rule in India, and at the same time to secure the greatest benefits to that country and to England.

“The opinion of those statesmen who took the leading part in the proceedings of 1793 and 1813, prove that they were governed by the same principles in proposing the arrangements concluded at each of those periods, between the public and the Company; and the following extracts from the last Report of the Parliamentary Committee, printed in August 1832, appear to us to establish the fact that these joint functions have hitherto produced the most beneficial effects:—

“‘That the British sway has conferred very considerable benefits on India can hardly be doubted, since under our government the people enjoy advantages which all history shows they never possessed under their own princes—protection from external invasion, and the security of life and property.’ (a)

“Again,

“‘The finances of India have derived advantage from their existing connection with the commerce of the Company,

“‘1st. Through the direct application of surplus commercial profit;

(a) *Vide* p. 19 of the Report of the Select Committee on the Affairs of the East-India Company.



held the previous day ; the dissent of the Chairman and Deputy-chairman ; a letter from Mr. Tucker, stating some objections to the bill, but recommend-

“ ‘2d. By the rates of exchange at which the territorial advances from commerce in England have been repaid to commerce in India ;

“ ‘3d. In consequence, as is alleged, of the remittances from India annually required for the payment of those territorial charges defrayed in England, having been made through the Company’s commerce.’ (a)

“ With these admitted results, we consider that, although deprived of their monopoly of the China trade, but at the same time relieved from all the legal obligations by which their transactions have hitherto been fettered, the Company might have continued to trade with great advantage, especially as regards the question of remittance.

“ It was, therefore, with much surprise that we first perused the Hints submitted by his Majesty’s Government, containing the proposition that the Company should henceforth abandon all commercial operations, and transfer to territory the whole of their assets at home and in India.

“ We, nevertheless, felt it to be our duty to give our best consideration to the proposed scheme ; we did so with an anxious desire that the Company, who had already secured such great advantages to their country, should not disappoint even its further expectations, but consent to waive the exercise of the commercial rights which they possess in perpetuity, if the proprietors were fully secured in the regular receipt of their present dividend, and in the ultimate payment of their capital, and provided that such a plan were devised as would enable the Company ‘efficiently to administer the government of India for a further term with credit to themselves and with advantage to that empire.’



ing that with all its defects it should be accepted; a paper signed by Mr. Thornhill, concurring with

“It is with these views that we became parties to the resolution, passed by the proprietors at the ballot on the 3d May last, which formed the basis of the proposed compromise.

“Two of the points contended for in that resolution were the extension of the guarantee fund to three millions, and the provision for publicity as a rule.

“To the first we still consider the proprietors entitled, both in justice and in equity, from the proceeds of their commercial assets.

“The latter provision we deem indispensable to the independence of the Court of Directors.

“Neither point has been conceded, whilst other provisions have been introduced into the bill which render the scheme, in our judgment, still more objectionable.

“We consider that, although some important modifications have been made in the bill introduced into Parliament subsequently to the resolution of the Court of Proprietors of the 3d May, particularly as regards the retention of councils at the subordinate presidencies, the measure as it stands involves an unnecessary departure from the principles upon which the governments of those presidencies have hitherto been conducted, and by which they were made directly responsible to the authorities at home.

“This change, so far from preventing the recurrence of the delay, upon which much stress was laid in the late Parliamentary inquiry, will, in point of fact, increase the evil, and instead of relieving the Governor-general from a portion of those duties which are now complained of as too multifarious, it will impose upon him additional labour and responsibility. It will, moreover, admit of the existence at the same time of six distinct executive authorities, which may lead to much embarrassment.

“We think the provisions of the bill will create a considerable additional charge upon India without conferring any adequate



Mr. Tucker both in his objections and recommendation, and a letter signed by Mr. Astell and thir-

benefit, whilst that country will by the same measure be deprived of those resources, without which her financial means, as regards both income and remittance, will be put to great hazard.

