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DEPARTMENT OF EDUCATION
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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

A F F A I R S

OF

THE EAST INDIA COMPANY;

AND ALSO AN

APPENDIX AND INDEX.

I.
Public.

(20)

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I.—*Public.*

EXTRACT from the REPORT of the COMMITTEE.

AMONG the most important matters brought under the review of the Committee, in the Public or Miscellaneous Branch of the Inquiry, will be found the following :

The Constitution, Powers, Expense, Practical Efficiency, and Defects, of the different branches of the Indian Government, both at home and abroad :

The Appointment and Nomination of European Servants for the Civil Administration of India, their Character, Education, Qualifications, and Oriental Acquirements :

The policy of employing Natives more extensively in Indian Administration ; their Feelings and Opinions regarding our Government ; and their Condition in reference to Education :

The introduction of the English Language into the proceedings in the Company's Courts of Justice :

The Laws under which our Indian Empire is governed, and their Administration, and the degree in which they are applicable to European Settlers or Residents, or are capable of being made applicable to them :

The Condition and Character of such Settlers, and the Policy of encouraging them :

The State of the Press in India :

The Church Establishment, with reference to the Actual State of Christianity in India : and

The Powers and Practical Effect of the King's Courts at the different Presidencies.

In reporting the result of their inquiry on these points, the Committee feel anxious to abstain, as far as possible, from the expression of any opinion : they prefer submitting to The House a general Summary of the Evidence. They would, however, strongly recommend an attentive perusal and consideration of that Evidence.

There will be found in the Appendix to the Evidence, besides a valuable Digest of the Evidence taken before the Committee of the Lords in 1830, and before preceding Committees of the Commons, an interesting Memoir of the steps taken for the purpose of Educating the Natives in India ; a selection from the Public Correspondence on that subject ; and similar selections with regard to the Employment of Natives in the Civil Departments ; the best mode of qualifying the European Civil Servants for their official duties in India ; and the Numbers and Salaries of the Ecclesiastical Functionaries.



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I.—HOME GOVERNMENT.

THE Authorities composing the Home Government are (1.) The Court of Proprietors; (2.) The Court of Directors; (3.) The Board of Control.

1. In the Evidence, the Constitution and Qualifications of the Proprietors; the Functions of that Court; and their Fitness to choose the Directors; are severally brought under review.

10. As the qualification for a single vote, a Proprietor must possess, and have
14. held for 12 months, 1,000*l.* stock; no minor may vote, nor can a Proprietor
12. vote by proxy. The number entitled to vote, at the present time, is 1,976;
of which 54 have four votes, 50 have three votes, 370 have two, and 1,502 one
vote.

1344. Exclusive of the profitable investment of Capital which India Stock has
hitherto afforded, individuals have become Proprietors, from connexion
1345. with that country, and previous residence there; from a desire to take part
in the discussion of Indian affairs at the General Courts; and for the
purpose of promoting the election of their friends, and participating in the
patronage.

19. The Court of Proprietors elect the Directors, and declare the Dividend,
4. which, since 1793, has always been declared at the maximum of 10½ per
6. cent., allowed by the Act of that year. They have no general control over
9. the Court of Directors, but they make Bye-laws, which are binding upon the
18. Company, when no Act of Parliament exists to the contrary. All Proceed-
ings in Parliament affecting the Company's interests, and all Grants of
Money above 600*l.*, must be submitted to them; but no Grant above 600*l.*
6. 7. made by them is valid, unless confirmed by the Board of Control. Their
23. powers were materially limited by the Acts of 1784 and 1793; they can
neither revoke, suspend, nor vary, any order of the Court of Directors
8. which has been sanctioned by the Board of Control; and though there
25. See 1603. appears to be no restriction on their discussing any measure of the Directors,
they are, in fact, virtually precluded from all substantial interference in the affairs
of India.

27. 2. The Court of Directors consists of 24 Proprietors, who conduct the whole
affairs of India, both at home and abroad, subject, on most points, to the Board
of Control.

27. Thirteen form a Court; six of the 24 Directors go out annually by rotation,
50. 57. and such has been the law since 1773; but they are re-eligible at the expiration
of a year, and are generally re-elected.

163. 169. The election of the Chairman and Deputy Chairman takes place annually by
1804-1809. the Directors; nor does any fixed rule regulate their choice.

74. The power of nominating the Governors and Commanders-in-Chief is vested
1271. in the Directors, subject to the approval of the Crown. The Court can recall a
Governor, or any of their servants, independently of the Board of Control.
1252. 1257. Subject to the power and supervision of the same Board, most of the Despatches
connected with the Government of India are prepared by the Directors. In
case of collision between the Court and the Board, an appeal lies to the King in
65. Council, as an ultimate resort.

36. 44. Every Director has, or has power to have, full cognizance of all the affairs
of the Company, and has, when in Court, the power of interference; but every
Director has not the opportunity of sitting and deliberating in the Committee
1800. 1803. of Correspondence, which is filled up on the principle of succession by seniority
296. alone.

For



ON THE AFFAIRS OF THE EAST INDIA COMPANY.

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For the despatch of business, the Court of Directors is divided into three principal Committees: the Committee of Correspondence: the Committee of Buying and Warehouses; and the Committee of Shipping. To these Committees the Directors are annually appointed by seniority; and after the election of the Chairman and Deputy Chairman, the names of the Members who are to compose the several Committees, are proposed by the Chairman to the Court. The Committee of Correspondence stands highest in the scale; it consists of the nine senior Members, with the Chairman and Deputy Chairman, making eleven. Each Member of the Committee of Correspondence must have passed through the Committees of Buying and Warehouses, and of Shipping, however high and important may have been the station which he has previously filled in India, or elsewhere.

All that relates to the preparation of Despatches for India, generally, belongs to the Committee of Correspondence; particularly all the more important Political Business.

It appears from the Evidence that all the Despatches, not of a secret nature, have originated with the Court of Directors, and that, during the last 17 years the Board have directed the preparation of 49 or 50, out of a total number amounting to nearly 8,000. They have continually made important alterations, but the Law has precluded them from any other mode of originating a Despatch than that of directing the Court to prepare it.

All Communications addressed to the Court of Directors, of whatever nature, and whether received from abroad or from parties in this country, go, in the first instance to the Secretary's Office, and are laid by the Chairman before the first Court that meets after their receipt. Despatches of importance are generally read to the Court at length. The Despatches, when read or laid before the Court, are considered under reference to the Committee of Correspondence, and the officers whose duty it is to prepare Answers, take the directions of the Chairs upon points connected with them; the Draft of an Answer is framed upon an examination of all the documents to which the subject has reference, and submitted to the Chairs; it is then brought before the Committee of Correspondence, to be revised by them, and is afterwards laid before the Court of Directors, for their approval or alteration. When it has passed the Court, it goes to the Board of Control, who are empowered to make any alterations, but are required to return it within a limited time, and with reasons assigned for the alterations made. Previously, however, to the Draft being laid before the Committee of Correspondence by the Chairs, experience has suggested the convenience of submitting it to the President of the Board, in the shape of what is called a Previous Communication. In this stage alterations are made by the President, without the formality of assigning reasons for them. The Previous Communication being returned to the Chairman, is laid by him before the Committee of Correspondence, either with or without the alterations made by the President, or with a modification of them, as he may see fit. Against the formal alterations made by the Commissioners for the Affairs of India, the Court may make a representation to the Board, who have not unfrequently modified the alterations on such representation; but if the Board decline to do so, they state the same to the Court, and desire that the Draft may be framed into a Despatch, and sent out to India, agreeably to the terms of the Act of Parliament. In the event of a refusal, the Court may be compelled by Mandamus to comply with the order, but if they doubt the competency of the Board, they may appeal to the King in Council, who decides whether the Board is acting in its power.

1806.
30. 1811.
35. 296. 1302.
32.

333. 31.

34.
295.

1252.
413. 415.
1257.
416.

36.
59.66.

332.

63. 248.

288.
65. 248.



LIC.

251.

123. 1291.

126. 251.

413.

128.

129. 256.

1587.

1292.

1289. 1290.

1293.

1591.

411.

1590.

1588.

411.

1589.

By the Act of 1784, the Directors are charged with appointing a Secret Committee, whose province it is to forward to India all Despatches which, in the opinion of the Board of Control, should be secret, and the subject-matter of which can only be divulged by their permission. The Committee consists of three Directors chosen by the Court, viz. the Chairman, Deputy-Chairman, and most frequently the Senior Director not in the Chair, who take the Oath of Secrecy, as prescribed by the Act. Their officers also are sworn to secrecy; and no one is employed in transcribing Secret Despatches without the permission of the Board. The Board are empowered by Law to issue, through the Secret Committee, Orders and Instructions on all matters relating to War, Peace, or Negotiation with the States of India; and the Secret Committee are bound to transmit such orders to India without delay. The Secret Committee have no legal power to remonstrate against such Orders, providing they have relation to the subjects above stated. They have, however, had communication, upon matters stated in Secret Despatches, with the Board, and at their suggestion alterations have been made; but they have not the same power with regard to Secret Despatches as the Court have with regard to other Despatches; they are not empowered by Law to make any representations thereon to the Board.

It has been stated that another class of subjects, not provided for in the Act which establishes the Secret Committee, has been necessarily treated through that Committee, upon which its Orders have been more punctually obeyed than in other cases,—namely, Negotiations with European States having Settlements in India, and generally all matters connected with War in Europe, which can in any way affect our Indian interests.

When either War against a Native State, or an Expedition against any of the Eastern Islands, has been in contemplation, and the Finances of India at such periods have been exceedingly pressed, or have required aid from this country, the Secret Committee, in communication with the Board, have taken upon themselves, without previous communication with the Court, to provide the requisite funds. Thus, Despatches relating to subjects purely Financial and Commercial, such as the Transmission of Bullion, and the nature and amount of the Company's Investments have gone through the Secret Committee. Of late years, however, and especially since 1816, great attention seems to have been paid to exclude even from this Department all matters which did not properly belong to it, and even in those to confine the exercise of its interference within the narrowest limits possible, leaving all Political Communications to be made through the ordinary channel, when it could be done without detriment to the Public Service.

It is alleged that the events and occurrences which have given rise to the Secret Correspondence, have occasionally passed over before any Instructions can reach India; and Copies of Papers sent to the Secret Committee, relating to matters of high political and personal importance, have found their way to individuals in this country, while the Court of Directors, technically speaking, were ignorant of the subject of them. But upon subjects involving considerations of policy towards European and American States, it seems obvious that there ought to be a means of sending Despatches to India without communicating their contents to so numerous a body as the Court of Directors. It has been stated, that if any doubt could exist on this head, abundant materials in the records of the Secret Department might be found to prove the absolute necessity of such a channel.



With regard to what may be termed the Internal Policy of British India, the Secret Correspondence has been (as we have already stated) mainly confined to the conduct to be pursued towards the Native Powers, and Negotiations and Questions of Peace and War with them and the neighbouring Asiatic Nations. It would seem to be the necessary condition of so vast and distant an Empire, that such Questions must, for the most part, be practically resolved by the Local Government of India, and accordingly all great measures relating to them appear to have originated with those Authorities. Yet it has been alleged, that on some not inconsiderable points, the interference of the Government at Home has been effectual, and that the many peremptory injunctions which are said to be recorded in the Despatches of this Committee, must have had an effect in modifying, if not in directing, the general course pursued by those Authorities on various occasions.

Having thus presented a brief outline of the Constitution and Functions of the Courts of Proprietors and Directors, the organs of the Company in all its public and private transactions, the Committee propose, in a similar way, to advert to the Board of Control; and to conclude their remarks on the Evidence relating to the Home Government, by a review of the Extent of the Correspondence, and of the Plans which have been proposed for abridging it, and for expediting the Preparation and Transmission of Despatches to India.

3. The Board is constituted by a Commission under the Great Seal, the first-named Commissioner being President of the Board. The First Lord of the Treasury, the Chancellor of the Exchequer, and the Secretaries of State are, *ex officio*, Members of the Board; and two of the Commissioners are not of the Privy Council. This is the constitution of the Board under the Act of 33 Geo. 3, c. 52. 192.

By the Act 51 Geo. 3, c. 75, there is no limitation with respect either to the number of Commissioners who are to be paid, or to the amount of their Salaries; but in practice the number of paid Commissioners has been limited to three, namely, the President and two others. 194.

For a statement of the Departments into which the Board is divided, reference is made to the Memorandum delivered in by B. S. Jones, Esq., the Assistant Secretary to the Board. 202.

In the distribution of the business of the office, it depends entirely on the President how far he shall avail himself of the services of the other Commissioners. The unpaid Commissioners seldom take any active part, and are considered rather as Honorary Members, who may be consulted as occasion may arise. Effectually, therefore, the whole responsibility rests with the President. In general changes of the Administration, all the Members of the India Board vacate office, but the unpaid Commissioners are frequently re-appointed. 209.
204.
205.
210.

Under the Act of 1793, the Commissioners are to superintend, direct and control all acts, operations, and concerns which in anywise relate to the Civil or Military Government, or to the Administration of the Revenues, of India; but the Committee deem it advisable to refrain from adducing opinions merely hypothetical as to the independent powers which the Law confers on the Board. With respect to all Despatches relating to Peace, War, or Negotiation with any of the Powers of India, which the Board may deem of a secret nature, it is their duty, according to the express terms of the Law, to originate and prepare the Instructions which are sent through the Secret Committee; and, speaking generally, there have been no Secret Despatches but those prepared by the Board. Upon any subject whatever, not 286.
288.
413.



REPORT FROM SELECT COMMITTEE

viii

I.
PUBLIC.

280.
416.
289.

Commercial, without any reason given, they may require the Court of Directors to prepare a Despatch, within the limited period of 14 days, with which they may deal at their own pleasure, so as to alter all its expressions and its whole purport. For alterations made by the Board, whether in Despatches so prepared, or in those which have been framed by the Court without such directions, the Law requires, as already stated, that reasons at large shall be given.

290.

By the Charter Act of 1813, the Rules and Regulations for the good government of the College at Haileybury, and the Military Seminary at Addiscombe, are subject to revision and approval by the Board, and no Order for the establishment of any office, or the appointment of any person to fill the situation of Principal at the College, or Head Master of the Seminary, is valid, until approved by the Board.

291.

The Warrant for nominating a Bishop of Calcutta, or for preparing Letters Patent relating to that See, is countersigned by the President, in which he acts independently of the Court of Directors. The President also countersigns the Warrant of the King approving of the appointment by the Court of Directors of the Governors, and Commanders-in-Chief; as well as the writing or instrument under the Sign Manual by which the King may remove or recall any person from office or employment in India, and vacate and make void Appointments and Commissions there.

The mode in which separation is made between the Political and Commercial Finances of the Company, is, in the terms of the Act of 1813, under the absolute control of the Board.

582-584.

They have also the power of directing permission to be given to any individual to proceed to India, if the Court have previously refused such permission; and the Board are not required in this case to state their reasons.

The mode in which the business is transacted between the Board and the Court has been already described.

1694. 1695.
967.
156.
1575.

Considering the multifarious nature of the Company's relations and transactions, it is to be expected that the Correspondence should be voluminous and complicated, comprehending, as it does, not only all that originates in England, and is transmitted to India, but also the record of the Proceedings and Correspondence of the Officers at the several Presidencies, necessary to put the Authorities at home in complete possession of all their acts. The Correspondence comes home in Despatches, and the Explanatory Matter in Books or Volumes. The total number of Folio Volumes received in 21 years, from 1793 to 1813, was 9,094; and from 1814 to 1829, a period of 16 years, the number was 12,414.

From the establishment of the Board in 1784, to 1814, the number of Letters received from the Court by the Board of Commissioners was 1,791; the number sent from them to the Court was 1,195. From 1814 to 1831, 1,967 Letters have been written to, and 2,642 received from, the Board. The number of Drafts sent up to the Board from 1793 to 1813, was 3,958; from 1814 to 1830, 7,962, being an increase of 4,004. There have, moreover, been various References, connected with servants, civil and military, and others, in this country, amounting, between the years 1814 and 1830, to 50,146. The Reports made to the Court by its Committees, apart from details and researches made in framing such Reports, amount to 32,902. From 1813 to the present time, 723 Parliamentary Orders have been served on the Court, requiring Returns of vast extent.

It is represented that the Home Government is overloaded with details; and that there is nothing so great, and nothing so small, that does not (under the present system) require the sanction of the Supreme Authority. While it is maintained, as a principle, that the Councils of India must be made to confide in the Government at Home, (which salutary purpose can alone be secured by the transactions being duly recorded, and punctually transmitted home by every opportunity), it does not seem possible that the overwhelming mass of business should be diminished: the only obvious principle of remedy is stated to be a division of labour and responsibility.

In describing the mode in which business is transacted by the Court and the Board collectively, allusions have been made to differences of opinion, which have occasionally arisen; to a power of Remonstrance on the one hand, and an obligation to give reasons at large on the other; and it is held that differences of this nature must operate unfavourably on the Company's interests, in two ways, from the weakness and vacillation which disunion betrays, and from the delay that must take place before the intended measures are adopted. The Act of Parliament prescribes, that the Despatch, when prepared, should be only two months from the time of its leaving the Court of Directors to its being returned thither; and an Answer has been prepared by the Court, and sent up to the Board, within ten days of the receipt of the Despatch from India; but it has sometimes happened that questions of importance submitted by the Government of India to the consideration of the Home Authorities, have, from peculiar events, not been answered for a period of two or three years, circumstances in the meantime having so changed that further reference became necessary, and thus a period of many years has elapsed before the adjustment of such questions. The fact of Collision between the co-ordinate authorities is clearly borne out by the Evidence; while it is also affirmed that the desire of avoiding collision has led, in many instances, to the continued and renewed postponement of Instructions upon important subjects. Hence, although the degree of inconvenience resulting from such collision may be regarded as a matter of mere opinion, and thus be variously estimated, yet it must have its origin in the constitution of the Home Authorities, and the existence of co-ordinate powers. It has also been suggested, that, in consequence of the indefinite nature of the several powers of the two authorities, impediment is thrown in the way of communications from Public Servants in India.

A remedy suggested for the evils just alluded to, is, a change of the present system, by vesting the Government in all its branches in one body, or in two bodies, having a very different relation to each other from that which now exists between the Court and the Board, and remodelling the Local Government on the same principles. But, independently of any great change in the system, the Evidence affords various hints respecting modifications which might be beneficially introduced into the existing Government.

The possibility of conducting the business with fewer Directors, and the expediency of reducing their number, have been considered. It is allowed that a diminution of their number would constitute a stronger obligation on the individuals appointed to attend to their duties, as it would impose practically, as well as morally, an additional degree of responsibility : but it is maintained that no real inconvenience arises from the present constitution of the Court, and that its Members could not well be diminished, unless its Commercial and Political Functions were separated more than has yet been done, because the Commercial Department, with which a large proportion of the business of the Court originates, requires the superintendence of a separate Committee ; and though there is a plan suggested for introducing a more marked distinction between the Political

1454.

and Commercial character of the Company, it is contended that there is a necessity for an interference on the part of the Court as active and extensive as that which at present exists.

1599, 1603.

The advantages and disadvantages of the Change of Directors by rotation have also been considered: it is allowed that, by the existing rule, the Court is frequently deprived of the advice of competent and able men; but if the Directors were to be chosen for life, there would remain no check upon their incapacity or misconduct.

270.
418.
297.

424.

The mode in which the Committee of Correspondence is filled up is liable to a similar objection, because those Members who come late in life from India, and whose talents and experience peculiarly qualify them for taking a part in the Administration, may never be placed on that Committee. The present mode, however, which is grounded on Practice, rather than on any express Law, is said to have its advantages; because, by means of it, a Director becomes practically acquainted with every branch of the Company's affairs, while he is not precluded, by being attached to a subordinate Committee, from affording to the Court the benefit of his more recent knowledge and experience.

298.

264.

268.

As it is allowed that the Court of Directors certainly possess, upon some points, a detailed knowledge, which the Board of Control does not possess, under its present constitution, and with its present establishment, it is not contended that the Board would at once be competent to originate any but the more important Despatches, referring to general principles and the higher subjects of Government. On the authority of the writer of the Political History of India, it has been suggested, that one or two of the Commissioners should always be persons who have served either in the Military or Civil branch of the Company's service abroad. It is also suggested, that whatever the Board is competent to do through the medium of the Secret Committee, might be as well done by direct Despatches, emanating from a Secretary of State for India, addressed to the respective Governors abroad.

269.

It is considered that the reduction recently made in the Salary of the President of the Board, in consequence of which that situation offers a remuneration for talent and ability inferior to that afforded by many other appointments of the same class, is, upon public grounds, most objectionable.

LOCAL GOVERNMENT.

In reporting the Evidence relating to the Local Government, the Committee propose to give an outline, 1st, of its Constitution and Functions; 2d, its Operation, comprising its Efficiency and alleged Defects; 3d, Proposed Alterations and Improvements relating thereto.

There are three Presidencies, Bengal, Madras, and Bombay. In Bengal the Government consists of a Governor General and three Councillors; and at Madras and Bombay of a Governor and the same number of Councillors. The Court of Directors, if they see fit, appoint the Commander-in-Chief at each of the Presidencies to a seat in the Council of the Presidency to which he is attached, in which event, he takes rank next to the Governor, as second in Council. There are two other Councillors, civilians, with the necessary subordinate functionaries. The Civil Members of Council must have resided ten years in India, in the Company's service.

The



The Governor General has a supreme controlling power over the Governors of Madras and Bombay, who, under certain circumstances, may be suspended for disobedience of orders. He has also the power, if he thinks fit, of proceeding to the subordinate Presidencies, and assuming the chief authority there.

339. 341.

According to the terms of the Act of 1793, the Governor brings forward in Council any business he thinks fit. The discussion upon it may be adjourned twice for 48 hours, but not longer, and then a decision must be pronounced; if the Members of Council accord with the views of the Governor, the decision becomes a measure of Government; if the Members of Council dissent from the Governor, they are to exchange opinions in writing, which are entered upon record. If the Governor still adheres to his own views, he is vested with the power of acting on his own responsibility, placing upon record his reasons for so doing, which are transmitted to this country, with Copies of all the Proceedings. From the operation of this independent power, legislation, and matters judicially before the Council, are the only exceptions.

1450.

810. 814. 1685.

To the powers of Governor General, those of Captain General have, on one occasion, been superadded. This is an appointment from the King, and confers the complete control over all Military Affairs.

The power therefore of making or enforcing Laws for the government of the respective Presidencies rests in four individuals, viz. the Governor General (the Governor in the cases of Madras and Bombay) and the three Members of Council, subject immediately, in some instances, to the consent of the Supreme Court of Judicature to register their Decree, and more remotely, to the approval and sanction of the King in Council, the Board of Control, and the Court of Directors.

305.

611. 613. 614.
1539.

The general Administration of Public Affairs is carried on by the means of Boards, the object of which is to relieve the Government from the burthen of details. At Calcutta, there are the Boards of Revenue, Salt and Opium, and Trade; and the Military, Marine, and Medical Boards: At Madras, Medical, Military, and Revenue Boards: At Bombay no Revenue Board ever existed, and the Military Board was abolished by Sir John Malcolm.

870. 871.

872. 873. 874.

Concerning the system of Administration by Boards in general, it has been stated, that however plausible they may be in theory, and however useful Boards *might* be made, yet that practically they are inefficient: that they operate as clogs upon business, and that all that is professed to be accomplished by them, might be better attained by the agency of a single individual, is the uniform tenor of the Evidence adduced before the Committee.

960. 968.

1448. 1449.

1783. 1789.

With respect to Councils, it is argued, on the one hand, that as they are no check upon the Governor, in any case when he chooses to exercise his independent power, and as the Secretaries of Government and Heads of Departments might probably give him the assistance which Councillors now afford, they might be altogether dispensed with, and the Public at the same time lose no efficient check. On the other hand, it is contended, that they are extremely useful in arranging for the Governor the most material points of Correspondence, and that they relieve him from a load of detail, and would relieve him still more if allowed to decide upon judicial and territorial matters upon their own responsibility; that, in short, as the Governor is, for

1607.

968.



1682.

the most part, totally unacquainted with Indian Affairs, the assistance of Councillors, of local experience and knowledge, is indispensably requisite to enable him to discharge his duties.

341.

1472.

1566.

The duties of the Governor General are those which appertain specially to the Presidency of Bengal, and those which relate to the supervision and control of every functionary in India; and if it be true that the Local Administration of Bengal, more immediately confided to the Governor General, is sufficient to engage his whole time and attention, it must necessarily follow, that the still more important business of general Legislation, and general Control, is ill performed; and from this source, it is alleged, arises one class of the evils which pervade the Administration in India. Another class is alleged to have its origin in the nature of the Administration at Home, a system of checks, which operate as clogs on business, and occasion a disunion of authority, under which officers, having the same duties to perform, and the same objects in view, are split into distinct departments, often acting on opposite principles, and coming into perpetual collision with each other.

1454.

266. 391.

266. 346. 365. 615. 619.
815. 842. 862. 1454.
1468. 1566. 1608. 1790.
1796. and

342. 344. 620. 622.

[App. V. of Report
of 1831.]

862. 863.

It has been said, that one of the most important considerations for Parliament is the Improvement of the Government of India in India itself: with this view, and in order to meet the evils already adverted to, it has been proposed, to entrust increased powers to a Local authority by the establishment of one Supreme Government for all India, without the charge of any Local Administration, and by the appointment of Lieutenant Governors at the several Presidencies, with subordinate powers. Under this arrangement it would not be necessary to disturb existing boundaries, although it might be advisable to divide into two the extensive Presidency of Bengal.

1450.

1349. 1350. 1351.

1539. 1544.

1340. 1341.

1541. 1544. 1604.

1696.

Against the adoption of these alterations, it has been urged, that the Local Government of Calcutta, as at present constituted, though it has some defects, is yet fully equal to the task of legislating for the Native Population; that the number of the Regulations passed by the Local Governments, since the renewal of the Charter, is small when compared with that of the Laws passed in England during the same period; that it would be dangerous to remove the salutary checks which have hitherto existed in the control exercised by the Home Authorities; and that the business which, on the adoption of the New System, would unavoidably devolve upon the Supreme Government, would, from its extent, be unmanageable.

1473. 1476.

1583. 1584.

In contemplating the probable effect on the minds of the Natives, of any extensive change in the present Administration of India, it has been denied that it would be productive of any unfavourable result, or that it would make any impression whatever; their ideas of the Company being exceedingly vague, and their feelings of respect attaching entirely to the Executive power.

LAW.

1712. 1717.

770. 771.

1410. 1420.

THAT the British sway has conferred very considerable benefit 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. If these benefits are not duly appreciated, it is because the demoralization, consequent on ages of anarchy and misrule, has rendered them insensible to the blessings of organized society; a state in which the justice and firmness of the governors are sure to become reasons for disaffection on the part of the governed, because they annihilate their hopes of individual aggrandizement and independence. Hence, with the exception of Bengal Proper, where a general feeling of protection



tection is stated to prevail, the British tenure of India is, for the most part, a tenure of the sword, resting chiefly on the persuasion of our national power, and military strength and discipline. At the same time, it may be matter for attentive investigation, how far the exclusion of the Natives from places of trust and emolument, operates as a cause of discontent, and also how far the influence of the British Name in the Native States is converted by rapacious rulers into an engine of oppression.

1717.

1451. 1453.

The subject of the Legislative Power in India has already, in a great measure, been anticipated in the Summary of the Evidence respecting the Constitution and Powers of the Civil Government, and the proposed Reform of the present system, by the establishment of a Supreme Authority, embracing Executive, Judicial, and Legislative Functions. It therefore only remains to pass under review the existing State of Jurisdiction and of the Courts of Law, the Modifications and Changes which might be beneficially introduced, and the principles which ought to regulate any new Legislative Enactments.

615. 619. 815. 842.
862. 1454. 1468.
1566. 1571. 1608.

There exist in India at the present time two concurrent, and in some instances, conflicting, systems of Judicature ;—the Company's Courts, and the King's or Supreme Courts.

1662.

In the Company's Courts there are three grades of European Judges; the District, the Provincial, and the Judges of the Sudder Court. Of the Native Judges there are two classes; Moonsiffs, of whom there are several stationed in the interior of every district; and Sudder Ameens, established at the same station with the European District Judge. There are also Magistrates, who exercise Civil Jurisdiction under special appointment. The Registrars try and decide such causes as may be referred to them by the Judge.

894. 895.

The jurisdiction of the Supreme Court extends to Europeans generally, and, within a certain limit around the several Presidencies, to Natives also; but constructively, Natives not so circumstanced have, on many occasions, been brought within its jurisdiction. The jury system is confined entirely within the limits of the Supreme Court. It is made ground of complaint, that the Criminal Law is more severe than that administered beyond this boundary, while the Civil Law also is attended with an expense which has ruined most of the native families of distinction, and borne heavily upon Europeans.

367.

1519.

1517. 1669.

No Regulation made by the Local Government, and affecting individuals within the jurisdiction of the Court, is valid, unless registered by the Court; a power which has in recent instances been freely exercised, and much beyond the local limits contemplated by the Act of Parliament. Hence collision has arisen between the Local Authorities and the Functionaries of the King's Courts, which has proved a source of great evil and of serious embarrassment to the Government; nevertheless, objections exist to the abolition of the courts; while the remedies necessary to correct the evils attached to the operation of the present system are said to be abundantly obvious: 1st, by accurately and strictly defining the jurisdiction of the Supreme Court, or, 2dly, by the establishment of a general Legislative Council, or, 3dly, by the appointment of Local Agents with the control of districts, suggested by Sir Thomas Munro.

611. 613. 805. 806.

1351. 1450.
366. 785.

369.

1609.

The power of Arbitrary Deportation upon alleged charges, without trial, forms another important feature in the Local Administration of India; con-

571. 577.

505. 610. 1510.



cerning which it has become a question whether it might not be suppressed or modified by the introduction of Trial by Jury, without danger to the State.

750. 755.
1573. 1574.
370.
371. 376. 749.
There is also important Evidence with regard to the Code of Criminal Law in force in the Provincial Courts ; the reciprocal circumstances of Europeans and Natives with respect to the Administration of Justice; the effects and tendency of the Judicial System actually in operation, as to the security of the persons and property of the Natives ; and the expediency of subjecting Englishmen to the jurisdiction of the Provincial Tribunals.

1454. 1700.
1512. 1518.
1727.
585. 589.
On a large view of the state of Indian Legislation, and of the improvements of which it is susceptible, it is recognised as an indisputable principle, that the interests of the Native Subjects are to be consulted in preference to those of Europeans, whenever the two come in competition ; and that therefore the Laws ought to be adapted rather to the feelings and habits of the Natives than to those of Europeans. It is also asserted, that though the Native Law might beneficially be assimilated to British Law in certain points, yet that the principle of British Law could never be made the basis of an Indian Code ; and finally, that the rights of the Natives can never be effectually secured otherwise than by such amalgamation ; by the appointment of an European Judge to every Zillah Court, with Native Judges as his assistants and assessors : and by the substitution of individual for collective agency.

183. 188. 189.
1724.
The provisions for the promulgation of Ordinances and Regulations are described to be effective.

NATIVES.

689. 691.
1479. 1486.
1373. 1382.
490 . 503. 510.
691.
399. 410. 487. 490.
658. 688. 778.
1373. 1382. 1572.
1733.
888. 893.
INTIMATELY connected with every plan for the good government of India, and for the introduction of ameliorating changes into the present system, is all that relates to the habits, character, and capacity of the Native Population. It appears that at present they are only employed in subordinate situations in the Revenue, Judicial, and Military Departments. They are said to be sufficiently observant of the practical merits and defects of our system ; and to be alive to the grievance of being excluded from a larger share in the Executive Government, a disadvantage which is not considered as compensated by the increased security enjoyed under British protection, compared with the precariousness of all tenure under former Governments: it is amply borne out by the Evidence that such exclusion is not warranted on the score of incapacity for business, or the want of application, or trustworthiness : while it is contended that their admission, under European control, into the higher offices, would have a beneficial effect in correcting the moral obliquities of their general character ; would strengthen their attachment to British dominion ; would conduce to the better Administration of Justice ; and would be productive of a great saving in the Expenses of the Indian Government.

702. 726.
With a view to the more general identification of the Natives with the Government of India, the encouragement and cultivation of the English Language, to the greatest possible extent, is deemed by one Witness to be highly desirable.

1913.
A desire for the knowledge of European Science and Literature has, it is declared, been awakened in the Natives by the more recent extension and encouragement of Education among them ; and it is urged that Moral and Religious Instruction is, in consequence, of imperious necessity for



for securing the improvement of their Moral Standard, and the advancement of their Political Character.

The proportion of the Hindoo Population to the Mahomedan is stated at eight to one. 1406. 1409.

The expediency of framing a Law for defining and regulating the Civil Rights of Natives, in the case of a change of Religion, is suggested. 896. 898.

It is equally desirable, it is stated, to extend perfect toleration to the Native Christians, and to remove, as far as possible, any disability that can be shown still to exist to their prejudice. 1924.

An interesting Sketch has been given of the State of Christianity in India in the early ages, and also of the Syrian Christians, who have received the greatest assistance and advantage from a College for the instruction of their Priesthood, founded by Colonel Munro, long resident at Travancore, the Students of which are stated, by a clergyman who examined them, to have made great progress in the Latin and Syriac Languages, and in other branches of Literature. 1842.
1843.

The Roman Syrians have a College at Verapoly, for the education of about 50 Students. 1844.
1848.

The Roman Syrians and the pure Syrian Churches of Travancore are about equal in numbers, and amount each to between 60,000 and 70,000 souls. 848.
49.

The Failure of Roman-catholic Missionaries is acknowledged by themselves, and attested by other Witnesses; while the progress of the Protestants appears to be daily becoming more successful. Their judicious plan is to establish Schools, which they have effected both in the North and South of India. The number of Scholars in Bengal alone, amounts to be about 50,000. 1850. 1851.
1858.
1854.

This general diffusion of Instruction is producing the best and most salutary effect, not only on the children educated, but on the minds of their parents and neighbours. Female Schools have also been successfully established; at the different Missionary Stations there were, in 1823, nearly 1,200 female children, and that number has gradually increased to 3,000. 1854.

The proficiency of the Native Catechists is also attested. 1856.

ECCLESIASTICAL.

It is stated, that the number of Chaplains at present in actual service is not sufficient for the wants of the people committed to their charge; and while, in several stations in the interior of India, the duties of a Chaplain do not employ the whole of his time, there are larger stations, such as Military Cantonments, where there is duty for two, if not for three, Chaplains. The want of additional Bishops is also pointed out. 1859.
1908.
1860.
1888. 1891.
1861. 1909.

While an efficient Church Establishment is recommended, co-extensive with the wants of the European subjects who may be members of that Church, and of such Native Christian subjects as shall be willing and anxious to attach themselves to it, perfect toleration, on the part of Government, to the labours of the Missionaries, is not less strongly recommended, care being had, at the same time, not to afford, on the part of the Government, any direct encouragement to the conversion of the Natives. 1920.
942.



PATRONAGE.

73. 81.
307. 311. EAST INDIA Patronage is vested partly in the Crown, partly in the Directors, and partly in the Governors and Council of the several Presidencies.

320. 323. The Board of Control has legally no share in the distribution of Indian Patronage; though, practically, the President of the Board, by an arrangement with the Court of Directors, has a share equal to that of one of the Chairs, or double that of a Director.

679. 681.
1546.
1550. 1555. The Patronage exercised in India amounts to a very large share of the whole; but the distribution of it is recorded on the proceedings sent home, and it is liable to be vigilantly scrutinized by the Court, and by the Board.

929. 930. 954. 959.
1618. 1619.
864. 865. Promotion is regulated on the principle of seniority as the general rule, and by selection, according to individual merit, as particular exigencies may require; but in the several Presidencies it is, generally speaking, confined to individuals within the Presidency.

667. 672. No public responsibility attaches to the Patronage of the Directors; nor do the tests prescribed operate upon the exercise of it any more than the desirableness of obtaining competent persons operates upon the disposal of the Patronage in Government offices in this country: Public Opinion is said to have as little influence in the one case as in the other.

107.
660. 666.
1621. 1624.
438. The amount of Patronage is necessarily fluctuating, being regulated by the demand for Public Servants, arising from casualties or other causes. The number of Civil Servants at the three Presidencies is calculated at 1,100 or 1,200.

652. 655.
84. 98. 476. 483.
104. 105.
315. 317. 326. 328.
389. 432. 920. 923.
1596.
1365.
1556.
1617.
682. 683. 924. 925.
1596.
1326. 1339.
1531.
1545. 1550.
1597. 1598. 1815. To the present mode of Nomination, it is objected, that it gives to India only an average amount of talent, or one but a little above mediocrity. Though there does not appear in the Evidence any imputation upon the purity with which the Directors have acted in bestowing their Patronage, it seems at the same time agreed, that the nomination by individual Directors is not the best mode of securing a high standard of Ability and Qualifications in the Civil Servants; this, it is considered, by one Witness at least, might be more surely obtained by public competition. On the other hand, an appeal is made to the high testimony borne by Mr. Canning to the zeal and ability of the Company's Servants, and also more generally to the history of India, in proof that they have hitherto possessed adequate abilities and qualifications. If a system of competition were acted upon, and if the Natives were more extensively appointed to Civil Offices, the amount of patronage, it is stated, would be so abridged, that no separate body would be requisite for administering it; and though it might be objectionable to vest it in the Crown, it is suggested that it might be given to Public Schools and Universities, as the reward of talent and acquirement. What system of competition could be adopted so as to prevent all favouritism in the selection, is admitted to be deserving of serious consideration. An argument, brought forward by one Witness, against any plan different from the present, is, that checks could not be so effectually established to meet the abuses to which the exercise of such extensive Patronage, at home and in India, is liable. In the event of the Patronage being taken away from the Court of Directors, a pecuniary compensation has been suggested.



ON THE AFFAIRS OF THE EAST INDIA COMPANY. xvii

I.
PUBLIC.

The Committee have inquired into the state of Education in the Civil Service, and among the Natives of India.

1.—EDUCATION: CIVIL SERVICE.

Concerning the Qualifications required from a Writer, previously to his appointment, the Evidence is not very specific; they are fixed by Regulations framed by the Court of Directors and the Board of Commissioners. On an average young men proceed to India at the age of 18: 22 is recommended as the most eligible age.

99. 105. 111. 116. 312.
313. 317. 377. 388.
629. 651. 913.
631. 764. 773. 923.
1521. 1526.

It is stated by the Principal, whose Evidence is very full and detailed, that the design of the East India College at Haileybury, which was established in 1806, was, to supply the great body of Civil Servants with an amount of qualification commensurate with the extent and importance of their functions in India, which qualification could not, at the time that the College was founded, have been otherwise procured. The nature of the combined Course of Study, the impracticability of acquiring it without a special Institution, more particularly for Oriental Literature, and the tests required of the parties nominated, all form subjects of Evidence. It is considered that it would be advisable to increase the age of Students, by admitting them between the ages of 18 and 22. The Act of 1826 is believed not to have answered the expectations of its authors, and to have shaken and mutilated the whole Collegiate System. The College, it is stated by the Principal, has had various difficulties to contend with, but has, in a great measure, fairly answered what could reasonably have been expected from it on its original foundation; and it is held that, with revised tests, and some modifications in its present machinery, it would be competent to stand even against the Universities of England, in so far as relates to the due Qualification of Civil Servants for India. The proficiency of the Scholars is well attested by those who have experienced its benefits and watched its progress. The capabilities are pointed out which the College possesses, of admitting alterations, so as to render the Education more efficient and satisfactory; and other modes of Qualification for the Civil Service are suggested. It is maintained that the Civil Servants have been better educated since the establishment of the College than they were before; and the fact, that the most important posts have been filled in India by those who have been most distinguished for proficiency at Haileybury, is adduced in proof of this opinion; while the tenor of other parts of the Evidence would show, that where the operation of the system has not been absolutely prejudicial to the habits and views of the Students, every object contemplated by the College might have been more effectually obtained by other means.

1828.

1829.

1830.

1832.

[7 G. 4. c. 56.]

1833.

1834.

1835.

1612.

317. 1530.

377. 388. 429. 462.
475. 626. 628. 913.
919. 1563.

383. 632. 1357.

635. 676. 678.

485.

387. 642. 644. 1359.
1372. 1525.

430. 913. 914. 1363.

485. 486. 1369.

636.

On arriving in India, the young men of the Bengal Service enter the College at Calcutta, with the view of perfecting themselves in Languages, the elements of which have been acquired at Haileybury, where the education is of a more general nature. While at the College at Calcutta, they are maintained at the Company's expense. Of this Institution (which was from the commencement strongly objected to by the Court of Directors, on the score of expense) it is remarked, that "it has been a source of more debt than knowledge in the Civil Service, and an expensive establishment for the end proposed." It was not uncommon in former times for young men to leave the College with a debt of from 50,000 to a lac of rupees; but this evil may in part be attributed to the mode of appointment. The Institution has lately undergone a revision. It has been useful in providing books, by which the acquisition of the Native Languages has been greatly facilitated, but beyond this it is considered that the Institution is disadvantageous



I.
PUBLIC.

xviii

REPORT FROM SELECT COMMITTEE

1430.

to the Public Service. If abolished, its buildings might be converted to Public Offices.

448. 645. 651.
1369.

It appears that the Study of Languages is most readily promoted by sending the young men, directly on their arrival, into the Provinces, and attaching them to some Public Office, as was formerly the practice.

637. 641.
1564. 1565.

At Bombay there is no Institution corresponding to that at Calcutta. At Madras there is a Collegiate Institution, but no European Professors, as formerly at Calcutta; the Examiners are gentlemen in the Company's Civil Service, but they receive no pay. Proficiency in the Native Languages is made a condition of promotion.

656. 657.
765. 769.

With a view to raise the standard of attainment, and afford fuller scope for selection, not only is public competition in England recommended, but it is also proposed, with the same view, that the whole Service should be originally Military. Among other objections against this plan, it is urged that it evinces a total departure from the principles at present laid down by the Legislature for conducting the two branches of Indian service.

774. 775.
1527. 1529.

2.—EDUCATION: NATIVES.

395. 398. 695. 697.
936. 1534. 1538.

By the Act of Parliament of 1813, the Company are obliged, out of Surplus Territorial Revenue, to expend annually a Lac of Rupees in promoting the Education of the Natives of India; in some years less than that has been expended, but in others twice and even five times the stipulated amount.

939. 941. 1383. 1405.
392.
502.
1213. 1226.
937. 949. 953.
399. 410. 491. 702.
726. 1630.
1229. 1230.
949. 1495. 1628.
1632.
394. 500.

It is on all hands allowed, that the general cultivation of the English Language is most highly desirable, both with a view to the introduction of the Natives into Places of Trust, and as a powerful means of operating favourably on their Habits and Character; and that, moreover, a great partiality prevails in favour of the English Language and Literature, in both of which many Natives have made considerable progress; but that the subject has not hitherto met with that consideration and encouragement from the Government which its importance seems to merit. Though facilities might be multiplied at a small expense, there is a great want of proper Teachers; and in the Government Schools, with few exceptions, it is not taught at all.