"Upon the point of remittance, we are at a loss to imagine how the same is to be effected to the requisite extent, and, if effected, we fear it will be at a very unfavourable rate of exchange, and, consequently, at a great loss to the Indian finances.

"We are likewise of opinion that the bill leaves the assets transferred to territory to be applied and disposed of in a manner which we much fear will occasion not only a serious deterioration of property, but great disappointment and distrust; and, lastly,

"We consider that the Court of Directors, instead of being placed by the present bill in the position in which alone they can independently, and, consequently, advantageously discharge their duties, will be converted into little else than a mere instrument for the purpose of giving effect to the acts of the controlling Board, and it would consequently have been far better that his Majesty's Government should have openly and avowedly assumed the direct administration of India, than have attempted to maintain an intermediate body in deference to those constitutional principles which led to its original formation under Parliamentary regulation, but deprived of its authority and rendered inefficient by the present measure, and which will become, in our opinion, a mere useless charge upon the revenues of India.

"In thus stating our sentiments we discharge a painful, but at the same time what we feel to be an imperative duty, and with this feeling we cannot consent to incur the responsibility of recommending to our constituents to confirm the compromise, by consenting to place their chartered rights in abeyance under the provisions of the present bill."



teen other Directors.* A motion was then made similar in spirit to the amendment carried on the

* The letter follows. The Directors who signed it, besides William Astell, Esq., were William Stanley Clarke, Esq., George Raikes, Esq., Henry Shank, Esq., Sir William Young, Bart., Russell Ellice, Esq., William Butterworth Bayley, Esq., Sir Richard Jenkins, George Lyall, Esq., John Cotton, Esq., J. P. Muspratt, Esq., Henry Alexander, Esq., John Masterman, Esq., and Sir James Law Lushington.

“We feel called upon, in consequence of the dissent of the Chairs, to state the general grounds which induced us to support the resolution adopted by the majority of this Court yesterday.

“It is at all times matter of regret to us, when we find ourselves on any measure opposed to the opinion of the Chairs; and that regret is much increased when the difference arises on a question of such moment as that which at present divides us. We feel it the more, because we think the Chairs have succeeded, since the opening of the present negotiation, in obtaining important modifications in the plan as originally proposed, as well as in the bill now before Parliament.

“We concur in many of the views entertained by the Chairs; and were we to consult only our personal feelings, we might possibly arrive at the same conclusion: but in deciding on a question involving such various interests, and encompassed on all sides with much difficulty, we feel bound to pursue that course which, upon the whole, appears to us to be most conducive to the interest of the Proprietors and to the welfare of India.

“We sincerely wish that the scheme proposed by his Majesty's Ministers had been based on established principles, the soundness of which had been proved by the result of long experience, rather than upon untried theories; but we cannot forget that the basis of the present compromise was agreed to



preceding day in the Court of Directors, disapproving the change, but accepting the government of

by the Company on the motion of the late Sir John Malcolm, not hastily, but after seven days' discussion; not by a show of hands, but by the ballot on the 3d May last, and by a majority of 425 proprietors out of 477. (a)

"On that occasion the Company adverted to the long and intimate connexion which had existed between them and India, and declared 'that, if Parliament in its wisdom should consider, as his Majesty's Ministers have declared, that the advancement of the happiness and prosperity of our native subjects may be best promoted by the administration being continued in the hands of the Company, but divested of their commercial character, the Court of Directors having suggested, as it was their duty to do, the difficulties and dangers, political as well as financial, which beset the dissolution of the connexion between the territorial and the commercial branches of their affairs, will not shrink from the undertaking even at the sacrifices required, provided that powers be reserved to enable the Company efficiently to administer the government, and that their pecuniary rights and claims be adjusted upon the principle of fair and liberal compromise.' (b)

"Power was also claimed to enable the Company to make suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangements.

"The resolution having been communicated to Mr. Grant, that gentleman, in his letter of 27th May, declared it to be the anxious wish of his Majesty's Government 'to accommodate themselves, as far as it be practicable, to the views and feelings of the

(a) *Vide* page 181, Negotiation Papers.

(b) Page 183, printed Charter Papers.



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CHANGES OF 1833.

India under the bill. An amendment was then submitted, declining to accept the bill, and con-

Company,' (a) and pointed out the modifications which had been made.

"The Court of Directors, on the 29th May, (b) acknowledged with much satisfaction the several modifications of the plan of Government which that letter announced, and were persuaded that their constituents, equally with themselves, would appreciate the spirit of frankness and conciliation in which those modifications had been conceded. They expressed themselves satisfied with the manner in which the dividends were to be regularly paid, (c) but re-urged the fair claim of the proprietors to an increase of the guarantee fund, and likewise provision for a rule of publicity to Parliament.

"Upon the reply from his Majesty's Ministers of the 4th June, in which explanations were made as to the guarantee fund, and the redemption of the annuities, and reasons assigned for withholding concurrence in the establishment of a rule for publicity before Parliament, the Court of Directors came to a resolution, 'that they were prepared to recommend, that if it should be the pleasure of Parliament to limit the sum to be set apart to two millions, the proprietors should defer thereto;' (d) and that the question of publicity should be left to the decision of Parliament, the Court confidently expecting that Parliament would view the importance of such a provision in the same light as the Court.

"The General Court of Proprietors, on the 10th June, concurred in opinion with the Court, and adopted their recommendation. (e)

(a) Printed Charter Papers, page 185.

(b) Ibid. page 191.

(d) Ibid. page 203.

(c) Ibid. page 193.

(e) Ibid. page 213.



demning its provisions, as well on financial grounds as on that of placing despotic power in the hands

“The principles of the basis of the compromise were thus virtually ratified by the Company, leaving the two points, as to the increase of the guarantee fund, and the enacting a rule of publicity, to the pleasure of Parliament.

“On the 25th June, Mr. Grant transmitted to the Court a summary, containing the main provisions of the intended bill, and on the 29th a copy of the bill as it had been introduced into the House of Commons.

“It is unnecessary for us to enter at length into a review of its provisions.

“The Court’s objections to the measure have been fully stated in their Correspondence with his Majesty’s Government, and some of the principal points have been urged in the Company’s petition to the House of Commons, and subsequently to the House of Lords, and both Houses have had before them the whole of the Papers connected with the present negotiation.

“In the petition to the House of Lords, presented so late as the 5th instant, it is declared, that ‘Your petitioners are seriously desirous that no obstacle should arise on their part to the arrangement which Parliament in its wisdom shall deem to be best calculated to promote the welfare of India and the commercial prosperity of the United Kingdom;’ but the Court prayed to be heard by counsel on the following points :

“For establishing a rule of publicity ;

“Against the establishment of a fourth presidency instead of a lieutenant-governor at Agra ;

“Against the abolition of councils at Madras and Bombay ;

“Against the maintenance of Haileybury College ; and

“On the increase of expense likely to arise from an extension of the ecclesiastical establishment.



of the Governor-general "over a hundred millions of British subjects, over every authority in India,

"Both Houses have declined to entertain the question of publicity, and both have resolved to maintain Haileybury College and to increase the ecclesiastical establishment, as well as to authorize a government at Agra; but, at the same time, concessions had been made in the import and provisions regarding the councils, which are to be maintained as at present, reserving power to the Company to abolish them at a future period, should it be thought expedient.

"A very important alteration has likewise been made in the clause as to slavery, and the declaration that it should cease throughout the Indian territory is omitted.

"The question therefore was, whether the points which have not been conceded form sufficient grounds to induce us to withhold a recommendation to the General Court, or whether, under all circumstances, we should not best discharge our duty to the proprietors and to India by recommending the General Court to confirm the compromise, and to place their chartered right of trade in abeyance under the provisions of the present bill.