714. 726. 939.

It has been suggested that the most powerful stimulus would be, to make a certain degree of proficiency a condition of Qualification for Civil Employment.

392.

692. 701.
935.

When, however, the immensity of the field is regarded, it is not to be concluded, that active steps have not been taken, however limited, for disseminating the benefits of Education among the Natives. Moslem and Hindoo Colleges have been established, or placed on a more efficient footing, in Calcutta, Delhi, and Benares. Schools have been established in other parts of the country; and Seminaries founded by individuals have received aid. For more full information on this interesting subject, the Committee beg to refer to the Memoir prepared by Mr. Fisher, of the India House, and to the Letters from the Court of Directors to their several Governments in India.

Public Appx. (I.)

492. 499.
518. 520.
1487. 1495.

With regard to the Madras Presidency, it was proposed by Sir Thomas Munro to establish Native Schools in every Tehsildary. The Master was to be paid, partly by a Stipend from Government, and partly by Fees from the Scholars. If fully followed up, this plan might, to a certain extent, furnish the means of a common Education to the Natives.

On



12
CSL

ON THE AFFAIRS OF THE EAST INDIA COMPANY. xix

I.
PUBLIC.

On this head of Native Education, the Evidence is full and circumstantial.

Testimony has been adduced concerning the Acquirements and Abilities of the Anglo-Indian Population, concluding with a recommendation for the removal, in their case, of all invidious distinction, and exclusion from Office.

1237.

THE PRESS.

THE Evidence is detailed and circumstantial respecting the state of the European and Indian Press; the Regulations relative thereto; and the subjects of Discussion, Correspondents, Circulation, Price, Transmission, and Postage of the Newspapers. The peculiarities which attach to the several Presidencies are remarked, and also the Discussions and Proceedings to which Articles in the Journals, obnoxious to the Local Government, give rise.

590. 597.

972. 1000. 1050. 1070.
1071. 1117. 1147.
1165. 1173. 1174. 1184.
1071. 1117. 1159. 1247.

The Native Press at Calcutta is under the same restrictions as the English Press there, but its operation is not very extensive. At Bombay it is perfectly free.

1202. 1207.

861.

1209. 1212.

The present checks on the Press lie in the withdrawal of the Government Licence, which is revocable at pleasure, with or without inquiry or notice; and in the power of Arbitrary Deportation. How far the existence of this power is necessary, in the present state of India, is amply discussed; and, with reference to the Offences of the Press, the possibility of obtaining a fair and impartial Trial by Jury is confidently asserted.

1071. 1208.

1154. 1164.

598. 610.

On the one part, it is argued, that the free discussion of Government measures, by the Press, or otherwise, must be productive of good, both in maturing Legislative Enactments, and in controlling the conduct of Public Functionaries.

846. 861.

1148. 1153.

On the other part, it is maintained, that the Freedom of the Press is inconsistent with the condition of the People, and incompatible with the nature of the Government.

1633. 1644.

Since the Evidence was taken, intelligence has been received of the removal of the Censorship at Madras.

INTERCOURSE WITH INDIA, AND SETTLEMENT OF EUROPEANS.

MUCH valuable Evidence has been received upon this important subject in the Revenue, Judicial, and Commercial Departments of the Inquiry, as well as in the Public.

As early as 1766 the Court of Directors prohibited British-born Subjects from holding Lands, the prohibition being chiefly directed against their own Servants, who, about that time, were in the habit of holding Public Lands and Farms. In 1783-84 it was stated, in a Report of the Committee of the House of Commons, that the Regulation was chiefly applicable to the Company's Servants, who, it was considered, might convert their influence and power to improper purposes, and that it ought not to be equally applicable to men not in the Company's service.

The Evidence shows, that as far as holding Lands in Farm, to a great extent the prohibition is merely nominal; Europeans hold them in the names of Natives, and in their names also they sue and are sued in the Courts.

These Lands are principally held for the cultivation of Indigo, which has improved of late years in Behar and Bengal, where the Factories are



chiefly established. There are also a few in North and South Arcot, which are two of the principal Indigo Districts.

561. 563. 734. 755. The introduction of Capital into these Districts, and the Employment
649. 1658. of a great number of People, have been beneficial; but most of the
566. 570. Witnesses do not recommend the uncontrolled and indiscriminate admission
744. 748. 756. of British-born Subjects into our Indian Possessions. It is not doubted
1001. 1004. that the skill, enterprize, and capital of Europeans might be made to confer
1001. 1007. important benefits upon the country in the development of its vast
resources. The chief difficulty opposed to their free admission appears to
578. 584. be considered to arise out of the defective state of the Judicial Estab-
lishments, civil and criminal. Facilities of intercourse have of late years
1325. been greatly increased. License to proceed to India is said never to be
withheld if the Applicant can show any reason for wishing to proceed to
India other than mere speculation. Many instances have occurred in which
a refusal on the part of the Court of Directors has been superseded by the
Board of Control.

The Report of the Committee of 1813 shows that serious apprehensions were then entertained by some distinguished individuals, who had held high stations in India, that the 'opening' of the Trade would lead to a dangerous influx of Europeans. But the Returns from 1815 to 1828 show, that in the space of 13 years, the increase of British-born Subjects in India, not in the service of the East India Company, does not exceed 515, and that these reside principally at the three Presidencies, or are employed on board the ships belonging to the respective ports. The Committee, conceiving that the question of the admission of Europeans to hold lands in India is one which deserves the deep consideration of the Indian Government, and of the ruling authorities in England, have made selection of very important documents, with a view of assisting the judgment of the House in reference to the various alterations of system which are recommended in the Evidence. In these Papers the opinions of the Local Government will be found to be fully recorded.

In 1813, total number -	1,501
In 1828 - ditto -	2,016
	<hr/> 515

General Appendix



13
CSL

ON THE AFFAIRS OF THE EAST INDIA COMPANY. xxi

MEMBERS BEFORE WHOM THE FOLLOWING
EVIDENCE WAS TAKEN.

Sir James Macdonald.

Mr. Marshall.

Mr. Labouchere.

Mr. Stewart Mackenzie.

Mr. Dixon.

Lord Viscount Sandon.

Mr. Charles Russell.

Mr. John Wood.

Mr. Astell.

Lord Cavendish.

Mr. Irving.

Mr. John Stanley.

Sir Robert Inglis.



LIST OF WITNESSES.

<i>Martis, 14° die Februarii 1832 :</i>	<i>Veneris, 23° die Martii 1832 :</i>
Peter Auber, Esq. - - - p. 1	Captain Turner Macan - - p. 167
<i>Jovis, 15° die Februarii 1832 :</i>	Alexander Duncan Campbell, Esq. p. 172
Benjamin Scutt Jones, Esq. - p. 20	<i>Jovis, 29° die Martii 1832 :</i>
<i>Veneris, 17° die Februarii 1832 :</i>	Peter Auber, Esq. - - - p. 179
The Right hon. T. P. Courtenay, M.P. p. 32	Alexander Duncan Campbell, Esq. p. 190
<i>Martis, 21° die Februarii 1832 :</i>	<i>Veneris, 13° die Aprilis 1832 :</i>
James Mill, Esq. - - - p. 42	The Right hon. T. P. Courtenay, M.P. p. 196
<i>Martis, 28° die Februarii 1832 :</i>	<i>Lunæ, 16° die Aprilis 1832 :</i>
John Sullivan, Esq. - - - p. 60	Neil Benjamin Edmonstone, Esq. p. 203
<i>Veneris, 2° die Martii 1832 :</i>	<i>Martis, 17° die Aprilis 1832 :</i>
Holt Mackenzie, Esq. - - - p. 76	Neil Benjamin Edmonstone, Esq. p. 218
<i>Martis, 6° die Martii 1832 :</i>	<i>Sabbati, 23° die Junii 1832 :</i>
Holt Mackenzie, Esq. - - - p. 91	Mons. L'Abbé Jean Antoine Dubois p. 227
<i>Martis, 8° die Martii 1832 :</i>	<i>Jovis, 12° die Julii 1832 :</i>
Charles Lushington, Esq. - - p. 106	Reverend Joseph H. Batten, D.D. p. 230
<i>Veneris, 16° die Martii 1832 :</i>	<i>Jovis, 19° die Julii 1832 :</i>
James Sutherland, Esq. - - - p. 120	The Reverend James Hough - p. 240
<i>Martis, 20° die Martii 1832 :</i>	John Walter Sherer, Esq. - - p. 251
James Sutherland, Esq. - - - p. 132	Sir Alexander Johnston - - p. 254
Peter Auber, Esq. - - - p. 133	<i>Veneris, 27° die Julii 1832 :</i>
<i>Jovis, 22° die Martii 1832 :</i>	Captain Henry Harkness - - p. 257
Captain Turner Macan - - - p. 153	



MINUTES OF EVIDENCE.

Martis, 14^o die Februarii, 18

SIR JAMES MACDONALD, BARONET,
IN THE CHAIR.

Peter Auber, Esq., called in; and Examined.

I.
PUBLIC
OF
MISCELLANEOUS.

1. DURING how many years have you been in the Civil Service of the Company at the India House, and what situations have you filled there?—I have been 27 years in the service of the Company. I have filled the situation of an established clerk in the Secretary's-office, the situation of assistant secretary, and the situation of secretary.

2. You are also the author of a work called an Analysis of Indian Government?—Yes.

3. You are therefore conversant with the constitution of the different branches of the Indian Government, both at home and abroad?—I have, I believe, a general knowledge with regard to the constitution of the present system of government, both at home and abroad.

4. State what are the different constituted authorities that compose the home government.—The Court of Proprietors, the Court of Directors, and the Board of Commissioners for the Affairs of India.

5. Will you first describe what was the system before any Parliamentary provision was made for governing India, or regulating the Court of Proprietors or Directors?—The East India Company was originally incorporated under the charter of Elizabeth, in the year 1600, and from that period they continued until the year 1698; that is the *London Company*. In 1698 the necessities of the State induced Parliament to authorize King William, by the Act of the 9 & 10 Will. 3, to incorporate another company, called the *English Company*. It was found, after a very few years, that the collision of the two Companies was such that the King himself recommended a negotiation for an agreement to unite the two. In the course of the measures adopted for that purpose, a deed of conveyance was made from the Old Company, of their dead stock, to the New Company in 1702, and an award was made by Lord Godolphin. Amongst the property which was transferred from the London Company to the United Company, were those possessions which the East India Company possess in fee-simple in their own right; such was the islands of Bombay and St. Helena, and various factories and forts; settlements, including Fort William, with the large territory connected with it, and also Fort St. George. The charter of 1698 is the foundation of the present privileges possessed by the United East India Company. The Company continued to act under this charter, and there was no other legislative provision of importance until the Act which was passed in the 27th of George 2d, which in fact was the Mutiny Act, for punishing mutiny and desertion in the Company's troops. At the close of that Act there was a provision, declaring that the parties who committed offences in India were liable to be prosecuted in the King's Bench in England; that was the only provision I believe which existed until the year 1765, when the Company acquired what is termed the Dewanny, or revenues of Bengal, Behar, and Orissa. The Court of Proprietors, in consequence of those acquisitions, and contrary to the advice and opinion of the Court of Directors, resolved to increase the dividends to a very considerable extent. It led to Parliament passing a legislative provision, limiting the dividends to a certain rate. In the year 1773, Parliament itself instituted an inquiry into the Affairs of the East India Company. They considered that the wars that had been carried on in India, and the want of control by the Company over their servants, imperatively called for some legislative interposition, to put a stop to the abuses which then prevailed. In the Court of Proprietors,

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anterior to the Act of 13 Geo. 3, each individual possessing 500*l.* stock (I believe no matter for what period) was entitled to vote, or it might have been limited previously to six months, but in 1773 it was extended to twelve months; by the Act the 13 Geo. 3, the individual must have held his stock 12 months before I could vote at a General Court. A proprietor holding 1,000*l.* stock had one vote 3,000*l.* stock, two votes; 6,000*l.* stock, three votes, and holding 10,000*l.* stock, four votes. There were previous limits with regard to the period at which ballots could be called. Such was the state with reference to the proprietors of East India stock in 1773. The Court of Directors consisted of 24 members, as ordained by the charter of William, each director was required to possess 2,000*l.* stock. As they were then elected annually, it was considered that a liability to be removed in one year from the direction, did not give them sufficient power, authority, or permanency in their situation; it was therefore ordained that they should be elected for four years in future. They were required by the Act of the 13 Geo. 3, for the first time, to put His Majesty's Ministers in possession of all the advices received from India relative to the revenue, and the civil and military government of the Indian empire. That Act named the Governor General and Council, and the Court of Directors had no power of nominating either the Governor General or any member of Council. In order to place a barrier against the restoration of servants who had been guilty of malversation or oppression, the Court of Directors were restrained from compounding sentences of the Supreme Court, or of any courts, nor were they permitted to restore any servant without the consent of three parts in four of the Court of Directors; and the same with regard to the proprietors. Various other provisions were contained in the Act. Such was the situation in which the Court of Directors stood in the year 1773. In the year 1781 the Court were required to send copies of all the despatches which they proposed to send to India, to one of His Majesty's Secretaries of State, and to the Lords of the Treasury. In 1784 the next important change took place, by the institution of the Board of Commissioners. Six Privy Councillors were appointed, of whom one was to be the Secretary of State, and one the Chancellor of the Exchequer, and three members were to form a Board, who were to superintend, direct, and control all acts, operations or concerns which at all related to the civil or military government or revenues of India. The Board were authorized to have access to all papers and copies of such as they might require from the Court of Directors. The Board were likewise to have copies of all minutes of the proceedings of General Courts of Proprietors and Court of Directors, and of all despatches received from India relating to the civil or military government and revenues, and of all letters from their several agents at Bussora, Bagdad, and Aleppo. All despatches proposed to be sent by the Court of Directors to their governments abroad, in any way relating to the civil or military government and revenues, were to be transmitted to the Board, who had the power of altering or amending the same. The Board were required to return the drafts so altered or approved within the period of 14 days. In the event of any of those despatches being returned altered upon points which the Court of Directors might think did not relate to the revenues or the civil or military government, they were authorized to make representations thereon to the Board of Commissioners. I should have stated that the Board were required to inform the Court of the reasons at large which had induced them to make such alterations. The Board were likewise invested with the power of requiring the Court of Directors to frame a despatch upon any subject connected with the civil and military government or revenues in India; and in the event of the same not being framed within 14 days, the Board might send to the Directors a despatch to that effect. It was likewise ordained that there should be a Secret Committee appointed by the Court of Directors, to whom the Board, when they were of opinion that the matter required secrecy, such as relating to the levying of war or making of peace, or treating or negotiating with any native princes or states in India, might send orders and instructions; and the Secret Committee were to forward such orders, in the form of despatches, to India, without disclosing the same. It was specially provided in the Act of 1784, that the Board were not in any way to interfere in the nomination or appointment of any of the servants of the Company at home or abroad. His Majesty, under his sign manual, might recal any servant; so might the Court of Directors. When His Majesty was pleased to recal any servant, a duplicate of the instrument was to be delivered or transmitted to the Chairman and Deputy Chairman of the East India Company by the Secretary of State.

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Vacancies in India were to be filled by the Court of Directors from the coveted civil servants, excepting the office of Governor General and Governors, if the Court saw fit to appoint any other parties. In the event of a vacancy occurring in the government in India, and the Directors not appointing to it within two months after knowing the same, His Majesty was authorized to nominate, and in that case, the power that the Court previously possessed of recall could not be then exercised by them. The Court of Directors were likewise authorized to appoint members of Council provisionally to succeed, in the event of any vacancy; and they might revoke the same. No salary was to be received by the party so appointed until he took upon himself office. When the Council was reduced to two, and no provisional member appointed, then the senior civil servant on the spot was to be called in. It was provided, that after the passing of the Act, the orders of the Court of Directors, when approved by the Board, were not to be revoked by the Court of Proprietors. All the Company's establishments abroad were to be taken into consideration by the Court of Directors, with the view of making such retrenchments as might appear expedient; and a statement of all the servants and establishments, with their places and employments, were to be laid annually before Parliament. The Court of Directors were limited in sending out any servants as writers or cadets, other than were necessary to keep up the proper establishment. The promotion of the servants, in their respective lines, was prescribed by the Act of Parliament; and it was likewise ordained that the Company's servants, when dismissed by competent courts, could not then be restored. In 1786 the members of the Secret Committee were to be sworn, and all parties employed by them were likewise to be sworn. In that year there was likewise a further regulation for the trial in England of offences committed in India. In 1788 an Act was passed, on a point of right disputed by the Court of Directors, authorizing the Board of Commissioners to defray, out of the revenues of India, the charges on account of the King's forces, to the extent of 12,200 men; at the same time it was specially ordained that the Board of Commissioners should not give any order for an increase of salary or allowances, or for any extraordinary allowance to any individual, otherwise than as proposed by the Court of Directors. The Board were also restricted from granting any gratuity. Annual accounts of the Indian revenues were to be laid before Parliament 14 days after their meeting. That closes the second period with regard to the home authorities. In 1793 most of the various provisions contained in the former Acts were re-enacted; a President of the Board of Commissioners was appointed. No action was to be stayed by the Court of Directors without the sanction of the Board. The application of the surplus revenues in India, and of home profits, was prescribed under that Act. No grant of salary above 200*l.*, made by the Court of Directors, was valid, without being confirmed by the Board of Commissioners. The next important measure was the Act of 1813, which provided for a separation of the territorial and commercial branches of the Company's affairs. No duties imposed in India were valid until approved by the Board of Commissioners. All applications from parties for permission to proceed to India were to be made, in the first instance, to the Court of Directors; and if refused by the Court, they were to be sent to the Board within one month of their receipt by the Court, accompanied with any representation respecting such application. The Board of Commissioners might order a certificate for such parties to proceed, if they saw fit. The regulations for the college at Hayleybury for the education of the civil servants, and the military seminary at Addiscombe, were subject to the approval of the Board. It was likewise ordained that the college and seminary should be maintained during the present term of the Company's exclusive privileges. One lac out of any surplus territorial revenue was set apart for the improvement and education of the natives. The appropriation of the revenues was particularly defined and laid down. The home profits were not liable to territorial charges until the dividend was provided for. When the debt in India was reduced to 10,000,000*l.*, and the bond debt to 3,000,000*l.*, a guarantee fund of 12,000,000*l.* might be framed as a security for the capital stock of the proprietors. It was, as already stated, under this Act that the separation of the commercial and territorial accounts took place; and no despatch, as to the application of revenue to commercial purposes, was to be sent to India until approved by the Board. The Board, instead of being required to send back despatches transmitted for their approval, in 14 days, might retain the same two months. All questions in the Court of Directors put by ballot, where the votes were equal, had, under the charter, been decided by the lot of the treasurer; by the Act of the 53 Geo. 3, the question,



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on which the votes were in future equal, was declared to be lost, except in the case of two or more candidates for office. The vacancies of Governor General, Governors and Commanders-in-Chief, were subjected to the approval of the King. The Court had reserved to them the privilege of appointing their advocates-general, advocates, attornies and chaplains, without the approbation of the Board, and likewise masters-attendant. The restoration of suspended servants was made subject to the approbation of the Board. The Act that had previously limited the return of the military officers to a period within five years, was now extended to allow general officers and lieutenant-colonel commandants to return, although they had been absent five years from India. The restored civil servants, who might have been absent from India any number of years, were, under the former Act, permitted to take the rank which they would have possessed had they remained in India; but by the Act of 1813, the individual so restored takes rank only according to the period when he departed from India. The former Act required that their servants should be appointed and take rank according to seniority of appointment; the Act of the 53d provided that they might be appointed to boards, &c. without taking rank according to seniority of appointment to the service. No gratuity of above 600*l.*, granted by the Company, was valid, unless confirmed by the Board. Copies of all grants of money by the Court of Directors were required to be laid before Parliament. A certain sum for passage-money was given to Governors General and Commanders-in-Chief, and other functionaries, on their departure from England, for outfit, in lieu of their drawing their salary from the time of their appointment in this country. The payment on account of King's troops was not to exceed 20,000 men. The power of granting superannuation to their servants was conferred upon the Board and the Court of Directors; the accounts of such superannuations were to be laid before Parliament. British subjects were made liable to the local civil judicatures. Such is a general outline of the Acts regarding the home system.

6. Will you state what are the functions actually exercised by the Court of Proprietors?—The Court of Proprietors elect the directors, and declare the dividends; all grants of money beyond 600*l.* are submitted to their approval by the Court of Directors; they make bye-laws for the regulation of the Company, which laws are binding upon the Company where no Act of Parliament exists to the contrary. It is hardly possible to define exactly what the powers of the General Court are. Those powers, as has been before stated, were limited by the Act of 1784, in consequence of their having interfered with regard to various measures connected with the government of India, as proposed by the Court of Directors; and more particularly with regard to the prosecution of servants and others for malversation and corrupt practices abroad. Their powers are also considerably limited by the Act which provides that no measures adopted by the Court of Directors, and approved by the Board, can be revoked or altered by the Court of Proprietors; at the same time there is no limit that I am aware of which prevents the Court of Proprietors from discussing any matters relating to the Company: they would be guided, it is presumed, in the exercise of those powers by the knowledge that what they might resolve upon, if not in accordance with the views of the Court of Directors and the Board of Commissioners, would be rendered nugatory and ineffectual; it would, in fact, be impossible to carry on the general affairs of the Company if the proprietors were authorized to interfere as formerly. The Court of Proprietors have the power, under the charter, of calling upon the Court of Directors to summon a Special General Court upon the requisition of nine proprietors, who are qualified to vote, or each possessed of 1,000*l.* stock. I am not aware of any other particular privilege that appertains to them.

7. In point of fact, the Act of 1793 specially vested in the Court of Directors and the Board of Commissioners, the administration of all matters relating to the civil or military government or revenues of India?—The Act of 1793 was a repetition, in a great measure, of the provisions that existed under the Act of 1784; that was the original Act that invested the Board with the power of controlling the affairs of the Company on certain defined points.

8. You state there is nothing to prevent the Court of Proprietors from discussing any measure of the Court of Directors; but in point of fact they are, as the law now stands, precluded from any control, except in the instance of a grant of money exceeding 600*l.*?—Yes, except in making bye-laws for the control of the Court of Directors.

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9. Have they, subsequent to the renewal of the charter in 1813, in point of fact been in the habit of making bye-laws?—They have made bye-laws, and among them one which ordains that all proceedings in Parliament connected with the interests of the East India Company should be submitted to them by the Court of Directors before the same are passed into a law, and others as to grants of money.

10. What are the qualifications now necessary to give a vote, and how many of the proprietors are there qualified to vote?—The qualification necessary to give a proprietor a vote is possessing 1,000*l.* stock, and that stock he must have held a twelvemonth. No minor is qualified to vote.

11. What other exceptions are there?—I am not aware of any other. Females may vote.

12. What is the number of proprietors entitled to vote?—The total number of proprietors entitled to vote at the present time is 1,976, of which there are 54 who have four votes, 50 who have three, 370 who have two, and 1,502 who have one vote. The number of proprietors who possess stock enough to qualify them to vote, but have not held that stock a sufficient time, are 3 of four votes, 12 of three votes, 39 of two votes, and 132 of one vote. Then there is the privilege belonging to the proprietors who hold 500*l.* stock, of speaking in the General Court, but not of voting; of those there are 221. There are also 396 who hold stock under 500*l.*; and there are 165 accounts in the names of foreigners. There are seven proprietors who hold more than 10,000*l.* stock. The total number of accounts is 3,579.

13. Can aliens vote?—I do not feel competent to answer that question.

14. The proprietors are not allowed to vote by proxy?—Clearly not.

15. Are you aware that corporations can vote under their seal?—I am not.

16. Can you state what number of proprietors are resident in and about the metropolis?—I do not believe it is possible to acquire any accurate information upon that point.

17. You have stated that the Court of Proprietors have the power of controlling any grant of money exceeding 600*l.*?—Yes.

18. Can they make grants of money themselves irrespective of the Court of Directors?—They can propose grants of themselves; and it was an extraordinary circumstance, that in the Act of the 53 Geo. 3, any grant made by the Court of Proprietors did not appear to be subject to confirmation by the Board of Commissioners, and the Act of the 55th was consequently brought in to remedy that defect. No grant whatever that may be made by the Court of Proprietors, exceeding 600*l.*, is valid or effectual, unless confirmed by the Board of Commissioners.

19. You have stated that the Court of Proprietors declare the dividend; since the passing of the Act in 1793, the dividend has always been declared at the maximum prescribed by that Act, of 10½ per cent.?—Yes.

20. The declaration of the dividend has therefore become a mere matter of form in the Court of Proprietors?—If any increase was to take place, it must be done by ballot. The Court of Directors come to a resolution, which they communicate to the Court of Proprietors, recommending what the dividend should be, the Court having previously ascertained the means of the Company to grant that dividend.

21. When you speak of the means of the Company to grant the dividend, are the Committee to understand that the dividend is declared with reference to the state of the commercial profits of the Company?—Clearly.

22. Do you mean to say that the commercial profits have, in every succeeding year since 1793, been in a state to justify, as commercial profits, a dividend of 10½ per cent.?—I have no reason to doubt that since 1793, the commercial means of the Company have been fully adequate to meet the dividend; but I can answer positively from 1813, when a separation of the accounts took place, to the present time, that no dividend whatever has been proposed until the Committee of Treasury, who manage the financial concerns of the Company, have had before them a full and clear account of what the Company's means and profits are.

23. The Court of Proprietors are precluded from revoking, suspending or varying any order of the Court of Directors, touching the civil or military government of India, or the administration of the revenues, after the same shall have received the approbation of the Board of Commissioners?—Clearly.

24. Has the Court of Proprietors any means of knowing what orders or resolutions have been passed by the Court of Directors upon any given subject, before they have been sanctioned by the Commissioners?—Certainly not.



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25. The proprietors then are in fact virtually precluded from all substantial interference in the affairs of the Company?—Yes, certainly; and the inconvenience that arose from their interference led to that exclusion.

26. What number of persons, qualified as proprietors, appear to be retired civil or military servants of the Company?—I do not believe it would be possible to ascertain that point.

27. Will you be good enough to proceed to state what is the constitution of the Court of Directors, and what are the functions actually exercised by them?—The Court of Directors consists of 24 proprietors, who are elected under the Act of 1773. Under the charter, 13 of those Directors form a Court, and they conduct the whole administration of the affairs of India, both at home and abroad, subject, upon certain points, to the control and authority of the Board of Commissioners and Court of Proprietors.

28. What number of individuals are there among the Directors of the East India Company being retired civil or military servants of the Company, or retired commanders of ships?—Three Directors have been private merchants in India, two of whom had previously been in the civil service of the Company; seven have been civil servants in India; four have been military servants; three have been in the maritime service, not abroad, but the freighted service; one was a barrister at Calcutta; three are merchants; one a banker, and two private gentlemen. Of the six Directors out by rotation, two were in the maritime service, two are bankers, and two merchants.

29. Of those 30 gentlemen could you state what number have had any practical knowledge of India, by having been in India?—Twenty.

30. Into how many committees are the Directors divided for the transaction of their business?—There are three principal committees, one called the Committee of Correspondence, the other the Committee of Buying and Warehouses, and the third class the Committee of Shipping.

31. Of whom does the Committee of Correspondence consist?—Of the nine senior members, with the chairman and deputy chairman, making eleven.

32. In what manner is the appointment of the several Directors to committees regulated?—In the month of April annually, after the general election, the bye-laws ordain that a Chairman and Deputy shall be chosen by the Court of Directors; and when the Chairman and Deputy Chairman are chosen, the Court assembled appoint the several committees; the Chairman proposing from the chair the several members of the committees.

33. State what departments come within the province of the Committee of Correspondence, and the other committees?—The Secretary's-office is under the Committee of Correspondence, the Examiner's-office, the Auditor's-office, the Military Secretary's-office, the Military Fund and Recruiting, the Treasury, the College, and what is termed the China Department. The Committee of Buying and Warehouses also comprise the Buying Warehouse department, the whole of the Warehouse establishment, the Accountant's-office, also what is termed the East India Wharf, and they form the Military Seminary Committee. The Committee of Shipping comprise the Shipping department, the Master Attendant's-office, and the superintendence of the whole of the shipping concerns of the Company.

34. In fact, then, all that relates to the territorial business of the government of India is comprised in the Committee of Correspondence?—All that relates to the preparation of despatches for India generally; there are despatches prepared under the Committee of Buying and Warehouses that relate to the commercial concerns and investments, but the Committee of Correspondence comprises generally the greater part of the Indian correspondence.

35. To this committee the Directors can only arrive by seniority?—As the members are appointed by seniority to the committees, they can only arrive by gradation at the Committee of Correspondence.

36. Would a retired judicial or military officer be obliged to serve as a matter of course upon the Committee of Buying and Warehouses, or the Committee of Shipping, and in those situations would you consider his services most efficient and useful?—He would undoubtedly be obliged to serve in those committees; but I may be permitted to remark, that each member of the Court of Directors has an opportunity of investigating and becoming acquainted with every matter connected with the Company's concerns, whatever they may be; and perhaps I should be able to explain the matter better if I was to state how the business of the



the Court of Directors is conducted, which will show that those members, though appointed to other committees, may have and do have full cognizance of what is going forward. With regard to India, every despatch of every sort and kind, be it what it may, whether upon the secret, commercial or political department, or from the agents abroad, all come in the first instance to the Secretary's-office, and they are laid by the Chairman before the first Court of Directors which meets after their receipt; where a despatch is considered of importance, that despatch is frequently and generally read to the Court at length, and any member of the Court of Directors, after a despatch has been read or laid on the table of the Court, has full power to call for it at any time he pleases. The despatches, when read or laid before the Court, are considered under reference to the Committee of Correspondence, and the several officers whose duty it is to prepare answers to those despatches, take the directions of the Chairs upon the points connected with them. Under those officers there are assistants, who prepare what is termed collections, and those collections embrace the whole matter to which any despatch has reference, whatever it may be. After the despatch or draft is thus prepared and submitted to the Chairs, it is brought before the Committee of Correspondence, and when it is approved by that committee, it is laid before the Court of Directors, where it remains a week or a fortnight, or even a longer period, at the wish of any Director. Thus each Director, when the despatch is first received, has the means of becoming fully acquainted with its contents; and when the reply is laid before the Court of Directors, the members may call for the collections, and make themselves fully masters of the groundwork of the despatch, and of the several subjects connected with it, and so with regard to every other subject that comes before the Court of Directors. Every application to the Court comes in the first instance to the Secretary's-office, whether letter or address from parties in this country, or despatches from India. They are invariably laid before the first Court after their receipt; consequently every member of the Court has full power to call for anything, be it what it may, that is before the Court, except despatches to or from the Secret Committee.

37. With whom does it rest whether a despatch shall be read to the Court or not?—The Chairman points out what he considers of importance.

38. How many years is it on the average before a junior Director arrives at the Committee of Correspondence?—It is hardly possible to define; it is sometimes a very long period, and sometimes very short.

39. It may happen then that a very able and experienced servant may return from India and be elected a Director, and not arrive at the Committee of Correspondence, which is the most important part of the administration of Indian concerns, until he becomes too old for service?—He has the same means in the situation he stands in as a Director of acquiring all the information that a member of the Committee of Correspondence possesses.

40. Do you mean that a member of the Court of Directors has the power to interfere with the proceedings of the Committee of Correspondence?—No; they do not interfere, but they have the means of becoming acquainted with the subjects brought before the committee upon which any ultimate proceeding takes place.

41. To become acquainted with a thing, and to take an active part in it, are two different things?—Undoubtedly they do not take any active part in the deliberations of the committee, but they have the means not only of becoming acquainted with the subjects brought before the committee, but they sometimes move in Court and carry the reversal of the decisions and views which the Committee of Correspondence have adopted with regard to despatches and other matters. Each member has likewise the privilege of entering a dissent upon the minutes of the Court, which dissent is sent to the Board of Commissioners the day after it is so recorded.

42. Can you state to the Committee upon what principle this limitation by the Directors of their own power to avail themselves of the greatest experience and ability that their body will furnish in this most important department, is founded?—The committees, as they stand now, were generally framed in 1785, in order to assimilate their duties with those which it was considered the Court would have to perform in communication with the Board of Commissioners, and from that time to the present it has gone on. I am not aware of any particular principle upon which it has been founded, other than that of seniority enabling every Director to become acquainted with every branch of the Company's affairs.

43. You presume that the number of years that may elapse before arriving at
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the Committee of Correspondence is a period of probation?—No, I do not consider it by any means a period of probation, because I think an individual Director, if placed upon the Committee of Correspondence, would be perfectly adequate to the performance of the duties; but it is desirable that he should acquire a general knowledge of the whole.

44. Practically, is it the case that a Director, upon his first being appointed a Director, can immediately take an active part, if he chooses it, in the great concerns of the Indian government?—Most unquestionably.

45. Has it been the practice for Directors, at their first becoming so, to take an active part?—Of late years most particularly so.

46. Do you consider that a Director acquires in the Shipping and Buying Committees any knowledge that makes him more fit to be one of the Corresponding Committees when he arrives at it by seniority?—I think he does acquire particular information which makes him more fit; he gains a general knowledge on points touched upon in the correspondence relating to the Company's affairs.

47. You have referred to the mode in which the Chairs are elected annually; is not every gentleman, upon his first admission to the Court of Directors, qualified to be the Chairman, if the Court so think fit?—Certainly.

48. Is it not thought desirable that the person who, as you have observed, if Chairman, is on all committees, should have a knowledge of the business of Shipping, and Buying and Warehouses?—I think any gentleman who might be placed by the Court in the situation of Chairman immediately or within a year after his being elected a Director, would scarcely feel himself competent to discharge the multifarious duties which necessarily devolve upon the gentleman filling the Chair.

49. Is that not the reason why the practice of seniority has so long prevailed?—I can conceive no other reason for it.

50. At present six Directors go out annually by rotation?—They do.

51. Do you know upon what principle or in what way that arrangement was made?—It was considered, anterior to 1773, at least so the Parliamentary proceedings state, that there were combinations when the Court of Directors were chosen all at one time, and it was considered that it would be better to break the system, and thus it was resolved that they should be chosen six annually; and that by six going out in rotation, a break would be made so as effectually to alter the whole connexion which had previously existed, and which was considered injurious to the administration of the affairs of the Company.

52. The Directors who go out by rotation are, however, uniformly re-elected at the expiration of the year?—Not uniformly; not necessarily.

53. It has happened that they have uniformly been re-elected?—No, it has not; there have been instances where the Directors have been thrown out.

54. How many exceptions have you known?—I cannot immediately recollect the exact cases.

55. More than one?—Yes.

56. About once in five years?—It may be so.

57. Did those instances of rejection occur upon public grounds?—One certainly did upon public grounds; with regard to the others, I really do not believe that they did.

58. Did you ever know a Director appointed to the Committee of Correspondence within the first year of his election as Director, however qualified he might be for the situation?—Never.

59. Will you state what is the course adopted in preparing answers for despatches from India?—There are officers whose duty it is to prepare answers to the despatches in the political, revenue, judicial, public, military, and financial departments. The officer whose duty it is to prepare the answer to a despatch from India calls upon his assistants to make a collection, which comprises all matters relating to the despatch to be answered. The despatch is answered paragraph by paragraph, according to the principle laid down by the Court and the Board. The officer who prepares the answer communicates with the Chairs, and takes their direction on points connected with it; when the draft is fully prepared, it is then laid by the Chairman before the Committee of Correspondence.

60. Be good enough to describe its progress to the Board of Commissioners?—I am now speaking as to public proceedings connected with the preparation of the despatch, because previous communications frequently take place between the Chairs and the Board of Commissioners regarding despatches, prior to their being laid before the Committee of Correspondence.

61. In



61. In what shape is the first communication made to the Board of Commissioners?—The first mode in which the communication generally takes place is by what is termed “a previous communication,” which communication (to which none but the President of the Board, the Chairs, and the officer who prepares the despatch, are parties,) puts the President in possession of the views of the Chairs, as to any given despatch.

62. Is this previous communication oral or in writing?—Frequently both, but almost invariably in writing also.

63. What follows on alterations being made by the Board in despatches sent up regularly for approval?—The draft having passed through the Court, is signed officially by the secretary to the Court, and sent up in the usual form. If the draft is returned by the Board with alterations, which are made in red ink, by striking out some parts and adding to others, with a letter explanatory of the Board’s reasons for the same, the Court are authorized to address to the Board a representation upon such alterations as the Board may make. In the event of the Board not being satisfied with the reasons given by the Court against such alterations, the Board communicate the same by letter to the Court, and at the same time generally desire that the draft may be framed into a despatch, and forwarded to India, agreeably to the provisions of the Act of Parliament.

64. The Act fixes the limit of time within which it is necessary, under such circumstances, that the despatch should be sent off?—No. The Board are required to take such representation into consideration; and their orders, upon so considering it, are final and conclusive on the Court.

65. In the event of the despatch not being sent by the Court, has the Board the power itself of sending out the despatch?—No; the Board having ordered the despatch to be sent out, and the Court of Directors still declining to send out the despatch, in the belief that the Board have exceeded their powers in the alterations which they have made, the Court appeal, by petition, to the King in Council, who decides whether the alterations fall within the province of the Board. If that decision is in the affirmative, a mandamus may be moved for to compel the Court of Directors to sign and forward such despatch.

66. Have differences of opinion arisen from time to time between the Board of Commissioners and the Directors upon the matter of any despatch?—Differences have arisen frequently.

67. Has any instance occurred of resort being had to the extreme measure of a mandamus?—I am only aware of one instance, which was in Major Hart’s case; it originated many years ago, and the mandamus was served about 15 years ago.

68. Will you state the circumstances of that case?—Major Hart was an officer employed as commissary of grain under the late Lord Harris, then General Harris, at the siege of Seringapatam, in 1799. During the siege, if I recollect right, there was considerable scarcity of grain; Major Hart shortly afterwards reported that he had in his possession a considerable quantity of private rice; some doubt arose as to the way in which he became possessed of the rice; and the price which he demanded for it was considered to be exorbitant; and his conduct led to his removal from the service. He afterwards made an application to the Government for payment on account of this rice, to a greater extent than the Court had ordered remuneration. The Board of Commissioners thought he was entitled to a larger sum; and the Court, not considering that the Board had authority to order the increased sum to be paid, refused to sign the despatch as altered by the Board. This led to an appeal, on the part of the Court, to the King in Council.

69. What was the result?—The King in Council decided that the Board had the power, and the Board in consequence of that moved for a mandamus, which was served upon the members of the Court individually; the despatch was accordingly signed, but the Court at the same time recorded their protest. The money has never been received by Major Hart, as he or his attorneys did not consider that the decision even of the Board of Commissioners, as to reimbursement, amounted to what he justly claimed.

70. The Board of Commissioners for the affairs of India possess and exercise an absolute control over the subject-matter of the despatches sent out by the Court of Directors to their servants at the several presidencies?—I conceive that the Board of Commissioners exercise the most ample power with regard to all matters over which control is given to them by the Act of Parliament relating



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to the civil and military government and revenues of India. Every despatch is approved by them before it goes to India.

71. What are the powers of the Court of Directors, independent of the control on the part of the Board of Commissioners?—I consider the Court of Directors to possess all appointments of writers and cadets, and assistant surgeons; in fact, all patronage, with the exception of that portion of it which has reference to the appointments of Governors or Commanders-in-Chief. The Court are limited with reference to interfering in any appointment abroad of any individual to any place without the approbation of the Board of Commissioners. After the nomination of an individual as a writer or cadet, and the party shall have proceeded to India, all power of the Court of Directors over such servant in his future promotion or appointment to office ceases, and they only have the power of recommending to appointments with the consent and concurrence of the Board of Commissioners.

72. In whom rests the power of promotion in India after the civil servants have arrived in that country?—It rests entirely with the Governor General and the Governors in Council of the several presidencies.

73. Will you define what patronage is vested in the Crown, what patronage is vested in the Directors, and what in the Governors and Council of the different presidencies in India?—The patronage that may be considered immediately vested in the Crown is the appointment of officers to the staff, and all officers connected with the King's forces, and all the judges of the King's courts there; but I am not aware that the Crown possesses the power of appointing to any other class of office except the bishop.

74. In whom is the appointment of the Governor General and the Governors of the subordinate presidencies?—The Governors General are appointed in the first instance by the Court of Directors, subject to the approval of His Majesty, and the Commanders-in-Chief the same; but Members of Council the Court of Directors may appoint themselves, without any control whatever.

75. Practically, is it not the case that the offices of Governor General and of Governors and Commanders-in-Chief are appointed by the Crown?—They are appointed distinctly by the Court of Directors.

76. Has it not, in truth, been the practice that those appointments have been made at the suggestion of the Ministers of the Crown, subject to the negative or control exercised on the part of the Court?—I apprehend that upon selecting a person for the high office of Governor General or Governor of either of the presidencies, it would seem to have been almost a necessary part of the constitution that the Court and the Board should in some measure have communicated previously upon the subject; but the Court of Directors have the clear power of rejecting any one they please, or rather of appointing any one they please, the appointment being subject to the approval of His Majesty.

77. Is it not practically the case that the Court of Directors exercise a sort of veto in extreme cases, but in ordinary cases the nomination of those great officers really resides in the King's Government for the time being?—Without mentioning any names, because no record has been made in instances where matters have come under discussion, names have been proposed by the Chairs, and they have been rejected most decidedly, although the individual proposed to the Court stands in the most high and distinguished situation in this country.

78. Have not those cases rather been exceptions to the general rule than the rule as it has practically existed for the last many years?—I apprehend the exceptions could hardly be expected to be many, because there would be great hesitation, and there has been great hesitation on the part of the Ministers in naming any individual who might not be considered in a great degree acceptable to the Court of Directors, or to the majority of the Court.

79. The patronage of the Directors then would appear to be confined mainly to the appointment of writers in the civil service, cadets in the military service, and assistant surgeons?—Certainly, with the exception of the masters-attendant, the advocate-general, and chaplain.

80. Would it be possible to form any estimate of the value of such patronage?—I apprehend it would be quite impracticable; what might be valuable to one individual might not be so to another.

81. Their patronage, however, must be small in comparison to that which is exercised in India, and in which neither the Government or the Court of Directors interfere?



interfere?—Decidedly. There is no civil patronage this year in the Court of Directors. The Governors in India have the whole of the patronage in India.

82. Is there any military patronage this year?—Three cadets to each Director.

83. The reductions now proceeding in India, both in the civil and military branches of the administration, have no doubt materially reduced the home patronage as to writers and cadets?—Most unquestionably one of the reasons that there has been no civil patronage this year has been owing to the reductions in India.