"It should be recollected, that immediately before the acceptance of the charter of 1813, a committee of the whole Court recorded it as their opinion, that the general powers of superintendence and control of the Board were, even at that time, such that, if 'exercised illiberally or vexatiously, it would be difficult for the Court of Directors to perform their functions.' Much, therefore, must depend upon the spirit in which those powers are in future administered. If, as was then observed, liberally, it may be practicable for the Court of Directors to carry on the trust reposed in them satisfactorily; but if otherwise, then it is impossible to expect that men of



not excepting his Majesty's courts of justice." The amendment was lost.* A ballot having been demanded on the main question, it took place on the 16th, when the original motion was carried by a considerable majority.† On the same evening the bill was read a second time in the House of Lords, the Marquess of Lansdowne positively refusing to enter into any discussion upon its merits. The formal motion that the bill do pass was postponed until the 19th, when it was made

character and liberal feelings will retain their seats in the direction.

"With this explanation of our sentiments, and with reference to the declaration of Mr. Grant, that it is the intention of his Majesty's Government that the Company, in their political capacity, 'shall commence the exercise of their resumed functions in the utmost possible state of efficiency,' (a) we have resolved to recommend to the proprietors to make a fair trial of the proposed charter; and should obstacles arise, or unforeseen causes prevent or impede the execution of it by the Company, after their best endeavours have been used for the purpose, the responsibility of the failure will not attach to them."

* From the division it would seem as though the apathy of the Legislature had extended to the proprietors of East-India stock. A question, involving little short of the very existence of the Company, brought only forty-nine proprietors into Court: of them, ten voted for the amendment (rejection of the bill), and thirty-nine against it (acceptance of the bill).

† For acceptance, 173; rejection, 64.



and carried without remark. The Lords' amendments were concurred in by the Commons, and the bill received the Royal assent.

The history of the East-India Company from its commencement has been extraordinary; and the suspension of its commerce, the sole purpose for which it was formed, is not the least extraordinary part of that history. There was some plausibility in the principal objection taken to the continuance of the Company's trade with India, that the characters of merchant and sovereign were incompatible; but that objection did not apply to its trade with China, the sacrifice of which was a tribute to ignorant and interested clamour. The Company's exclusive privileges were eminently useful in extending and maintaining our commercial relations with a country with which it is difficult to maintain intercourse at all, and those privileges were so carefully guarded that they could not be abused. No impartial person, whatever his opinions on freedom of trade, can read the evidence on the China trade given before the parliamentary committees, without feeling convinced that the Company's exclusive rights ought to have been maintained. Government determined otherwise, and the reproach of having thus determined is not peculiar to the party which happened to be then in power: Whig and Tory were alike ready to surrender the trade of the Company to those who clamoured for its destruction. No rights,



however well established, no interests, however important, are safe, where statesmen, abandoning their true position, are content to follow, instead of leading the public voice.*

* Some of the "disturbing forces" which interfere with the practical application of the doctrines of free trade are ably pointed out in the following passage from a dissent recorded by Mr. Tucker, during the negotiations of the Company with the Government :—

" I do not ask his Majesty's Ministers to abandon the doctrine of free trade as an abstract proposition ; but I submit, that it cannot be received for practical purposes as a rule of commercial policy without certain conditions and limitations.

" First. The parties dealing together must act upon the principle of perfect reciprocity. This is not likely to be the case in China.

Second. There must be on both sides security for person and property. This is not the case in Japan, nor indeed in China, at all times.

Third. There must not be a great inequality between the quantity of labour brought into action in the course of producing the commodities interchanged, or the benefit will not be equal. Fifty years ago labour was held to be the source of national wealth ; but we have now a redundancy of manual labour, creating individual poverty and distress ; and it is one great and most difficult part of the business of legislation and government, to find the means of employing labour innocently if not usefully, and to make it applicable to the purpose of distributing the general produce. If this distribution cannot be effected in such manner as to admit that labour can command food, the people will take by violence that which is necessary to their subsistence.



The China trade of the Company was a positive benefit to India, that country being relieved thereby to the extent of the surplus profits of the trade.