84. There have been periods in which these subjects of patronage have been brought to sale in this country?—Clearly.

85. How long since has such practice ceased?—The last case was in the year 1827, when the Court of Directors considered that a sale of patronage had occurred, and took measures for discovering the fact, and brought before the public the whole of the parties whom they thought were in any way concerned in the transaction. I may perhaps state that the Court of Directors were perfectly regardless of any individual, be he who he might, that was supposed to be concerned in that traffic, and one of their own body was among the number whose name had been used; that gentleman was brought to trial with other parties: he was acquitted; the other parties were convicted and imprisoned.

86. Was there at that period a known market price attached to the purchase of a writership and cadetship?—I really believe not.

87. Have you any doubt in your own mind that that practice has of late years been discontinued?—My own impression is, that it decidedly has.

88. Has it been the practice at any period for the Directors to sell their patronage?—Certainly not the avowed practice, neither was it the known practice. That patronage has been sold there can be no doubt, because the records of the public courts and the inquiries of Parliament establish the fact; but every Director was entirely acquitted of being a participator in any way. One Director, who was supposed to have been more or less concerned, was thrown out of the direction in consequence of it a great many years ago.

89. Is the Committee to understand that no person having a sum of money to purchase patronage of either of the descriptions you have stated, is capable of going into the market and procuring that patronage for his money?—Clearly not.

90. Then upon your evidence the Committee are not to understand that it has been the general practice, but there are exceptions where patronage has been sold?—If any patronage has been sold, it has been entirely without the cognizance of the Court of Directors; that I can state most distinctly and positively, as far as the public or the secret records go. Wherever the Court of Directors had the least conception that any treaty for the purchase of patronage was going on, they have taken every measure they could, privately and secretly, to discover the individuals, in order to put a stop to it; I may say that they have denounced it entirely.

91. That instance to which you have referred is one in which the Director lost his seat in the Court, in consequence of the discovery or a suspicion of such corrupt use of his patronage, occurred, it is believed, nearly 30 years ago?—More than 20 years ago.

92. Since that time two other cases have occurred, in which some proof, or at any rate some suspicion, attached to two Directors; subsequently to that time has there not been an oath administered to each Director, that he will not, directly or indirectly, make any such corrupt use of the patronage committed to him?—I am not aware of any oath.

93. Has not the Court of Directors since instituted very severe inquiries with respect to the distribution of patronage, and have they not recalled to England more than one of their servants then in India, in consequence of the discovery that the appointment of such servant, though unknown to the party himself, was procured by such means?—Yes.

94. The young men sent out, in perfect good faith as far as they were concerned, were recalled from actual service in India, and deprived of all benefit thereby, in consequence of the discovery that their parents or their friends had purchased such appointments?—Clearly.

95. Did that occur in more cases than one or two, or three?—I think in two only.



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96. Then the Court have taken cognizance of that practice in their records? Certainly.

97. If it has been proved that two writers sent out to India have obtained their appointments by means of paying money to some person to whom the Director had given that appointment, do you or do you not conceive it probable that the same thing has occurred in many more instances that have not been discovered?—I have no reason to believe that they have occurred at all; great precaution is taken with regard to appointments. The friends of each individual enter into a penalty bond of 3,000*l.*, rendering himself liable, in the event of it ever appearing that it has been purchased, and the appointment, on the discovery, is null and void.

98. Notwithstanding it being found out that those situations were gained by improper persons, were the writers allowed to remain in India or recalled?—Recalled; they were dismissed the service.

99. What are the qualifications that are required for a writer previous to his appointment?—I cannot immediately state to the Committee what the exact qualifications are, but they are defined by the Regulations, that can be laid before the Committee.

100. It is only from that class that appointments can be made in India to any civil office?—Clearly; the Act prescribes that the appointments in India shall be made from the list of civil servants there.

101. In the event of the Legislature deeming it desirable to remove the patronage of writers and cadets from the governing body in this country, whatever it might be, do you conceive that any disadvantage would arise to the service from making such appointments the subjects of open competition in this country as to the qualification of the person?—I am not aware that there could be any difficulty in finding perhaps individuals qualified if the patronage was removed from the Court of Directors, but the direction of the whole must rest somewhere, that is, if I understand rightly, the appointment would be thrown like prizes in the market for individuals to strive for.

102. That the governing power should select young men for those situations upon open competition for that purpose?—If I understand the question it applies to getting individuals properly qualified, otherwise than by the Court of Directors recommending them. I presume it would be equally possible to get individuals properly qualified as they may be now; but there must be some body to have cognizance as to their first appointment, and then that body would, more or less, have an influence over them ultimately. The selection of a number of individuals for the patronage would rest somewhere; there must be some spring for the first exercise of that patronage.

103. Does it not happen, as it must according to the course of human nature, that the Directors, in the exercise of that patronage, are very frequently governed by a predilection for their own relatives and families?—Most naturally; but the individuals whom they appoint are subject to the like examination as every other individual is; he stands no better or fairer for the ultimate completion of the appointment, unless he is qualified, than any other party.

104. What is the nature of the qualification that they have to undergo?—If they are educated at the East India College, they are not appointed without the College Council reporting as to their qualification; the College Council rank them; and under the late London Board there were certain tests; when the young men came up to those tests, they were appointed.

105. Must it not happen that, when individuals are so appointed from favour and affection, that their qualifications are not equal to those which they would be likely to be, if they were the rewards of merit and acquirement?—I believe, under no circumstances whatever has any favour in the least been shown to a connexion or a relative of a Director, as such. I conceive that you must have a general standard of qualification, to which every individual must come up; if he does not arrive at that standard of qualification he cannot be appointed; and perhaps the testimony borne by Governors General who have been in India, as to the appointments made, would best show the character of those selected for the duty in India.

106. Those gentlemen so sent out, not having been bred to any profession, if they should be unable to obtain civil advancement in India, are left without the means of providing for themselves?—No one, as I have before observed, goes out without having answered the test. After a writer reaches India, he is now, I believe, sent into the Mofussil; that is, into the interior of the country, where he is placed under a collector; and he must, in a certain time, possess a certain qualification



qualification in regard to the languages; in the event of his not attaining that proficiency, he is sent home, and is disqualified for service.

107. Does not this mode of sending out writers narrow the sphere of talent out of which the Governors of India have to make their choice?—In the first place the number sent out is according to the number required. All parties, when they are sent out, as I have before stated, are supposed to possess certain qualifications. It has, I believe, been seldom found that, amongst the number sent out, the Governor General has been at a loss to select servants for particular duties; some have evinced far greater talents than others; but in the lists of servants now there are many distinguished individuals, and have been since the institution of the College. I have never heard of any complaint, as to the qualifications of the servants generally, on their reaching India.

108. Do you believe that there are in India more than sufficient actually to fill the existing offices in that country?—Whether at this moment there may be more or not I do not know, but a very few years since the Bengal government made a requisition to the Court of Directors for 80 writers; the Court of Directors were themselves very much surprised, and would not send out anything like the number; but in order to afford a supply, the establishment of the London Board was framed for the selection of individuals who might be found throughout the country qualified, provided they could obtain a presentation.

109. The limited number of writers sent out must proportionally limit the selection and range for office?—Unquestionably, the fewer the instruments the more limited the selection.

110. Do you know whether, in point of fact, the Governor General and Governors and Presidents have felt great inconvenience from the very narrow choice that was left with them in filling very high and responsible situations?—If they have felt it, they have not stated it upon record generally.

111. You have used the expression “standard of qualification:” will you state what you consider the standard of qualification for a writer going out to India?—I cannot state what it is; but the regulations of the College will detail it. The regulations with regard to the College are approved by the Board of Commissioners.

112. The supply being so limited of writers sent out, is it not essential they should be persons of the highest qualification?—The Board of Commissioners and the Court of Directors have framed general regulations, and the professors of the College have stated what they considered to be an efficient and good test.

113. If you could get better, would it not be desirable, there being so few?—No doubt the best would be the most desirable.

114. Then the question is, whether you could not get a better class of servants by public examination, or public competition, than you do now in the way in which the patronage is exercised?—I should doubt very much whether it would be so.

115. You have referred to the London Board; is there not in the London Board a classification of first, second, and third servants?—Yes.

116. Are you aware how many of those who have been sent out through that ordeal have obtained the first rank?—No, I am not aware; but the Return can be given.

117. Does it appear to you that any of the evils of divided responsibility and delay have arisen from the present constitution of the home government, in so far as relates to the Court of Directors and Board of Commissioners?—It is really difficult to answer that question altogether. Instances may possibly have occurred, supposing you take the limit prescribed by Parliament, within which business ought to be done, that is, that the despatch, when prepared, should be only two months from the time of its leaving the Court of Directors to its being returned thither; that limit has in some cases been exceeded.

118. From the date of the arrival of the despatch from India until a final reply is sent to it, what may be the average period of time that may elapse?—I cannot state the average period of time: the answer I meant to give was as to the rapidity of time within which a despatch having been prepared was, in fact, sent to India. It had no reference to the period when despatches might have been received from India, and the answer sent back to India.

119. The question now goes to that?—Most unquestionably I think there have been delays, but I do not think that any average can be well drawn.



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Whenever a despatch is considered of importance, a reply has been frequently prepared *instantly*. It has occurred that letters which have been sent from this country to India upon important subjects, have not been answered for years from India, in consequence of the intervention of wars, and various other occurrences, which have rendered it impossible for the authorities there to take up the subject.

120. What is the shortest time in which you have known a despatch received, and a reply sent in detail upon matters not including mere acknowledgment of receipt?—I should say within the period prescribed by Parliament. An answer has been prepared by the Court and sent up to the Board within ten days of the receipt of the despatch from India.

121. On the other hand, how long have you known a despatch, relating to matters controverted between the Court of Directors and the Board of Commissioners, to remain before anything was finally done upon such a despatch?—I cannot call to mind any particular period, but I am aware that a very considerable time has at periods elapsed.

122. Have you known as long a period as one or two years?—I cannot really charge my memory with it, or I would state it to the Committee.

123. What is the object of the appointment of the Secret Committee?—The Secret Committee is appointed for the purpose of sending out orders with reference to political matters that are connected with war or peace, or treaties and negotiations with the native states in India, the subject-matter of which can only be divulged by permission of the Board of Commissioners.

124. Are the Committee bound by any oath of secrecy?—Yes.

125. Is there a Corresponding Committee in Calcutta?—No.

126. What is the constitution and what are the functions of the Secret Committee?—The constitution of the Secret Committee consists of three members of the Court of Directors, chosen by the Court. The Act of Parliament calls upon them to appoint such committee. There is no individual Director pointed out, but in general it consists of the Chairman, the Deputy Chairman, and the senior member. Their province is to forward to India such despatches as are comprised within the functions of the Secret Committee, and which relate to peace and war, and treaties and negotiations with the native states in India, and which, in the opinion of the Board of Commissioners, should be secret.

127. They are bound by an oath of secrecy not to disclose what comes before the Secret Committee?—Yes.

128. Do they make alterations in such despatches as they do in other despatches?—The Secret Committee of the Court of Directors have had communication upon matters that have been stated in secret despatches with the President of the Board or Commissioners, and sometimes alterations have been made; but they have not the same power with regard to despatches sent down in the Secret Department that they have with regard to the other despatches; they are not empowered to make representations thereon to the Board.

129. In point of fact, the despatches sent down by the Board to the Secret Committee are conclusive upon the Committee?—Clearly.

130. Are the despatches which are addressed to the Secret Committee laid before the Court of Directors?—No.

131. Who decides as to the secrecy of the matter?—They are addressed from India to the Secret Committee. The secretary receives and may open all despatches that come to the India House, as he is a sworn officer of the Committee.

132. Secret or otherwise?—Yes.

133. What is the present annual amount of the salaries and establishments of the Secretary's office?—I am not aware that any very great alteration has taken place, but in 1827 it was about 12,000*l.* a year.

134. That is for the salaries?—Yes.

135. That, with the establishments, makes up the amount of 20,333*l.*?—Yes; that includes the secretary, the deputy secretary, the established clerks, and the extra clerks; it includes 56 persons.

136. The extra clerks, though so called, are permanently employed?—Yes, they are.

137. Besides the office and establishments, what is the amount of the contingent or other charges?—I am not aware of any others than what are stated. The salaries are clear and distinct with regard to the individuals; and the allowances to extra clerks are included in the Return.

138. What



138. What is the amount of the superannuation of the officers belonging to the Secretary's-office?—I do not think I have got any exact amount under that head; it could be easily prepared.

139. What reductions have of late been made in the salaries and establishments of the Secretary's-office, and when were such reductions made?—Some reductions, in point of numbers, have been made in the last two years; but I may state, that Mr. Astell, when Chairman of the Court of Directors in 1829, laid before the Court a paper which entered very fully into the state of the home department; and if the Committee choose to have that paper, they will find in it every information upon this subject up to that date.

140. Can you say whether the annual expenditure of the Secretary's office is larger or smaller than it was in 1814?—In 1814 fees existed. It was a different principle upon which the establishment was paid in 1814 from that which exists at the present time.

141. When was the alteration made?—It was subsequent to the last Charter Act; about 1815. The Court of Directors had long felt that the mode and system under which the establishment was paid was a bad one; it was by fees, in a very great degree; the allowances were not apportioned then upon a regulated scale. The Court came to a determination to abolish all fees, and place the establishment on one footing with regard to salaries and allowances.

142. Have you any paper that will give the Committee the total number of officers, clerks, and other persons employed by the Company?—There were two periods taken in the paper which Mr. Astell laid before the Court; and if I state the gross result, perhaps that will answer the question of the Committee. In 1827-8 the number altogether was, taking the whole establishment of clerks, labourers, and every individual connected with it, 3,932; in 1829-30 the number was 3,490. The expense, or charge, in 1827-8 was 397,318*l.*; in 1829-30 it was 353,668*l.*, being 43,650*l.* less in 1829-30 than in 1827-8. Of this charge in 1829-30, the charge being 353,668*l.*, 74,000*l.* only of that was territorial charge, leaving a debit to the commercial branch of about 279,000*l.* These are stated in round numbers.

143. When was the office of examiner, on its present footing and constitution, created, and what circumstances gave rise to its creation?—The Examiner's office was created as early as somewhere in the year 1780, shortly after the establishment of the Board of Commissioners, who, when they were appointed, called for a Return of all the establishments abroad and at home, as the Act directed, for the purpose of retrenchment; and it was found that the labour had so increased, with regard to the despatches, that the Examiner's-office was separated from the Secretary's-office, and formed into a separate department, of whom the head was, first, Mr. Wilks, and afterwards Mr. Johnstone.

144. It is now, in truth, a secretarial office?—Yes, it is a secretarial office.

145. Will you have the goodness to state the amount of the salaries and establishments of the Examiner of Indian correspondence?—It is between 21,000*l.* and 22,000*l.*

146. Has either reduction or increase been made in the salaries or establishments of the Examiner's-office since 1827?—I do not believe that the present examiner receives as much as his predecessor received.

147. Can you state the difference?—He receives the salary attached to the office, 1,900*l.* a year; his predecessor received 2,300*l.* a year; the salary received by the present examiner being that attached to the office.

148. The late examiner was superannuated?—He was.

149. At what retiring allowance?—1,530*l.* a year.

150. After what period of service did he retire?—He became a most valuable and efficient officer almost immediately on his introduction in 1809; he was then between 30 and 40 years of age, and he served 21 years.

151. The amount of the expense of the Examiner's-office at the India House is pretty nearly equal to that of the Commissioners of the India Board?—Within 5,000*l.* I should think.

152. There is also an office in the India House called the Office of Military Secretary?—Yes.

153. Can you state the annual expenditure of that office, including its establishments?—I should think between 6,000*l.* and 7,000*l.* a year.

154. The total amount of what may be called the three secretaries, the secretary,

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the examiner, and the military secretary, amounts to 48,118*l.*?—Yes, I believe it may amount to that.

155. Are those who are denominated in the Return extra clerks, entitled to superannuation as well as the rest?—The Court are empowered to grant them superannuations. With regard to superannuations, the first time the Court had the power of granting them was by the Act of 1813; at that period the establishment was burthened with servants who had been a very long time attached to it; there was then little or no retired allowance given: It was to place the servants of the Company on a similar footing with those in Government departments, on retiring on account of age and infirmity, that the power was extended to the Court. Its exercise had the effect of rendering the establishment more efficient, and for this important purpose, amongst others, the privilege accorded to the Court under the Act of Superannuation, has been resorted to. I may state that the Court has felt the burthen to be a growing one, and is one which they intend to take into consideration. Under the operation of the Act, and with reference to the amounts given in Government offices, the Court have generally awarded the superannuation allowances to their servants, granting them at the same time to the fullest extent authorized by law, where they felt called upon to mark their sense of what they have been pleased to consider meritorious services.

156. The Indian correspondence is immensely voluminous?—I can state that the Indian correspondence has increased most enormously. The correspondence comes home in despatches, and the explanatory matter in books or volumes, as the whole of the proceedings of the Indian government are required to be recorded and sent home to the Court of Directors. There is a department at the India House denominated the Book-office, in which those volumes are deposited. The total number received (and they are folio volumes) from 1793 to 1813, comprising a period of 21 years, was 9,094 volumes; and from the year 1814 to the year 1829, which is a period of 16 years, the number was 12,414, very nearly double the preceding amount. The different heads under which they are sent home are, the Public Consultations, the Military Consultations, the Military Board's Proceedings, the Revenue Consultations, the Revenue Board's Proceedings, the Political Consultations, the Judicial Consultations, the Financial Consultations, the Commercial Consultations, the Board of Trade Proceedings, the Separate Consultations, the Board of Customs, Salt and Opium, Marine Board's Proceedings, Foreign Law and Ecclesiastical Consultations, Subordinate Board's Proceedings, Books of Accounts, Journals, Ledgers and Disbursements. Of those volumes 500 are in use every day; and perhaps whilst I am stating the extent of the duties, the Committee might be pleased to hear the extent of the references and other matters connected with the Court of Directors and the Board of Commissioners, which will show, in some measure, the extent of the duties. Independent of the despatches which are prepared for approval by the Board of Commissioners, there is a great variety of subsidiary correspondence which passes between the Board and the Court of Directors. From the period the Board was established, in 1784, to the last Charter Act, in 1813, the number of letters sent to the Board was 1,791, and the letters received from the Board, 1,195, making a total of 2,986 in that period. From 1814 down to 1831, making a period of 17 years, 1,967 letters have been written to the Board, and 2,642 letters have been received from the Board, making a total of 4,609 letters, many of which frequently enter at very great length into the various matters connected with drafts, and other subjects under consideration. The number of drafts sent up for approval to the Board from 1793 to 1813 were 3,958, and from 1814 to 1830, 7,962, making an increase of 4,004 in the drafts. Connected with the duties that come under the Committee of Correspondence, which committee has been particularly adverted to, besides the preparation of those drafts and despatches for the approval of the Board, there are references connected with their servants, civil and military, and others in this country; also frequent communications with the Horse Guards as to troops, and other public departments. From the year 1814 to 1830 there were 50,146 references. The reports which have been made to the Court from the committees of the Court, and which reports only comprise the result of the inquiries and decision, without the details of the various matters, and without exhibiting the extent of the researches made in framing such reports, were 32,902. Another very heavy branch of duty arises out of Parliamentary Orders. From the year 1813 to the present time the number of orders served on the Court was 723; within the last two years and a half there have been 345, requiring Returns of vast extent.

157. A considerable



157. A considerable portion of the business referred to by you appears to arise out of the circumstance of the co-existence of two separate bodies in this country, conducting the same machine?—I am not aware that a great increase of business arises out of the two bodies, because all the despatches, as well as appeals of individuals, and the Orders of the House of Commons, if not met by the Court of Directors, must devolve upon some authority, be that authority what it may.

158. There are the communications between the two branches of the home government?—I should say, the letters only, and the despatches.

159. In the event of the Legislature thinking fit to continue the government of India in the present home authorities, do any suggestions present themselves to your mind whereby the amount of this mass of business might be decreased, and despatch introduced into the administration of the affairs of the Company?—In the first place, I consider that the present system was introduced, after much deliberation, by Parliament, as a system of check, most essential in the administration of so large a trust as that of the government of the Indian empire. You have two co-ordinate authorities, possessing separate rights and powers, the one being controlled by the other in some points, yet both acting in promoting the despatch of business generally. One point that occurs to me, which might possibly expedite the business, would be, to fix a certain time within which answers should be prepared to all despatches from India. A statement might be periodically reported to Parliament for its satisfaction. Another point possibly might be the preparation of despatches in the Court of Directors, by subdividing, as they have sometimes done, their committees for that purpose, the Chairs, of course, always having cognizance of everything going forward.

160. Does not it appear to you that much of the business now transacted in this country might be advantageously left in the hands of the local governors in India?—I doubt it very much, looking at the system as it was originally framed, and the purposes for which it was established. The great principle has been to vest the government of India primarily in the home authorities. The Board of Commissioners have decidedly expressed this opinion, in which the Court of Directors have most fully concurred. At the close of the Mahratta war, in 1803 and 1804, when the Court of Directors, in taking a review of all the circumstances connected with the important events arising out of that war, pressed the observance of that principle, the Board stated they were fully impressed with “the importance of maintaining this control, at all times, in its full vigour; and the councils of India must be made to confide in the government at home, to the utmost extent which is compatible with the due efficiency and energy of the local government, which salutary purpose can alone be secured by the transactions of the respective governments being regularly carried on and duly recorded in Council, and by the utmost attention being paid to the punctual transmission of their proceedings home by every possible opportunity.” The same principles were again reiterated in 1813. What has been read is an extract from a letter from the secretary to the Board of Commissioners to the secretary of the Court of Directors, with comments upon a draft that reviewed the whole of the political proceedings and measures of the Governor General anterior to 1805.

161. Does not a very large amount of labour arise at the India House out of the mere circumstance of the difference in the currencies in India?—I am not aware that any great labour can arise from that; it is easy to calculate the difference.

162. Does it increase the accounts?—I do not know that it does; but mine is not a financial department.

163. State what is the practice with regard to filling the Chairs; has it been the practice for the Chairs to be filled by the Directors in rotation, or has it been the habit of the Court of Directors to go out of that rotation to select those that they may think most fitting?—There has been no rule whatever observed; it is not by rotation clearly.

164. Are there not instances of gentlemen having been appointed Chairmen exceedingly young in the direction?—Certainly; it is in the breast of the Court to appoint which of the Directors they please. After the annual election has taken place, the Court assemble altogether as Directors, and the bye-law prescribes that they shall then choose a Chairman and Deputy Chairman for the year ensuing. The senior Director generally (supposing he is not the individual who may be proposed for the Chair) has, by courtesy, the privilege of proposing a member for the suffrages of his colleagues. The ballot-box is passed round; and if the numbers decide that the gentleman proposed has a majority, he takes the Chair, and he is

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then the organ of the Court; the same course is adopted with reference to the Deputy Chairman. The choice of the Chairs is the first act of the Court, after which they proceed to the election of Committees.

165. Is not every member of the Court, however junior he may be, eligible to be appointed to the Chair?—Certainly.

166. Is it not the practice to take that person, without reference to his seniority, that the Court may approve of?—Clearly.

167. The same individual is often elected Deputy Chairman in successive years?—Yes.

168. So that if his experience be desirable, it may be obtained without any reference to the claims of other gentlemen who may not have had that experience?—Clearly.

169. Have not several gentlemen filled the office repeatedly?—Certainly.

170. Are the Committee to understand, by an answer you gave, that you conceive that to extend considerably the powers of the local governments in India would be incompatible with the good government of that country?—It appears to me, looking at what Parliament has done, and the care with which it has legislated for the government of India, the Legislature has been exceedingly jealous of placing in the hands of the government abroad any unnecessary powers; giving them at the same time all those powers considered essential to the good government of the country, but restraining them from any acts that are not absolutely necessary for the welfare and the interests of those committed to their charge.

171. Are you then of opinion that the interests and the good government of India have not suffered materially from a want of power on the part of the local governments?—I would not presume to say that difficulties may not have been experienced from the existing enactments, so far as they may limit the field of action in which the Governor General may exercise the powers which he possesses, or the joint powers of the government generally. I think there might be an advantage if the field of action were extended.

172. Will you state to the Committee what is the constitution of the local governments of the several presidencies in India, and what are their functions?—In Bengal the government consists of a Governor General and three councillors. The Court of Directors, if they shall see fit, may appoint the Commander-in-Chief to a seat in Council; if they do, that officer takes rank next to the Governor General, as second in Council. There are two other civil councillors, making in the whole a Governor General and three members of Council. Under them are of course the other functionaries connected with the establishment, whose proceedings have been adverted to, as contained in the different records already pointed out. At Madras the government consists of a Governor and three members in Council, and at Bombay the same.

173. Are the governors of those two presidencies of Madras and Bombay under the control or dependent upon the Governor General at Bengal?—The Governor General has a supreme and controlling power under certain circumstances, and may be suspended by the Governor General for disobedience of orders in particular cases.

174. Has he not the power, if he thinks fit, of proceeding to those several presidencies and assuming the authority there?—Yes, clearly, and whenever he proceeds there, he takes the seat as president.

175. Describe the functions of the Council in Bengal, and in how far they are a check upon the conduct or proceedings of the Governor General?—The Act prescribes the mode in which the Council is to proceed, the Governor General being the person to bring forward any business he thinks fit: the discussion upon it may be adjourned twice for 48 hours, but not longer, and then a decision must be passed. If the members of Council accord with the views of the Governor General, the measure is passed as a measure of government; if the members of the Council dissent from the proceedings of the Governor General, they are to exchange opinions in writing, which are entered upon record. If the Governor General still adheres to his own views, he is vested with a power of acting on his own responsibility, placing upon record his reasons for so doing, which are transmitted to this country, with copies of the other proceedings.

176. Practically the Council are only his advisers?—They are his advisers undoubtedly, and he can act independently of them.

177. If the members of Council are of one opinion, and the Governor General of another opinion, his opinion may supersede their's?—Yes, certainly; and that shows the great extent of power which the Governor General has; but the Legislature



gislature has stated that he must enter his reasons at length for so doing, and he is held responsible for the same and the consequences.

178. What is necessary to qualify a councillor?—He must have been in the Company's civil service in India ten years.

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179. The offices of Captain General and Governor General have been sometimes connected?—The only instance that the authority of Captain General has been conferred upon a Governor General was in the instance of Marquis Wellesley, when his lordship went to Madras, at the siege of Seringapatam.

180. What power does the title of Captain General give him which, as Governor General, he does not possess?—It gives him complete control over the military affairs which, as Governor General, (unless he combined in his own person the office also of Commander-in-Chief,) he would not possess; it is an appointment from the King.

181. In that character a Governor General has himself superintended the complete arrangement of a great military expedition?—Yes.

182. And has carried the concentrated authority of England to the spot in India where it was most required?—Most clearly.

183. What power have those councillors in regard to making local laws?—India is governed by what is termed Regulations, and those Regulations consist of two characters, the one rules, ordinances and regulations, which are made under the Act of Parliament of the 13 Geo. 3, and have reference to the places within the limits of the Supreme Court, and subordinate to Fort William. Those Regulations, which are not to be repugnant to the laws of the realm, to be effectual, must be registered in the Supreme Court, and when so registered, they are valid and come into operation. They remain publicly exposed to view for 20 days before they are registered; when they are registered they are sent home here and affixed to some public place at the India House; they are liable to be appealed against in this country, such appeal being entered 60 days after the publication of them. His Majesty may disapprove and set aside such Regulations. The Regulations which have relation to the Mofussil, and prescribe all the duties of the civil servants, more especially of those who are concerned in the judicial and revenue branches; they also govern the proceedings of the provincial courts, and contain various other provisions, are framed by the Governor General and Council, and are binding upon the servants and the natives. They are formed into a code, and promulgated, after being translated into the native languages, by distribution among the courts of justice, boards of revenue and trade, collectors of land revenue and customs. Copies are sent home to the Board and the Court.

184. The Regulations passed by the Indian government are laid before Parliament?—Yes.

185. Is it requisite for any other officers to concur in them besides the Governor General and the Council?—Not the Regulations for the provinces, but the rules, ordinances, and regulations are of no effect until registered by the Supreme Court.

186. Are you aware of any suggestions made by the servants of the Company in India, with respect to the improvement and remodelling those Councils, under the denomination of Legislative Councils?—There have been lately received a variety of documents from committees, which sat by order of the Governor General, in Calcutta, for the purpose of revising the several establishments, and for suggesting anything that might occur to them to facilitate the transaction of public business, or improve the system and mode of government and promote general economy.

187. Can you state the date of the commission appointing those committees?—I think they were appointed at the close of 1828.

188. The parties who are to obey those laws or regulations cannot be acquainted with the nature of them until after they have been passed and promulgated?—Not those for the provinces.

189. What form of promulgation takes place in India?—The Regulation prescribes the form in which they are made public, as already adverted to.



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I.
PUBLIC
or
MISCELLANEOUS.

Jovis, 15^o die Februarii, 1832.

SIR JAMES MACDONALD, BART., IN THE CHAIR.

B. Scutt Jones,
Esq.

15 February 1832.

Benjamin Scutt Jones, Esq., called in; and Examined.

190. How long have you been in the King's service at the India Board?—I was appointed to the Board in the beginning of the year 1791, having been previously between six and seven years at the India House.

191. What situation do you at present fill at the India Board?—That of assistant secretary.

192. Will you state to the Committee how the Board of Commissioners for the Affairs of India is constituted?—They are at present constituted by a commission under the Great Seal, the first-named Commissioner being President of the Board; the Chancellor of the Exchequer, and the Secretaries of State for the time being are, *ex officio*, members of the Board, and two of the Commissioners are not of the Privy Council.

193. That is their constitution under the Act of the 33d of Geo. 3, c. 52?—Yes.

194. What number of those Commissioners receive salaries for their services? By the Act 51 Geo. 3, c. 75, there is no limitation with respect either to the number of Commissioners who are to receive salaries, or to the amount of the salaries. Previously to the passing of that Act the aggregate amount was limited to 5,000*l*. By the Act of 1793 the King was empowered to grant such fixed salaries as His Majesty should, under His Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct, provided that the whole of the salaries to be paid to the members of the Board did not exceed the sum of 5,000*l*. in any one year; but that restriction was removed by the Act of the 51 Geo. 3; but, in practice, the number of paid Commissioners has been limited to three; namely, the President and two others.

195. Did, at no period, a greater number receive salary?—At no period.

196. What was the sum limited by that Act for defraying the charge of the whole establishment?—The amount payable by the East India Company for the whole establishment was, by the Act of 1793, 16,000*l*. per annum; it was afterwards increased to 22,000*l*.; and by the Act of 1813 the amount was further increased to 26,000*l*.

197. Payable out of the revenues of India?—Yes.

198. Is that the charge upon the East India Company now?—Yes it is.

199. What is the amount of the salary now paid to the President of the Board of Control?—The amount of salary to the President is 3,500*l*. per annum, having been previously 5,000*l*. The salaries to the other paid Commissioners are now 1,200*l*. per annum, having been previously 1,500*l*.; they were reduced in consequence of the recommendation of a Treasury Minute, founded upon a Report of a Committee of the House.

200. What is the salary of the Secretary of the Board?—His salary is now 1,500*l*. per annum; and it is to be raised to 1,800*l*. after three years' service.

201. What had it been previously?—Previously it had been 2,000*l*.

202. Into what departments is the India Board divided?—In answer to that question I should beg leave to put in a memorandum that has been printed, and, I, understand, has been generally circulated in the Committee.

[*The Witness delivered in the following Paper:*]

“ The business of the India Board is divided into six departments; *viz.*

“ The Accountant's,
Revenue,
Judicial,
Military,
Secret, Political, and Foreign,
Public.

“ The



“ The object of this Paper is to explain the nature of the business transacted in each department.

“ 1.—*The Accountant's Department.*

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“ The business of this department is,—

“ To examine the accounts of the East India Company's finances at home and abroad :

“ To preserve the separation between the accounts of the territorial and commercial branches, prescribed by the Act of 1813, and to attend to the due appropriation of the surplus funds :

“ To control the correspondence between the Court of Directors and the Indian governments, in the departments of

Territorial Finance,
Commercial Finance, and
Mints and Coinage :

also occasional correspondence in most of the other departments of the Company's affairs requiring calculation, or bearing a financial character.

“ Accounts relative to the trade of India and China are also usually referred to this department.

“ 2.—*The Revenue Department.*

“ The business transacted in this department relates principally to the revision of despatches proposed to be sent to the several governments of India, reviewing the detailed proceedings of those governments, and of all the subordinate revenue authorities, in connexion with the adjustment of the land assessments, the realization of the revenue so assessed, and the general operation of the revenue regulations on the condition of the people, and the improvement of the country. Besides the land revenue, the detailed proceedings of the local authorities in the salt, opium, and customs departments, come under periodical revision.

“ 3.—*The Judicial Department.*

“ The business of this department consists of the examination of all correspondence between the Court of Directors and the local governments, on subjects connected with the administration of civil and criminal justice and police in the interior of India ; such as, the constitution of the various courts, the state of business in them, the conduct and proceedings of the judges, and all proposals and suggestions which from time to time come under discussion, with the view of applying remedies to acknowledged defects.

“ The King's Courts at the three presidencies are not subject to the authority of the Court of Directors, or of the Board of Control ; but any correspondence which takes place in relation to the appointment or retirement of the judges of those courts, or to their proceedings (including papers sent home for submission to the King in Council, recommendations of pardon, &c.), passes through this department.

“ 4.—*The Military Department.*

“ The correspondence in this department has reference to any alterations which may be made in the allowances, organization, or numbers of the Indian army at the three presidencies ; to the rules and regulations affecting the different branches of the service ; to the general staff, comprehending the adjutant and quartermaster-general's departments ; the commissariat (both army and ordnance) ; the pay, building, surveying, and clothing departments ; and, in fact, to every branch of Indian administration connected with the Company's army. It also embraces so much of the proceedings, with respect to the King's troops, as relate to the charge of their maintenance in India, recruiting them from this country, and the periodical reliefs of regiments.

“ 5.—*The Secret, Political and Foreign Department.*

“ The correspondence which passes through this department comprises all communications from or to the local governments, respecting their relations with the native chiefs or states of India, or with foreign Europeans or Americans. It is divided into the following branches :—



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"1. The *Secret* department, containing the correspondence between the Indian governments and the Secret Committee of the Court of Directors. Under the provisions of the Act of Parliament, such confidential communications as, in the opinion of the local governments, require secrecy, are addressed by them to the Secret Committee. Any directions, also, to the local governments, relating to war or negotiation, which, in the judgment of the Board of Control, require secrecy, are signed by the Secret Committee; and the local governments are bound to obey those directions in the same manner as if they were signed by the whole body of Directors.

"2. The *Political* department, comprising all correspondence not addressed to the Secret Committee, or sent through that committee to the local governments, respecting the native chiefs or states with whom those governments are in alliance or communication, or whose affairs are under their political superintendence, or who are in the receipt of pecuniary stipends in lieu of territory.

"3. The *Foreign* department, including all correspondence relating to communications between the local governments and the several foreign Europeans who have settlements in India or the Eastern Islands; and embracing, in fact, all the proceedings of the local governments in relation to foreign Europeans or Americans resorting to India.

"The proceedings of the local governments with respect to their residents and political agents, and to any other officers and their respective establishments, through whom communications with native states and chiefs, or with foreigners, may be maintained, are also reported in the several departments in which those officers are respectively employed.

"6.—*The Public Department.*

"The business of this department comprises the examination of all despatches to and from India upon *Commercial* or *Ecclesiastical* subjects, and of those which, being of a miscellaneous character, are distinguished by the general appellation of "Public." The commercial and ecclesiastical despatches, which are considered as forming two branches of correspondence distinct from the "Public," are united with the latter in the same department, only on account of the convenience of that arrangement with reference to the distribution of business in the establishment of the Board of Control.

"The *Public* correspondence comprises all those despatches which do not belong specifically to any of the branches of correspondence hitherto enumerated. They relate to the education of the natives and of the civil servants; to the appointment of writers, and of the civil service generally, and to their allowances; to the several compassionate funds; to the grant of licenses to reside in India; to the press; to public buildings; to the Indian navy and the marine department; to the affairs of Prince of Wales' Island, Singapore, Malacca, and St. Helena; and to various miscellaneous subjects. Some of these being closely connected with the business of other departments, are reported upon in them, although the whole pass through and are recorded in the public department.

"The *Commercial* correspondence contains the communications between the Company as a trading body, and the governments in India as its agents. They are laid before the Board, in order that it may be seen that they contain no directions having reference to the political (as distinguished from the commercial) relations of the Company. They treat of the Company's investments; of the funds for providing, and the tonnage for conveying those investments, and of their pecuniary result; of the allowances in the commercial department, and of appointments of free merchants and mariners.

"The *Ecclesiastical* despatches contain everything relating to the appointment of chaplains, archdeacons, and bishops; to their allowances; to their conduct; to the building and repair of churches, or other places used for public worship; and to all questions respecting the affairs of the churches of England and Scotland in India, or of that of Rome, so far as public provision is made for its maintenance.

"Any papers treating of ecclesiastical or miscellaneous topics, though they are not despatches to or from India, are likewise recorded and reported upon in this department."

203. It has been the uniform practice for all the salaried Commissioners and Secretary to be changed upon a change of Administration?—Undoubtedly.

204. The other Commissioners seldom take an active part in the business of the department, they are considered more as honorary members, and persons who may be consulted by the members if they think fit?—Yes.

205. Do



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205. Do the honorary commissioners, or any of them, at any time, in pursuance of their official duties, inspect the papers of the department, or do they at all interfere in the affairs of the Board?—I should say they do not generally interfere in the affairs of the Board, but that they occasionally look into papers. Mr. Sullivan, who has a most intimate knowledge of India affairs, though retired and living generally in the country, continues to take an interest in those affairs. Papers are sometimes sent to him, and he occasionally gives opinions upon the subjects of the documents thus submitted to his inspection.

206. Has the Secretary always, within your recollection, been an efficient officer of the Board?—I would not say always; but for a great number of years the Secretary has been a most efficient officer. I should apply that observation emphatically to Mr. Courtenay, who came to the Board in the year 1812, and continued with us till May 1828; a more active and efficient public officer never existed.

207. As the duties of the office have been executed since the period you have mentioned, that office has not only been very responsible, but a very laborious office?—Most laborious.

208. Has the Secretary of the Board invariably had a seat in Parliament?—Invariably.

209. In the distribution of the business of the office, does not it depend much upon the President himself, how far he shall or shall not avail himself of the services of either or both of the other salaried Commissioners?—I should say that it depends entirely upon the President himself.

210. That consequently has very much varied in different Boards at different periods?—It has.

211. Effectively the whole responsibility rests with the President?—It does.

212. Will you state to the Committee the departmental construction of the Board?—All despatches prepared by the Court of Directors are sent up to the Board, as well as copies of despatches received from India. At the first establishment of the Board, the paragraphs proposed by the Court to be sent to India, came up at once, in an official form, for the approbation of the Board, who, whenever they make any alterations, are bound by law to give their reasons at large for making them. This necessarily occasioned a great deal of correspondence; much controversy took place, and of course occupied much time; I will not venture to say that it was wasted, in conducting the business in that mode. At a later period the practice was introduced of making an unofficial communication of proposed despatches to the President for his consideration. These are called previous communications; and, with permission of the Committee, I will read an extract from a letter from the late Mr. Canning, which explains the nature and the use of that mode of transacting the business. "The use and object of previous communications is free discussion. They are amicable preludes to further propositions, which enable the Board to state its objections (when it has any) and to offer its amendments and additions without assuming the air of dictation, and through which each party becomes acquainted with the other's sentiments without being committed, in point of consistency and in dignity, to its own. The official draft being thus prepared, with a free knowledge how far it is likely to meet the concurrence of the Board, the best chance is taken for avoiding direct official collision." These previous communications are returned unofficially to the India House; and it then rests with the Chairman and Deputy Chairman of the East India Company to consider whether or not they will adopt any alterations that may have been made; if they are adopted, the *official* draft of the proposed paragraphs comes up conformably with the tenor of the previous communication, and is, as a matter of course, passed through the proper department, and returned approved. If the Court see fit not to adopt those alterations, the draft is restored to the same, or nearly the same, state in which it came up as a previous communication; and then, if the Board determine to re-insert the alterations that they had made in the previous communication, they must assign their reasons for so doing. Perhaps the Committee would allow me to explain the mode in which those previous communications are examined by the different departments. As soon as one of this description of papers comes to the Board, it is referred to the senior clerk of the department to which it belongs. The previous communications are accompanied by what are termed *Col-lections*, which consist of copies of the documents upon which the proposed paragraphs are founded; these come up oftentimes in large masses, and, consequently, cannot be examined without considerable labour and time. I have myself known an instance, I think about three years ago, of one of those proposed despatches



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coming up, accompanied by about 20,000 pages of extracts from consultations; that was certainly a peculiar case; but very commonly the collections amount to 2,000, 3,000, 4,000, or 5,000 pages. Before I was appointed to my present situation, I had the charge of the secret and political department. It was my practice (and it has been continued by my successor), to prepare statements embracing the principal facts, and also the reasonings relative to every subject treated of in the proposed paragraphs; at the same time offering any observations or suggestions that occurred to me. Departmental reports of this nature are forwarded to the Secretary, who makes such additional remarks as he sees fit, sometimes concurring in the view that the departmental officer has taken; in other instances dissenting from him. Mr. Courtenay was frequently in the practice of sending for particular collections, with a view to examine for himself, where he had any doubt of the accuracy of the departmental report. After passing through the hands of the Secretary, the previous communication is then brought before the President, who forms his judgment upon it. The previous communications, having been thus examined, are returned to the India House; and then, as I before observed, the drafts come up officially for the consideration and approbation of the Board. Will the Committee permit me to observe, that during Lord Ellenborough's presidency a new mode of conducting the correspondence with India was agreed upon between his Lordship and the Chairs. The objects principally contemplated in revising the system of India correspondence were, *first*, a more minute subdivision of it; and, *secondly*, the transmission home, at the same time with the despatches themselves, of the several documents therein referred to. At the period when the Board was first instituted it was the practice of the local governments to write general letters, embracing the various subjects which are now reported upon departmentally. Much convenience has resulted from that mode of dividing the correspondence. One of the consequences of the vast increase of British territory, and of the extension of our political alliances, has however been (as might be expected) to multiply the subjects of correspondence in every department; hence the periodical reports of the proceedings in each department became voluminous, and required considerable time for their preparation; and as they were answered after the same fashion, the communications of the local governments with the home authorities, and *vice versa*, were necessarily slow. The above observations apply to the ordinary correspondence; matters of peculiar importance, or requiring early attention, were at all times treated of in separate despatches. With a view to expedite the conduct of the correspondence, the late President, after much discussion with the Chairs, and minute inquiry at the office, approved of a circular despatch to the governments of the several presidencies, directing that, instead of writing long general letters, every subject should, as far as practicable, be reported upon in a separate letter; and that, when reported upon, the letter should be forwarded home by the first opportunity. His Lordship arranged, in concert with the Chairs, a similar plan for answering those letters. Upon the former plan a general answer, in the preparation of which many weeks, and sometimes months, had been occupied, came to this office, accompanied by voluminous collections. To render the control of the Board efficient, it was necessary, not only that the sentiments expressed by the Court should be such as they could approve, but that the facts on which the opinions and decisions of the Court were founded, should be carefully examined. In many cases the process of examination at the Board occupied nearly as much time as had been spent at the India House in framing the proposed paragraphs. Upon the new plan there are these advantages: *first*, instead of receiving, at long intervals, drafts of general letters, of the comprehensive nature above alluded to, the several subjects of such a letter will come to the Board in quick succession, as separate drafts, which are likely to be more promptly disposed of than when the attention is distracted by numerous claims upon it arising together; and, *secondly*, when a despatch embraced a great many points, it was not returned until the whole was examined and decided upon; whereas, upon the new plan, the consideration of matters of minor importance may be postponed until after those of more importance shall have been disposed of. In respect to the transmission home of the documents referred to in the despatches of the local governments, it is to be observed, that the references were made to what are termed the *Consultations*, which, with certain exceptions, were not forwarded to the Board, who therefore had not the means of obtaining *full* information upon the subjects of those despatches until answers had been prepared at the India House, and sent up for approval, accompanied by extracts from the consultations. The consultations contain copies,

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at full length, of all official papers laid before the local governments at their weekly meetings, and of the resolutions and instructions agreed upon at those meetings. On the new plan, the documents thus referred to will be formed into appendices, according to subject, and accompany the despatch. This arrangement will probably occasion more copying in India than formerly; but against this item of expense is to be placed a saving of the expense incurred at home in preparing the collections sent to the Board with proposed paragraphs.

213. Explain to the Committee the two terms you have had occasion to make use of, the term Consultation and the term Collections?—The collections are extracts made from the consultations upon particular subjects.

214. What are the consultations?—The consultations differ from minutes in this respect. In the minutes of the proceedings of the Court of Directors, and of other public Boards, the purport of the letters and papers read at their respective meetings, are briefly stated, whereas in India they are entered *in extenso*; and thus the authorities at home have before them all the official grounds upon which the measures of the governments abroad are founded.

215. Down to the most minute detail?—Yes.

216. Is the plan adopted by Lord Ellenborough now the plan pursued by the present Board?—It is; but it has scarcely come into full operation.

217. During the short interval that has elapsed, has any beneficial result followed from this change of system?—There scarcely has been time to ascertain it.

218. You have stated that in many instances 20,000 pages have been transmitted for the examination of the Secretary and other members of the Board?—I would not say in many instances.

219. Has no system of reducing those numerous pages into the shape of a precis been adopted by the Board at any time?—It has.

220. Are you aware that there is in the Foreign-office in this country a regular officer attached to it, called the Precis-writer?—Yes.

221. Have you any such officer attached to your department?—We had formerly an officer with that designation; but for a great number of years the precis is made in the respective departments; so that the necessity of having a officer expressly for making precis does not now exist. A single individual could not, indeed, perform the duty.

222. Is it not the duty of the chief clerk of the department to whom, in the first instance, the drafts are consigned from the India House, to make out a statement of the facts, reasonings, and references therein contained, and present them so abridged to the secretary?—It is.

223. Are the Committee to understand by the term "*Collections*" all the documents to which the correspondence may refer as vouchers; such collections therefore comprehending in copy all those materials upon which the Supreme Government or the governments of the other presidencies may have formed and recorded their opinions?—That is understood to be the case.

224. What is the meaning of the term Minute, as applied to the proceedings of the local governments of India?—It applies to the recorded opinion of the Governors and members of Council.

225. The term Consultation therefore comprehends not merely the minute of the different members of the Councils at the different presidencies, but also all those documents upon which those minutes are founded?—Yes.

226. You have stated you have known an instance of a consultation extending to 20,000 pages?—No, not a consultation, but a collection accompanying a single despatch.

227. What is the size of those pages?—They are not very closely written, but they are upon large paper.

228. In reference to the measure of writing in attornies' offices, what proportion do those pages bear as to the number of lines or words; is there a fixed measure in respect to the transcription by which they are regulated?—No, they vary very considerably; some of the pages are more closely written than others. The collections are generally written upon what is called demy paper.

229. The duty of the chief clerks of each department being such as you have described, the Committee need hardly ask whether a very heavy responsibility does not attach to them?—No doubt, a very heavy responsibility.

230. You have stated that the chief clerk's duty is to make an abridgement of those collections?—Yes.

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231. No such abridgement takes place at all at the India House?—I do not know that.

232. You have none sent to your Board?—No.

233. So that you have no means of knowing the view taken at the India House of those collections in the shape of abridgement?—No.

234. Then the India House may take a very different view of these collections, which if you saw their abridgement, if it existed, might vary very materially from the view taken by your chief clerk?—Certainly. We judge for ourselves. The proposed paragraphs show the view of the subject taken at the India House, and it is upon those paragraphs that the Board have to decide whether to approve of them or to alter them. Speaking upon the subject of the precis, one of the most important arrangements that were introduced, upon the formation of the new mode of conducting the correspondence, was, that the various descriptions of agents in India should be required to adopt the practice of our foreign ministers, of docketing their own despatches. It is not to be supposed that the individual should always do it himself, but that he should cause it to be done. In consequence of that arrangement, the despatches now reach us in a very convenient form; they are all of them indorsed; the subject of the Government despatch, and of its various enclosures, is indorsed on the back of each paper. I can illustrate the convenience of this as compared with the former mode. When I had the charge of the secret and political department, during the Mahratta wars, and during the Nepaul war, we frequently received a great number of papers relative to the progress of military operations and negotiations, with merely a few lines from the government. This was done with a view to keep the Government at home informed as early as possible of what was taking place in India; but when the papers alluded to were not accompanied by an explanatory despatch, it was necessary that they should be read and docketed in the department; and the Board could not know the purport of the intelligence received from India until that process had been gone through. Upon this new plan this, in a similar case, will be done to our hands, which will be extremely convenient.

235. Does it or does it not very frequently happen that great and important alterations are made by the Board in the drafts of despatches sent up to them from the Court?—I should say very frequently.

236. In that case there is, in fact, a double operation, of suggestion of the alterations upon the receipt of the previous communications, and the perseverance in those alterations upon returning the draft to the Court?—Yes, exactly. In cases where the draft differs from the previous communication, the person in charge of the department carefully compares the previous communication with the draft, and points out every instance in which there is a difference; it then rests with the Board, either, as I observed before, to insist upon the alterations which they have made in the previous communication, or to give them up. If they are not very material, they are given up, and merely the essential points are insisted upon, and then the draft is returned, with a letter explaining the reasons of the Board for the alterations which are made. Against those alterations the Court of Directors sometimes remonstrate in long argumentative papers. If the Board do not think fit to yield their opinion in consequence of such remonstrance, they then return for answer that they do not see fit to depart from their former decision, and direct the Court of Directors to transmit the despatch, as altered, forthwith to India.

237. Is any period fixed by law within which the Court, under those circumstances, are compelled to send out the despatch so altered?—Without delay are, I think, the terms of the Act.

238. In such a case as you have described, those communications occupy a very considerable space of time?—Frequently.

239. Frequently many months from the time of the previous communication to the going out of the despatch?—Yes, upon many occasions.

240. Have you not known instances in which one year or more than one year has elapsed during which such discussions have been pending between the Court and the Board?—I have known an instance in which fully that time has elapsed. I should not say it is at all a common case; very far from it. I believe that, generally speaking, the proposed despatches are returned as expeditiously as practicable. But I know there was one instance, of rather a recent occurrence indeed, in which the Court of Directors had taken a very general review of the political transactions during the period, I think, of 10 years, and affecting general principles of policy. (It was in fact that very despatch, accompanied with about 20,000 pages



pages of collection.) I think that fully 12 months was occupied in the consideration of that particular despatch.

241. Does not it, in point of fact, frequently happen that a space of time exceeding two years, elapses between the receipt of a public letter from India at the India House, and the final despatch transmitted from this country?—That it has so happened, I believe, cannot be denied; but I yesterday requested the gentlemen in the different departments to state to me to what period the letters from India were answered, and I find that, generally speaking, they are answered down to the year 1831, in some few not quite so late, but to the end of the year 1830; that is to say, despatches bearing these dates from India. The Madras letters, dated the 3rd of June 1831, appear to have been answered.

242. Received here about October?—We seldom receive them at the India Board in less than six to eight months. The India House transmit copies to us as soon as they are received.

243. When the delay, alluded to in the last question, has taken place, has it not been upon a subject involving a very great change of principle?—Certainly.

244. Or involving a judicial reference?—Yes.

245. Will you state about what period it requires; and in practice generally takes, to receive at the Board of Control the despatches from India?—The copies of despatches furnished to us from the India House are always marked with the date of receipt at the India House; for instance, received per such a ship, such a day; and then, when they reach us, we always mark underneath when they are received at the Board. I should say, that no time is lost at the India House in transmitting to us copies of despatches.

246. How many days have generally elapsed between the receipt at the India House and the receipt at the Board?—Generally not more than three or four days, and often not more than a day, if they are of importance. There is nothing to complain of on this score; indeed, the promptitude with which every requisition of the Board is attended to by the officers of the India House is everything that could be wished or desired; even when expressed unofficially, my applications have always met with the utmost attention.

247. You have known despatches sent up from the Court of Directors to the India Board, not only materially altered, but completely changed in their tendency, have you not?—I have known instances of that kind.

248. Then the Committee is to understand, in the event of the Board persevering in their opinion of the fitness of such alterations, the Court are bound to send out the despatches so altered to their governors in India?—Yes, however unpalatable it may be to themselves.

249. However much, by this previous mode of communication, what Mr. Canning called the “air of dictation,” may be avoided, the dictation, in fact, takes place?—Unquestionably. The power of the Board is not, however, thus exercised until after the points of difference have been freely and fully discussed.

250. The power of the Directors on such occasions is, in truth, confined to the mere suggestions of the despatches that they wish to be sent to India?—Yes; but, as already stated, they have the right of remonstrating against the alteration of their proposed despatches.

251. What is the course with regard to the despatches emanating from the Secret Committee?—By the Act of 1784 the Secret Committee was first constituted. It consists of three members of the Court of Directors; namely, the Chairman, Deputy Chairman, and the senior Director, who take the oath of secrecy, as prescribed by the Act; their officers are also sworn to secrecy, and no one is employed in transcribing secret despatches without the permission of the Board. The Board are empowered by law to issue, through the Secret Committee, orders and instructions on all matters relating to war, peace, or negotiations of treaties; and the Secret Committee are bound to transmit those orders to India without delay. They have no legal power to remonstrate against the tenor of such orders, provided that they have relation to the subjects above stated; in fact, the Board are by law made exclusively responsible for all orders and instructions given upon those subjects. The Secret Committee act only ministerially; their signatures to the secret despatches are necessary to ensure obedience to the orders conveyed by them to the Company’s servants, with whom the Board of Commissioners have no direct correspondence.

252. Substantially, therefore, the political government in India does devolve upon the Board of Commissioners?—There can be no question about it.

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253. In the view either of unity of action or promptitude in despatching business, what advantages have appeared to you to result from the co-existence of two authorities, circumstanced towards each other as you have described the Court and the Board to be?—With a view to promptitude and despatch, there can be no doubt that it is in a great measure affected by the circumstance that at least two sets of minds must travel over the same ground. Unless that be done, there can be no check; and as all proceedings of the local governments are examined and investigated most minutely, both at the East India House and at the Board, it is obvious that more delay arises in giving orders and instructions to the governments of India than would occur if the government rested solely either in the Board or in the Court; but then you would lose the advantage of that check which, if I may presume to say so, I consider as invaluable with reference to the distance of India, and to the diversities of the languages, customs, manners, and religions of the people. I think that when arrangements ordered from home are likely to affect the interests of a people so situated and circumstanced, too much caution cannot be exercised in framing those arrangements, and that the mutual check of the Board upon the Court, and of the Court upon the Board, is exceedingly desirable; yet in order to preserve that check, and to render it effectual, you must put up with the disadvantage of delay.

254. Does any serious delay take place upon those great subjects of peace, war, and treaties, in consequence of their going through the double process of the Secret Committee and the Board of Control?—There is no such double process as the question appears to suppose. The secret despatches are the despatches of the King's Government; they are signed by the Secret Committee as a matter of course, and despatched without any question, the responsibility being absolutely and lawfully in the Board.

255. Do you mean to say that the Secret Committee has not the power of delaying it for a single day?—Certainly not. It would be at their peril to do so, if, owing to any unnecessary delay on their part, the good of the public service were to be injuriously affected.

256. That check you allude to does not exist in the course of the more important functions of the political government of India?—No. I will not deny that upon some occasions something in the form of a remonstrance may have been made by the Secret Committee, where they have taken a different view from that taken by the Board, but these are cases of extreme rarity. I do not recollect more than two or three instances in the course of many years.

257. But in the event of the direction of the affairs of India at home being vested in one body, would not the local government of India, under the Governor General, act in a great measure as a check upon the operations of the home government?—That is the case at present, I conceive.

258. Then there exists at present, in your opinion, more than one check?—There is the check of the India House upon the Board, and the check of the local government upon the government at home. I should think it a great misfortune if ever we should have a Governor General who would not undertake the responsibility of deviating from the orders he may have received, whenever the circumstances under which those orders were issued may have been materially changed.

259. Independent of the important question in whom the patronage now exercised by the Company should be vested, do you think that the advantage of having two separate authorities existing at the same time in this country, counterbalances the delays and inconveniences which have arisen therefrom?—I think it does. If I may take the liberty to say what my own private opinion is as to the most expedient mode of conducting the affairs of India, I should say, that perhaps it might be expedient to give to the minister for India, however designated, the power of acting upon his own responsibility in respect to some matters other than those relating to war, peace, or negotiation; I speak of cases in which it may be of importance to avoid delay: but, generally speaking, I repeat that there is great advantage in the check that at present exists. I should say, for instance, that in respect to systems, judicial or fiscal, it is of the utmost consequence that they should be maturely considered, and not decided upon until after free and full discussion between the Court and the Board.

260. Then you are of opinion that the Court of Directors, as it has been usually constituted, has an intimate knowledge of the feelings, wants, and characters of the natives of India?—The Court of Directors has been usually constituted, in part, of persons who have held civil and military stations abroad, and who



who have acquired a good deal of information : the Directors have also the best opportunities of obtaining information from the Company's civil and military servants who resort to the India House.

261. Then you consider this check to be chiefly advantageous on account of the members of the Board of Control not possessing any local knowledge of India, and the Court of Directors naturally possessing a greater personal knowledge of the affairs of India?—I should say that the value of the check consists mainly in its ensuring maturity of consideration and freedom of discussion; more especially when we have to deal with such questions as the comparative merits of the ryotwar and other systems of revenue management; the best mode of administering justice; and the degree in which the natives should be employed in civil and military offices. If questions of this nature were decided by a single authority, they might not be so well considered as when they have, as now, to pass the ordeal of two Boards, constituted as the Court and the Commissioners.

262. Does it happen to come within your knowledge whether, upon the occasion of the settlements of India, either the permanent settlement or the ryotwar system, the Court of Directors at home have had anything to do with it, or whether it has not emanated from the local governors in India; in one instance Lord Cornwallis, and in the other instance Sir Thomas Munro?—I am old enough to recollect what took place at the establishment of Lord Cornwallis's plan of permanent settlement. I know that a great deal of discussion took place in India between Lord Cornwallis and the present Lord Teignmouth, then Mr. Shore. Mr. Shore came to England, and I think that the plan of the permanent settlement was arranged very much between him, the late Mr. Charles Grant, and the late Lord Melville; but, however, I must profess myself not competent to speak to revenue and judicial matters, my own attention having been mainly directed to the political department.

263. You do not perhaps happen to know the number of years of delay that occurred in regard to the matter of the settlement of Lord Cornwallis, on the part of the Court at home?—It is not in my recollection.

264. Do you not conceive that many of the advantages which you have described as in your opinion at present existing from the check of those two bodies upon one another, might be equally well attained if there were, as a necessary part of the Board of Control, some members who had a personal knowledge of the affairs of India?—In answer to that question, I beg leave to say, that Sir John Malcolm, previously to the publication of the last edition of his Political History, did me the honour to consult me upon the subject. I think that in that work he does give it as his opinion that one or two of the Commissioners should always be persons who had served either in the military or civil branches of the Company's service abroad. I observed to him that His Majesty's Government already had the power of nominating such persons; but that if it were made imperative upon Government to appoint persons of that description, it would seem to imply that the President was bound to give more attention to an opinion coming from a member of the Board who had been in India than to another. This I think would occasion great inconvenience. As the parties are now in their graves, I may venture to say, that I have always understood that some inconvenience was found to arise from the circumstance of having an Indian secretary at the Board (it was at an early period after its establishment), and that the President found himself frequently annoyed by the obtrusion of opinions, to which, perhaps, the party offering them was inclined to attach more weight and importance than properly belonged to them, from the mere circumstance of his having been in India.

265. In the event of still further summary powers being vested in the President of the Board of Commissioners, as you suggest; and further, in the event of the East India Company divesting itself altogether of its commercial character, do you conceive that any adequate public advantages would remain from the continued establishment of that body in a political capacity?—I certainly should say (though perhaps it may be only from long habit, and being so accustomed to what has existed for so many years) as I before said, that advantage does arise from two sets of minds going over the same subjects. We feel much more safe with respect to the effect of any opinions or orders that may proceed from home, when we know that those orders will be thoroughly sifted and examined and objected to, wherever there is any ground for objection, and that the Board, before they finally decide, have the opinions of very able men. I allude more particularly to some of the officers at the East India House, with whom I have had the



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pleasure of being acquainted : I will not hesitate to name Mr. M'Culloch and Mr. Mills ; I should say that there is very considerable advantage in having all that can occur to such minds as their's before any great and important question is finally decided upon.

266. Are you not of opinion that, supposing a set of adequate minds were found to fill the functions of Governor and the Legislative Councils in India, that such councils would in effect be the best and most salutary check for the guidance of the Government at home?—After all the labour and thought that may have been bestowed upon Indian affairs by the authorities at home, I am of opinion, that India must, nevertheless, be governed *in* India ; and, therefore, if a Legislative Council were constituted, and in full operation, I should conceive that it would relieve the Home Government of a great load of anxiety regarding matters which at present occupy much of their time and labour ; but, however, this is a subject upon which I scarcely feel competent to give an opinion.

267. Is there anything in the qualifications of the body of proprietors of India stock so differing from that of the proprietors of Bank stock, or of any other public stock, as to enable them to form a superior judgment of the fitness of any individuals for being clothed with imperial powers?—I am not aware of any such difference, as far as my knowledge goes.

268. Does it appear to you, that there is any alteration in the composition of the Board for conducting the affairs of India which would essentially add to its efficiency, in the discharge of the duties imposed upon it?—Previously to the passing of the last Act renewing the Company's Charter, having been private secretary to the President, and having in that capacity seen a great variety of plans and suggestions for the government of India, both at home and abroad, I took the liberty of committing to writing a few observations of my own, and submitted them to the President, Lord Melville. It was then my opinion, that whatever the Board are competent to do through the medium of the Secret Committee, might be as well done by direct despatches, emanating from a Secretary of State for India, addressed to the respective Governors abroad. I had at that time also a notion that in order to reconcile, perhaps, the British public to the creation of a fourth Secretary of State, it might be desirable to commit to his charge the eastern colonies, that is to say, the Cape of Good Hope, Mauritius, and the Island of Ceylon, so as to place them under one general system of government. Such an arrangement would give additional patronage to the Minister for India, and would consequently make it an office of such high rank as to leave him without any temptation to quit the Board for any other ministerial appointment. I can scarcely suppose that, under those circumstances, such a man as the present Lord Melville would have gone from the India Board to the Admiralty. Certainly he would not have gone from the office of President of the Board to be Secretary of the Lord Lieutenant of Ireland, as he did in the year 1809, when Lord Harrowby was, for a very few months, President of the Board. Upon the death of the Duke of Portland, Lord Melville returned from Ireland, and resumed his situation as President of the Board.

269. In this point of view, you contemplate the recent reduction of the salary of the President of the Board of Control from 5,000*l.* to 3,500*l.* as a public evil?—I have no hesitation in saying that it was most objectionable upon public grounds.

270. You have stated that the India Board consists of members removed on every change of Administration ; it has been stated to the Committee that, generally speaking, the Court of Directors, subject to the removal of one fourth of their number every year, is practically a permanent body ; does not the circumstance of the Court of Directors being therefore so far a permanent body, and the India Board so far a fluctuating body, tend to give greater unity of action to the government of India, in so far at least as the government is vested in the Court of Directors?—I think that the circumstance of the Chairs being changed annually tends very much to lessen, if not to destroy, the character of permanency, alluded to in the question. With reference to the constitution of the Court of Directors, I conceive that the placing of men, who have held high civil and military situations abroad, to watch the progress of tea-sales, and to enter into all the buying and selling and shipping concerns of the Company, instead of being employed upon subjects with which their previous services must have made them familiar, tends greatly to lessen the utility that might otherwise be derived from the Court of Directors as a permanent body.

271. Is



271. Is it within your knowledge that individuals, whatever station they may have occupied in India; and to whatever stations in the Court of Directors they may be placed on their election therein, are practically cognizant, or have the power of being cognizant of all the proceedings in such Court?—They have, I believe, the power of perusing all despatches.

272. You were asked as to the qualifications of those who happened to be proprietors of East India stock to judge of those to be hereafter clothed with imperial power with regard to India; are you aware of the proportion of individuals personally conversant with the affairs of India who have been so selected by such body of proprietors?—I am aware that some men who have acquired a very high reputation in India have been chosen by the proprietors to hold the office of a member of the Court of Directors: Mr. Edmondstone, for instance.

273. Are you not aware that a vast many others have been chosen whose names were never heard of in India?—Certainly.

274. Part, however, of the concerns of the Company being mercantile concerns, connected with the commerce of England, is it, or is it not, expedient that certain members of that body should consist of those personally acquainted with the domestic commerce of England?—I should say that it is obviously expedient that a certain portion of them should be persons of that description.

275. Therefore, though the names of such persons might not be known in India, their assistance, in administering the concerns of a great commercial corporation, the seat of which is England, might be serviceable?—We live in times when well-educated men, whatever their professions may be, pay such general attention to the philosophy of politics and commerce, that they may be very competent to tender opinions upon matters of state policy. I should say that, so long as the Directors act as merchants, as well as politicians, it is obviously proper that a certain portion of the members should be of the description stated in the question.

276. But in as far as such necessity exists on account of the union of the commercial with the political character of the Company, in so far its political efficacy, as a body, is diminished?—I conceive, that as commercial questions necessarily come under the cognizance of all governments, even supposing the East India Company not to carry on commerce in their corporate capacity, still, as having a share in administering the affairs of a great empire, it would be desirable to have amongst them some persons who are acquainted with the principles of commercial policy.

277. Is it the result of your experience, and the impression on your mind, that, upon the whole, the Board of Control and the East India Company have come into collision in any degree inconvenient to the public service, or, upon the whole, have gone on with a sufficient degree of harmony with one another?—On the whole, I have no hesitation in giving it as my opinion, that a very extraordinary degree of harmony has prevailed between the two Boards. The occasions on which anything like a serious collision has occurred have been very few indeed.

278. Do you ascribe that circumstance to the power that the Board of Control has of enforcing its own opinions summarily upon the East India Company, or upon there having been, in general, a concurrence in the views of those two bodies?—Although I think that much good temper has been manifested on both sides, yet the Court of Directors have never scrupled to state, in the most manly and energetic terms, their opinions when opposed to those of the Board. Sometimes they have appeared (but I am speaking more of early days) to treat the Board rather unceremoniously; but yet, generally speaking, the tone of the correspondence that has taken place between the two bodies is, I think, highly creditable to both.

279. Has that general concurrence in the policy which you have stated to exist, been upon the increase or not?—Yes, I think it has. I think there have been fewer what may be called serious differences of late years than in former years.

280. Do you attribute the harmony you have described rather to an acquiescence in the powers of control exercised by the Board, than to their general concurrence in the views of the Board?—The general impression upon my mind is, that there has been very little opposition on the part of the Court of Directors, merely for the sake of opposition.

281. Is there much difference of opinion upon the general line of policy?—Speaking of the political department, I must say that the view taken at the India House has generally been perhaps more conformable to the views that were taken by Lord Cornwallis than those of the Board. It must be pretty well known, that



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during Lord Wellesley's administration the Court of Directors and the Board were at issue as to the policy pursued by his Lordship.
282. In short you would say, on the part of the Directors, there was greater indisposition to adopt improvements and alterations than in the Board of Control?—I would not say a greater indisposition to adopt alterations or improvements, but what is termed the neutral system, has been more advocated at the India House than it has been at the Board, more especially during the period of Lord Wellesley's administration.

Veneris, 17^o die Februarii, 1832.

SIR JAMES MACDONALD, BART., IN THE CHAIR.

Right Hon.
T. P. Courtenay,
M.P.
17 February 1832.

The Right Hon. *Thomas P. Courtenay*, a Member of the House, Examined.

283. PREVIOUSLY to your appointment as Vice-President of the Board of Trade, for how many years were you Secretary to the Board of Control?—From August 1812, till May 1828, between 15 and 16 years; under five different Presidents, the Earl of Buckinghamshire, Mr. Canning, Mr. Bathurst, Mr. Williams Wynn, and Lord Melville.

284. Upon the occasion of those changes were all the salaried Commissioners changed?—No; not all always.

285. In what instances did it happen otherwise?—Under Lord Buckinghamshire, Mr. Wallace and Mr. Sullivan were Commissioners. Upon the appointment of Mr. Canning, Mr. Wallace resigned, and Mr. Sullivan remained so long as he remained in Parliament. Lord Binning succeeded Mr. Wallace, and Mr. Sturges Bourne succeeded Mr. Sullivan; they both continued through Mr. Bathurst's administration, but on the appointment of Mr. Williams Wynn, Doctor Phillimore and Mr. Fremantle were appointed; Mr. Fremantle was afterwards succeeded by Mr. William Peel, who was afterwards succeeded by Sir James M'Donald. On Mr. Williams Wynn's retirement, Lord Ashley and Lord Graham were appointed, and were at the Board when I left it. I should mention, that after resigning the office of Secretary, I was an unpaid Commissioner of the Board until November 1830.

286. Is it, however, usual in general changes of administration, for all the salaried Members of the India Board to be changed?—Decidedly; and the secretary also.

287. Has your experience during the period in which you were in office, rendered you conversant with the mode of conducting business, both at the India House and at the Board of Control?—At the Board of Control certainly; and in some degree at the India House.

288. Will you describe to the Committee the mode in which that business is conducted?—The Committee will perhaps allow me, in answering that question, to state the general duties of the Board, which I have some reason to believe are not sufficiently familiar even to the House of Commons. Under the Act of Parliament the Commissioners are appointed and sworn to superintend, direct and control all acts, operations and concerns which in anywise relate to the civil or military government, or the administration of the revenues of India. From the familiar use of the term Board of Control, it has often been supposed that the Board are merely to check, on great occasions, the proceedings of the Court of Directors; but the terms of the Act and of the oath appear to me to impose upon the Board the duty of governing India to the best of its judgment and ability, and as fully as if there were no subordinate court. The Act of Parliament provides, however, that the functions of the Board, with some exceptions, should be exercised only by means of corrections made in despatches addressed to the governments in India, which are previously prepared by the Directors; and it has been generally held, though this doctrine is not universally admitted, that except in cases specially provided for, the Board cannot exercise their functions of superintendence and direction by any direct communication to the Court of Directors, or in any other way than through the despatches. With respect, however, to the despatches,
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I would observe, that in regard to all despatches of the highest political importance, the duty of the Board does consist, according to the express terms of the law, in the origination of the instructions which are to go to India; on all such high political matters concerning peace or war, or negotiation with any of the powers of India, the Board prepare the despatches, which are signed ministerially by the three members of the Court of Directors who compose the Secret Committee, and are not communicated without the Board's permission, and frequently are not communicated at all to the Court of Directors. It is not to be understood that upon all such subjects the despatches are so prepared and sent through the Secret Committee; but it is in the option of the Board to declare what subjects shall so be treated; and the power, in the period to which I can speak, was exercised very largely. In the same way the answers to such despatches, and all communications from India upon the same subjects, come through the Secret Committee to the Board, and are not known to the Court of Directors. I believe that certain very important discussions which took place in the Council of Fort William in the year 1814, are still kept secret from the Court of Directors.

On all subjects, whether political or not, the Board have a power of originating despatches; that is, they may require the Court of Directors, within the limited period of 14 days, to prepare a despatch upon any subject which they may name; and with such despatch, as well as with all other despatches upon any subject whatever not commercial, they may deal at their own pleasure, so as entirely to alter all its expressions and its whole purport, and this was in my time often done. I have mentioned, that it has not been universally held that the Board are restrained from giving directions to the Court, otherwise than through the despatches. The present Lord Eldon, when he was either Attorney General or high at the bar, gave an opinion that the Board might order the Court to do an act connected with the government of India by a direct mandate to the Court; but this opinion has never been acted upon, and I do not take upon me to say that it is a sound one. To the best of my recollection, the case was one of the payment of money for the expenses of the trial of Mr. Hastings. If these payments were not considered as a gratuity, a point upon which I shall presently have occasion to say the Board's power is restrained, they might have ordered the payment to be made in India, by altering a despatch to that effect. Lord Eldon's opinion was, that they might order the Court to pay the money in London.

The exceptions to the powers of the Board are these: they cannot increase any salary or allowance, or direct a grant of any gratuity, nor can they appoint any person to an office. Whether they can establish salaries or allowances of any sort, without reference to the particular persons who are to enjoy them, and whether they can create offices, are questions that have been more than once mooted between the Board and the Court, but have not been decided by the consent of both parties. The law requires, that for alterations made by the Board in the Court's despatches, the Board shall give "reasons at large." The Court has a right to make a representation against any such alteration, but the decision of the Board thereupon is final. The only case in which there is any appeal from the Board, is a case in which a question arises whether the alteration made by the Board does or does not come within the description of a concern relating to the civil or military government, or the revenue: I believe that only one such appeal has occurred since the formation of the Board; the appeal lies to the King in Council. The prescribed mode of exercising the Board's powers and the limitations to which they are subject, give rise to many anomalies; for instance, the Court of Directors have a power, without the sanction of the Board, to recall a Governor, or any one of their servants; but the Board, on the other hand, have an absolute power of framing the despatch in which the decision of the Court is conveyed to India; and I believe it is not an exaggeration to say that the Court having, for reasons assigned, recalled a Governor, the Board converted those reasons, which of course were criminatory, into paragraphs commendatory or at least excusatory; the despatch nevertheless necessarily terminating in the recall of the individual. Another anomaly is this; the Board have no control over the communications made by the Court to any persons in this country; the Court may therefore write a letter in London, communicating a view of a subject, or the case of an individual, and may then be obliged, or may even have been previously obliged, to take a totally different view of the case in a despatch sent to India. The Committee will observe that I am not putting fanciful cases, but cases which have occurred.



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289. You have stated that the Board are required to state their reasons at large for proposed alterations in a despatch sent out; in the event either of their ordering a despatch to be sent, or in the case of sending out their own despatches through the members of the Committee of Secrecy at the India House; are they in either of those cases called on to give reasons?—In despatches through the Secret Committee, not; they give no reasons; the despatch goes down to the India House with an order for its being immediately forwarded to India, under the signature of the Secret Committee, nor can the Secret Committee make any representation against it. With respect to despatches which the Board order to be prepared, they must, if they alter the despatch so prepared, give reasons in the same way as if the despatch had been originally suggested by the Court; but they need not give reasons for the first order, which is merely to prepare a despatch on a particular subject; indeed I remember a case in which the Court found fault with the Board for accompanying the peremptory order, which they had a right to issue for the preparation of a despatch on a particular subject, with the view of the Board of what ought to be said upon the subject.

290. With the exception, therefore, that you have stated, the powers of the Board are paramount?—Certainly. I ought to have mentioned that under the last Charter Act of 1813, a power was given to the Board over the College at Haylebury and the Military Seminary at Addiscombe. This power is exercised without the intervention of a despatch to India; the regulations of these institutions are subject to alterations by the Board, and these powers have been constantly exercised. There is another power which the Board has to exercise independently of the despatches. The Act of 1813, for the first time, established a separation between the political and commercial finances of the Company. The mode in which this separation is effected is under the absolute control of the Board, whose directions thereupon have been given in opposition to repeated remonstrances of the Court. The Board have also a power of directing permission to be given by the Court to any individual to go to India, and they are not required in this case to state their reasons.

291. Have these powers also been practically exercised in overruling the refusal of the Court to grant permission to individuals to go to India?—Repeatedly; there is a function belonging to the Board, though perhaps I should say, to the President, (it is not of course the subject of any Act of Parliament, or even of any formal regulation,) which nevertheless it may be right to mention here. The President is the officer from whom the recommendations of officers of the Indian army for the honours of the Bath proceed. In the exercise of this function, so far as my experience goes, he acts quite independently of the Court of Directors. The Act of 1813 also requires that the warrant for nominating a bishop of Calcutta, or for preparing any letters patent, relating to the see, should be countersigned by the President. This is another matter in which he acts independently of the Court.

I have said that the Board is restrained from taking part in the appointments to office; I should say, however, that the Governor General and the Governors of Madras and Bombay, and the three Commanders-in-Chief, cannot be appointed by the Company without the approbation of the King. The warrant of approbation is countersigned by the President, who is therefore the responsible minister on such occasions. This approbation has been repeatedly refused. Although the Board can neither appoint or dismiss a public officer in India, the King has the power of dismissal, by warrant under His Sign Manual; these warrants also are countersigned by the President, who is responsible for them. I know but of two cases in which this power has been exercised; first, in the recall of Sir George Barlow from the supreme government, and, secondly, in the dismissal of a person of much lower rank, accused of malversation in office.

292. Will you state to the Committee the mode of conducting the business in the departments of the India Board?—The Committee will observe that the mode prescribed by the Act, of giving reasons at large for every alteration, would, if extensively used, produce an enormous and inconvenient mass of controversy. In order to prevent this, it has been the practice for many years, if not from the beginning, for the Chairmen of the Court of Directors, and I believe the Committee of Correspondence, to send up to the President, previously to their being submitted to the Court at large, drafts of the despatches which it is proposed to send out; this is an unofficial, or is technically called “a previous communication.” These drafts, or previous communications, are dealt with by the Board as they think fit,
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and are returned as they are altered to the Chairs; but these alterations are, in truth, only suggestions or intimations of the Board's future intention, and the Chairs and the Committee of Correspondence may or may not adopt them. The practice of adopting or not adopting alterations thus unofficially suggested has varied very much, according to the degree of confidence and good understanding existing between the President and the Chairs. Although there is no formal letter of reasons for such alterations, they are usually the subject of much personal communication. I conceive that if the alterations made in the previous communications during the long period of my experience, had been all resisted by the Chairs, and made the subject of a formal and official proceeding, it would have been almost impossible to conduct the government of India, unless either the Board or the Court would have at once given way. One effect of this mode of doing business is that an inspection of the official drafts and letters of reasons gives a very imperfect idea indeed of the extent and of the nature of the superintendence and control exercised by the Board. In some departments, especially in the revenue and judicial departments, that control was exercised in Lord Buckinghamshire's time; and subsequently, to a very great extent indeed, in matters involving great principles, as well as in matters of detail. A very great proportion of the proceedings of the Board on this occasion was unofficial. I may here mention that the system known by the name of Sir Thomas Munro's System, was the work of the Board, and in many parts of it was opposed by the Court. The same observation applies to many matters concerning the revival or maintenance of ancient native institutions, and the employment of natives in public functions. I mention these circumstances without giving any opinion upon the propriety of the Board's conduct in these respects, and only to show the very great share which the Board has actually had in the Government of India.

293. You said there was a difference of opinion between the Court of Directors and the Board of Control on the subject of the employment of natives; was it the Directors or the Board of Control who were most favourable to the employment of the natives?—The Board of Control, most decidedly; as in the case of the introduction of the Panchayet, or native juries. Resuming my observations on the interference of the Board, I would say that a very great part of the arrangements concerning the Indian army, its formation, and the allowances to the officers and men, has been the work of the Board; and I think it right to take this opportunity of saying, with the permission of the Committee, that it is extremely unfair to visit upon the Court of Directors all the offences against the feelings or interests of the Indian army, of which complaint has been made of late years; for all this the Board are ultimately responsible, and they have acted in some particulars with, and in others without, the approbation of the Court.

In political matters I have already said the Board originates the most important despatches, but upon some of the matters which have not been reserved by the secret department, but have been treated by the whole Court in the political department, the Board has taken a very great part, and has frequently been at issue with the Court. As one instance only, I will mention the question of encouraging or not encouraging native princes to maintain troops disciplined in the European mode. I only mention this as it occurs to me, being an important point; but the occasions are very numerous in which the Board has interfered. I wish the Committee to understand that, while I endeavour to impress upon them the extent and importance of the functions performed by the Board, because that is the point to which the questions put to me are directed, I should be very sorry that it should be collected from my testimony, that the Court of Directors was, during my experience, either inefficient or mistaken in its views. On the contrary, some of the directors, and most of their servants, have shown very great diligence and ability; and I by no means maintain that where the Court and the Board have differed, the Board was always in the right. I believe that neither body, as at present constituted and assisted, would have well administered the functions imposed upon the two, if either had been without the assistance of the other.

294. During the period that you were at the India Board, did any material change take place as to the mode of transacting business within that department?—A very material change had taken place a few years before I was appointed. In the year 1807, the clerks of the India Board were divided into departments corresponding with the departments of the India House, and it was the duty of the head

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of each department to make himself perfect master of all matters connected therewith, and to report upon every paragraph sent from the India House in his department. I believe that the Committee has already before them some details on the subject; my object is to inform them that this arrangement only began about the year 1807. I have reason to believe, from information from persons who were in office before me, and particularly from one most efficient and valued individual, whose name has been often mentioned in the House of Commons, and who is now dead, Mr. *Cumming*, that previously to this arrangement of 1807, the functions of the Board were performed in a much less satisfactory manner, and that neither the President nor the members, still less the permanent officers of the Board, had any detailed knowledge of what was going on in the several departments in India, or took any concern in matters which did not excite the attention of Parliament or the public. The departmental reports, in my time, were made in the first instance to me, and I believe I may say, that from about a twelvemonth after my appointment, I continued to inspect and advise upon all matters arising in all the departments, until about one or perhaps two years before I quitted the office, when I found it absolutely impossible with safety to my eyesight to work as I had worked. I doubt whether one secretary can perform the duties of all the departments. I ought to say, that during the period to which I refer we had some very efficient commissioners. As they were not all equally efficient, the Committee will probably excuse me from mentioning names; but in reference to the course of business, I should say that the departmental reports, with those of the secretary upon them, sometimes went direct to the president and sometimes to one of the Commissioners. The commissioners, generally speaking, took respectively particular branches of business, and although I am not prepared to say that the arrangements of the office and of the business between the president, the commissioners, and the secretary, was the best that could be devised, I do think it my duty to say that most efficient and valuable services have been performed by the several commissioners.

295. According to the constitution of the India House, the whole of the more important and political business is conducted, is it not, through the Committee of Correspondence?—So I believe.

296. Are you aware how the selection is made of Directors who sit upon that committee?—They are selected entirely by seniority, excepting that the chairman and deputy-chairman are upon that and all other committees; the other members of the committee are chosen by seniority.

297. May it not therefore happen that men of the greatest experience and ability in the direction, may never arrive at a participation in the more serious administration of the affairs?—It frequently so happens; gentlemen who come from India, having been in high situations, such as members of council, seldom can return until they have attained an age which makes it at least very doubtful whether they will attain to the Committee of Correspondence during their lives, or during the period of their efficiency.

298. It appears that the Court has no concern in originating the more important portion of the political correspondence with India; what practical advantage has appeared to you to result from their possessing a power of originating the despatches in all other cases?—The Court of Directors certainly do possess a detailed knowledge upon some points, which the Board, as at present constituted and with its present establishment, does not possess, and I do not conceive that the Board would at once be competent, without further arrangement, to originate any but the more important despatches, referring to general principles and higher subjects of government.

299. Has the existence of these co-ordinate authorities, in their several relations to each other, tended, in your opinion, to promote the despatch of the public business of India, or otherwise?—To retard it in a most extraordinary degree, and in retarding it to make the whole more unsatisfactory. The length of time that elapses between an occurrence in India, which is the subject of a despatch, and the receipt in India of the opinion of the home authorities thereupon, is necessarily very considerable under any circumstances. Some not inconsiderable time must be taken up in England, in preparing the answer to the despatches, but the time is increased in an immense proportion by the necessity of every despatch going through the two establishments, and being in many cases the subject of lengthened controversy between them. The consequence is, that by the time of the despatch's arrival in India, very often circumstances have really changed, or if they have not, there are sufficiently plausible grounds for the Indian government alleging that



that they have, so as to furnish an excuse for not complying with the instructions, if they are unpalatable; and then comes another reference home, that occasions a similar delay, and when the instruction gets out a second time, of course the chances are very much greater that there has been a substantial alteration in the circumstances to which they were intended to apply.

300. Have you not known instances in which the delay occasioned by the circumstances you mention, has extended even to several years?—Certainly, upon many very important points. I should say upon this, that there is sometimes very unpardonable delay in India in answering the despatches, and these two evils aggravate each other.

301. Was the subject of these despatches of a pressing nature, or involving a general view of policy?—Unquestionably, the despatches respecting which there has been the greatest delay, were despatches relating to general views of policy; but I should make the same remark to many cases of a much more pressing nature. I have no doubt that the immense length to which the despatches both from India and to India are habitually extended, and the great voluminousness, almost proverbial, of all Indian writings, has been a very pregnant cause of the delay and inconvenience that has occurred.

302. Is not the delay that you have mentioned an evil of such magnitude as to call, in your opinion, for an alteration in the system of the two authorities as at present constituted?—It is perhaps difficult to answer that question without giving something of an opinion as to the propriety of continuing the government in the hands of the Company, a point upon which I am sure the Committee will allow me to reserve my opinion to be stated in my capacity of a Member of Parliament; but I have no hesitation, with that reservation, in saying that I conceive that the government of India, in all its branches, might be conducted by one body or by two bodies, having a very different relation to each other from that which now exists between the Court and the Board, with much greater facility, and much greater advantage of every kind; but I am not aware that, supposing the administration of the government to continue in the hands of the Company, any very material alteration can be made in the present system, as it applies to the powers of the Court and Board. Some anomalies might be corrected, no doubt, but so long as the Company shall be in India, and ostensibly the executive governors, I am not prepared to say that their powers could be materially diminished; and if they are not diminished, I do not see any way to a remedy of the inconveniences to which I have referred. I beg, however, that the answers I may give on these points may be taken as not committing me to any decided opinion on the subject.