“ Fourth. There is something in *distance*, or the remoteness of countries trading together, which may produce some disturbance in applying the doctrine of free trade.

“ In a very few days we learn the variations in the principal commercial markets of the Continent, and the supply may be adjusted to the demand with a great degree of accuracy, so as to prevent any material loss from the violent fluctuation of prices; but six months, or twelve months, may elapse before we obtain certain information of what is passing in China, and different merchants, proceeding in ignorance and without concert, may engage in the most hazardous speculations.

“ This happened to the inconsiderate adventurers who first embarked in the trade to Buenos Ayres, although the distance was comparatively small !

“ This happened to the free-traders who have prosecuted the commerce with India since 1813; and to an extent which has spread ruin throughout the Indian community, as well as in some of the manufacturing districts of this country !

“ An attempt was made by us to open a trade with Japan while we held possession of Java, and it ended in total disappointment, entailing upon the Government a heavy loss. This was not to be referred to *distance* alone, but to the jealous feeling of an arbitrary government. And does not the government of China act in that arbitrary, capricious, and unsteady manner, which is calculated to create uncertainty in the management of commercial operations? The trade in that country exists only by sufferance from day to day.

“ I contend, that sufficient allowance is not made for the disadvantage of distance and uncertainty in applying the doctrine of free trade to China. It was the risk and uncertainty attending long voyages, and the necessity for a large capital, which first led to the incorporation of our own and other public com-



It was determined that India should no longer enjoy this benefit, but that the profit (or the loss, as the case might be) should be allotted to England. It is remarkable that the interests of India should be invariably sacrificed whenever they are the subject of British legislation. India has sustained pecuniary loss by the withdrawal of the China trade from the Company. The Company sustained some diminution of influence, and various classes of their servants were deprived of employment, which they had calculated would continue as long as they were able to follow it. Amidst this mass of loss and inconvenience, who has gained? It is very doubtful whether either the successors of the Company in the China trade, or their customers, the purchasers and consumers of tea, can give a satisfactory answer to the question*

panies. Exclusive privileges were necessary for their encouragement; but with these privileges they were enabled to supply remote markets, whose wants they could generally estimate with a great degree of certainty, and supply with regularity and without extraordinary risk; but individuals, who run a race of competition, cannot guard themselves against the imprudence of each other."

* The effect of similar changes is frequently unmitigated evil. The following remarks on the effects of violent pecuniary reforms are not inapplicable to them, and in certain quarters they may have the greater weight, as coming from the pen of an advocate of ultra liberal principles in politics and trade, Jeremy Bentham:—

" Shall it be said, that the immediate abolition of places is



Next to the abolition of the Company's China trade, the most objectionable parts of the new

a gain to the public? This is a sophism. The sum in question would no doubt be a gain if it came from any other source, if it were recharged by commerce or in any other just way; but it is no gain to the public, when it is wrung from individuals, who form a part of that very public. Would a family be the richer, because a father took from one of his children his portion in order to increase the fortunes of the others? The profit of an abolished place is divided among the whole public, but the loss presses on an individual; the gain is not perceptible, but the loss causes destruction. If we abolish all useless places and make no compensation to the holders, what is the consequence? The streets are crowded with the despoiled citizens, exhibiting marks of indigence, while we scarcely see an individual whose condition the change has benefited. The groans of sorrow, and the cries of despair, resound from every quarter, while the benefit, being so minutely divided, is hardly perceived. If joy is possessed, it arises not from the sense of good effected, but is a malignant satisfaction occasioned by surrounding misery.