303. When, therefore, you stated to the Committee you conceived that neither the Court of Directors, as at present constituted, nor the Board of Commissioners, as at present constituted, could separately have efficiently conducted the government, you did not mean the Committee to understand that, by an alteration and adaptation of their several powers and authorities, an efficient government might not be composed?—I do mean to say, that it is my opinion that one body might be formed to conduct the government of India. If that body were formed upon the present Board, I do not know that it would be necessary to do much more than to give it (it might be done in various ways) the assistance of some practical Indian functionaries, and in the first instance, certainly some of those who had taken a part in Indian administration at home.

304. You have stated that one of the things that would be necessary, in case of throwing the whole charge of the Indian government on the Board, would be to have some of its members acquainted with the affairs of India personally; do you not also think it would be right to have some of its members more permanently attached to the Board than is the case at present?—I believe I did not state that any of the members of the Board should be practical Indians; I thought it necessary that they should have the assistance of some practical men. I have no hesitation in saying it would be desirable that some persons of higher authority than the assistant secretary, who is now the senior permanent officer, should be permanently established at the India Board. I will however take the liberty of saying, from considerable experience, that in my opinion the advantage of permanent officers, in a particular department, is very greatly overrated. Unquestionably, in an Indian department, it is more necessary than in any other, in consequence of the very peculiar nature of the duties performed; but I speak from observation, I may almost say consciousness, when I say, that unless a public officer has promotion to look to, and the gratification of an ambition which only



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belongs to a political man, he will not, for a very considerable time, perform the duties of any office with the zeal as well as diligence that is required.

305. In whom is vested at present the power of legislating locally for India?—By the Governor General and Council at Calcutta, and the other two governors in their respective provinces; the Governor General and Council having an authority over the others.

306. Has any alteration in the system of the councils ever appeared to you likely to lead either to the better government of India locally, or to the diminution of the pressure of business at home?—I cannot satisfactorily answer that question; I am not sufficiently acquainted with the mode of transacting business in the councils in India, nor have I given that attention to the subject which would enable me to do so.

307. One of the great difficulties with which the Legislature had to contend in constituting the present home government of India was, I apprehend, the distribution of the patronage, was it not?—I apprehend so.

308. Will you state to the Committee how the patronage of India is at present divided; what portion of it is vested in the Crown, what portion of it is exercised by the Court of Directors, and what portion by the local government in India?—The Crown has no concern in the patronage of any Indian functionaries who are under the superintendence of the Company, except in the way I already alluded to, approving the appointments of the governors and commanders-in-chief. The Crown has the appointment of the judges and of the bishops, and of course of the commanders-in-chief, and all other officers of its own army; the whole patronage of all other appointments, from that of Governor General, subject to the veto I have described, to that of the lowest writer or cadet, is in the hands of the Court and its governments. The Court appoints from home, besides the governors, the members in council, which are the highest appointments, and it appoints also to writerships and cadetships; the intermediate appointments, generally speaking, are in the hands of the local government, subject to certain rules and restrictions imposed by the Act of Parliament, which prevents a person from holding offices, having a given amount of salary, until he shall have served a given number of years in India.

309. You have enumerated the situations of Governor General of India and the Governors of the other provinces, as a part of the patronage of the Court of Directors, subject to a veto on the part of the Crown; practically speaking, is not the reverse the case; have not the appointments been made subsequently by the Crown, subject to the rare instance of a veto on the part of the Government?—I should say, certainly, that the Crown has had the larger share in most of these appointments; I am not sure whether the expression "rare" does not convey too slight an idea of the part the Company has had. So far as my experience goes, appointments took place very rarely indeed without much communication, and generally a compromise between the President of the Board of Control and the Chairman of the East India Company. This sort of thing has happened: the Court have consented to a particular appointment to one presidency, on the promise that they shall have one of their own servants appointed to another.

310. The patronage, then, of individual directors would appear to be confined to that of writers, cadets, and assistant-surgeons?—I believe so.

311. It is only from the writers so sent out by individual Directors, that the Governor General and Governors of the Presidencies in India are enabled to select servants to fill the highest public functions in India?—Certainly.

312. Do you happen to know what is the qualification required of writers so sent out?—At this moment I do not recollect what the qualification is, or even what it was when I left the Board. The Committee is aware that, by the last Charter Act, all persons are required to spend four terms in the college; that has since been repealed or suspended, and some of the persons going out undergo an examination in London. I believe that the test to which these writers are subjected is not so severe as that to which they are subjected at the college. Though I do not recollect the exact terms of the test, I do remember that it was my opinion, an opinion ineffectually urged at the time, that the test established when this act of suspension took effect, was not the most judicious. I remember particularly that a certain proficiency in mathematics was required: many young men who had gone through a school with tolerable credit, and had become as good classical scholars as boys of 16 or 17 generally are, were totally ignorant of mathematics when they began to study for their examination; in the time allowed
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they could only acquire just as much of that science as would enable them to pass, and I believe that what they acquired was at the expense of time that would have been much better employed; it does not carry them on far enough to be of any use, and is afterwards generally entirely neglected. I know that it was the opinion of many of those concerned, that the time employed in mathematics might have been very much better employed in learning the elements of some of the Indian languages, or even in general literature.

313. From your experience of the character of the Indian servants, what is your estimate of their general capacity, diligence, and public qualities; those from whom the Governors are to select the different functionaries of the Indian empire?—That is a very difficult question indeed to answer, because it is a remark that almost every person has made who has been concerned in Indian affairs, that gentlemen who, when you read their writings, appear to be extremely sensible and well-informed men, quite fail when you come in contact with them in England. It would be injustice not to say that there is a very great proportion of intelligence and diligence, and zeal and knowledge among the Indian functionaries, but I feel myself bound to say that the character of superiority which has been constantly given to them, is not warranted by what I have observed.

314. You have referred to the proverbial voluminousness of Indian despatches, and said that you find the character of Indian functionaries, estimated by their writings, would be higher than what might be estimated from personal observation. Does not a proverbial voluminousness necessarily attach to a correspondence conducted at the distance of half the globe, where, if anything is omitted, you have to retrace thousands of miles to supply the omission; and does not a great part of the business necessarily consist of despatches carried on between the different presidencies?—That is unquestionably true; but a great portion of the voluminous proceedings to which I refer, consists of general disquisitions, and observations upon general principles, sometimes extremely obvious and almost trifling, which cannot in any way tend to inform the authorities to whom such writings are addressed.

315. Do you conceive that the nomination of individual Directors is the best mode of securing to the public a fund of public functionaries competent to the discharge of the very high duties which devolve upon the Company's servants in India?—I think not.

316. Does it not appear to you that some mode, by public competition, might be resorted to, for the better securing such knowledge?—If I were to arrange *ad libitum* the Indian patronage, I rather think that I should establish almost every possible variety of method of selection, and certainly that to which the question refers among the others.

317. You are acquainted with the institution at Hayleybury, and the East India college at Calcutta; are you aware how far these two institutions for the education of the civil service of the Company have or have not answered the objects proposed?—With respect to the college at Calcutta, I know very little; but I never heard much good of it. As to the college at Hayleybury, it is a matter of great controversy; but I am bound to say that the tendency of the despatches which I have read from India, up to the period of my quitting office, was to establish a superiority in the persons who had been at the college over those who had gone to India before the college was established. Whether the writers from the college now preserve their superiority over the writers who go out under the new Bill, without having passed the college, I really do not know.

318. Do any insuperable obstacles present themselves to your mind as to the possibility of separating the commercial and political functions of the Court of Directors?—I am clearly of opinion that the separation may be carried further than it has been carried by the Act of 1813. I do not think there is now, with respect to the operations subsequent to 1814, any very material confusion; but I am satisfied that the separation might be carried further, and with the leave of the Committee I will mention a suggestion that occurred to me, and which I made to the Board some years ago. I conceive that the most effectual way of marking the distinction between the political and the commercial characters of the Company would be this: to take from the government in India all concern with commerce, which would therefore no longer be the subject of correspondence between the Court of Directors and the Government. I would have the Boards of Trade at the several Presidencies, the agents and correspondents of the Company in its commercial capacity. The Board of Trade of course cannot issue regulations having

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the effect of law; it would therefore be impossible that any enactment giving an advantage to the Company could find its way, as has been supposed to be the case, into a Government Regulation. The Board of Trade would stand in the same position as to the Court of Directors, as the agent of any private merchant stands in to him; under this arrangement it would not even be necessary for the Board to see the commercial despatches. The Board of Trade would have no further authority over the subordinate functionaries in India than a mercantile man has over his subordinate agents.

319. Do you mean that the subordinate agents now employed in India in the commercial department could or could not continue to be appointed by the existing authority, whether at home or from the local government, in their respective Presidencies, or do you mean they should be appointed in any degree by the new Board of Trade?—It would not be a new Board; but I do not apprehend that that is a matter of importance; the Court of Directors would make such arrangements in that respect as they might think best; at present a commercial functionary is quite taken out of the control of the Board at home, so much so, that in my time the Board declined to interfere, though very strongly urged to it by the parties, in the case of a question of rank, or of a person charged with malversation, that arose in one of the commercial offices; although applied to, the Board conceived they had no power, and declined interfering.

320. You stated that the Board has by law no share in the distribution of India patronage?—Certainly.

321. Has not some share in the patronage of the writerships and cadetships been given to it by an arrangement with the Court of Directors?—Such an arrangement certainly has existed for many years, perhaps always. I have understood, that at the first formation of the Board, questions did occasionally occur between the President and the Court, as to a participation of the President in the patronage. It was natural that he should occasionally wish to have some appointments in his own gift, and it was thought on all hands, that it would be a better arrangement that a given proportion of each sort of patronage should be assigned to the President as a matter of course. It is not certainly in law his absolute right, but it has become almost so, and therefore that arrangement naturally avoids the interference of questions of patronage, in the discussions between the Chairs and the Board, which otherwise might be very inconvenient. For instance, it would be extremely objectionable that the Court should be tempted to withhold one or more writerships from the President, according to the mode in which he might happen to treat them; all that evil is avoided by the present arrangement, which only gives to the President a moderate share of the patronage.

322. Do you know what the share is?—The share is equal to the share of one of the Chairs; the share of one of the Chairs is equal to two shares of a director.

323. The Commissioners and Secretary have no share?—I am sorry to say, none.

324. Do you think it would be possible to appoint a Board in India to have the appointment of writers; for example, the Governor, two members of the Council, and two or three of the principal servants; the writerships to be given by public examination before them?—I do not see how the appointments could take place in India; there are no persons from whom to select them; there is no public in India from which you could take young men for writers; any public competition must be exercised here in England.

325. But if this plan was adopted, it would be necessary that those who intended to be candidates for the office of writer should go out to India, and there complete such an education as would qualify them for the office. The acquirement of the languages of India must be much more easily made in that country than in this?—Yes; but I apprehend in that case, such a host of candidates would go out, as to supply probably half a dozen for each writership; the five unsuccessful ones would be left in a most deplorable condition, having incurred great expenses, and having no means of getting a livelihood.

326. Do not any other modes suggest themselves to your mind, by which the writers might be appointed more beneficially than at present with a view to the public interest, and at the same time without making the addition of the patronage to the Government?—That question divides itself into two branches. As to the first, the appointment of writers more beneficially to the public interest, I wish to explain that when I answered some time ago the question put to me as to the appointment

appointment by the Court of Directors, I had in view not so much the inferiority of the persons appointed by the Directors to the writers who might be appointed on competition, for I conceive that no competition could take place which would really bring to the test the capacity of any individual for the office to which he was appointed in India. The evil sometimes appears to me to arise from the functionaries in India being too much of one sort; at the same time, I am not at all aware that this could be remedied without producing greater evils. I mean that I am not aware that it could be possible to infuse into the Indian service the benefit, which it is almost universally allowed is felt in the army and navy, of the apparently partial and accelerated promotion of individuals favoured by birth or fortune. I believe that something of that sort would produce advantage in the Indian service; but on the other hand, I am not prepared to say that it would not be attended with more than corresponding disadvantages. I conceive that, besides public competition, a new arrangement of the patronage might introduce writerships and cadetships as the most appropriate and the most acceptable reward to civil or military officers who had distinguished themselves. I apprehend that even if economy were to be considered, there are many cases in which such an appointment would stand in the place of a not immaterial portion of salary or allowance; but at all events, it strikes me as a most appropriate reward, and although it certainly ought not to be carried too far, so as to make Indian appointments hereditary, I conceive that it ought to be adopted to a certain degree. With respect to the first appointment to India generally, I have observed that as no scheme contemplates an absolute appointment, I mean no appointment independent of some previous examination, these appointments might be given to persons holding particular situations, without in any degree increasing the patronage of the Government, on which point, whenever any question of Indian government has been considered, there has been so much natural jealousy. I mean, for instance, supposing there is public competition to a certain degree, appointments by way of reward, and perhaps some appointments given to public schools or institutions. If these did not supply all the writers or cadets that might be necessary, the patronage might be given in rotation to one or more of very many bodies that might be named. Cities might have a proportion. Even such functionaries as sheriffs of counties, privy councillors, a body mixed up of all parties, among whom the patronage would come round so very rarely as to put any probable influence quite out of the question. I mean this not with a view of recommending any particular choice, but to show that it does not necessarily follow that the patronage being taken out of the hands of the Company swells the power of the Government.

327. The last answer has referred to various modes of removing the jealousy that might arise from the transfer of the patronage now possessed by the East India Company to the Crown or its ministers. Are you aware what is the consideration that induces gentlemen to devote their time to the service of the East India Company, to the Court of Directors. Is it their salary or any other emolument?—Most decidedly, the patronage is a very leading inducement; but the case contemplated in my answer is a case in which the Court of Directors is supposed to be abolished. My object was to show, that if the Legislature is determined to transfer the administration of India from the Company to the Crown (a point upon which, I beg to be understood, I give no sort of opinion), the patronage which has been supposed hitherto to be a great obstacle to such an arrangement need not be any obstacle at all.

328. Would not the consequence of such a transfer be, that the future government of India would have no choice of those of its servants whom it might distribute to the different branches of Indian administration?—I do not know that in any answer I have given I have referred to that point at all. According to my view, if such a transfer took place, no sort of alteration could be made as to the distribution of the patronage in India, or any appointments between that of Governor-General and writer; except that I do conceive that the memberships of council, now appointed by the Directors, might, in that case, be filled by the Government at home; always subject to some restrictions as the Act now provides, or any other that may be thought better. The only new patronage the Government would get would be this: the absolute appointment to the governorships instead of the great share they now have; and the appointment to the memberships of council.

Right Hon.
T. P. Courtenay,
M. P.
17 February 1832



MISCELLANEOUS.

James Mill, Esq.
21 February 1832.

Martis, 21^o die Februarii, 1832.

SIR JAMES MACDONALD, BART., IN THE CHAIR.

James Mill, Esq. called in; and Examined.

328*. YOU hold the office of Examiner of Correspondence at the India House?—Yes.

329. How long have you held that office?—About 18 months.

330. Will you describe what is the nature of it?—The Examiner is the superintendent of the office in which the Political, Revenue, Judicial and Miscellaneous branches of the correspondence with India are carried on.

331. It is in the nature then of the office of one of the principal secretaries?—Yes.

332. Will you state to the Committee in what manner the correspondence is conducted with the Court from the several local governments, and in what manner it is communicated from the Court to the Board of Control?—Letters upon all the several subjects are received at the India House from the supreme government and the other presidencies, and along with those letters the documents to which they refer. A general letter, in any one of the departments, from the government to the Court of Directors, is a notice of the subjects of the correspondence in that department between the subordinate officers in the different parts of the country and itself, with minute references to the correspondence that has passed between them, all transmitted to the Court. When those letters of the government arrive at the India House, they are laid before the Court of Directors, and read either short or at length, as the importance of the subject may seem to require. Abstracts of them are afterwards made, paragraph by paragraph, a copy of which is put into the hands of each Director, and afterwards they are recorded in books, as soon as the documents to which they relate have all arrived, or as soon as the progress of the correspondence will permit; those letters are taken in hand for answer; drafts of replies are prepared. The correspondence with the subordinate officers in India referred to in the letters, that is, the papers relating to the subjects treated of in the several paragraphs, are taken out of the books in which they are sent home, that is, are copied afresh, and done up in volumes, greater or smaller according to the amount belonging to each of the subjects. These volumes are, at the India House, called collections; they are read and examined by the officer who prepares the draft: the letter is answered paragraph by paragraph, the paragraphs numbered and the draft so prepared under the direction of the Chairman and Deputy Chairman, and approved by them, would in the regular course be submitted to the Committee of Correspondence, to be approved or altered by them, and after being approved and passed by them would go before the Court of Directors. After it has passed the Court of Directors, it then goes to the Board of Commissioners, who are empowered to make any alterations, but required to return it within a limited time, and with reasons assigned for the alterations they may have made. Experience however suggested the convenience of an intermediate step, which I believe has been explained to the Committee already. In the communications which take place between the Chairman, Deputy Chairman, and the President of the Board respecting the business in progress, it has grown into a practice to communicate drafts when prepared to the Board. This is called "previous communication," and generally it is in those previous communications that the principal alterations thought expedient by the Board are made. The drafts, altered or not altered, are returned to the Chairman, because not having yet been before the Committee of Correspondence, they are his, and not the Committee's drafts. He approves, or does not approve, of the alterations that have been made at the Board, and alters or leaves them, as he may think expedient. After he has agreed upon what the draft shall finally be, it then proceeds through the Committee of Correspondence, and the Court, and afterwards to the Board officially, in the manner I previously mentioned.

333. When you use the word "committee," you mean the Committee of Correspondence of the Court, which consists of the nine senior members of the Court?



Court?—The nine senior members of the Court, and the Chairman and Deputy Chairman.

334. The Governors and Council then of the subordinate presidencies correspond directly with the Court, as well as the Governor-General and Council?—*James Mill, Esq.* 21 February 1832.
Yes.

335. On the receipt of their public letters, to whom are those letters in the first instance communicated?—They are carried to the Secretary's office in the first instance, and, according to the subject, are distributed to the different departments. Those in the political, revenue, judicial, and general departments come to the examiner; those in the military, go to the military secretary; and those relating to finance, to the auditor.

336. Will you state to the Committee what is the construction of the local governments and councils at the several presidencies in India?—There are three presidencies, the Bengal, the Madras, and the Bombay presidency; and the constitution of the council is the same in all. There is the president, two civil members, and the commander-in-chief, at each of the presidencies. The president and council in Bengal have a superintending authority over the other two presidencies, and the power of giving peremptory directions.

337. Do you mean to say that this authority would extend to supersede any act done by a Governor and Council of a subordinate presidency?—Yes.

338. The Governor General is himself a member of the Council of Fort William?—He is a part of the local government; he and his council have the local government of the presidency, and in addition to that a power of control and supervision over the other presidencies.

339. Does not the authority of the Governor General in Council supersede that of all the rest of the Council, in case of a difference of opinion?—The Governor General may act on his own responsibility in opposition to his council. The Governor General in Council can send orders to the governments of the subordinate presidencies as to any officer within his own presidency; and when the Governor General repairs in person to any of the subordinate presidencies he presides in the council, takes precedence of the president as a matter of course.

340. Have the Governors of the local presidencies the same degree of authority; does their single vote counterbalance that of the members of the council?—Yes; they may act upon their own responsibility in any case in which they differ from the council.

341. Has it appeared to you from your experience in Indian affairs, that any public inconvenience has arisen in Bengal from the Union of the details of the government conducted by the Governor in Council with his general and supreme control as Governor General?—It has long appeared to me that the two classes of duties are, to a very great degree, incompatible. This, I think, is apparent, from considering what the business of the controlling and superintending authority really is. I consider it as dividing itself into two parts. One, I should call its legislative duties, the making of laws to govern and regulate everything throughout the whole country; the other, its duties of supervision and control over every institution and functionary in India. But the detail of business in the local administration of such a territory and population as that under the presidency of Fort William, is enough to absorb the whole time and attention of the authority to which it is confided. Of course the still more important business of general legislation and general control is ill performed. In fact, from the footing on which the several presidencies originally stood, the Governor General, though invested with controlling authority, has hardly ever considered himself entitled to interfere, except on extraordinary occasions, which made a particular call. The presidencies being originally established with equal authority, and involving in their powers everything necessary for the government of their own presidency, the Governor General in Council seem to have considered their new controlling power as meant only for extraordinary cases; so that the other presidencies have, in their ordinary business, proceeded very much without control; and in regard to the great presidency of Fort William, as the controlling body and the administrative body are the same, there is, by the supposition, no control at all.

342. By what agency would the business of the general control in your opinion be best conducted?—The supreme, by which I mean the superintending government, in whatever manner it might be composed, whether according to the present plan of a Governor and Council, or upon any other plan, should not, in my opinion, be loaded with the details of a local administration at all: it should



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be wholly exempt from the duties of local administration, and have for its sole business the task of legislating for the whole empire, and performing the business of general control and supervision.

343. Suppose the Governor General of India, in room of the existing governors of the several presidencies, had a certain number of lieutenant-governors appointed under him, who should communicate with him, and that the correspondence between the home authorities and the Indian authorities should be conducted entirely through the Governor General, do you apprehend that a great diminution might be made of the present very voluminous correspondence, and that without detriment to the public interest?—I think that would be one of the advantages, and a very material advantage, of the arrangement which I have just spoken of. In this case it would not be necessary, as it is at present, to carry on a correspondence in detail with three several presidencies. It appears to me that the correspondence in detail with the several presidencies would be managed in India between the supreme government and those presidencies, whether three or more. Were this the case, and the correspondence of the presidencies were with the supreme government, the correspondence of the home authorities would be confined to correspondence with the supreme government, and in this way there would no doubt be a most material reduction in the amount. Besides the general improvement of the business of government, by an improved control, it is obvious that expense would be materially diminished, since it would not be necessary to have the same sort of establishment, a species of supreme authority, a governor, council, and a commander-in-chief for each presidency. It appears to me that according to the suggestion contained in the question, an officer under some such designation as that of lieutenant-governor would be sufficient, as a mere deputy of the Governor General to superintend the local administration; nor in that case would a commander-in-chief, or the expense attending his office be necessary. Any general officer equal to the business of commanding the troops in that particular division of the country, would, I should imagine, answer the purpose. There would thus be a very material reduction of expense immediately, and probably still more eventually, because there is at all the presidencies, from the unavoidable operation of circumstances, a propensity to increase the local establishments, which not being vigorously controlled cannot but have considerable effect. This evil would be taken away by placing the power of increase, not in the local, but the general government. Another thing also must suggest itself, that in this case the whole army, not being divided into three separate armies under three separate authorities, but under one general system, and so distributed as to make the most of it, a considerably smaller amount would suffice.

344. Would not some such system in your opinion tend to produce a greater degree of promptitude, vigor and unity of action in the local governments of India?—I cannot but believe that a control exercised on the spot, must be infinitely more efficient than any control that can possibly be established at so great a distance as in England. The perception of anything wrong would be much more immediate, as well as much more complete, and the remedy would be much more promptly and effectually applied.

345. By whom are the laws for the present local government of India framed?—The legislative power, such as it is, resides in the governor in council of the several presidencies, who make laws under the name of Regulations for their several presidencies. There never has been any other legislative organ in India than what I have now mentioned, each legislating for its own peculiar presidency. The subordinate presidencies have in general looked a great deal to the laws passed in Bengal, and it has been one object to frame their Regulations upon the plan of the Bengal Regulations, in which way a certain uniformity of system has been observed, but this is its only source. Every consideration appears to me to show, that there ought to be but one legislative organ for our whole Indian empire, and that such organ should by no means be hampered by the calls upon its attention of mere matters of detail. The three presidencies are now, with respect to legislation, in this unhappy state; and still further, are in their constitution, strictly speaking, entirely administrative, not framed for legislation at all. In the original formation of the local governments, there was no intention of their making laws; they had no occasion to think of making laws; and when they came to have laws to make, they of course found themselves very unfavourably circumstanced for the performance of such a duty. It is obvious that with the whole details of the administration of Bengal pressing upon the governor and two councillors (for the military member of the Board can take but a small concern



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concern in the passing of general laws) their time and attention is much too closely occupied with other matters, to be able to bestow adequate attention upon the making of laws. It therefore appears to me that great importance is to be attached to the recommendation which has come from the supreme government, accompanied with a correspondence between itself and the judges of the supreme court, upon the necessity of instituting a legislative council in India, that is, a council, whose business it should be as well to study what laws ought to be made, as to make them in the best possible manner. This correspondence, which extends to considerable length, and contains many important suggestions, is before the Committee. Two great questions I think present themselves in considering the subject of a legislative council in India; first, what is the extent of the power of legislation which should be entrusted to such local organ: and, secondly, in what manner should this legislative organ be constituted? At present it is well known that the power of legislation in the hands of the government in India is limited; far from adequate to the necessities of the case. There are some very remarkable complaints upon that subject on the part of the government, and equally strong admissions on the part of the judges of the Supreme Court. To judge of this matter rightly, it appears to me to be proper to inquire, what are the powers which are wanted; for I suppose it will be allowed that those which are wanted should be bestowed. I also suppose it will be allowed that such powers as are required for the business of government anywhere in the world, are required without any limit or restriction for a government so situated, placed in circumstances of such difficulty as our government in India. Among these necessary powers is emphatically to be named the power of making all such rules and regulations as the government may conceive to be for the benefit, and required for the good order of the state; and the power of enforcing obedience to those rules and orders on the part of its subjects universally, of all classes and descriptions of persons looking up to it for protection. The anomaly of the case in India at present consists in the extraordinary circumstance of there being a class of people in the country, a class in reality of foreigners, not very considerable in point of number, but remarkable in certain circumstances, and from the power attendant on those circumstances; who are not subject to the legislative power of the government under which they live; who claim exemption from its enactments, and for whom, except in a few, and these inferior instances, the government has no power of making laws; I allude to the Englishmen who are in India. Our habit of looking with indifference upon things which we have long seen the same, prevents us from observing the extraordinary nature of this case; by putting something of a parallel case, it may be more easily understood. If we were to suppose that there were a class of foreigners in this country, in England, to bind whom by laws the King in Parliament had no power; foreigners spreading themselves in all directions among the people of the country, but exempt from the jurisdiction of our tribunals, and claiming to owe no obedience but to a single court belonging to their own sovereign, whom they speak of and represent as far superior to ours; further, if we were to suppose that this single court of theirs were seated in the metropolis, so that Englishmen could have no redress for any injury sustained at the hand of these foreigners, except by coming up to the metropolis to sue them in their own court; that those foreigners moreover from their peculiar circumstances, carry with them such power that the subjects of the King of England are in perpetual dread of them, afraid of applying for redress against anything they do; and if to the above supposition we were to add that this same court of their sovereign, not ours, placed in our metropolis, should exclusively have the power of administering justice to the whole of the inhabitants of our metropolis; that the inhabitants of our metropolis should have no access to justice but through this single court; while the Government itself, King and Parliament, should have no power of making any laws to bind the inhabitants of the metropolis, but according to the pleasure of those same foreign judges: this would be a parallel to the case as it now stands in India, and seems to me to require no words to prove its incompatibility with good government. I can hardly anticipate contradiction to the opinion both of the Supreme Government and the Judges of the Supreme Court, that there cannot be good government in India, because not perfect legislation, till one uniform system of law is made to include all the subjects of that government, this portion as well as every other.

346. What increased extent of legislative power should you consider expedient or necessary?—It appears to me that there should be no limit to the power of legislation in India in the hands of the organ I speak of, except that the exercise of



this power should be under the strict control of the British Parliament; that the Government in India should have the perfect power of making laws to bind the people in India of every class and description, but that means should be found of bringing the exercise of this power completely under the control of the legislature at home.

347. In the actual state of society in India, from what constituent body could such legislative councils, in your opinion, be provided?—That is the second of the great points which I have mentioned as demanding consideration, under this head; I mean the mode of forming the legislative councils. I am willing to state the ideas which have occurred to me, but I have not so meditated upon the subject as to have a matured opinion.

348. Was not the great object in view, in the papers to which you have referred as being already before the Committee, to unite the judges with the existing council?—That was the plan thought of in India; but it appears to me that it is liable to serious objections. I shall state first, what has suggested itself to me as the best mode of constituting the legislative organ, and then mention what I think are substantial objections to the scheme which has been thought of in India. In composing a legislative organ in India, two objects are to be kept in view. The one is, the requisite knowledge; the other is, adequate motives for fidelity; by fidelity, meaning not only honesty, but diligence also, in the execution of the trust. With respect to knowledge, the different kinds of knowledge requisite for legislating in India, are such as cannot be hoped for in one man. But it appears to me that the organ should consist of as small a number of persons as offer a reasonable prospect of their having all the requisite kinds of knowledge among them. For this purpose one of them should be a person well acquainted with the laws of England, so that everything done may have that accordance with the laws of England, which laws, made for a different country, and by no means intended to be the same with the laws of England, should yet have with the laws of the supreme state, so as not to run counter to them, and to avoid all unnecessary collision. That species of knowledge seems to me to be required, and only to be found in a professional person. It has also appeared to me that with this person ought to be joined, at least one of the most experienced of the Company's servants; one not only conversant with the details and business of the government, but who has as perfect a knowledge as possible of the native character and the local circumstances. For those qualities, perhaps, more than one individual might be required; or it might be thought expedient that a person from each presidency should be taken. I have also thought that, for the sake of local knowledge and for certain other considerations a native, of the highest character and qualifications that could be found, might be joined in this legislative body with advantage. I see that the chief justice in Bengal is of a different opinion; he thinks that at present, and for some time to come, it would be inexpedient to have a native; but I am induced, by all that I understand of the native character, to think that such a person, if judiciously chosen, might be useful in suggesting things likely to escape a European, and in preventing rules which might run counter to the feelings of the natives; without his being found troublesome by pertinacity in his own opinions, compliance, I think, would be more likely to be the general habit of any native so chosen. To these constituent parts, the English lawyer, the Company's servant or servants, and the native, I think it is indispensable to add a man capable of bringing to the great work the aid of general principles; I mean, in short, a person thoroughly versed in the philosophy of man and of government. With these constituents of a legislative council, and with a provision for filling up vacancies, I think the business of legislation in India might be well performed.

349. Your scheme then would not include the co-operation of the judges who administer the laws in the making of the laws?—It would not. The general opinion of the inexpediency of uniting the judicial with legislative functions, appears to me to be well founded. An additional objection to this plan in India, is the probability of its placing the legislative power entirely in the hands of the judges, who would overrule the members of Council in a field where they would distrust themselves, and become sole legislators, making the laws which they themselves administer, and thus of necessity rendered political organs, rather than what they ought to be exclusively, instruments for the distribution of justice. After making provision for the several kinds of knowledge required in the legislative council, the best mode of bringing the motives for good conduct to bear upon such a body, was the other point that appeared to me deserving of consideration; and the question here is, what means are there of bringing responsibility home



home to such functionaries as closely as possible. Responsibility in the most efficient sense of the word, namely punishment, is here out of the question, unless on account of such delinquencies as are not often likely to happen; and therefore it is the responsibility of character, responsibility to public opinion, which alone can be thought of on the present occasion, as any efficient instrument of control. The project entertained in India, went no further than to have a legislative board, which was to aid the government in its business of legislation; it being understood, and properly so, that the legislative authority must rest with the Government, this board would consider of and prepare laws for the Government to pass. The objection to such a board is, that it would be a subordinate board; and would not stand forward directly and conspicuously to receive either the credit or the discredit of the laws that were passed. The responsibility of its members would be as nothing. I think it would be advisable to make them in appearance, as well as reality, the author of the laws, and responsible for them, in every possible mode. To this there is an obvious, an easy, and I think a certain path. The Governor General in Council at present is, properly speaking, an administrative council, and nothing more. It has hitherto done something in the business of legislation, for which it is very badly circumstanced, but its general business and employment is administration and execution entirely. There might, however, be a supreme council, consisting of two sections: one an administrative section, the same as the present; the other a legislative section, entirely new. The legislative organ of which I speak ought to be a part of the Supreme Government, having the Governor General for its presiding member, and confined to the department of preparing and enacting laws, with what probably might with great advantage be united with it, the duty of corresponding with the judges, and superintending the administration of the laws throughout the country.

350. In one of your previous answers you referred to the expediency of the establishment of a supreme government in India, without the charge of any local administration, but having the power of interfering with the local institutions of each of the presidencies: no government having before, in any period of known history extended over a surface so wide as that now comprehended under the British rule in India, and no government of strangers having ever before governed so large a body of natives, do you conceive that any single mind, or any organ such as that you have now described, an organ consisting of one lawyer from England, of one native, of a governor general, and of a person well acquainted with the philosophy of man and of government, would be capable of making all laws, to bind all persons, in all parts of India, subject at the same time to the revision and intervention of another body of strangers, namely the Parliament of England, at the distance of 13,000 miles?—I think that such an organ would be much more competent to the task, than the system as it at present exists; and the only question is, if another that is better can be found.

351. What knowledge would a native, taken from Calcutta, have of the institutions of persons under the presidency of Fort St. George, or under the presidency of Bombay?—It is not necessary that he should have very particular local knowledge: there is a general character which belongs to the natives of India throughout, and any local circumstances which might require particular provision, would be communicated by the local officers.

352. It is understood, that all Regulations are now filtered through the means of successive functionaries, in each department of each presidency, from collectors and judges, and magistrates, and so on; it is also understood, that the natives of India differ far more widely from each other than the natives of different kingdoms in Europe, not merely that the Mahomedan differs essentially from the Hindoo, but that the Hindoo in one part of India, in Bengal for instance, differs essentially from the character of other natives of Hindostan Proper, and that even in Bengal the differences are very great. Could, therefore, the one native whom you would introduce into the proposed Council, be considered as a fit representative for those millions of natives, who differ so much from each other?—I think a well informed man, having such experience, and intimate knowledge of a portion of the Hindoos, as an instructed native may be expected to have, would be enabled to judge with abundant accuracy what would be expedient in laws, which relate to generals, not particulars, for every part of India; because in truth that filtration which the question spoke of, which is now performed in a certain degree by the local functionaries for the local governments, would also be performed upon the plan I mention, and I think, with still greater efficiency. The mixed



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would still be filtered in the first place by the local government, which would only differ from the present government in not legislating upon its own information, but transmitting it to the new legislative authority ; which, instead of being hampered with details, which prevent any adequate degree of attention to the business of legislation, would have this for its one and only object.

353. Your answer now assumes that there should be a supreme government, not only without the charge of any local administration, but that it should have joined with it this legislative organ ; may not the two subjects be considered as entirely distinct, may there not be formed a supreme council, without the charge of any local administration, but without this organ of a legislative character, which you propose now to assign to it ?—My notion combined the two ; and I think the scheme would be exceedingly imperfect if they were not combined. You might undoubtedly make a supreme government, and leave it without an appropriate organ of the nature I have now proposed, to legislate as it could without it ; but it appears to me, that this would be greatly inferior to the scheme of having an instrument made expressly for, and as well as possibly adapted to the paramount object of legislation.

354. You referred to the danger of violating the feelings of the natives by regulations made in ignorance or heedlessness of their institutions ; can you state to the Committee instances in which such violence has been heedlessly done to the feelings of the natives by regulations made under the existing system ?—I believe very little of that kind has been done, except it be supposed that the bringing of the people of a certain rank before our tribunals would come under that description. That it is a violation of their feelings in a very high degree, there is no doubt.

355. Was that forcible bringing together of persons of different ranks and different persuasions before the courts of justice the act of the local government of India, or of the East India Company, or of the Parliament of Great Britain ?—The natives of rank consider it a degradation to be called upon in a court of justice at all, either as witnesses or as parties ; they are people who always managed their own affairs by the strong hand, and whose province it was, not to submit to, but issue decrees. Obedience to laws suits only those who are below their level. The regulations framed by our local governments, with the sanction of course of the Court of Directors, went upon the principle of making no exception in respect to justice between one class of persons and another, according to the spirit of English law, and with the approbation, at least implied, both of the English people and English legislature. The inconvenience of this in some instances, and the suffering to the individuals, was found to be so great that both humanity and good policy seem to recommend exceptions in extraordinary cases ; and to meet those exceptions, as well as for other reasons, the resolution has been taken in respect of the countries recently acquired, not, for a time at least, till the inhabitants grow more accustomed to the indiscriminating principles of our rule, to introduce our regulations and establish our tribunals.

356. As you propose that the legislative council should consist of so small a number, it is presumed that your object is to get a full responsibility over them ?—My first object would be to get the different portions of the requisite knowledge as completely as possible, and when a reasonable security for that is attained I should not be for increasing the number of the legislating members ; the smaller the number, consistent with having the requisite knowledge, so much the better, as well for the sake of rendering the responsibility greater, as for having a more steady application of thought and attention.

357. Do you think that in practice it would not be found that so small a number of persons would not have sufficient time to enter into the large mass of subjects which it would be necessary for them to enter into, without other assistance ?—When I have stated this as a scheme, the idea of which has passed through my mind, I beg to be understood as not giving it for a scheme I have thoroughly digested. I have laid down the general principle, I think, correctly ; and if an organ something like what I have now described were set to work, and it were found by experience that a greater number of co-operators than that I have named were really needed for the business, it would be proper to add them.

358. Do you think a scheme of this kind would be expedient, to appoint in addition to this council, individuals of the same classes that you have enumerated, who should have no responsibility as members of the Council ; but prepare for the members of the council information in the different lines that the council would want ?



want?—It enters into my scheme, that this legislative organ should have the command of secretaries and other necessary assistants to any amount that might be needful. It would also be expedient, if the number of members were limited as much as I have mentioned, that provision should be made for successors in case of vacancies. To this great end it might be necessary, in addition to those functionaries I have mentioned of different descriptions, to have others, one corresponding with each, one lawyer, one native servant, and so on, in the character of probationers or assistants, or under some other appropriate name, employed under the principal functionaries, acquiring knowledge and experience, and under a course of training for filling vacancies when they occur.

359. If such probationers were appointed under that name, or some similar name, and not under the name of clerks, would they not make a very good class from which to choose successors, giving the government the option of choosing or not choosing them, according to their conduct in the inferior situation?—If the members of the council were as much limited in number as I have now mentioned, some such provision would be necessary; and the more necessary because the nomination to this office, I think, should not be with the local government, but in England; and therefore to prevent the loss of the services of a necessary member during the time that would be necessary to communicate with England, some substitute on the spot ought always to be prepared.

360. If then the nomination of the members of the council is to be made by any person or persons in England, whose knowledge will be necessarily either limited or derived from other persons as to the character of the Company's servants in India, will not that be an additional reason why some set of probationary members, similar to that which you have been just speaking of, should be established in India to have a choice from?—I think it is a strong reason. If vacancies were filled up by the Governor General he might be expected in general to know persons within reach who might be made available, without any such class of expectants in preparation.

361. Would not another reason for such an arrangement be, that that class of persons by their conduct in that situation, would show who were the most fit from their character to be appointed as members of the council, which would avoid the inconvenience of dismissing a person who, after he was appointed, was found not to be sufficient for the situation?—Certainly.

362. You stated that you thought it desirable that the Governor General should form a part of such a legislative council?—I think he should be president; my idea of the best constitution of this legislative organ being, that it should be a section of his council, of which no session should be held without his presence or under his authority.

363. Do you think there would be any objection to his having a veto upon all laws that were passed in it?—That would undoubtedly be a subject for consideration in framing any law upon this subject; it is one of the points on which I cannot say that I have any very definite opinion; it would be a matter for serious deliberation; I see pros and cons.

364. Do you consider in the present state of society in India, anything approaching to representation as entirely out of the question?—I conceive wholly so.

365. But you conceive that the several presidencies might be represented in the supreme legislative council in Calcutta?—If not in Calcutta at some place that might be reckoned more convenient for the seat of the supreme government; which moreover might be a locomotive body. There would be no very great inconvenience in its motions; and there might often be great advantage with reference both to control and to legislation, in having its place of action at one time at one presidency, and another at another; its general place of abode being central with respect to all three.

366. Will you state whether any evils have been found within your experience practically to result from the existence upon their present footing of the King's courts in India?—One inconvenience immediately presents itself, and one which appears to me to speak volumes. You have two independent authorities ruling in one and the same country; two authorities not only from their nature liable to be in frequent collision, but which actually have been frequently in collision, and are habitually to a certain extent antagonizing instead of co-operating powers. That there ought to be but one authority in India I think is proved by the most conclusive considerations; in fact, unity in government, if there be an uncontrollable principle in government, is that principle. The Supreme Government is the



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universal instrument of protection; the inhabitants of every class and description look up to it for the security of all that they value. To enable it to afford this protection, it ought undoubtedly to have the command of obedience, of obedience as universal as the demand for its protection. There is also no doubt that in India the habit of peaceable and quiet obedience, is exceedingly increased by everything that adds to the *prestige* of the government, and that everything which tends to lessen that feeling of reverence and awe increases the difficulties of the government; paralyzes to a considerable degree all the power it has to exercise, because it is a very different thing to exercise the powers of government among a people where obedience is willing, and among a people where obedience has to be compelled. Now the mode in which the supreme court stiffens itself up by the side of the general government, pretending to spring from a higher authority, and to be itself the most dignified organ of the two, holding itself altogether irresponsible to the government; in reality as having the power of binding the government, while the government has no power to bind the court, has had, as I am satisfied that all persons who have had experience of the proceedings in India will acknowledge, very considerable effect in lessening the influence of the government, and rendering its business more difficult; in short, rendering the habit and contemplation of disobedience a thing much more familiar to the minds of the people in general. The evils also necessarily growing out of the existence of a set of people in a country who claim a right to obey only their own laws, and to be amenable to their own tribunals, which may literally be said to be inaccessible to nearly the whole of the population, cannot but present themselves to every mind as enormous, and repugnant to every idea of good government. The very vague and indeterminate language in which the powers of those King's courts have been described in the Acts of Parliament, leaves it open to them to claim nearly as much or as little jurisdiction as they please; and has enabled, or perhaps, as the Chief Justice Grey alleges, compelled, them so to extend their jurisdiction over the natives, that every man among them may be considered as subject to two sets of laws. Now when a simple and ignorant Indian finds himself bound to attend to the Company's laws, as administered in the zillah and provincial courts, and embodied in the regulations, in his general habits of intercourse with his fellows of his own country, but finds that he is also bound on unforeseen, and thence more terrible occasions, by the laws of another country which he knows nothing about, and is on every such occasion, notwithstanding his obedience to the laws of his own country, liable to be called down hundreds of miles to the presidency, merely perhaps to prove that he is not subject to the jurisdiction of the court; dragged down to this distance upon a simple affidavit, made perhaps out of malignity and never inquired into; that he is under the jurisdiction of the court; all this constantly happening cannot but produce a degree of confusion and misery in the country which it is not easy to describe. A passage or two in the letters of the Judges of the Supreme Court relating to this subject, I would beg leave of the Committee to point out to their attention. At page 48 of Appendix 5, of the Report of the Committee on the Affairs of the East India Company, the judges of the supreme court, in their letter to the Commissioners for the Affairs of India say, "It is no doubt needless for us to crave the attention of the Right honourable the President and Commissioners to the painful difficulties which are connected with the unsettled and vague state of the laws under which the court has to exercise in the provinces a jurisdiction, in some cases concurrent, and in others conflicting, with that of the provincial courts; so that in instances of the highest degree of criminality known to the law, it may chance to be the intricate question whether a culprit is amenable to this court or to others; and with respect to those Christian persons, born or residing in the provinces, who are not British, according to the interpretation put on that term, there are some who maintain the opinion that for any offences above the degree of a misdemeanor they are not amenable to either jurisdiction; and there are others who hold that a man may be amenable only to our court as a British, whilst his wife, as a half-caste Christian, may be amenable only to the provincial courts, or *vice versa*." The chief justice, at page 111, describes the state of the law, as regards persons, in the following terms: "As to the first of these divisions of law, namely, the rights of persons, it has always hitherto been, and is likely to remain in India in so deplorable and discreditable a state of confusion, that it is scarcely possible to speak of it with the plainness which is requisite for showing the real state of the case, and yet with the respect which is due to it as the existing law. The most opposite notions are allowed to prevail upon points, respecting which it is of the utmost



utmost importance that no doubt which can be removed should continue to subsist. There is no uniform, no definite opinion either as to the true character and incidents of the sovereignty of the Crown, nor of the dependence of the laws on Parliament, nor as to the rights either of political power or of property of the East India Company; nor even of the relation in which the many millions of natives stand to the political authorities by which they are entirely governed. Different races of natives have different grounds of political right; as to one class of them, it is even disputed under which of two different systems of law it is that they live. Amongst the Hindoos and Mahomedans there are persons not even claiming any sovereignty, to whom the governments have nevertheless stipulated an exemption from law, or at least from all courts of justice. Amongst the British authorities we have courts which the Legislature has made supreme, yet to which no other courts are allowed to be subordinate. Commissions of the peace, which are sealed by the supreme courts, but are directed almost exclusively to persons who are judicial or magisterial officers of the Company, and who have been recently declared by the Privy Council to be exempt in that character from the control, by mandatory writs of the courts out of which their commissions as justices issue; so that from the difficulty of distinguishing what is done by them in one character from what is done in the other, the consequence must be, that in both they will no longer be responsible to any but the Governor General in Council." The judges conjointly say, "The next head of difficulties is one of which we feel considerable difficulty in speaking. But our motives and the necessity of exhibiting the whole of the case, must be our excuse for saying that some of the inconvenience to which the court is subjected, and some of which it is the apparent cause, are attributable to the imperfections of the Acts of Parliament and letters patent under which it has to act, or by which it is affected. It would seem as if, either from the intricacy of the subject, or an apprehension that difficulties would be encountered in Parliament, when modifications of the powers of the supreme court have been desired, they have been sought not by positive and plain enactment, but by the introduction of something in an Act or Charter which, without being likely to excite too much discussion at the time, might nevertheless be available afterwards as showing an intention on the part of the legislating power to make the required provision. Nothing can be more vague, in most respects, than the important Statute of 21 Geo. 3, c. 70; it provided that persons should not be subject to the jurisdiction of the court for this or for that reason, but left it nearly as open to argument as it was before, whether all those must not be held liable who could be shown to be subjects of His Majesty." Upon this ground the chief justice argues that the words of this enactment render amenable to the supreme court all persons that can be called subjects of His Majesty. All the inhabitants of India may, therefore, be brought under the jurisdiction of the supreme court. Nothing can be more creditable to those judges than the distinct opinion they declare, that this double legislation and double adjudication, cannot exist without great mischiefs. They proceeded so far as to offer schemes for putting an end to it. The chief justice recommended an experimental district to be formed round Calcutta, to try, on this small scale, the effect of uniform laws and a uniform mode of adjudication for all classes of persons, and if that experiment succeeded, to extend the plan afterwards to the whole of India; but to this the Governor General objected, upon grounds which appear to me to have weight. The evidence which is exhibited in those documents of the inconvenience of the present state of legislation in India, of the mischief arising from those double fountains of law and judicature, and of the necessity of some legislative provision to put an end to all this evil, deserves the utmost attention of the Committee.

367. What hazard, in your opinion, would be incurred by withdrawing those tribunals?—The only hazard I can imagine is, that there would be a degree of discontent expressed on the part of certain Englishmen at the presidencies, who being by no means remarkable for willing obedience to the government, are by no means sorry to have an instrument by which that unwillingness may be manifested, and the supreme court answers their purpose admirably well. But it appears to me that Englishmen would, under such a scheme as I contemplate, have no real ground for complaint. Unquestionably, every practicable security ought to be given to Englishmen who are in India, both for their persons and their properties; but they can have no right to any species of security which is inconsistent with the security of others. The history is curious, and worth attending to, of the English law and the English courts in India. It is touched upon, but not with



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a very exact knowledge of the circumstances, in some of the papers of the judges in the printed documents on the table. When the English in India had factories merely, no territory, and no dominion over any of the natives, they obtained as a boon, (generally granted to European commercial communities, in their dominions, by the native princes in India,) the privilege of administering justice among themselves, without having recourse to the very rude institutions of judicature which existed in the country; and above all, without being amenable to their penal laws, which were very revolting. The East India Company having found that the disputes which were apt to arise in the factories, could often not be settled amicably, made application at an early period of their existence to the King, for a charter of justice. The first expedient was to give to the Governors and Council of the several factories, the power of adjudication, both in civil and in penal cases, within the factory, and among their own people: they were constituted a court of justice, to administer to Englishmen the English laws. When it was found inconvenient to the Governor and Council, on whom the business of the factory devolved, to attend to the details of judicature, a new charter of justice was obtained, according to which one person, learned in the civil laws, and two merchants, all appointed by the Company, were to form a tribunal in each of the principal factories. This form of a court was afterwards found to have its inconveniences; and upon a subsequent application, Mayors' Courts, composed of some of the principal persons in the factory, were appointed to adjudicate in civil cases, with an appeal to the Governor in Council, who were still entrusted with the criminal jurisdiction; the power of making bye-laws for their direction being vested in the Company. With this power, of merely settling their own disputes according to the particular charter of justice within their own factories to their own people, the English authorities in India remained till they conquered Bengal. When that event happened, it was not thought expedient, on account of the Company, to assume the forms of sovereignty. The question, whether the Company could hold sovereignty, did not seem fit to be very distinctly brought forward. They chose, therefore, to govern through the medium of the nabob, to whom was left apparently the exercise of all the powers of government; retaining as he did his troops, collecting the revenues, and administering justice, all as before; but in this situation of things, great abuses were speedily found to exist. The Company's servants interfered with the business of the country. The celebrated questions of the private trade began to present themselves. The Company's servants, trading on their own private account with the interior, refused to pay the duties which were exacted by the native government from its own subjects, who were of course unable to stand competition with such rivals. They committed great outrages against the nabob's officers, when they attempted to realize the duties; and in reality not only trafficked without payment of any duties, but took the principal articles of traffic with the interior, salt, opium, beetle-nut, and tobacco, into their own hands, as a monopoly. They also claimed the right of pre-emption, and insisted upon fixing their own price, both for such goods as they had to purchase, and such goods as they had to sell, employing intimidation and even tortures of various descriptions to bring the people to their terms. It is difficult to believe of our countrymen, that they would have been the authors of such scenes, but the voluminous Reports of the Committees of the House of Commons in 1772 and 1773, are full of evidence of the enormities which were then perpetrated, and complained of in the loudest manner by the Court of Directors and their presiding functionaries; by none more strongly than by Lord Clive, whose speeches in Parliament denounce them in language which one can hardly at the present day believe not to be exaggerated. A remedy was loudly called for. The Mayors' Courts had no power beyond the mere limits of Calcutta, considered the factory. It was therefore absolutely necessary to have a court, whose jurisdiction should extend into the interior, and reach every Englishman who might be misbehaving in any part of the country. For this the Supreme Court was established, for the sole purpose of reaching Englishmen, members of the factory, (for such was still their only character,) wherever they might be, transgressing in the country. The Supreme Court being so constituted, to exercise control over Englishmen, and to administer English law to Englishmen, when the Government had no other subjects than Englishmen, the immediate servants of the factory, it may well excite surprise, that after the state of things was totally altered, when the government of the country was taken ostensibly into the hands of the English, when the whole of the natives became their subjects, and they undertook to make laws, and administer justice



justice to them; that the expedient contrived for the factory, and for correcting the misconduct of the factory's servants, without exposing them to the barbarous punishments of the native governments, was allowed to remain on the same footing when the government became ours, its laws and their administration ours, the people our subjects, and as much entitled to justice at our hands as Englishmen themselves.

368. The British subject having, as you have justly observed, a right to full security in the event of a suppression of those King's Courts, in what way do you conceive that their absence might be most advantageously supplied?—It appears to me that Englishmen ought to be rendered amenable to the ordinary jurisdiction of the country. There are laws there for the protection of the mass of the people; no Englishman is forced to go there; and they who choose to go ought to be obedient to the laws by which the people are protected. Undoubtedly the laws and the tribunals of the country ought to be made as perfect as possible; but I conceive that even now no Englishman, if left to those tribunals, need be considered as without security, security as good as the supreme court can give him, both for his person and his property. I conceive that it is not the Englishman who feels the want of protection to his person and property in India.

369. The question is, whether he would not feel that want upon the withdrawal of the King's Courts?—The existing courts, the Mofussil Courts, would be adequate to his protection, though they are often inadequate to the protection of the native. The main difficulty would be in regard to the highest species of punishments. It would sound harsh to English ears to be told that an Englishman could be tried for his life, and deprived of it, by the decree of courts dependent upon the local government. One can think, if this were considered an insuperable difficulty, of various modes of compromise. The punishment of death might be abolished in India, when a door would be still open for remedy, if in any instance undue punishment was awarded; or there might be, as there was till a very recent period at Bombay, a Recorder's Court at the different presidencies, whose sole business should be to try Englishmen for the highest species of offences.

370. From your experience of the history of India, and your examination of all the correspondence connected with it, what is your opinion, generally speaking, of the effect and tendency of the judicial system actually in operation in India, as to the security of person and property of the natives in India?—I believe that the courts of justice in India, upon the whole, do their duty well in regard to the cases which come before them; that it is rare that a case is not properly sifted, understood, and justice done. The grand defect appears to me to consist in the inadequacy of the establishment; in there not being instruments sufficient for the work to be done. The tribunals are at a distance from parties; the delays are great; and in India distance and delays so operate, as to shut out a great portion of the population from access to justice altogether.

371. Has there not been a great increase of native population where the jurisdiction of the supreme court exists?—There has been a great increase of population at Calcutta; the size of that metropolis has increased owing to many causes.

372. In a petition recently presented to Parliament by certain inhabitants, natives and others of Calcutta, an apprehension is expressed lest in the event of the restraint now subsisting upon Europeans settling in India being relaxed, the interests of the natives should suffer from the introduction into the interior of the country of Englishmen not amenable to the provincial tribunals; does it appear to you that such apprehension arising from such cause is well founded?—I consider it to be perfectly well founded. I conceive it wholly out of the question that Englishmen should be permitted to reside in the interior without being amenable completely to the tribunals to which alone the people with whom they have dealings have practically access. Remove this control, and they have the power of committing injustice to the greatest extent; and we have evidence in the history of the private trade of the Company's servants, to which I have alluded, to show what our common nature, even as modified in Englishmen, is capable of in such situations.

373. In the event therefore of any legislative relaxation of these laws, are you of opinion that the adaptation of the provincial tribunals to such an altered state of things must inevitably follow?—I think it ought to precede; I think that the idea of admitting Englishmen into the interior of India, without a previous provision to render them amenable to the courts where they reside, and where their actions take place, ought to be altogether exploded.



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374. On the other hand, is it not your opinion that the total suppression of the King's Courts must operate as an effectual bar to the settlement of Europeans in the interior?—By no means; I think the same motives which carry them into the interior now, in as far as their objects are honest and justifiable, would carry them still. As far as they have the means of making honest profits now, they will have the means of making honest profits in the case I suppose, and if they go there for the gain of misconduct and oppression, it is very much to be desired that they should not go at all.

375. Do you think that the security afforded to them by the administration of the local tribunals, would be deemed by Englishmen an adequate security for their person and property?—I have no doubt of it.

376. In reference to what you have already said of the evils that the natives suffer from the Europeans, do not the Europeans who are settled in India, also suffer evils from the natives refusing to perform their contracts with them, which they, through the medium of the Mofussil Courts, have no means of remedying?—I believe that the indigo planters have often great room for complaint on account of the non-fulfilment of their contracts by the ryots, and such evils ought to be remedied.

377. Are you conversant with the establishments at home, instituted for the education of the civil servants of the Company?—I have but a general knowledge of them; and can only speak as to generals.

378. Are you aware how far the institution at Hayleybury has been found beneficial to the object for which it was instituted?—My opinion of the institution at Hayleybury, from all my knowledge of it, which however is far from perfect, is by no means favourable; I conceive that there is very little done in the way of study, except by a small number of the best disposed of the pupils, who would study any where; and that the tendency which is inseparable from assemblages of young men to run into dissolute courses, operates there to a deplorable extent.

379. Does it happen to come within your knowledge that the young men who go from thence, upon their arrival in India are placed in what is called the College, at Calcutta?—The Bengal part of them are placed in the College at Calcutta; those who go to Madras are partly placed in a seminary there, and partly sent into the interior, to be placed immediately under judges or collectors; and at Bombay they are sent into the interior immediately; I speak however from recollection, which may be imperfect.

380. When at Hayleybury, are the writers there maintained at the expense of the Company?—Partly, and partly at the expense of their friends.

381. What is the amount of qualification required of them at the college at Hayleybury, before they are appointed writers, and proceed to India?—They undergo an examination before admission; they receive their appointment before they are admitted into the College, and their seniority in the service dates from this point. They are examined as to their proficiency in Greek, Latin, and arithmetic, I think before they are admitted into the College, and after they have passed the regular time, they undergo another examination, which ascertains their progress in general knowledge, and in the knowledge of certain of the Oriental languages. There is a professor of political economy, and a professor of law; but for the most important of all branches of education for young men who are to be employed in the administration of justice, there is no appropriate organ. Nothing is more to be lamented than this, that young men should be sent to act as judges in India, without having received, I believe I may say with truth, one word of instruction on the peculiar nature of the unspeakably important, most peculiar, and difficult duties they will have to discharge.

382. Do you know whether it very frequently happens that in consequence of a deficiency exhibited on such examinations, they are deprived of the writerships to which they have looked forward?—There are cases in which from not passing they are sent back, and that, if my recollection serves me, more than once; and if they continue below the requisite degree of proficiency they will, of course, not be sent out, but I have not in my recollection any instance of the kind.

383. On their arrival at Calcutta, what qualifications are required of them in the College there?—The only qualification now required to be attained there, is a knowledge of certain languages, two of the languages of business in the country; the Persian and either the Hindostanee or some other.

384. Can you state what is the annual expense to the Government of each of the students at the College at Calcutta?—I cannot.

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385. You do not happen to recollect that it has been stated in a minute of the Governor in Council as amounting to 660*l.* a year for each of them?—A small proportion of them, and only those who are the most backward or the most negligent, ever remain so long as a year. Some of them quit in a few months, especially if they have carried out with them any considerable knowledge of the native languages. After a certain period, if they do not fit themselves for employment, they are, by a recent direction from home, not allowed to have employment, and if they do not qualify themselves within a certain period, they are sent home and forfeit their appointment.

386. Are not the regulations you allude to, recent regulations, in consequence of the extreme disorder into which that institution had got?—I believe so.

387. Had it not been found that the young men had indulged in such great habits of expense, that there were few of them who were not more or less involved in debt previous to obtaining any appointment in India?—Upon an inquiry which took place some years ago, it was found that the junior part of the service were involved in debts to a deplorable degree, and also it was found that their residence in Calcutta had been one great cause of this.

388. Is not the sole fund from whence the government of India can draw for civil servants to supply all the important diplomatic, political, revenue and subordinate judicial stations in that country, the writers nominated by the individual directors at home?—Entirely so.

389. Has it occurred to you that any mode might be devised of obtaining a supply of writers more advantageous to the public service than by the nomination of any individuals whatever?—It has always occurred to me that the selection ought to be from a wider field than it now is; that the proper principle of selecting would not be education at a particular college, but a certain amount of qualification adapted to the trusts which are to be conferred, and ascertained by a well-constituted organ of examination. In what manner the appointment should take place with the best advantage, is a nice question, and one to which I have not particularly turned my attention.

390. Would not great advantage result from the opening those appointments more or less to public competition?—Undoubtedly, opening them to public competition would afford the best chance of high qualifications, provided always the test applied of superior proficiency was an efficient one.

391. Have you any doubt that one of the most important considerations for the Legislature must be the improvement of the government of India in India itself?—I think so, entirely.

392. In that point of view should you not think it of extreme importance that great attention should be paid to the education of the natives, and to the introduction of the English language among them?—On every account I consider the improvement of the natives in education as an object of paramount importance; and that it ought to be forwarded by every possible means. I am of opinion, however, that the progress of education among them, so as to produce any very perceptible effect, will be exceedingly slow. With respect to the English language making its way among a people so numerous, dispersed over so great a country, the number of Englishmen mixing with them so small, and the occasions of their feeling strongly the need of the English language so few; under these circumstances any very general diffusion of the English language among the natives of India, I think, is to be despaired of.

393. Do you not understand that there exists a disposition on the part of the natives to acquire the English language?—All those that are coming frequently in contact with Englishmen, of whom, chiefly, we hear, do manifest a desire to acquire the English language; but with regard to the great mass of the people distributed over the country and in the fields, many of whom never saw an Englishman, I conceive that no occasion for a knowledge of the English language is felt by them, and that they are rarely excited to a wish for its acquisition.

394. You are not aware that any representations have been made by teachers in some of the existing schools, of complaints being made by those sent there, that they are not taught the English language rather than the Sanscrit or the Persian?—I should not be surprised if that complaint was made, because I should suppose that the parents who send their children to those schools are such as being in common intercourse with Englishmen, find the benefit of knowing the English language.



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395. What is the amount of funds set apart by the Company for the object of educating the natives?—I cannot speak to that particularly; there are large funds both of a local and a general nature. I believe there are copious accounts already presented to the Committee upon that subject.

396. By the Act of 1813, a fund was set apart from the territorial revenues for that purpose; has it come to your knowledge how many years elapsed before any sum was actually appropriated to that object, after that Act was passed?—I believe it was a considerable time; the exact period I cannot take upon me to say. The period of the Charter perhaps was half run.

397. Was not the surplus territorial revenue of India charged with this by the Act?—There was a pretty multifarious distribution ordained of the surplus revenue, but I believe the sum that was directed to be applied for this object, was not considered a part of the surplus revenue, but rather of the expenditure in India. A sum applied to promote native education in the country, would appear, I suppose, among the expenses of government, rendering the surplus so much less.

398. Is that your construction of the terms of the Act of Parliament, or is it the construction formally put upon that Act by the legal authorities to whom the Court of Directors may have referred the question?—I express my own opinion, from a sort of recollection that the sum alluded to made no item in the distribution of the surplus revenue; and if I am not incorrect in this, it must stand among the expenses of the government.

399. It has been stated in a petition to Parliament by certain natives of the island of Bombay, as a suggestion which they desire to be enforced, that at the end of 12 years every native appointed to an office under the British rule in India, should be required to be able to read and write and speak the English language. From your inquiries, and the examination to which your office has led you, can you state to the Committee any opinion with respect to the practicability or expediency of the adoption of such a regulation?—It is possible, that in the course of 12 years, there might be educated far enough to speak and write English tolerably, but at a greater expense, a sufficient number of natives to fill all the offices to which the natives have generally been appointed; but it does not occur to me that any very considerable advantage would be derived from it.

400. Is it your opinion that it would be conducive to the amelioration of the system of government in India, if means could be found of gradually introducing native agency to a much greater extent into the various departments of the government?—I would have no exclusion; wherever a fit native appears, he should be considered a proper candidate for employment; and there is one important reason for employing fit natives, that their employment can in general be obtained at a cheaper rate than that of Europeans; but the great object with me is to obtain the fittest instruments, native or not. The mere employment of natives in itself does not appear to me to be a matter of so much importance as it does to some other persons, whose opinions nevertheless I highly respect. It appears to me ten thousand times more important, with respect to the good of the population in general, that the business of the Government should be well done, than that it should be done by any particular class of persons.

401. If a more extended introduction of the natives be a desirable object, must not the dissemination of the English language very much tend to promote that object?—I am not sure that natives would become one whit better adapted for the greater part of the employments in which we should place them, by having the English language, excepting in this, that by becoming acquainted with English literature, they would have a chance of having their understandings better enlightened; but that advantage, I think, is likely to be attained more speedily and extensively by the translation of European books into their own languages. I do not see for example how, for the administration of justice to his countrymen as a moonsiff, a native would be better qualified, *ceteris paribus*, by knowing the English language. The other great branch of the local administration is collecting the revenue; acting under the English collector in dealing with the natives; fixing their assessments and realising the demand. In this, also, it does not appear to me that there would be any peculiar advantage to the native in his knowing the English language, provided only the Englishman knows the language of the native.

402. Do not you consider that a community of language tends to identify a people with their governors?—If you could spread the English language so as to make it the language of the people, as well as of their governors, it would be important in many respects; though community of language has not much identified the

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Irish people with their governors. In itself it would be a most desirable thing that the people of India should speak the language of England, because it would introduce them fully to the field of European intelligence. This, however, I conceive a thing impossible. And while we aim at impossibilities, we are in danger of overlooking other good things that might really be done.

403. Is it not the case that natives of rank and property are averse to taking offices under the English Government at present?—I know no instance of their aversion to hold office. I believe that the families who held rank and power under the native governments, and who might hope again to hold them if our government were dispossessed, would be glad, from the hopes they might entertain, to see it dispossessed; but I believe there is no aversion to the English Government among any other class of natives.

404. Does not their aversion proceed from there being no situation sufficiently high for them to take?—That I consider a different question. That there would be an aversion in persons of rank in the country to take such offices as we admit them to, I have no doubt.

405. But you apprehend there would be no indisposition on the part of natives of rank and property to take offices of distinction if they were offered to them?—Quite the contrary.

406. Do not you think it would be desirable, for the purpose of the natives taking those offices, that they should be acquainted with the English language?—There are certain offices which they could not fill without knowing the English language intimately. I should consider that a knowledge of the English language would be an indispensable requisite in any native forming a part of the legislative council. In others of the highest offices, it would be desirable for them to know the English language; but in most of the judicial, and most of the revenue situations, I should not think it an indispensable condition or a qualification of much importance. Even to be a member of the board of revenue, I should consider a well qualified native nearly as fit without as with a knowledge of the English language; supposing always that his English associates knew his.

407. Should you not consider it important in judicial situations, when cases came before them in which Europeans were concerned?—In cases in which Europeans and natives were concerned, it would be important that the judge should know both languages, but there are so many languages in India, that the judges being acquainted with all the languages of all the witnesses and parties that are likely to come before him in all cases, must be rare. At present everything is done through interpreters, and in the most bungling way possible, because the judicial proceedings are not recorded, either in the language of the people or of the judge, which undoubtedly is a very great absurdity.

408. Is not the Persian language as foreign to the natives as the English?—Quite so.

409. If, therefore, there is to be some intermediate medium of communication, would it not be as easy gradually to substitute English as Persian?—There is no doubt that might be done, but I should consider it nearly as great an impropriety as the other. It appears to me, that not only ought the proceedings themselves to be in the language of the parties and their witnesses, but that the record ought to be in that language. The judge ought never, unless it be a case of absolute necessity, to trust to translation for the sense of the evidence.

410. Are the higher classes of natives in general ignorant of the English language?—With the exception of those at Calcutta and the other presidencies, generally so.

411. You have stated, that all despatches are ordinarily submitted by the Chairs to the Court of Directors, with the exception of those specially addressed to the secret committee, and with the exception also of those, which though not so specially addressed, may upon examination by the proper officers, to whom in the first instance they are forwarded, appear to be of a nature which ought to be submitted to the secret committee. From your general experience, therefore, of both those classes of despatches, what has been the general character and importance of such secret despatches?—Their character and importance will perhaps best appear, if I state the subjects to which the secret correspondence is almost entirely confined. It relates, almost exclusively, to the transactions which take place between our local governments and other states. Scarcely anything in the interior government, in matters relating to the maintenance of order and security among the subjects, is considered secret. Those points only are thought to need secrecy

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which concern questions of peace or war; or questions relative to our connexions with other states; questions of alliance, treaty, and so on. From the very nature of the case it must appear, that all instructions upon those subjects must be of a much more general nature than in the other great branches of the correspondence. The events and occurrences which give rise to the secret correspondence have generally had place long enough before any instructions can be sent upon them, and have called for measures to be taken upon the instant, when almost all that remains for the secret despatches is to make remarks upon what has been done, or to point out some principles for future guidance, which must always be very vague, because the particular circumstances which shall determine the nature or quality of the measures required, can be so little foreseen, that they never can be the subject of precise instructions, but must be left to the discretion of the authorities on the spot. I should therefore say, that in comparison with the other great branches of the correspondence, embracing the whole government of India, the secret correspondence is of little importance. The secrets of the Indian governments, like most other secrets, are in general good for very little. In short, I do not think I am going a step too far when I say, that if all the secret despatches which have been sent from England to India, instead of having been sent, had been put into the fire, the situation of India would hardly have been different from what it is.

412. Will you state more fully to the Committee your view of the importance of the secret despatches in the months of April and May 1803, at the commencement of the European war in which this country was involved?—To that particular period I cannot speak from recollection; the despatches alluded to were for the purpose probably of conveying to the government in India a knowledge of the transactions that were taking place in Europe.

413. Has not the Board of Commissioners the power of sending out despatches of its own authority to India through the secret committee, in sending which the secret committee is simply ministerial?—Such is the practice; the Act of Parliament, in relation to the matters called political, the sort of subjects I mentioned before, gives to the Board of Commissioners the power of originating instructions when necessary, and sending them to the secret committee for transmission; and the power of doing this when necessary, they have converted, whether according to the intention of Parliament or not I do not know, into the practice of doing it always, for they have never allowed any other despatches to go. There have been no secret-despatches (I speak generally) but those prepared by the Board of Commissioners.

414. In respect of the general administration of India, what proportion of that administration rests upon the Board of Commissioners for the Affairs of India, and what proportion with the East India Company, its court, and its officers?—From what I have just now said, it appears, that in regard to the more important transactions with other states, whatever is done in England may be said to be done by the Board of Commissioners; and whatever be the importance of that particular branch of the correspondence which relates to these subjects, the whole of it rests with the Board. With regard to all the other branches, the case is materially different. The despatches on these subjects are prepared at the India House. The original concoction is there; only after they are so prepared, are they communicated to the Board of Commissioners, by whom alterations may be made; they make alterations, sometimes more, sometimes less extensively; but I may say, and with confidence, that of all the reflections, suggestions, and instructions, which can affect the policy of the Indian governments contained in the public despatches, nine-tenths, I believe a much larger proportion, originates with the India House.

415. Do they not all technically originate with the India House, except the secret despatches?—They do; and I do not say that there may not have been instances of despatches, not upon secret subjects, prepared at the India Board, but these instances have been rare; and it is not technically, but literally, that I say nine-tenths of all that is important in the general despatches originates with the India House.

416. Would it not be irregular for the despatches to originate otherwise than at the India House?—Unless in the case of recusance on the part of the Court. The Board can enjoin the Court to prepare a draft upon any subject, and when this draft is sent to the Board, they have the power of altering, and their alteration may go to the length of substantially cancelling the Court's draft, and substituting another upon the subject.

417. Has



417. Has not the India Board the power, upon any branch of Indian affairs, of originating a despatch, and sending it down to the Court of Directors, and requiring them to transmit it?—Not except in the mode I have now mentioned, cancelling the Court's draft, and substituting their own.

418. Does not it appear detrimental to the efficiency of the Court of Directors, and generally to the public service, that those members who come late in life from India, and therefore are the best qualified to take a part in the government of the country, should not be placed upon the committee of correspondence till they come to it in seniority, and does not it appear incongruous that they should be at the same time eligible to the situation of chairman and deputy chairman?—It appears so; always to compose the committee of correspondence of the senior members, does appear to me exceptionable on several accounts; but it has its advantages also, and I have not sufficiently meditated on the subject, to be able to say which preponderate.

419. How would you propose that the selection, if deemed preferable, should be made?—There could be no other mode but an arrangement among the directors themselves, in the same way as the chairs are now filled.

420. It being necessary that the chairman and deputy chairman should respectively be members of every committee, is it not expedient that they should have an opportunity in the ordinary course of rotation of being cognizant with the affairs transacted before each of such committees, and is not that an advantage derived from the existing system, by which the highest officer in the Indian service returning to England and becoming a director, becomes in succession acquainted with all those departments over which as chairman he may eventually have to preside?—I have no doubt that in the change of mode alluded to, something would be lost, in the manner suggested in the question; but the very inconvenience which is referred to is incurred in the most important of all instances; because it not unfrequently happens that directors come to the chair who have never been in the committee of correspondence, in which the most important business is performed.

421. Is it not the daily practice in the Court of Directors that even junior members of the Court take an active part in the management of those concerns?—When the despatches which have passed the committee of correspondence are carried into the Court of Directors, all the directors have there an opportunity of reading them, and the documents upon which they are founded; and it is then open to the youngest member of the Court to take any part he pleases in discussing the subjects, and to make any observations that occur to him.

422. Are there in the existing Board of Directors, any, and what proportion of gentlemen who have been in India, and in what capacities?—A great proportion have been in India, some as captains of ships, some as military officers, some who have been in the highest stations of the government, others who have been members of the sudder adawlut and boards of revenue, and gentlemen who have long officiated as judges, as collectors of the revenue, and residents at foreign courts.

423. Supposing an extreme case, might it not happen that the committee of correspondence might be composed entirely of captains of vessels, merchants, and persons having filled no important situations in India, and that those other members of the Court of Directors who are not in the committee of correspondence, might consist of persons who have filled the highest situations in the council, and judicial situations, and in the revenue department?—It is no doubt a possible case, and there have been occasions in which I think the fact has approximated to the supposition.

424. Is it obligatory on the Court of Directors to appoint the committee of correspondence by seniority?—It is a practice rather than a rule, and not at all obligatory. One committee is formed of the junior members, from this they rise to another, and then to another, and so on to the committee of correspondence: but all this is only matter of arrangement.



I.
PUBLIC
OR
MISCELLANEOUS.

Martis, 28^o die Februarii, 1832.

SIR JAMES MACDONALD, BART. IN THE CHAIR.

John Sullivan, Esquire, called in; and Examined.

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425. DOES your experience in India enable you to form any judgment of the practical effect of the existing mode of educating young men for the civil service of the Company?—I have always considered the collection of a number of young men of the same age, destined for the same scene, in the same college, to be a great mistake in the present system of education.

426. Do you apply that observation both to England and to India?—Both to England and to the colleges of India.

427. Within your observation have the young men, generally speaking who have proceeded to India from the college in England, at Hertford, been so grounded as to be qualified to take part in the civil administration of the affairs of the Company?—I should imagine that there have been no instances of any young man arriving in India possessed of a sufficient acquaintance with the language to enable him to take a share in the administration of the country.

428. Is it at present required of the young men to be entered, upon their arrival in India, at the college established either at Calcutta or Madras, and what is the line of instruction prescribed at either of those colleges?—At Calcutta, the system of education embraces general literature; but I think the attention of the young men is almost exclusively given to the acquisition of the Oriental languages; at Madras the education is exclusively confined to those languages.

429. What is the nature of the evils you apprehend to result from the congregating of these young men in the college at home, previous to their departure for India?—The great evil I conceive to arise out of the college at Hertford is this, that all the students there are nearly of the same age, they are all youths, and congregating together, they naturally get into habits of extravagance; they are not checked as they would be at the universities, where the society is general, and consists of young men and of persons of maturer age; moreover, I conceive that they lose the opportunity at Hertford of forming those connexions and friendships in this country which tend very much to rivet their affections to persons and things at home; such connexions are so many links to society in this country, and they are, I think, of great importance to any man who is destined for India, and who is to be entirely separated from his own country for so long a period.

430. Has it appeared to you that for the most part when nominated to writerships, they have considered their fortunes to be made, and imbibe accordingly notions of extravagance and expense?—Such a notion is very probably imbibed at the colleges. The extravagance both at Madras and Calcutta, particularly at Calcutta since the establishment of the college, has been very great indeed.

431. Should you conceive the same effect likely to be produced in the event of those appointments being made, not the subject of nomination by individuals, but of general public competition?—I conceive the present effects to arise entirely from the congregating of a number of young men together in the same college, and I think if that cause ceased, there is no question but that all these effects which flow from the present education would cease also.

432. My question was, whether you conceive this effect to be in any degree attributable to the present mode of their appointment?—I could hardly say it arises out of the present mode of their appointment, but I have no doubt, at the same time, that the effect will be most wholesome if appointments of this kind were the result of competition.

433. Is not the present mode of appointment an individual nomination, without any corresponding responsibility?—I am not aware of the existence of any particular responsibility upon such appointments.

434. Is such mode of nomination, in your opinion, liable to appointments being made, not from the qualification of individuals, but from individual favour and affection?—That I imagine must be the case; I am not aware of any check upon the nomination of individuals to writerships; they originate, I imagine, usually in motives of personal favour and affection.

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435. Which mode of appointment do you consider the best calculated for the efficiency of the service, the mode of appointment through competition, or the mode by the nomination of any individual or bodies of individuals?—By competition undoubtedly.

436. Do not difficulties present themselves to your mind, as likely to arise from opening such appointments to public competition in this country, provided the Legislature thought it politic so to do?—I have not given the subject any particular attention, but I should imagine there would not be any difficulty whatever.

437. Are we to understand you to say, that the writers so appointed are the only source from whence the patronage in India can be filled up?—That is the case under the present system.

438. Is that patronage, in all its various branches, of very great amount, as well as of very great importance?—It is of immense amount and of vast importance.

439. Could you give us a rough notion of the annual amount of the civil service in India?—I cannot pretend to speak with anything like accuracy; there is a Return published of the number of offices, and I think I have heard that the civil servants on the establishment now are from 1,100 to 1,200, that is of the three presidencies.

440. What do you think it annually costs?—I rather think about 2,000,000 sterling, the whole civil service.

441. Do you know upon what principle the supply of writers to meet the demand is regulated?—I should suppose it is upon information derived from the local government abroad.

442. For instance, at this time do you happen to know whether there are not at the several presidencies many servants who have been sent out unemployed?—There are at Bombay, I believe, now about 25 civil servants out of employ, and the number at Madras I think is 17; I do not know what it is at Calcutta, but according to the extent of the establishment, I should think two-thirds more than at Madras.

443. Has that arisen from the reduction of the establishment that has taken place in India?—The number out of employ is owing probably to new arrangements for the administration, but I am not prepared to say to what extent they have operated.

444. Are you aware whether, notwithstanding the large number unemployed at the presidencies which you have stated, that there have been new appointments made in the present year?—Yes; some very lately. I know a son of a friend of mine, who sailed for India a short time ago.

445. What is the fate of those civil servants, who after having passed the college, continue unemployed in India?—They receive the allowance of servants out of employ, when not actually in office.

446. Do you mean that every writer sent out to India, who does not receive employment, is paid by the East India Company?—He has a certain allowance paid to him, a small stipend till he gets into office; I think the maximum of allowance is under 300 rupees a month to the senior servant, and lower in comparison to the junior grades.

447. Were you yourself at a college at Calcutta?—I was for a short time.

448. Does it appear to you that any mode might be adopted in India, to prevent the evil you have mentioned, of the congregating of these young men for a considerable period of time together at a college at Calcutta?—By resorting to the former practice of sending young men, on their arrival in India, to the provinces; and by attaching them to some public office, I think the evil would be completely removed, and in my opinion greater facilities afforded them of acquiring practical knowledge of the vernacular language, than they now enjoy in the college.

449. Do you mean that you would have them act as our young men are accustomed to do in England, previous to their employment in the service?—Exactly so; before the establishment of the college, all young men who went to India were appointed to some public office, and that is the case at Bombay at this moment; they are, upon their first arrival in India, sent up the country and attached to some public office.

450. What are the languages that they learn in the college at Calcutta?—Hindustanee, Bengalee and Persian, those are the three principal languages at Calcutta.

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451. Then you conceive, by their dispersion over the different provinces, they would acquire that which might be very essential hereafter, some knowledge of the vernacular language of the country?—Yes; they would have much greater facilities for acquiring the vernacular languages of the country, living in the provinces where they are spoken, than they can have at the presidencies; they have more communication with the people, business and language go hand in hand, they learn both at the same time.

452. You have stated as one of your objections to the college near Hertford, that the young men are rather of tender age; just inform the Committee at what age they are generally admitted at that college?—About 17 or 18; what I intended to state to the Committee was, that at Hertford they are all of tender age; I should call a young man of 17 or 18 of tender age; at the universities there are men of all ages from 16 to 26.

453. Then am I to understand that you consider 17 or 18 to be a tender age?—I think so.

454. Are you aware, till lately, the Act of Parliament repealed the Statute by which young men are obliged to stay four terms, if they went in at 17 or 18 they could not leave the college till 20 or 21?—I was not aware of the repeal of the Act; I do not think I have stated my answer with sufficient distinctness, the distinction I meant to make between the college at Haylebury and the national universities is this, that at the college of Haylebury all the students are about the same age, from 17 to 20, but at the national universities men go at 16, and may remain there, I believe, till they are 25 or 26, not as under graduates, but until they take orders, or embark in the active duties of their profession; there is, moreover, a society at the universities composed of individuals of all ages, and such a society naturally operates as a check upon the young men; the society at the college of Haylebury is confined to the students themselves, and to the masters.

455. Are you aware that when they come to Haylebury that there are two terms in the year at the college of Haylebury, and at other parts of the year they have an opportunity of visiting their families and friends?—Yes; just as they do when at the universities.

456. If that be the case, how can they lose their family or national character?—I am not aware of having said that they lost their family or national character, but that they have not at Hertford the same opportunities of forming friendships and connexions with the men who are destined to figure on the public stage in this country, as they would have at the national universities.

457. Are you not aware that at college those young men who are destined to serve in India form great attachments, which exist and last during the life of those young men in India towards each other?—That, in my opinion, is an additional reason for giving them an opportunity of forming separate attachments, if I may so express myself, in this country, because the young men who are associated at Haylebury would meet in India at all events.

458. You have referred to many young men being separated from their home connexions, not in the sense of family connexions, but of those which relate to their nation; have you by personal observation discovered that many such instances can be found in India of servants of the East India Company who do not look back to home, that is to say, to England, with the strongest national attachment?—I imagine that instances of a man losing his national attachment are very rare indeed, but I think I may state, that young men who have formed in youth strong attachments to persons in this country, will have their attachments more closely riveted to persons and things in this country, than persons who go out without having had such opportunities.

459. Your answer appears to show the expediency of making a community of interest and feeling between the servants of the East India Company in India, and those who may have been left at home; can you state what proportion of the young men sent out to India, when they receive appointments in India, take India for their home and relinquish all hope and desire of returning to their native land?—I am not prepared to adduce a single instance of a man having by choice adopted India for his country, but the feelings of a man who goes to that country, having formed strong connexions during his youth in England, and a man who goes to India without having formed such connexions, may be very different when they both return to England; the one may find himself a perfect stranger in this country, the other may renew various acquaintances with persons in different walks of life which he may have formed during a residence of two or three years at the national universities.

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universities. It is a common complaint amongst Indians, that they are strangers in their own country, and a very irksome feeling it is.

460. The last answer has referred rather to the moral effect of sending persons at that age to India; are there not physical reasons which render it extremely desirable that the parties destined to reside for a great part of their life in such a climate as that of India should be accustomed early to the climate, before their constitution is formed by residence in a climate so different to that of England?—My answer had reference to the comparative advantages of the college at Hayleybury and the national universities; and I have no hesitation in saying, from my own feelings and my own experience, that I should give a decided preference to the education at the national universities, as calculated to make home more comfortable on his return to a man who is destined to reside for many years in so distant a scene as India; but if the question is whether a man should go at the age of 16 or 17 or 20 to India, I should certainly choose the earlier age.

461. It was with reference to the physical effect of a protracted residence in India that the question was put?—I should say decidedly the earlier the better.

462. Have you any doubt that the prevailing feeling among the young men educated at Hayleybury has been that of a provision having been already made for them, and they are to look at India principally with a view that they may be able to accumulate wealth there to remit to England?—I think a notion of that kind is very likely to be engendered at Hayleybury.

463. Are you aware that the practical result of the extravagant notions imbibed at these colleges led, some few years ago, into an inquiry of the amount of debts contracted by the civil servants at Bengal?—I have a perfect recollection of that inquiry having been set on foot.

464. Did the amount of debt, as stated by themselves on that occasion amount to several millions sterling?—As far as my recollection serves me, it was reported that the debts amounted to nearly three millions sterling; I know the amount was very large, but it may have been much exaggerated by report.

465. The principal qualification at either of these seminaries is confined principally, as I understand, to the acquisition of the Oriental languages?—That is the case of the colleges in India; at Hayleybury the education is of a general nature.

466. Do you consider the acquisition of scientific knowledge, with a view to the situation which they are destined to fill in India, would be quite as essential as the acquisition in this country of the elements of the Oriental language?—I should think it of very great importance to young men, in their college education here, that they should study the science of political economy, mathematics, civil engineering and similar branches of education, confining themselves to the mere rudiments of Sanscrit, Persian and Arabic.

467. Do you consider that the public service has suffered an injury from the absence of such requisite qualification?—I think the qualifications of the public servants would have been much higher than they are if they had paid more attention to that branch of education.

468. Have the salaries of the young men, on their arrival at Madras, been augmented within the last 20 or 30 years?—I believe that they are now double what they were 28 years ago, when I first went to Madras.

469. Does that appear to have produced among them a further disposition to expensive habits, or on the contrary?—I should say that it has produced a further disposition to expensive habits.

470. What evidence have you to give to the Committee of extravagance existing at the college of Hayleybury?—I believe it to be so very notorious as hardly to require formal proof. I could state an instance of a son of a friend of mine who was about to embark for India two months ago, and who was arrested in his progress to the ship for debt; bills to a large amount were brought to his father, and amongst others was a bill from the tobacconist of 107*l.* for six months supply of segars for this young man.

471. Are you aware that the parents of young men sign their names to a declaration that they will only supply them with small sums of pocket-money according to the number of terms they have been at the college, and that the young men are only liable to those bills which come under the view of the magistrates of the college?—I am not aware of the existence of that regulation, but I know, from the instance I have adduced and from other instances, that if there is such a regulation it is of no avail whatever in preventing the young men from contracting heavy debts.