“What is done in order to deceive the people on the occasion of these acts of flagrant injustice? Recourse is had to pompous maxims, which have a mixture of truth and falsehood, and give to a question which is extremely simple in itself, an air of profundity and mystery. The interest of individuals, say the advocates for this inhuman reformation, ought to yield to that of the public; but is not one individual as much a part of the public as another? What is this public interest? is it not made up of the mass of private interests? All these private interests ought to be considered, instead of regarding, as these unfeeling reformers do, a part of these as the whole, and another part of them as nothing. The interest of each individual is sacred, and not to be touched, or the interest of no one is thus to be regarded. Individual interests are the sole



measure appear to be the refusal of the rule of publicity, and the transfer of so large a portion of the power formerly enjoyed by the subordinate governments, to the Governor-general. As to the first, it is certain that both individuals and bodies of men may conscientiously differ, and that their differences may be irreconcilable; but in such

real interests. Have a care of individuals—do not disturb them, nor suffer their rights on any account to be invaded, and you will have done enough for the public. On a multitude of occasions, men who have suffered by the operation of certain laws, have not dared to assert what their rights were, or have been refused a hearing, on account of this false and pernicious construction of the maxim, that private good ought to yield to public good. Treat it as a question of generosity, whom does it become to exercise it? All towards one, or one towards all? Who is the more selfish—he who desires to keep what he has, or he who would seize by force what another possesses? An evil felt, and a benefit not felt—behold the result of those boasted operations, which sacrifice individuals to the public.”

These remarks are obviously applicable to corporations, as well as to individuals. It may seem extraordinary that when the privileges of the East-India Company were attacked, the occurrence should not have called forth the sympathy and support of other corporate bodies. It failed, however, of producing this effect, and some of those who either stood by in silence or were active in the attack, have since found that the East-India Company was not the only victim called for. The hand of innovation has been at work elsewhere, and even with more sweeping effect.



cases no ground for concealment seems to exist. Neither party need feel shame in avowing opinions which are the result of honest conviction. With regard to the second, it cannot but excite surprise that it should have been deemed either necessary or prudent to concentrate nearly all power in the chief government. The motives to this course were never adequately explained.*

Although deprived of some advantages which they had previously enjoyed under the Company's rule, the people of India had reason to rejoice that the Company was still preserved as an instrument for the government of their country. That

* Mr. Jenkins (now Sir Richard Jenkins) has concisely and forcibly laid down the true policy on this question, in a dissent, dated 5th July, 1833. He says:—

“In matters of war and politics it is essential, in my opinion, that all local authority should be concentrated in the hands of the supreme government. I confess I am not aware of any great evils that have arisen from any want of control in the supreme over the subordinate governments in these or other respects; and if any have arisen, *the existing law*(a) does not seem to have been in fault, as it confers upon the Governor-general in Council ample authority for interference in every conceivable case. The policy hitherto pursued, however, has been, to have *one controlling power* for emergencies, but separate authorities for *ordinary circumstances*; and being satisfied that

(a) 33 Geo. III. cap. 52, sec. 40, 41, 44, 64.



portion of the people of England, who do not desire to see the combatants for political power every thing and the rest of the people nothing, have equal reason to be satisfied with this result.* That the Company agreed to accept the important trust, under conditions to which strong objections were entertained, may be attributed to the recommendation of the majority of the Directors, headed by Mr. Astell, a gentleman, whose experience, sound judgment, and high character, were eminently calculated to inspire confidence in his views, and give weight to his advice. Happily this advice was successful, and India has yet to boast of being incomparably the best governed of the dependent possessions of Great Britain.

It does not fall within the limits of this work to speak of the events which have followed the

this is the true system of administration for a country of such vast extent, and so distant from the paramount state as India is, I should be sorry to see it materially infringed."

* The Court of Directors usually contains members of various shades of political opinion, and some having no strong political predilections at all. The patronage, therefore, is not distributed in one political channel, as it would be if transferred to the Government, where the friends of the ruling party would enjoy a monopoly of it, and where (a consideration once thought important) it would generally be bestowed, as the purchase or the reward of political services. The charlatan plan for tendering appointments to competition, and other fancies of the like nature, do not deserve a moment's discussion.



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CHANGES OF 1833.

changes now related ; but it may be observed, in closing this chapter, that, during the few years that have since elapsed, the British dominion in India has lost nothing of its grandeur or solidity, but that both have been maintained with spirit and success !

THE END.

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