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472. Will you favour us with your opinion how far the extravagance can be checked by any rules which the college may lay down, to which the parents themselves are parties?—It is a subject I have not given my attention to, I am not able to devise any rules.

473. Are you aware of any extravagancies prevailing at the universities of Oxford or Cambridge?—Very great extravagancies, I believe; but the young men I conceive are more under check than at Hayleybury, because there are seniors as well as juniors residing at Oxford and Cambridge; amongst the seniors extravagant habits do not probably prevail.

474. You have stated that you are not aware of this regulation at Hayleybury; are you aware of any regulation at Oxford or Cambridge?—I have no knowledge of any regulation.

475. Can you state generally, whether upon the whole the institution at Hayleybury is or not considered generally by men conversant with India affairs, as a failure?—I believe it is generally considered that every object that was in contemplation when the establishment of the Hayleybury college was formed, might have been more effectually obtained by other means. I also find, upon a reference to the evidence of Mr. Mountstuart Elphinstone before the House of Lords, that in his opinion young men who came to India from Hayleybury entertained a great prejudice against India and its concerns. I do not pretend to use the exact words of Mr. Elphinstone, but that is the purport of them.

476. I think you stated that there was no responsible character attached to the appointment of the writers?—I am not aware of any responsibility.

477. Are you not aware, with relation to that observation, that no responsibility attached to the appointment of a writer, that every writer, prior to the admission into the college, must undergo the examination of the college council, according to the order made by the Court of Directors and sanctioned by the Board of Control for the affairs of India?—I was quite aware that a certain degree of education was requisite, but that did not come under my idea of responsibility.

478. Will you have the goodness to explain what you mean by no responsibility attaching?—I merely meant that the Directors were left to select any person they might think proper for the appointment, provided he was able to pass this sort of examination.

479. You have stated that it is your opinion that a preferable mode of appointing to the service would be open competition?—That is my decided opinion.

480. Will you have the goodness to state whether you know that that practice prevails in any other service, in the King's service, or any other public service, as the means of appointing to any situation?—I believe that in the military colleges at Woolwich and Addiscombe commissions are given by competition.

481. Are you not aware that after young men shall have been four terms in Hayleybury, that the place assigned to them is the reward of merit by competition?—Yes; I believe it is.

482. Are you aware that the young men are classed one, two, three or four, according to their merits?—Yes.

483. And are you aware that no writer can go to India, unless he takes with him a character for talent and good conduct from the college council?—The young individual to whom I alluded, who went to India the other day, and who had contracted a debt of above 100 guineas for six months segars, had of course the usual testimonials.

484. Are you not aware that it has happened constantly that young men who have been at Hayleybury, have been rejected by the decree of the college council, in whom alone rests the authority, independent of the Board of Directors?—I am aware that instances of that kind have occurred.

485. You have commented upon the Calcutta college as a very objectionable institution; are you aware, upon its first establishment in 1800, that it was strongly objected to by the Court of Directors?—I have understood it was strongly objected to by the Court of Directors, on account of the expense which the establishment would occasion.

486. Are you aware that it has undergone great revision of late?—I have understood it has undergone some revision, but I am not aware of the nature of that revision.

487. By what mode does it appear to you that a diminution of the present large charges for the civil administration of the various departments in India might be effected?—As a general answer I should say, that by bringing all the departments of



of the government immediately under the government itself, and by abolishing boards, and substituting individual for collective agencies, the expense might be materially reduced.

488. Are you of opinion that a great reduction might be effected by a general and systematic introduction of native agencies in the place of European?—Undoubtedly it might, to a very large extent indeed.

489. I believe you have had much intercourse with the natives in that part of India in which it has fallen to your lot to reside?—Yes; I had free intercourse with them for a great many years.

490. From your knowledge of their talents and capacity, have you any doubt that the natives might be generally, and very generally introduced into the civil administration of the affairs of that country?—I have no doubt whatever upon the subject, that their introduction to office would be attended with great advantage to themselves and to the state.

491. With a view to that object, does it appear to you that the education of the natives on a sufficiently extensive scale has yet been considered by the government of that country?—I believe it has not. In the Madras territories, about six years ago, the subject was considered by Sir Thomas Munro, and it was determined that a certain number of schools should be established in each province, at the expense of the government; that plan has been partly acted upon; if fully followed up, it would have, to a certain extent, furnished the means of giving a common education to the natives of India.

492. Could you state in detail what was Sir Thomas Munro's plan as regards the Madras territories?—The outline of Sir Thomas Munro's plan was, that there should be a native school established at every tehsildary, or subdivision of a province, and that the master should be paid partly by a stipend from the government, and partly by fees from the scholars; that was the outline of the plan.

493. You had to provide a school at Coimbatore on Sir Thomas Munro's plan?—I had.

494. Were there any schools established in that province?—Under the plan I have detailed, two schools were established in two of the tehsildaries; the province consists of 14.

495. Was the system in progress when Sir Thomas Munro died?—It had just began to be carried into effect when he died.

496. Will you state what was the amount of the cost of each of the two schools established?—I think the stipends of the two schoolmasters might have amounted to about 150 rupees each a year, exclusive of what the scholars paid.

497. Do you think the expense of these two schools exceeded 400 rupees a year?—No; not more than that.

498. And of that province what is the revenue, and what is the population?—The population of the whole province is about 850,000 souls, and the revenue nearly 27 lacs of rupees.

499. Have the natives any schools of their own?—There is a schoolmaster and village schools in almost every village in India, but the education that they are enabled to give is of a very confined kind.

500. In the schools established by our Government, is the English language taught?—Not at all.

501. Does it appear that there is any indisposition on the part of the natives to learn the English language, or otherwise?—On the contrary, I should say they show a very marked partiality to the English language, and a great wish to learn it.

502. Should you not consider, with a view to incorporate the natives more effectually in the administration of the affairs of their own country, that the gradual extension of the English language would be highly desirable?—I should think the spread of the English language a point of the highest importance, and no means should be left untried to accomplish it.

503. What are the disadvantages under which the natives at present feel themselves to labour with respect to the British Government?—Their exclusion from all offices of trust and emolument, and from that position in the administration of the country, civil and military, which they occupied under their own princes.

504. If the career of the whole civil administration were open to them, although Europeans entirely might not for a long period be dispensed with, is it your opinion

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they would feel solicitous to perfect their education, and acquire the English tongue?—Unquestionably they would.

505. You have stated in your last answer, that the natives are excluded from all offices of trust and emolument; it has been stated by other witnesses, among the discussions that have taken place the last two Sessions of Parliament, that natives are in possession of incomes of 500 rupees a month, and are judicial and revenue officers; are you aware of any such fact, in the district in which you have resided?—That is not the case at Madras or in Bengal; I believe it to be confined to Bombay.

506. Are the Committee to understand, that the system varies at present in the various presidencies?—Very much so indeed. In Bombay they are, under recent regulations, entrusted with much higher offices, and with much larger emoluments than they are at Madras; and I believe there are offices at Madras higher paid, though very few in number, held by natives, than are to be found in Bengal. Under the present regulations of the Madras government, the highest salary a native can attain to is 700 rupees a month, and that only after having served as the head native officer of a province for 20 years; he must be an old man therefore before he gets possession of the office, and he must serve 20 years before he can attain the maximum allowance; at this moment, I believe in the Madras territories there is not more than one native who really draws that allowance.

507. Are you not aware of the multitude of the different nations occupying Hindostanee Proper, and the territories subject to the three presidencies?—I am.

508. Is there not such difference between the natives of each territory respectively as may account for the impossibility of giving to some natives of some of those territories a power which they would apply to the case of the natives of other territories; might not the government of the presidencies of Bengal find it more easy to find natives capable of administering the office than the presidency of Bombay?—I believe it is universally admitted, by those who are conversant with the natives, that they are throughout India qualified by talents, acquirements, and industry, for all offices in the civil administration of the country; there is not the same unanimity as to their moral fitness. I am not aware under the Bengal government, that there is a greater range for selection than in the territories of the other presidencies, except that the territories of Bengal are of greater extent.

509. You have referred to the salary of 700 rupees per month, as the largest salary received by any native under the presidency of Madras, and you have stated generally, that the natives are no longer in possession of those offices to which they were exclusively appointed under their native government: does not the system which the natives have always enjoyed under the British Government, compensate to them, in a very large degree, if not entirely for their loss of the exclusive possession of offices, to which, under the native government, they considered themselves entitled?—I should say, that nothing can compensate them under such exclusion.

510. Is there any instance, under the original government, of parties holding offices for as many years as many of those whom in your experience you have known so to hold them?—I should say for quite as many years. The tenure of office under the native governments was very precarious. Every functionary was liable to be dismissed at the mere pleasure of the ruling authority; at the same time, it is but fair to say, that the natives under the British Government hold their offices by a tenure almost as uncertain.

511. Is there not a moral certainty that persons holding offices under the British Government will continue to hold them, whether native or European, as long as their conduct shall appear to deserve it?—By no means.

512. Can you give instances of natives having been recently dismissed from office of trust and profit under the British Government?—A multitude.

513. Without cause alleged or proof?—Without proof certainly, not without cause alleged.

514. Does that answer apply to the reduction of the establishment generally, or to the dismissal of individuals generally without cause?—To the dismissal of individuals without such cause.

515. Do you know a single instance of a native being dismissed from employment under the British Government, from any motive which you believe to have been corrupt?—Not from any corrupt motive on the part of the Government.

516. Or on the part of the agent?—Not from corrupt motives.

517. Are you aware of instances of such removal and of such motives, namely, of

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of corruption on the part of the native government?—No doubt, under the native government, they were dismissed frequently from the most corrupt motives.

518. Has Sir Thomas Munro's plan of education been proceeded with since his death?—His plan did not go beyond what I have stated, the establishment of a certain number of schools in the provinces; it was partly introduced into some of those provinces, but it was by no means adequate to the wants of the natives.

519. Would any difficulty, in your opinion, arise in the endowment of the schools at the principal town of each province in which the English language and the elements of European science might be taught?—No difficulty whatever; I should think that the establishment in the principal town of each province of a school of that description, and at the same time of schools in each of the subdivisions of the province, upon the plan proposed by Sir Thomas Munro, would be highly advantageous.

520. And if in such schools prizes were given, such for instance as the public employment hereafter of those who obtained them, would not that, in your opinion, be an essential stimulus to the natives?—I think such a plan would operate most beneficially in every respect, and in every way.

521. What is the present condition of the native Christians in India with regard to promotion?—They are not, under the present regulation, eligible to any judicial office; I am not aware of the existence of any restriction upon their employment in other departments. I had in my own office several Christians filling responsible offices; one of them was a tehsildar, or native collector of a subdivision of the province.

522. Are they not excluded from the offices which other natives are authorized to fill?—In the judicial department entirely excluded.

523. Can you state what is the cause of such exclusion?—I am rather inclined to think it was from the want of distinctness in the wording of the regulations in the judicial department; it was intended, I believe, to exclude from judicial offices Christians descended from Europeans, not, I think, native Christians born such, or becoming such by conversion. I employed Christians, in common with other natives, without any reference to their religion, and I found them amongst the most able and efficient on my establishment.

524. So that the natives who are converted are in a worse situation than the other natives not converted?—Decidedly in a worse situation.

525. Have the conversions to Christianity in any part of the Madras territories been numerous?—In Tinnevely they have lately been very numerous, embracing sometimes whole villages.

526. Were the converts principally Hindoos or Mussulmans?—Almost entirely Hindoos; there is scarcely an instance on record of the conversion of a Mussulman.

527. What order of people were they, of the most part higher or lower?—Almost entirely the agricultural class, the lower orders.

528. Does the Christian convert, by either the Hindoo or the Mussulman law, forfeit his claim to hereditary property?—I have heard it stated that under the present law he does forfeit his claim, that he is in fact considered to have lost caste.

529. Do you consider that the existence of such a law has operated as a bar to the progress of conversion among the natives?—I should think it had.

530. Are you aware whether any attempts have been made by the British Government to introduce a modification of that law?—It has been considered, I believe a very delicate subject to meddle with; but I rather think the attention of the local government has lately been drawn to the subject, with a view to introduce a modification.

531. So as to give the Hindoo convert the privilege which the convert to the Mussulman religion would have enjoyed?—Yes.

532. Can modifications be introduced into the Mussulman's criminal law at the instigation of our Government?—Very considerable modification has of late years been introduced into the Mahomedan criminal law.

533. Is it your opinion therefore that, by temperate means, it might be possible, sooner or later, to remove this bar to the advancement of conversion?—I should imagine there would be no particular difficulty.

534. In the Government procuring a declaratory regulation, allowing the Christian convert to share any hereditary property as he would have done if he had remained a Hindoo, is that not interfering in a most delicate question with the religion

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religion of the country?—I do not consider it to be a question which affects the religion of the country.

535. What would the natives consider it?—Under the Mussulman government, converts to Islamism were always exempt from penal consequences; additional privileges were indeed conferred upon such converts. In passing, therefore, a law declaring that a change of religion should not deprive a man of his hereditary rights, we should only follow the practice of our Mussulman predecessors.

536. Does it not, nevertheless, follow, that in order to maintain our right in India, we are bound in honour and good faith not to interfere with their religion in any way whatever?—Not to interfere with their religion; but I do not consider that such a declaration would be an interference with their religion. It seems to be a disputed point, whether the conversion of a Hindoo to another religion does, by the Hindoo law, deprive him of his right to inherit ancestral property. So there were disputes as to the suttee being enjoined by the Shasters; we have put a stop to the burning of widows, by law, and the sacrificing of infants, by law. I do not conceive that we are pledged to sanction the infliction of penalties upon such of our native subjects as may choose to embrace Christianity.

537. Do you conceive that the British Government might pass a declaratory law, relieving the native converts to Christianity from such disabilities as those which now attach to them as such converts?—Not in those express terms, but in general terms, that the courts of law should not determine that a man had forfeited his right to ancestral property because he had violated the laws of caste, as the government of Lord Wellesley passed a law, declaring the sacrifice of the aged and infants to be murder, and as Lord William Bentinck has passed a law prohibiting suttees.

538. I would ask you whether the practice of the suttees was or was not authorized by the Hindoo law?—A variety of opinions were entertained upon the subject; the preponderating opinion seemed to be that it was not ordained by the Shasters: in the same manner it is doubtful now whether, by the Hindoo law, a Hindoo becoming a Christian is liable to be disinherited; and therefore I conceive it would be no violation of their religion if, in communication with the natives themselves, the British Government were to pass such a declaratory law.

539. Does it not generally happen that the Hindoos who embrace the Christian religion do lose their possessions?—I believe wherever the point has been litigated, that has been the opinion of the judicial authorities; but I cannot at the same time call to mind any particular instance of this.

540. Does it happen that the description of persons of whom these converts consist, are not persons possessed of property?—Yes.

541. Having stated that whole villages have been converted in the Tinnevelly country, does not that imply that some at least of them must have possessed property?—Certainly, but if all the members of a community at once become converts, there is no room for litigation; all these persons (however small it may be) have an interest in the land of the village in which they live.

542. Have you observed whether the Christian converts have been afterwards treated by their fellow-countrymen with contempt or derision, or does there not exist any very strong feeling upon the subject?—My opinion is, that there does not exist any strong feeling on the subject.

543. The Hindoos and the Mussulmans sit together very friendly, without reference to each other's religion?—Without any reference whatever to religion, there is a feeling of perfect equality; they live in social habits.

544. By sociability you do not mean those habits of intercourse which are understood by the term in England; you do not mean that the Hindoos will eat with the Mussulmans, or the Mussulmans with the Hindoos?—No; decidedly not.

545. Is it your opinion that the existing Church establishment in the presidencies in India is adequate to its purpose?—There was, I think, only one chaplain in all the southern provinces of Madras when I was there; I should consider, therefore, that the establishment was quite inadequate. In my opinion there should be a chaplain at every station. I officiated as chaplain myself during the 15 years I was stationed at Coimbatore.

546. In the Madras presidency are there at present any Christian churches?—Yes; there are churches I think at all the principal stations; there are several churches at Madras, there is one at Trichinopoly, one at Bangalore, one at Masulipatam, one at Arcot, and one at Casamore. I think those are the principal.

547. Do



547. Do you think it would be desirable to have a chaplain and a church at each of the provinces?—I think it would be desirable for the community, and desirable also, as far as the interests of the national church are concerned.

548. Tell the Committee what you mean by provinces: in how many provinces is it divided?—There are 20 provinces, or zillahs, in the Madras territory.

549. Some as large as Yorkshire?—Yes; some of them.

550. Have the churches been built with due regard to economy, or in an expensive and costly style?—The buildings in India are almost entirely conducted by agency, generally under the superintendence of the engineers; if they were built by contract, they would be much more economical.

551. Are you aware of any instance in which great abuse has been found to exist as to the cost in the building of churches?—I have no recollection of any such abuse; I remember that the Scotch church at Madras cost a much larger sum than the estimate.

552. Is it your opinion that the superintending care of one bishop is amply sufficient to the extent of the establishment in India?—I should think decidedly not sufficient; at the same time I conceive it to be of greater importance to increase the number of chaplains before another bishop is appointed. Of two wants, the want of chaplains is the greater.

553. Are you not aware that a considerable increase has of late years been made to the clerical establishment in India?—I am not aware of any increase on the Madras side. When I left India I recollect that there was only one chaplain in the southern provinces.

554. Are you aware that the expense of the Church establishment has very greatly increased of late?—I am not aware of any particular increase in that establishment; the territory has increased, and establishments of all kinds have increased.

555. Are you aware that correspondence has taken place between the Society for the Propagation of the Gospel in Foreign Parts, and also the Directors and Board of Commissioners upon the subject of two or three new bishops being appointed, and that there was every disposition on the part of the authorities to add to the existing number of one bishop which was made, and that the means of paying the salary has alone prevented it?—I have heard that such a correspondence has taken place.

556. You have stated that when you left India there was but one chaplain in the southern provinces of Madras; please to state to the Committee the lineal extent of the district which you describe as the southern province of Madras?—The superficial contents of the province of Coimbatore is about 8,500 miles, and I should think the other five of the southern provinces were nearly equal in extent to that, and I think you may take the population of the seven southern provinces at about five millions and a half.

557. Do the chaplains employed in India go out from England, or are they appointed in the East Indies?—I believe they are all sent from England.

558. There would be no difficulty in getting chaplains?—I suppose there would be no difficulty at all.

559. You have no native chaplains?—No.

560. What are the obstacles which, in your opinion, stand in the way of a more unrestricted intercourse from England to India?—Provided the means are afforded to the natives of obtaining prompt redress for any injury that they may receive from a European, I am not aware of any objection to the free introduction of British skill and capital into India.

561. At present a native, except to a very limited extent, is incapable of obtaining redress for injuries done to him by Europeans, otherwise than by proceedings at the presidences?—The jurisdiction of the justices of the peace in the province is limited to petty cases of assault, and to debts of a small amount, between natives and Europeans, and the punishment is limited to a fine of 500 rupees; that is the extent of their jurisdiction at this moment; I am not aware that there are any powers of imprisonment. There is some indistinctness in the wording of the Act of Parliament, and in consequence doubts have arisen which of the two officers was to exercise the jurisdiction of the justice of the peace, the magistrate of the zillah, or the criminal judge of the zillah. It was decided by the Madras government that the criminal judge alone should exercise the jurisdiction, which confined the chance the native had of obtaining redress for



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injuries received from Europeans, inasmuch as he can now resort only to one magistrate, whereas if both the magistrates and the criminal judge exercised the jurisdiction of justices of the peace, he might take his choice, and go to either.

562. Is the criminal judge of the zillah a native or an European?—An European.

563. In what way might the English settler be rendered amenable in the provincial courts equal with the native?—If it should be a *sine qua non* that English criminal law was to be administered in all cases where an Englishman might be a party, it would be necessary to have a professional lawyer upon the bench of the provincial court; I conceive that the provincial court, by some enlargement of its jurisdiction, might be made a competent tribunal to take cognizance and afford redress for injuries committed by Europeans upon the natives, and that would preclude the necessity of the natives seeking redress from the supreme courts of the presidency.

564. Does it appear to you there exists in the minds of the natives any other indisposition to or jealousy of English settlers, than that which arises from the inequality of redress in case of injury done to them?—No; on the contrary, I have always observed that Englishmen, whose pursuits in India are purely of a commercial nature, live in much more familiar habits with the natives than men who are clothed with public authority, because it is the interest of all men who are engaged in such pursuits, to conciliate the natives as much as possible; it is through the natives alone that they can expect to carry on their speculations with success.

565. Have you observed any attempt on the part of English settlers to treat the natives, or their religion, with scorn or contempt?—No such instances have fallen within my observation; many complaints have been made to me, as magistrate, of injuries received from the public functionaries of the government, civil and military.

566. Is it your opinion that the natural resources of India can be fully developed without a free access to India by Englishmen of skill, science, and capital?—I think the presence of such Englishmen in India would facilitate in a very material degree the full development of those resources.

567. Do you think the mere agricultural cultivation of the land could ever be a sufficient inducement to British subjects establishing themselves in India?—I should think decidedly not; any attempt of Englishmen to emigrate to India, for the purpose of the cultivation of the soil, would inevitably fail, and bring ruin on the speculators.

568. If, therefore, a free access to India were permitted, is it your opinion that the result would be that a greater extent of persons possessing more or less capital would go to India, with a view to commercial speculations?—I think generally that would be the case; persons of a different character might in the first instance go out, but I should suppose that one or two attempts of that kind would be sufficient to deter others from following their example. The extreme difficulty of persons of that kind going to such a distance as India, and the expense attending the voyage, is almost a sufficient bar to any but persons of some capital proceeding to India.

569. Is there not evidence as to the part of the country of which you have been speaking, of the existence of sources as yet unexplored?—There are very few sources of industry in India that are not in some degree explored by the natives, but I consider there is a wide field for their further development by Englishmen of skill and capital.

570. You state that some of those sources have been partly explored by the natives; are you aware of any great public works that have been established in any part of India since the British power obtained there?—Almost all the great works of India are works constructed under the native government, by the government itself, not as in this country by joint-stock capital. In the province with which I am most conversant, I think there is a very wide field for new works, and for improvement of works which were commenced under the native government. I allude particularly to canals of irrigation, and for internal navigation, the creation of which would most materially improve the public revenue and the commerce of the country.

571. As the law now stands, was not every individual embarked in commercial transactions in India liable to deportation upon alleged charges, without trial?—
I believe

I believe the government have the power of sending any man out of the country, without trial.

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572. Do you consider such a power essential to the good government of that country?—The exercise of such a power is generally attended with the absolute ruin of the individual, and therefore, although I am not prepared to say decidedly that the government should not possess such a power, that is, I am not prepared to say, that the power should not reside somewhere, yet I think it should only be exercised in the most flagrant cases, and where the safety of the state was endangered by the actual residence of the individual in India.

573. Must not the existence of such a power, so unqualified, act to some extent as a discouragement to persons embarking their capital in a country so circumstanced?—It must certainly operate as a discouragement; but if Europeans are well acquainted before they embark for India, that a power of this kind is vested in the government, they can have no just cause of complaint, if it should afterwards be put in exercise. I think at the same time, it may be practicable to devise some means of giving Europeans a regular trial, before that power is exercised against them; that it should be only exercised, in short, under the sentence of a competent court.

574. Can you imagine any case, except it be the one you have described, of imminent danger to the state, in which it might not be sufficient to suspend the individual in some way or other, until the accusation and the defence could be remitted home?—Suspension presupposes the filling of some office; he might be remitted to a particular station in the provinces, or he might be placed under some surveillance, until a reference could be made on the subject, to the authorities at home; but I should think the least objectionable mode would be to give him a regular trial upon the spot, and that if it should appear that he had been guilty of any act at variance with his duties as a good subject, that then the sentence might be carried into effect against him.

575. Do you wish to be understood as saying, that when these cases have occurred, no previous inquiry into the misconduct of the party has taken place?—There must, I suppose, have been some previous inquiry, but how far such inquiry may have been *ex parte* or otherwise, I am not prepared to say.

576. Are you able to inform the Committee how many instances have occurred in the last 30 years, of the deportation of any individual from India?—They are very rare indeed, I do not think there have been above half a dozen instances for the last 30 years.

577. Have there been as many as half a dozen?—I imagine not so many, I do not recollect above three or four for the last 30 years.

578. I think you have stated that the resort of Europeans to the East Indies, possessing skill, science, and capital, ought to be encouraged?—Yes.

579. Are you not aware there is not only no impediment but every encouragement given to persons so qualified, to go to India?—I believe they are now obliged to get a licence; I am not aware of any other restriction.

580. Are you aware that the resort of persons of that character has been greatly increased of late years?—Very greatly.

581. Have facilities to their going to India been offered?—I believe that the facility has been greatly increased of late years.

582. Are you aware in various instances that the refusal to permit individuals to proceed to India, on the part of the Court of Directors, has been superseded by the direction of the Board of Commissioners for India?—I have seen instances of that kind mentioned in the public papers, where the Board of Commissioners have interfered, and have compelled the issue of the licence.

583. Are you aware what is the practice when a person wishes to go to India?—I imagine he applies for permission to the Court of Directors, and if they refuse permission he can apply to the Board of Commissioners, and they have the power of ordering that permission to be granted.

584. Are you aware of the number of instances in which the Board of Commissioners have taken a different view to the Court of Directors?—I have no means of knowing the exact number, but it must be matter of record.

585. You have observed, that in order to render succour to the native against ill-treatment by an European, that means of prompt redress should be afforded to him, and that prompt redress could only be had by European judges being appointed to every zillah court?—I think I stated, in answer to that question, that if it was considered a *sine qua non* that English law should be administered to the

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native, that it would be necessary there should be an English lawyer as a professional judge on the bench of the provincial court.

586. Are you not aware that would entail a heavy expense on the revenues of India?—On the contrary, I think that an arrangement might be made which would occasion a very great saving of expense.

587. Point out to the Committee how that arrangement is to be made?—By employing natives, in the first instance, largely in the details of the civil and revenue administration of the country, and by the concentration, in a certain degree, of the powers in the same authority, and by the substitution of individual for collective agency.

588. By which we are to understand a total alteration of the present system of government in India?—That is not my meaning; it is a remodelling of the different branches of the administration in the manner proposed at different times by Sir Thomas Munro, by Sir John Malcolm, by Sir Charles Metcalfe, and by the Judges of the Supreme Court of Calcutta, and by the present Governor General himself, I believe.

589. Explain to the Committee what they are to understand by the term, “substitution of individual for collective agency”?—The administration in India is now carried on in a great measure by a series of boards and courts, consisting of two, three, and four judges or members. Lord William Bentinck has lately abolished some of the courts and boards, and has lodged the duties formerly entrusted with two or three members of courts or boards, in a single individual.

590. Has the constitution of the press in India varied considerably at different times since your acquaintance with that country?—It has varied considerably at Calcutta and at Bombay. It was originally placed in Calcutta and Bombay under the censorship of the chief secretary; that was removed I believe under the government of Lord Hastings, and the press of these presidencies is now quite as free as the press of this country. At Madras it remains under the most rigid restrictions, no article being permitted to be published there that does not pass the ordeal of the chief secretary, who is, *ex officio*, the censor. Within the last few years native papers have also sprung up in Calcutta; three or four papers in the native language are, I believe, published weekly.

591. Is the Committee to understand that the law respecting the press differs materially at Madras to what it is at Calcutta or Bombay?—It is under a completely different system at Madras. At Calcutta the editors of newspapers are licensed, and therefore publish what they please upon their personal responsibility, under a regulation which is registered in the Supreme Court. At Bombay the Governor in Council passed a similar regulation, but upon application to the Supreme Court for registry, it was refused; and therefore I imagine the government of Bombay have no means of enforcing penalties against the editors of newspapers, except the power of remitting them to England. At Madras the papers are submitted to the chief secretary before publication, and he runs his pen through whatever paragraph may appear to him to be objectionable.

592. Are you aware of the grounds upon which the distinction is made in this particular, between the freedom of the press at Madras, and of the other presidencies?—I am not aware of any grounds for the difference that exists.

593. Does the difference depend solely upon the will and pleasure of the existing governor?—Not of the governor individually, the government must be concurring parties with him in the act, except when orders may have been received from the authorities in this country.

594. When you say the government, you mean the Governor in Council?
— Yes.

595. When you say that the papers in Bombay and Bengal are perfectly free, you mean that it is subject always to that peremptory deportation of the individual writer?—I believe by the press regulation at Bombay, the editor is liable to have his licence withdrawn.

596. And the consequence of his licence being withdrawn would be his expulsion from the country?—I mean not his licence to reside, but his licence to print would be withdrawn.

597. Would it not rest with the pleasure of the local government whether his licence to reside also should not follow on the withdrawal of his licence to print?—I believe that would be the case, the government might deprive him of his licence to reside.

598. Does



598. Does the state of society at Calcutta permit, in your opinion, of the possibility of impannelling juries to decide upon offences of the press?—Yes; I should think it contains all the materials for a most impartial jury.

599. Would it be possible to extend that system also to the other presidencies?—Certainly, to both the other presidencies; the society of all the presidencies, particularly the society at Madras and Bombay, is composed, for the greatest part, of officers of the government, civil and military, who of course have a leaning towards the government. They would, I imagine, be always ready to vindicate the authority of government in any question of the press which might be brought before them as a jury.

600. In the case of native editors, might it not be possible to impanel a mixed jury of Europeans and natives?—I should think there would be no difficulty whatever in impannelling such a jury.

601. Under these circumstances, is it your opinion that the continuance of this summary power in the Governor General is essential to the security of our possessions in the East?—I should think if it was made a matter of express enactment, that the publishing of offensive attacks upon the government were to be considered as libels, and as such tried by a jury, there would be no necessity for government retaining that power.

602. Does there not exist a regulation prohibiting the servants of the Company from taking any share in any political publication at the several presidencies?—Orders to that effect, I think, were sent out to India some years ago.

603. Although the object of such an order might have been intelligible, so long as it was thought expedient to keep down the press in India, do you conceive that the same ground would exist for such a regulation after the press in India should have become more or less free?—I think the order in question is attended with this very great disadvantage, that government are now deterred from making use of the agency of their public servants in explaining measures of government, which are frequently railed against from not being properly understood.

604. So that as the regulation now stands, the government, however severely attacked by the press, is incapable of defending itself through the assistance of its public servants on the spot?—I think, under the existing orders, that no public servants would be warranted in writing in the public journals, even in defence of the government.

605. You stated in one answer that you were not prepared to deny that the power of deportation ought to exist somewhere; and you stated in a subsequent answer, if matters which might be offensive to the government were made libels, and triable by a jury, such power of deportation might be abandoned; but you did not state who in the first instance should be the judge of what might be offensive to the government; and you stated that a jury might be found in each of the three presidencies under these circumstances, and having also stated that the civil government of India is conducted by about 1,100 strangers in the country, and the Committee believing that the population so superintended by 1,100 strangers is not less than 60,000,000, and may exceed 100,000,000, do you conceive that any government so entrusted to the hands of such a small number of persons, can be conducted without some such summary power of stopping anything offensive to it, as is the power now possessed by the existing regulation?—I have already stated that the European society in India is composed for the most part of the servants of the government, and that those servants are completely dependent upon the government from their first entrance into it until they quit it. There is therefore naturally a great leaning in the minds of such persons to the support of the government, to the vindication of the authority of the government and of their own authority, which is linked with it; and therefore I think that a jury, composed in a great degree of such elements, would always be disposed to vindicate the authority of government, from whatever quarter attacked.

606. You have stated that the mass of society in India is composed of the servants of the Company, do you know what proportion of the European inhabitants of Calcutta are servants of the Company?—I should suppose that, taking civil and military together, a very considerable majority of the society at the presidencies consists of public servants of the government.

607. You consider there is a very considerable majority?—Yes, of those who mix in society; I take society in the usual acceptation of the term; I do not mean the great mass of the European population.

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608. As offences might be committed by persons not mixing in what by the last answer might appear to the witness to be society, would that feeling, resulting from the temper and disposition of a jury of European inhabitants, be so great as by the former answer he seemed inclined to impute?—It was not my intention to state that the jury would, on any occasion, be composed exclusively of public officers, but that the majority would probably be men whose minds, from habit and from interest also, are prone towards the support of the government.

609. Have you had any experience sufficient to enable you to state whether in any trials in which the interests of the government might be involved, the servants of the Company were, as such, challenged by the other party?—I can recollect several trials which took place more than 20 years ago, in which a jury was composed of European inhabitants of Madras not in the service; a new trial was moved for, and a special jury impannelled, consisting chiefly of Company's servants; not one of these individuals was, I believe, challenged by the parties who were interested in the trial.

610. I presume there are many individuals of a class competent to serve as a jury on such trial who do not move in what you call the society of the presidencies?—Yes, at the presidencies there are a considerable number of that rank of life; but in the provinces of Madras, and in Bombay, the numbers are small; in some of the provinces of Bengal they are more numerous.

611. In whom resides at present the power of making laws for the local government of India?—Under the present system the power is not, I imagine, very exactly defined; nominally the Governor General in Council for the territories under the Bengal presidency, the Governor in Council for the territories of the Madras presidency, and the Governor in Council for the territories of the Bombay presidency, have the power of making regulations, which are binding upon all the native inhabitants of India; but if such regulations affect persons living within the jurisdiction of the Supreme Court, the registry of such regulations by the Supreme Court is an indispensable preliminary to their validity; and it has occurred that the Supreme Court has refused to make that registry, as in the case of the press regulation of Bombay, and therefore the regulation within those limits has no force.

612. The regulations affecting only individuals who are without the limits of the presidencies, require no registration?—They require no registration provided they do not affect persons subject to the jurisdiction of the Court; but persons living 1,000 miles from the Court may be made, and have been made, liable to that jurisdiction, by the construction put upon the Acts of Parliament by the judicial authorities; so that, in point of fact, the power, not of making laws, but of giving the regulations passed by the local governments the force of law, resides in the Supreme Court; and this power may be exercised by the court, to the great prejudice of the government itself.

613. The power therefore of making or enforcing laws for the government of the whole native population of India rests in four individuals, subject to the consent of the Supreme Court, to register or not to register their decree?—Precisely so.

614. By whom are those four individuals appointed?—The Governor General and the Governors are appointed by the Court of Directors, with the consent of the Crown, signified by his sign manual. The Members of the Council are appointed by the Court of Directors.

615. Does any mode appear to you by which it might be possible to effect any improvement of the constitution of so important a body as this legislative council?

—I have lately had an opportunity of reading a correspondence between the Supreme Government of Bengal and the Judges of the Supreme Court, relative to the formation of a legislative council, and in that correspondence I find a plan proposed by the Judges, that over the largest portion of the British territories in India, the whole powers, executive, judicial, and legislative, should be vested in the Governor General in Council. It has always been my opinion, that unless such plenary powers were vested in some one authority, that our power in India would never rest upon a stable foundation: I formed that opinion from the frequent contests that have occurred between the King's courts and the Company's governments on the one hand, and between the supreme government and the subordinate governments on the other; and it appears to me that the only preventive for those disputes is to make one dominant authority. I should conceive, therefore, that the plan which the Judges have suggested, and which appears to be, to a certain extent, concurred in by the Governor General, might, under modifications, be made to answer the objects which these authorities have in view. Part of the proposal

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of the Judges is, to admit the Judges of the Supreme Courts to participate with the Governor General in Council, as a legislative council, over a certain portion of territory, leaving the remainder, and the largest portion, under the exclusive authority of the Governor General in Council; that proposition has been objected to by the Governor General, upon grounds that appear to be irresistible. I should think that a legislative council, composed of the Governor General and Council, with the ministerial officers, secretaries, and heads of departments, attached to him, and with such an admixture of professional lawyers of reputation as would enable that tribunal to execute judicial as well as legislative functions, would be the best organ that could be constituted for the government of our empire in the East. I am the more inclined to express this opinion, because it is frankly avowed in the letters of the Judges, that there is in fact no limit whatever to the jurisdiction of the Supreme Court, so that by degrees that court is, I conceive, likely to sit in judgment upon all the acts of the executive government. Another part of the plan of the Judges is, that convenient divisions should be made of the whole territory, and that, for each portion of those territories, a tribunal should be created, which should exercise a large portion of the civil administration of the country, and exercise judicial functions, civil and criminal, equal to those which are now exercised by the King's courts, and the Company's supreme courts or the sudder adawlut, at each presidency; I conceive that such a plan, if well arranged, would operate most beneficially, inasmuch as it would provide an adequate and convenient tribunal for the administration of justice to persons of all descriptions; and, at the same time, give the government an effectual control over the whole provincial administration, and prevent the recurrence of those abuses which have frequently occurred in that administration, and of which the government have had no knowledge, until their attention has been awakened by tumults and insurrectionary movements amongst the people, as in the recent instances of Mysore, Malabar, and Canara: of the real cause of such disturbances the government are at present ignorant, and have been obliged to depute local commissioners to investigate the same. Under a controlling authority on the spot, such cases would not I imagine occur.

616. Whatever administrative powers might be delegated to the tribunals to which you allude in the subordinate presidencies, or whatever those divisions might be, am I to understand that you propose to concentrate the power of legislation in the council at Calcutta?—In a supreme council or authority, of which the Governor General and the present council should be component parts.

617. You have stated some suggestions were made by the Judges and other authorities in India, with respect to the constitution of such council; does any other mode occur to yourself as a means of establishing a different legislative assembly?—I think, under present circumstances, that the best composition for a council would be the Governor General as president, the Chief Justice of the Supreme Court of Judicature as vice-president, the members of the present Council, and one or perhaps more of the present Judges of the Supreme Court, with the ministerial officers of the government, and two or three native gentlemen of rank and character.

618. In the necessary absence of anything like a constituent body in India, might it not be desirable that the civil servants of the Company at the subordinate presidencies should themselves nominate or delegate one of their own body to sit in the council at the legislative assembly at Calcutta?—That presupposes an entire change in the constitution of the government; at present the civil servants of the Company are all official persons, and so connected with the government, that I should think it was hardly consistent with the situation they hold to form them into a regular constituency; I have, however, not at all considered the subject, and would therefore beg to be understood as speaking with great diffidence.

619. Alluding to the heads of departments at the several presidencies, do you conceive any advantage might result from the civil functionaries of this description, delegating one of their own bodies to the legislative council?—I think under present circumstances it would be better to leave the power of selection with the authorities in this country, or with the Governor General on the spot, making provision at the same time for that altered state of society which will gradually arise out of the congregation of a greater number of Europeans at Calcutta, and at the different presidencies; I should think it expedient then that persons not in any way connected with the government should have a seat in the legislative council;

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and in the draft of the bill drawn out by the Judges, it is proposed to admit persons who are not servants of the Company.

620. With a view to uniformity of action in the government of India, would it, in your opinion, be desirable that, in lieu of the separate jurisdiction of the present government of the subordinate presidencies, lieutenant-governors should be appointed, all under the control of, and communicating directly with, the Governor General of India?—Plans of that kind have been broached by some very eminent men; I conceive that there is no mode of administration that would, upon the whole, be so efficient and economical.

621. In addition to other advantages arising from this system, would it, in your opinion, tend to abridge the immense volume of correspondence with the highest authorities, relating to matters of comparatively an insignificant importance?—I have no doubt it would have that tendency in a very marked manner; supposing India to be divided, in the manner suggested by the Judges of the Supreme Court, into convenient circuits, and an authority placed at the head of each circuit, charged with the civil and political government of that division, such agents would alone hold direct correspondence with the Governor General, instead of a great multitude of agents, through whom the correspondence is now conducted; and if duplicates of the reports prepared for the Governor General were transmitted to the authorities in this country, all the information connected with the affairs of that division of the territory would be compressed into a comparatively small compass.

622. You contemplate, then, the detaching the Governor General from the local charge of Bengal?—That was part of the plan of Sir John Malcolm, which I confess appears to me to be full of advantages, for it would leave the Governor General at liberty to superintend and control all the departments of the state.

623. Is it your opinion that the power not being at present sufficiently defined between the King's courts and the government is a source of great evil and great danger to the government?—Referring to the recent disputes between the Supreme Court of Bombay and the Government of that presidency, I conceive that the continuance of such a divided authority must always menace great evil to the government, and injury also to the Supreme Court, because, in a struggle between the two authorities, the government may feel itself compelled to adopt measures which cannot fail to degrade the court in the eyes of the community.

Veneris, 2^o die Martii, 1832.

SIR JAMES MACDONALD, BART., IN THE CHAIR.

Holt Mackenzie, Esq. called in; and Examined.

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624. IN what capacities have you served in the East Indies?—On leaving the College of Fort William, I was first appointed an Assistant in the Sudder Dewanny and Nizamut Adawlut, and afterwards became Reporter of Civil and Criminal Divisions, and then Deputy Registrar and Translator of the Regulations into the Persian and Bengalese languages. In 1816 I was removed to the office of Secretary to Government in the Territorial department, which I held until I left India in December 1830. For about 20 months I was employed in the interior, partly as Secretary to the Governor General, and partly as a supernumerary member of the Revenue Board. And whilst holding the office of Secretary to Government, I belonged to various committees, being for a considerable time a member of the College Council and of the Committee of Public Instruction.

625. You were at the College at Hayleybury before you proceeded to India?—Not at Hayleybury; the college was then at Hertford.

626. Has this institution appeared to you beneficial in improving the qualifications of the civil servants; and if so, in what manner and to what degree?—I believe that it has been beneficial. It had very able men attached to it, and therefore it was a very good school. It operated to delay the time when the young civilians left their native country, by about two years; and the rules prescribed at its institution went in some degree directly to raise the standard of qualification,
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but not to any great extent. On the whole, though the College has, I think, been useful, and I consider the recognition, which such an institution implied, of the necessity of requiring from the civil servants of the Company some qualification for office, yet I conceive that the same object might have been easily attained without it.

627. Should you say that the advantages derived from it were equivalent to the expense of the institution itself?—I think not, because I conceive the same advantages could have been attained without the expense. It would be difficult otherwise to weigh the one against the other.

628. Is it your opinion that this institution might be dispensed with without any serious public detriment?—I think without any public detriment.

629. In the event of its abolition, would you suggest that any and what new rules relative to the age and qualification of civil servants should be adopted?—I think the plan lately acted upon by Parliament might be generally applied; I mean that under which they allowed certain civilians to go out without entering the College. At the same time I think the civil service is such, that a higher standard of qualification than has yet been required, ought to be made a condition of appointment. I have no doubt that in England any standard of qualification that can well be desired, may be obtained without having a special institution for the purpose of communicating it; and it strikes me as being unreasonable for Government to go to any expense in furnishing the necessary qualifications, when it has so good a service to offer as the reward of their attainment.

630. Will you state what you intend to convey by the expression higher qualification, and in what respect you propose the qualification should be raised?—I should think that from all the gentlemen appointed to the civil service there should be required a much more extensive acquisition than they now generally make, in every branch of European knowledge which the College professes to teach, especially on subjects connected with the science of government; and that the successful candidates might be equal to the best men that the College sends out.

631. In regard to age, what alteration would you suggest?—I think it would be an advantage if they were not to go out to India till they were 22.

632. At present the young men sent from the college at Hertford are of necessity entered at the college at Calcutta on their arrival in India?—Yes, that has hitherto been the plan; but it applies of course only to the Bengal service.

633. Has it been found generally, that on their entry into the college at Calcutta, they have made any such proficiency in oriental languages as to qualify them for public business in India?—There have been some instances of very considerable proficiency, but in general their acquisition of the languages has not been such as to enable them to enter immediately on public service.

634. What is the general nature of their studies on their entrance into the College at Calcutta?—Their prescribed studies are confined exclusively to the acquisition of two oriental languages. The condition of entering on the active duties of the service is such a knowledge of two of the oriental languages as, in the opinion of the examiner, may enable them to transact public business.

635. And during the period of their acquiring these languages in Calcutta they are maintained by a public allowance?—Yes, they receive in Calcutta 300 rupees a month, and a house.

636. Should you say that the institution of the College at Calcutta has been publicly useful, and if so to what degree?—I think it has been useful chiefly in providing books, by which the acquisition of the native languages has been greatly facilitated. But that object having been accomplished, I think, on the whole, it is disadvantageous to the public service, instead of advantageous.

637. Is there any corresponding institutions at Madras or Bombay?—At Madras there is a collegiate institution, but it does not, I believe, precisely correspond with the College at Calcutta, as that college stood a short time ago. There never were European professors at Madras: there were professors at Calcutta until very recently, but the office has now been abolished. At Calcutta there are a paid secretary to the college council, and paid examiners: I believe at Madras the secretary and examiners are gentlemen in the Company's civil service, who receive no pay. I believe the young men at Madras did not live in any particular building, but I cannot speak positively to that: in Calcutta, they generally resided in what are called the Writers' Buildings, under the general control of the secretary to the college council. At Bombay there never has been any college for the civil



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servants; but the examiners were paid officers, in which respect, however, a change was proposed when I left India.

638. Are you aware what was the ground of the abolition of professorships in the College at Calcutta?—Chiefly because the advantage derived from them did not appear equivalent to the expense.

639. The systems at Calcutta and Madras not being the same, are you aware whether any different result was produced in the education of the young men at the two different establishments?—I am not sufficiently acquainted with Madras to say what the result was there.

640. What has been the plan pursued at Bombay?—At Bombay, I believe, the Government make no provision for instruction in the languages, except requiring the knowledge as a condition of promotion in the service.

641. There being no such institution at Bombay, should you say that either at Calcutta or Madras any superior advantage over Bombay was felt from the existence of those establishments?—I should think no sufficient advantage to justify any material expense; of course some facility must have been afforded by the assistance of English gentlemen in aid of the native teachers.

642. Was it not found at Calcutta that the civil servants were very generally involved in debt?—A great number were.

643. To what cause do you attribute that?—Perhaps the main cause was the facility of their getting money; and as they were very young men, they could not well be expected to be very prudent. Their being allowed to remain at Calcutta, though idle, was a cause of the debt being aggravated, the capital affording more facility and greater temptation to expense than remoter districts.

644. Did not the facility of obtaining money arise very materially from the certain prospects which it was supposed that all young men arriving as writers there must have of civil promotion?—I should imagine so, certainly.

645. Is there any course of study specially applicable to India, except the study of the languages?—I am not aware of anything else. Formerly, I may remark, there was, I believe, no institution in England in which lectures were given in the science of political economy; and law, and history, and the science of government were not, I apprehend, much attended to in the general course of education. Still less was it usual to direct the attention of young men to the information necessary to a knowledge of India and its inhabitants. But nevertheless I see no cause to conclude that, if there were no college for civil servants, all that they ought to acquire might not be got elsewhere.

646. Do you not think that as much knowledge might be acquired in India of the native languages in about six months as during the whole time they are at Hertford?—Generally I do not think it desirable that gentlemen destined for India should attend much to its languages in England; they can acquire them with so much greater facility in the country when living among the people.

647. Do you not think that the best course of education for a young man in India is that which would in England qualify him to fill any high public office as a statesman?—Yes; at the same time I should think that the study of Sanscrit, if that language can be acquired without sacrificing the more important object of acquiring European knowledge, would be useful, as it opens almost the whole of the Hindoo dialects of India.

648. You would give the students some instruction in languages in England?—I should like them to study the Sanscrit, though I consider the question of languages to be one of inferior importance, in so far as the education in England is concerned.

649. The best education for an English gentleman would be the best for the Company's service?—With the difference that arises out of the necessity of learning languages, of which the acquisition would be a mere matter of curiosity in an English gentleman.

650. Does it appear to you that their early distribution through the several provinces and chief places in India after their arrival, would enable them more speedily and more effectually to acquire the several languages of the country than their being confined together in the expensive city of Calcutta?—I think it would be decidedly an improvement to send them to stations selected chiefly with reference to the character of the individual officers employed there. I do not think there would be any difficulty in making such a selection, and getting the local officers at many of the stations to exercise (as friends, not as masters) all that general supervision



vision over the young men which would be required. By such a plan their studies would be as much facilitated, and their good conduct better ensured than could be done by a collegiate institution in Calcutta.

651. In Calcutta I presume they can make little or no proficiency in acquiring any of the different vernacular languages of the country?—There is no want of facilities if they choose to make use of them. In general I think they do not acquire much readiness in conversation, though there have been some who have done so. It depends a good deal on their mode of life. The mass of the population of the town speak Bengalese, and many, with almost all our servants, converse with us in Hindostanee.

652. Does it appear to you that the present plan of nominating those who are to become the future civil servants of the Company in the East, is calculated to secure the qualifications necessary for the discharge of the important functions they are to be called to?—The plan of nomination goes only to secure qualifications a little better than the ordinary average of gentlemen of the same rank; and as every office held by a civilian, at least every office that ought to be filled by gentlemen deputed to India, is one of importance, I conceive that any plan which gives India only such an average of talent, must be considered to be defective. It has certainly produced men of much talent, and the highest class of offices may be probably well filled, there being few; but looking to the great mass of offices, which are also very highly important to the well-being of the people, since every judge and every collector exercises an important influence on their comfort, I think the system has not been such as to send out to India a body of men fit to exercise, as it is desirable they should be exercised, the functions that belong to the civil service.

653. Under the existing system is not the patronage exercised in this respect by the individual Directors considered to be their private patronage, their remuneration for whatever trouble the duties of their situation may have imposed upon them, and is subject to no public responsibility?—As far as I know, the case is so.

654. That being so, must it not necessarily happen that their selections are very much influenced by those private feelings of affection and connection which are common to all mankind?—It certainly is so; and the appointments, I imagine, have always been avowedly made under the influence of such motives.

655. How then can you be disposed to say that such a system would be likely to ensure a qualification little better than the ordinary average of gentlemen of the same rank?—My notion is, that the chance of success in India, the prospect at least of rising to the highest offices there, depending much on the qualifications of the individual, the value of an appointment to a man of talent is much higher than to an inferior man. The consequence, I conceive, must be a desire on the part of those who distribute the patronage, to seek among persons standing to them in the same relation, those who are likely to make the best use of the appointments they give; and that they will consequently, among any considerable number of individuals in whose prospects they have the same interest, select the most talented. Something should be allowed for the qualifications required as a condition of appointment; but to that I should not attach much importance. I believe, however, that there has been, independently of other considerations, a general desire on the part of the Directors to send men who would do them honour; and that motive, though I do not imagine it can operate to prevent predominance of private feeling, I have no doubt gives a salutary direction to the force of private feeling.

656. Would there not be advantageous results, at least in an equal degree, from any system that might be devised of appointing to the situation through the means of public competition?—I should think that by competition a much higher average qualification might be obtained.

657. However distinguished we know many of the civil servants of the Company to have been in their career in India, should you say that, for the general mass of offices to be supplied, there was a sufficient room for a selection in India on the part of those in whom the appointment rests in England?—I think not. I think we have many judges and collectors inferior to what would be if there was a fuller scope of selection in India, or competition for entering the service in England.

658. Does it appear to you necessary to provide civil servants from home to fill all the offices now held by that class of functionaries, or could you suggest any limitation?—I think too many civilians have been employed in India, and that it

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would be extremely desirable to substitute in many cases the agency of natives for Europeans, subject to European control.

659. So long as the remuneration of those who discharge the duties now exercised by the Directors of the East India Company, consists in this patronage, must not there be a tendency to counteract any plan that goes to devolve these functions upon natives?—I think the Directors must be more than men if they consider without prejudice any plan that goes to deprive them of so valuable a patronage.

660. What check at present exists for regulating the supply of writers to the demand; is it altogether at the discretion of the Directors themselves?—I believe it depends on the application of the Indian government; whether that rule has been practically applied, I cannot say.

661. Do you happen to know whether there are at this period a great number of civil servants unemployed at the several presidencies, and whether, notwithstanding that circumstance, new appointments have been made this year?—I believe there are supernumerary servants in India, and I have heard generally that new appointments have been recently made in England.

662. You stated that a certain number of civil servants were unemployed; do you know what proportion the number of servants so unemployed bear to the whole number of servants on the general establishment of the Company?—I do not remember the precise number.

663. Do you know whether such non-employment of the servants of the Company at the several presidencies arises from a reduction of the establishment, or from any misconduct on the part of individuals, or from their unfitness for active duty?—I believe it arises almost entirely from a reduction of offices, but partly from too many having been sent out.

664. In a country all the superior offices of which are filled by Europeans, whose number cannot, if deficient, be reinforced and supplied in a less interval of time than a year, is it not desirable that there should be a fund of Europeans occasionally unemployed, in the respective presidencies, whose services may be applicable on such occasional emergencies?—I think not. There are in most offices assistants who can be removed temporarily into a higher office, without any serious inconvenience; and I consider it to be extremely unadvisable, both on the score of expense, and on the score of individual happiness, that English gentlemen should be kept in India not actively employed. To have any number out of employ is a great evil.

665. You stated that you believed the supply from England to be regulated by the demand made by the local government; are you aware that at different periods the respective governments have transmitted formal representations requiring more and more servants in the military or civil employment to be sent out; as, for instance, on the settlement of the Mahratta war?—I have no doubt they have frequently stated the want of servants.

666. And that, in consequence, the patronage of Directors of the East India Company was either enlarged or diminished, according to such local demand?—I presume that has been the case to a considerable extent, though, as I said before, I spoke rather of the rule than of its practical operation. No very strict rule has, I imagine, been observed, though certainly, in general, the extent of the patronage of the Directors, in respect to the civil service, has chiefly depended on the representation of the local government as to the necessity or otherwise of appointing writers.

667. You said the patronage of the Directors is exercised without any public responsibility; are you aware of any greater responsibility attaching to the Directors in their nomination of young men to the public service in India, than attaches to the King's Government at home in their employment, either of officers in the civil service at home, or in the diplomatic service abroad, or in the army or navy of England?—No; I should imagine the King's Ministers, in introducing young men to office, exercise their patronage very much in the same way as the Directors.

668. Are you aware that in the selection of servants for the East India Company, the Directors are bound to select such individuals as may have shown themselves duly qualified, according to certain tests prescribed by Act of Parliament?—I am aware of certain tests being required, but I do not consider those tests to operate at all to secure the necessary talent.

669. The question is whether they do not interpose a difficulty in the exercise of the patronage of the East India Company, which difficulty is not interposed in the case of the patronage of the Crown?—I do not think that they have practically operated to interpose any material difficulty.

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670. In point of fact, does public opinion in any way operate in the appointment of the young men to these situations, or are even the names of the young men sent out to India known to the public of this country?—I imagine not.

671. Are not the establishments, civil and military, at home, matters of notoriety exactly as large or as limited as those establishments in the East India Company?—I am not quite sure that I understand that question.

672. The question refers to the first introduction of young men to the civil service of the Crown in England, and the civil service of the East India Company in India. The appointments of clerks in public offices in England are not notified to the public at any time in any official manner; it is understood they are communicated to the public indirectly by the works of private individuals in the annual calendars: is any greater or less notoriety given to the appointment of young men to the civil service of India, on their first being sent out?—No; I believe the two classes stand in that respect alike.

673. Are the clerks in the public offices in England the body of persons from whom functionaries, discharging the highest political, financial, diplomatic, and other civil functions in the State, can alone be selected?—I believe not; but I really cannot speak to the point, excepting very generally.

674. Might not a selection made by competition, while it raised the standard of talent, lower the standard of birth; and would you not be likely to get persons whom the Company would not approve of?—I should not be apprehensive of that consequence; but the point is deserving of attention.

675. Would it not be extremely difficult, in the present tendency of public feeling, to impose restrictions on the question of birth?—Certainly, if the plan were otherwise one of perfectly open competition.

676. Are the supernumerary civil servants out of employment in receipt of allowances from the Company in India?—They all get what is called the allowance of civil servants out of employ.

677. Practically, what security against incapacity does the present system afford; though a man is a very incapable servant, from his having been nominated a writer, does he not as a matter of course get into the receipt of public pay?—There are one or two cases in which writers have been lately sent home, chiefly on account of idleness; and there is now a rule established in Bengal, that if they do not acquire a competent knowledge of the languages within two years, they will be sent to England. If they attain the qualification in respect to language, I do not think there is any other incapacity that would practically keep them out of office.

678. Do you happen to know, that prior to this rule there were instances of individuals remaining four, five, and six years at the charge of the Company in India, without being able to attain the modicum of qualification in language which is required?—There were instances of their remaining several years, but I do not remember the number.

679. Do you consider the patronage exercised in India by the local government as very superior in its amount and importance to the patronage at present exercised by the Directors of the East India Company in the appointment of young men to the situation of writers?—I am not prepared to weigh the one against the other; they are both very important; but if the question were confined to the civil service, my experience would lead me to say, that the Governor General's patronage is of small value, scarcely equivalent to the annoyance of having to decide on contending claims.

680. Take the patronage generally?—Still I cannot weigh the one against the other.

681. Does not the patronage exercised in India itself, form a very large portion of the general patronage of India?—It is certainly very considerable.

682. Would not the introduction of a system of appointment to the situation of writers by public competition tend very much to abridge the amount of home patronage?—Certainly. Indeed, as I understand the plan, I should suppose it to exclude from patronage all offices appointed by competition, if the competition is to be perfectly free.

683. You have stated also that the introduction of a system of appointment of natives to situations in India would tend also to abridge the necessity of so large an amount of home patronage?—Yes.

684. In these two events, would it, in your opinion, be a matter of necessity that a body should be instituted for the sole purpose of exercising whatever amount of home patronage might still remain?—No; I should think the home patronage

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might be so limited as to render it quite unnecessary to have a body specially appointed for its distribution ; it of course must rest somewhere.

685. In the event of the amount of patronage being thus limited, and it being necessary to place that amount in the hands of some persons in England, considering the nature of the whole case, with regard to the interest of India as well as with regard to the interest of the public in England, what would you conceive to be the best scheme to adopt under such circumstances ?—I confess my impression is, that if the government of England and its colonies be administered on principles of strict economy, it will, as far as concerns the immediate interests of this country, be rather a desirable thing to give the King's Government the home patronage of India ; for I should rather apprehend, that with a strictly economical system of administration, the King's Government will scarcely be strong enough without some such addition to its patronage. Supposing, therefore, economy to be enforced, and all improper interference in the patronage of India prevented, I should think the increase of the patronage of the King's Government to the extent implied in the question, to be on the whole an advantage. This I am aware is not likely to be a popular notion ; and if it should be thought objectionable to give the patronage to the King's Government, I should imagine it could be easily disposed of otherwise : civil appointments might be given to the Universities or other bodies, as has been more than once proposed ; the principle of competition being largely, if not exclusively, followed. As to military appointments, I see no reason why they should not be sold ; I mean cadetships.

686. You have stated, that with regard to the domestic interests of England, you could view without apprehension the Indian patronage being vested in the King's Government ; what effect do you think such an arrangement would have on the good government of India ?—I should imagine, if the system of service and promotion in India be continued unchanged, it would have no immediate effect on the government of India. I see no reason to think the King's Ministers would appoint better men than the Directors ; on the other hand, I see no reason for imagining that they would appoint worse. If, however, the King's Government were to be subject to no control in the general administration of India, and could turn it to purposes of patronage, I should then apprehend greater abuse than I conceive is likely to occur under the present system.

687. Has it ever occurred to you to say what you think would be the best system of patronage ?—As far as the civil service is concerned, I think the plan of competition at public seminaries would be a great improvement. It was, I believe, acted upon by Mr. Wynn. I am not aware of any better plan.

688. In any case, you contemplate a considerable reduction of patronage, and at the same time the introduction of a large economy by the employment of natives in a great variety of capacities in which they are now not employed ?—Yes ; I think the number of offices held by Europeans may be immediately abridged to a considerable extent, and gradually still further. The principle I should adopt, as regards the civil service, is to send no more men to India than is necessary for maintaining the supremacy of England and for securing good government to India ; and I believe that in the ordinary administration of the country good government to India is best to be secured by employing the natives in all details. Thus, I conceive, that the judge of a district should be regarded as the governor of a district, and, subject to his control, the decision of individual cases should rest almost solely with the natives themselves. It seems unreasonable to expect that a few English gentlemen can otherwise do much towards giving the people a government much better than they could give themselves. Our main business must be to check misconduct in those we employ, and to prevent the strong from tyrannising over the weak ; and although, while we hold our power over India, we must, by a system of appeal, control the administration of justice, yet the cognizance of all cases in the first instance might, I conceive, at a very early period, if not immediately, be vested in the hands of natives.

689. Are you aware what proportion of native functionaries are now employed in the province of Benares, and what proportion of Europeans ?—Of European district officers there are in the four districts of that province four European judges, two of whom are also magistrates ; and two districts have separate magistrates—four collectors, four registrars, and, if the complement be full, four assistants. On the present system the full establishment of European functionaries is ordinarily four ; there is a very large body of native subordinates.

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690. Can you state to the Committee the average number of natives employed in respect to the four chiefs whom you now mention as being Europeans?—I do not recollect the precise number; they are very numerous, and vary in different districts. I can, however, get the information and furnish it hereafter.

691. State to the Committee what, from your experience, is the capacity of the natives of India generally for civil employment?—I think generally they are exceedingly acute as men of business, and very industrious.

692. Will you state what has been done towards promoting the education of the natives of India since the last charter?—The government has established the following new colleges or academies: one in Calcutta, for the Hindoos; one in Delhi, and another in Agra, for both Moslems and Hindoos. The old Moslem College at Calcutta has been very much reformed, and the study of English latterly introduced into it. The same course has been followed in regard to the old Hindoo College at Benares: all being now efficiently superintended and supplied with books. It has also established a few schools in other parts of the country; and other seminaries, established by individuals, have been aided by it.

693. Do you mean Europeans or natives?—Partly both. In Calcutta, the Vidyalaya, which is an Hindoo academy for the instruction of natives in English, was chiefly established by natives. It has been aided by government, and a large share in its direction has been latterly taken by Mr. Horace Hayman Wilson, who is junior member and secretary to the Committee of Public Instruction; and to that it mainly owes its success. The other schools which have been established either by individuals or by societies, have been aided chiefly with books; and support has been given to an association called the School-book Society. For a detail of what has been done by government in the way of education, I beg to refer the Committee to the reports of the Committee of Public Instruction, who are required annually to submit to the government a statement of everything of importance regarding the institutions with which it interferes; and these reports will convey to the Committee more precise and accurate information than I can give. The resolution of government appointing the Committee of Public Instruction was passed in the year 1823; and there are periodical reports of the Committee, giving a full explanation of everything that has been done since.

694. Prior to the year 1813 several of these institutions had been founded by natives themselves?—The colleges I mentioned as existing previously were established by the British Government. That at Benares was established by Mr. Jonathan Duncan, and endowed out of the surplus revenue of the province; the college at Fort William was established by Mr. Hastings, and endowed with certain lands in the vicinity of Calcutta. Both had been left chiefly to native management, and very little attended to.

695. Are you aware what interval elapsed subsequently to the provision of the Act of 1813, before any measures were taken to apply any part of the funds as directed out of the surplus of the territorial revenue?—It was not till 1823 that the government adopted any fixed scheme for the promotion of native education. It had previously afforded assistance to particular institutions, and also attended to the improvement of the two colleges at Calcutta and Benares. Before 1823 I do not think they had any assured conviction of having a surplus revenue, and the propriety of adopting some general scheme for the promotion of the education of the natives was recognized on the first occasion on which the question of disposing of a surplus revenue was formally discussed. This was at the time when Mr. Adam was Governor General, immediately after the termination of the administration of Lord Hastings. Before that period the government could not well reckon with confidence on a surplus, and events have shown that they reckoned much too sanguinely on that occasion.

696. Do you recollect what was about the territorial revenue drawn from India at that period?—I think, about 20,000,000*l*.

697. And what sum has the government since appropriated to the purpose of native education?—In Bengal a lac of rupees was placed at the disposal of the committee of education, in addition to the funds already belonging to the existing institutions.

698. Are you aware whether the Government of England make any and what provision for the education of the people of England?—I am not aware of any charge on the general revenues of England for purposes of education in that part of the United Kingdom.

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699. Do you conceive the two cases to be in any way parallel?—No; I consider the distinction to be, that the people of England govern themselves and educate themselves; the people of India are governed by the English.

700. The native government of India, which preceded the British Government, established certain institutions of a charitable kind, partly for the relief of sickness, and partly for instruction; have these institutions been maintained by the British Government?—I believe that all endowments which existed when we acquired the country, were maintained; but in the Bengal provinces there were few, if any, that could properly be called institutions established by the government for the purpose of instruction. Particular Brahmins and other learned men frequently had allowances on the condition of communicating instruction: these have been continued where the grant of the former government appeared to be perpetual; where the grant was personal, it has ordinarily lapsed with the death of the party. I do not now remember, within the Bengal presidency, more than one institution for education established under the preceding government, which has come to our notice.

701. In addition to that one, you have already stated that Mr. Hastings founded one institution, and Mr. Duncan another, and that the Government have contributed to the maintenance of other institutions prior to the year 1823, when they established a formal system for carrying into effect the Act confirming the last charter?—Yes.

702. With a view to the more general identification of the natives with the government of India, do you consider that the more general extension of the English language is highly desirable?—Yes; I think it is very desirable.

703. Has such extension been upon the whole, in your opinion, hitherto discouraged or encouraged by the government of India?—Latterly it has been an object in all the government institutions to introduce instruction in the English language.

704. Systematically?—Yes, latterly; I do not think the same policy had been previously pursued. There is a paper, written by the late Mr. Charles Grant, which was, I believe, printed by the Committee of Parliament on the occasion of the last charter, and which contains many important suggestions on the subject, submitted by him to the Government as far back I think as 1793; but his views were not acted upon. Of late years it has been the policy, or rather the desire, of the Government to extend the English language.

705. But have they taken any active measures for giving effect to that desire?—Not until subsequently to the establishment of the education committee in Bengal.

706. Is not the language in which the proceedings of the courts of justice are conducted, the Persian language, a language almost as foreign to the natives of India as the English language itself?—Persian cannot, in any part of the provinces belonging to the Bengal presidency, be said to be almost as foreign to the natives as English. In Bengal Proper, indeed, it is I believe unknown to the great bulk of the people, I mean of those who read and write; but there in the lower courts the proceedings are held in the Bengalese language, and the regulations are translated into that language. In Bahar, and in the Western Provinces, most men, whether Mussulmen or Hindoos, of any pretence to education, understand Persian; and although it be unknown to the great bulk of the people, who are agriculturists following the plough, and do not read or write at all, speaking only their local dialect, still the Persian is known to a great multitude of persons, not only in the chief towns, but throughout the country.

707. Should you say that the Persian was as familiar to the people of India as the French may be to the people of England?—Much more so in the western provinces of the Bengal presidency. Almost every public officer with a monthly salary of 30s. or upwards, knows it, I believe, enough for the purposes of business; and the same may be said of the majority of all classes who can read and write at all, excepting probably the mercantile classes, many of whom, though possessed of great wealth, do not understand Persian. I should therefore conceive that a knowledge of Persian descends much lower in society in Hindostan, than a knowledge of French in England, though it is rarely spoken.

708. The proceedings are conducted through interpreters?—Not generally; the examinations are actually conducted in the common language of conversation, the Persian is only used for record.

709. In your opinion would it be possible gradually to introduce the English language into the proceedings of the courts of justice in India?—I think it might be done



done gradually, if the attainment were made a condition of promotion in the service. In Bengal the natives are generally anxious and willing to learn it.

710. Explain to the Committee what you understand by the gradual alteration of a language in judicial proceedings?—I understand that the change should be made district by district.

711. Then complete and absolute in any one district at a given period?—Yes.

712. Is not every regulation of the government translated into the native language of the district in which it may be promulgated?—No. In Bengal we have a translation into Bengalese, for the use of the people in that province: the Persian translation is the only one that the natives of the other provinces have. The regulations used formerly to be translated into Hindostanee, but the translation was found to be less intelligible to the people generally than the Persian. In fact the language of the body of the population varies so much in different parts of the Upper Provinces, and, from want of schools and books, is so little settled, that it would be extremely difficult to translate the regulations into any language that would be understood there, unless a separate translation were made for every district, if even then. But, practically speaking, I believe the Persian regulations are accessible to as many people in those provinces as Acts of Parliament are in England. The men of business read Persian, and the rest of the people, when their rights are affected, ascertain through them the bearing of our regulations. And so I suppose it is with the laws of most countries.

713. Does there exist on the part of the natives a disposition to become acquainted with the English language, or otherwise?—I think on the Bengal side of India there exists a very strong disposition: indeed it has been very strongly evinced both at Agra and Delhi, which may be considered the most remote of the chief towns of the provinces under Bengal.

714. Have you any doubt that the distribution of prizes for education, and the making, in some measure, the acquisition of the English language a condition of preferment and employment to the natives, would be such a stimulus as would tend rapidly to spread the language through the Indian empire?—No doubt its extension would be greatly promoted by any preference being given to those who had acquired it.

715. Are the Committee to understand that you think there is a reasonable probability under any circumstances of the English language being at all generally diffused throughout any part of our dominions in India, and becoming in any degree known to the great body of the community?—I think the chance depends very much on the number of Europeans who may reside in the country. I do not think the thing hopeless, though time is of course required for such a change. A knowledge of English is rapidly extending in Calcutta and the villages adjoining; and that the natives will nowhere object to the acquisition of English, may perhaps be inferred from the circumstance that the young Rajah of Bhurtpoor, of his own motion, at least with the free consent of those about him, had commenced the study of English before I left India, upon the avowed ground that the supreme government being English, it was reasonable that he, a Hindoo prince, if required to acquire a language foreign to his state, should select the language of the existing supreme power, in preference to the Persian language of the Mogul court.

716. Do you not consider it as rather a refined mode of flattery, to acquire the English language?—I have no doubt it was thought that the proposition would be an agreeable one. But it has been acted upon; and I should look to such influences as one means at least of extending a knowledge of the language.

717. Are you aware of any instance in history of an European language being introduced into the courts of justice of an oriental nation?—I am not immediately prepared to say what the practice of the Greek and Roman empires was in regard to their oriental provinces; my impression is, that their languages were introduced largely into Asia.

718. Do you think there is any danger in an attempt on the part of Government to introduce the English language into the proceedings of a court of justice, and would it excite apprehensions that it was preparatory to further changes in circumstances that are peculiar to the religion or customs and habits of the native population?—No; I think not.

719. Do you not think that the attempt to alter the form of dress in 1809, was one of the principal causes of the disturbance that took place in the native army?—I believe that had some effect.

720. Would you not consider the settling of capitalists in India, with a view to



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the extension of commerce, a means of very much facilitating the introduction of English generally?—I think the diffusion of English depends greatly on the number of English settlers.

721. Are you aware whether the Tartar government of China has ever introduced their own language into the judicial proceedings of that empire?—I believe not.

722. Do you not consider that the natives would consider the introduction of English rather as the introduction of the language of one set of conquerors for the language of another?—I do not think that notion would cross their minds. But if the introduction of the English were so effected as to cause any serious inconvenience to the people, or suddenly to throw out of employment any large class, there would, I should imagine, be great discontent; and in all cases of discontent in India, there is danger of its taking a direction towards their religion.

723. Do you think that English can ever be introduced by the interference of Government; and is there any likelihood of there ever being such an intercourse between the English and the natives as to enable them to acquire it familiarly?—I think it may be gradually introduced, and that the interference of Government may essentially promote its introduction. In proportion as Englishmen and their children are abundant, the introduction of the language will be facilitated. I think at the present moment there would probably be no difficulty in introducing the use of English into the suburbs court of Calcutta.

724. Do you contemplate at any period such a number of English residing generally in India as to enable the natives to acquire the English language?—I think that in the province of Bengal Proper the number of persons speaking English may be expected at no distant period to be considerable.

725. Is there at present any considerable number of natives in Calcutta who speak and write the language fluently?—There is a considerable number of persons who write and speak the English language extremely well; and the students of the Vidyalaya have indeed shown an astonishing proficiency in language, writing it, many of them, with purity quite equal to that shown by lads of the same age at an English school. The exercises to which I immediately refer, I was assured had been written by them without any assistance, and they were excellent compositions.

726. Of course any introduction of the English language into the courts of justice could only be contingent upon a long and established introduction of the language into the general education of the country?—I think it should be contingent upon its becoming general, or nearly so, among the educated classes; but in so far as the Persian language is used, I conceive that whenever English becomes known to the educated classes in a degree at all equal to that in which that language is now known, it should then be substituted for it. In Bengal Proper, for instance, the Persian being a comparatively foreign language, a much less general extension of English would justify the superseding of Persian in the offices in which it is now used, by English, than in the other provinces where Persian is more generally known. Independently, however, of its general introduction, there are particular situations held by natives, in which it has been suggested that a knowledge of English should be required, being in the first instance made a title of preference. Thus, attached to every court, there is an officer called the Government Pleader, who manages the government suits. Many of the pleaders are now educated at the college in Calcutta; and the young men have expressed themselves decidedly that their study of English must depend on its comparative utility with the study of Arabic, as a means of getting on in life. Now if the government pleaders, who have to communicate with the English officers on all matters relating to the public lawsuits, many of which require a reference to English papers, were appointed on account of their knowledge of English, the arrangement would be a convenient one; and a considerable step would be made in the encouragement of the study, without interfering with the interests of any one. That measure alone would probably have no small effect in extending the knowledge of the English language. In the same way, in the revenue and other departments, Government might, in appointing to particular offices, give a preference to those who knew English, and so gradually introduce into the country a great many natives acquainted with our language. For every office to which the knowledge of English gave an opening, we should have numerous candidates studying the language; and in that way, I think, without anything like compulsion, or an interference at all offensive, the Government might promote it greatly.

727. Have



727. Have you considered the necessity of the maintenance of the present system of licensing individuals, in order to permit their residence in India?—Yes.

728. What is your opinion of the necessity of such a regulation, and to what extent might it be safely abolished?—As far as Bengal Proper is concerned I see no reason for any restriction. I should extend the observation to the whole of the provinces subject to the Bengal presidency; nor, as far as I know of Madras, am I immediately aware of any necessity for restriction there. I should think that on the Bombay side of India there may in several places be more ground for restriction, the country having been recently acquired, the Mahrattas being a conquered people, whereas in the other parts of India we have generally displaced governments nearly as strange to the people as ourselves; and the leading men of the community in those recent acquisitions have, I apprehend, their position and their notions much more extensively derived from preceding governments than is the case in the older provinces of Bengal. I think, however, that it would not be advisable to throw open the whole of India, nor indeed any presidency, without leaving some discretion to the local government, to be exercised, of course, subject to revision from home; but as far as Bengal is concerned, I should not apprehend the necessity of any restrictions.

729. As the law now stands is not every British subject, whatever amount of capital he may have embarked in the country, liable to deportation at the arbitrary pleasure of the government of the presidency in which he resides?—He may certainly be removed by an order of the government if he is not licensed, or if he stays after his license is cancelled; but I should scarcely say he is liable to be removed at the arbitrary pleasure of the government: he is indeed liable to be removed whenever in the judgment of the governor his removal is necessary.

730. Is there any other limit to the exercise of that power than the judgment and discretion of the individual invested with it?—No; and his responsibility for the act to the authorities at home, and to his country generally.

731. But would his responsibility in any way diminish the injury to the individual, who having embarked his capital in the country, had been sent home?—Not unless the individual can get damages, which I apprehend can hardly ever be expected.

732. In what way would you propose that that power should be qualified or limited?—The qualification that has suggested itself to me is, that it should be exercised as a legislative act. I mean that the ordinary operation of the law should be against the exercise of any such power, but that the Governor-General in council should have authority to pass an act suspending the ordinary operation of the law, and directing the removal of any European, whose presence might be deemed dangerous, and that no European should be deported, unless by legal sentence of a court, without the formality and the discussion which would of course precede the passing of such a law; but I do not think that the power could altogether be taken away from the local government.

733. When you speak of the local government, do you mean the subordinate presidencies as well as the government of Bengal?—My notion is, that the subordinate governments should not legislate without the previous sanction of the Governor-General. Probably in some cases the European proposed to be sent home might prefer awaiting the judgment of the home authorities, under restraint: in that case I should think his claim to stay in the country ought to be allowed; it being left to the discretion of the governor to place him under such restraint as would obviate the danger apprehended from his presence, and prevent him from any acts likely to occasion danger. The main thing wanted to prevent the risk of abuse, seems to be to give formality to the act, that it may be deliberately considered, and that the party may have full opportunity of stating all he may desire to have stated as cause why he should not be deported.

734. Do you contemplate the probability of any case of extreme danger arising from the continuance of an individual under such circumstances, that is to say, under restraint, in the country, until his case can have been reported home, and the sanction of the authorities at home to his deportation received?—I can scarcely contemplate such a case. The necessity of deportation, without sanction from home, seems chiefly to arise from the difficulty of placing an European under any restraint without great injury to his health; yet the privilege of staying might in some cases be important; and if he chose to remain on the spot, there would, I think, be little chance of his being subjected to anything like cruel treatment; whereas when once he is shipped, the thing is done and cannot

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be recalled. The great object, as I have said, is to give the government time to pause, that the act may not be done with passion, and that it may be considered more solemn than if it be a mere ordinary executive order.

735. From the high and confidential situations you held, is it possible that any such acts of deportation could have occurred during your employment without your knowledge?—I should think not; on the deportation of any person of consideration I should certainly have known it.

736. During the time you were secretary to the government, is it possible any such case could have occurred, whether of persons of consideration or otherwise, without your knowledge?—Instances may have occurred in which destitute Europeans, or persons reported by the police, were sent home, of which I knew nothing. All cases of deportation from state necessity must, I think, have come to my knowledge.

737. The former questions have had reference to deportation from alleged state necessity?—I should imagine I must have known all that so occurred.

738. State to the Committee the actual number of deportations during the time of your connection with the government of Fort William?—I only remember two during 15 years.

739. Are the Committee to understand that the powers of the Governor General, or of the governors in the several presidencies, to deport individuals within their respective governments, is similar to that vested in the Secretary of State by the old Alien Act, with respect to foreigners?—I apprehend very much so.

740. In both instances the exercise of the power being subject to the general responsibility which a public man owes to his country?—I apprehend so.

741. Under the administration of Lord Wellesley, were there not instances of foreign adventurers, not from England, appearing in the Deccan and other parts of India, whom it was necessary, for the safety of the British interests, to remove from that country?—I am not aware of the particulars, but I presume that when the French officers were removed from the armies of native princes, they were generally ordered to proceed to Europe. Some of the French officers who left the Mahratta service indeed settled in Bengal, and the same may have happened at Fort St. George.

742. Do you or not conceive that a greater power must be left to the executive government, considering the nature of the empire in India, than would be fairly claimed or exercised by the English Government at home?—Certainly a much greater power.

743. Do you think it necessary that the government in India should have a more summary power of removing natives of other European nations than it should have to remove British subjects?—I should object to the summary exercise of any such power. But it would be sufficient, I think, to require a solemn legislative act in the case of British subjects; and, as far as treaties allow it, the power of removing foreigners should be absolute.

744. Do you apprehend that, considering the large expense of the voyage to India, and the total impossibility of the mere peasant maintaining himself by agricultural labour in India, it is at all probable that the consequence of the relaxation of the licensing system would lead to a vast influx of needy adventurers into India?—I should think not. My own impression is, the number of English settlers would never be equal to that which it is desirable to have; and I see no risk of public inconvenience from the resort of needy adventurers, although there might be some individual misery to themselves.

745. Have you any doubt that the resort of Europeans, under any relaxation of the present system, would be confined to persons engaged in commercial or manufacturing enterprise, or to scientific men?—I should think the relaxation would chiefly lead to the introduction of men of capital, or character that would enable them to command capital.

746. Is it not the nature of such a power as now exists, over the persons and properties of individuals, to discourage the settlement of commercial or manufacturing capital in that country?—I think it must have some effect, especially on public opinion in England. As far as the merchants settled in India are concerned, I believe their experience of the principles of the government has rendered them very little apprehensive of the misuse of the existing power; and that in so far as the introduction of English capital or intelligence depended on them, the effect is much less than upon persons who in this country might speculate on their making new establishments in India.

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747. Do you conceive that there exists in our Eastern possessions a great field for mercantile enterprise?—I think there is a great opening for improvement in the commerce of the country.

748. With a view to avail ourselves of it, should you not consider it of importance to give every possible encouragement to the introduction of English capital?—I think it very important to encourage the introduction of English capital and intelligence; especially because the educated classes of natives seem as yet to have little or no turn towards agricultural or commercial pursuits.

749. Are you aware what has been the chief obstacle to the establishment of Europeans in the provinces?—I believe the difficulty of administering justice is considered to present the chief obstacle.

750. Will you state to the Committee how Europeans and natives are circumstanced in regard to each other in that respect?—Within the jurisdiction of the Supreme Court there is no distinction, excepting so far as their peculiar law of inheritance, and other special laws and customs, are secured to the natives, and as the acts regarding juries operate. In the interior the criminal courts can only try a British-born subject for an assault: any felony, however inconsiderable, renders it necessary, if he is not a military man, that he should be sent to the presidency. In the civil department, suits may be brought against him in the local court, but an appeal lies to the Supreme Court in any case that would be appealable by a native to the Company's chief court. It is doubtful whether one British-born subject can sue another in the country courts. Europeans are not allowed to hold land at all in the interior, without the express permission of government; and holding such land without permission, they cannot recover against any person who disturbs their possession or withholds their rents. For almost all the lands, therefore, held by them (and many do hold considerable tracts of land in the names of their native servants), they are necessarily very much in the power of those persons; the government having hitherto only granted permission to Europeans to take leases under certain conditions, which seem as yet to have practically operated to prevent them from taking advantage of the resolution, which was passed with a view of opening facilities to their occupation of land.

751. Then the natives, in the event of sustaining injury from English settlers in the provinces, have, except in the very limited case you mentioned, no other redress than by going to the Supreme Court of the presidency?—All cases only cognizant by the Supreme Court must go there; but the jurisdiction of the local courts is considerable.

752. Would it, in your opinion, be practicable to render the European settlers amenable to the provincial criminal court?—I think that Europeans should be placed on a footing with natives when they live in the interior, and be subject to the law of the interior in all respects like a native.

753. How would you adapt that system to the altered state of things that would arise from a man being allowed to settle in the interior?—It does not strike me that any change would be necessary, beyond what is necessary to the good administration of justice. The Europeans, I think, would be few, and I do not apprehend any difficulty from their cases being tried by the native judges, if of a kind that would be ordinarily cognizable by them. All very serious cases, where natives were concerned, I should, for the present at least, reserve to the European judges, using the natives as their assistants and assessors.

754. What code of criminal law is administered in the provincial courts?—It rests chiefly on the regulations of the British Government, with little or no remains of the old Mussulman code of the country. I hardly remember any instance of a crime of which the punishment has not been regulated by the English code. We have at least got rid of everything that was considered objectionable in the Mussulman law, as far as punishment of crime is concerned, and all unreasonable technicalities regarding evidence have been set aside. I am not, therefore, aware of any thing to bar the application to all classes of the criminal law administered in the provincial courts: and an opinion has been stated by the judges of the Supreme Court, that a code equally applicable to Calcutta and the provinces might be very easily formed. A good deal of misapprehension has arisen from its being fancied that our courts in the interior administered a barbarous code; whereas, looking at the crimes and punishments, my impression is that our law will on examination be found to be a milder one than that of England, and at least as reasonable a one.

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755. What classes of persons do these native judges consist of?—The head native judges are Moslems or Hindoos; they are generally, the former especially, men of education, as far as their own learning extends. In the criminal department the Mussulman officer is alone employed; he gives a verdict in criminal cases tried by the court of circuit, as an assessor to the judge; and I think that in general the verdicts I have seen were well drawn up and showed abundant intellect.

756. Are you not aware that the case of the indigo planters has often been adduced as a proof that the ownership of land on the part of Englishmen in India must produce effects very detrimental to the English character in that country?—I believe that opinion has been held by many. I should observe, that never having been in charge of a district myself, I can only speak from the authority of others; but I have communicated on the subject with a great number of public officers, and also with many individuals not in the service: the general result of my inquiry is, that the disorders of a few have been allowed a great deal too much weight in estimating the general character of the class; and on the general question, I should say that the balance of good is exceedingly great. I consider the evils in the lower parts of Bengal, with which I am best acquainted, to have arisen in a considerable degree out of the restrictions upon the settlement of Europeans in India. If the persons who own or support the indigo factories had been allowed to send home for any persons whom they thought likely to be good managers, their concerns would have been in the hands of a class very superior to many who from necessity they have been compelled to employ; for factories are, I believe, often in the hands of persons not qualified for so great a trust. I apprehend also that great mischief has arisen out of the difficulty of occupying land, by which Europeans have been compelled to hold land, which they do very extensively, in the name of native agents. I have understood from gentlemen, indigo planters themselves, that they were compelled frequently to wink at abuse on the part of the natives whom they employed, chiefly because the land being in their name, they had the means, if not of ruining them, at least of putting them to great loss and inconvenience. Another effect of the prevention of Europeans holding land avowedly, is, that when disputes arise in the courts, it is much more difficult to get at the real truth, and therefore there is a great opening to litigation. I think it probable, if Europeans had the power of holding land, that the tenures necessary for the conduct of their indigo business would have been fully ascertained, and there would rarely have arisen the question, now often disputed, whether a particular planter be entitled to the produce of a particular tract of land or not. Under the present system it constantly happens that the courts are called on the spur of the moment to decide disputes involved in doubt; and as their decision can hardly be quick enough to save the season, the indigo planters are often compelled, in their self defence, to use force to secure their rights. I think the prevailing opinion of the public officers in Bengal, to whose opinion I should attach most weight, was, that the indigo trade had very greatly added to the wealth of the districts in which it was established, and benefitted the native inhabitants, and that the outrages complained of were rather exceptions to the general rule.

757. Does there exist any general jealousy on the part of the natives of Europeans occupying land in India?—I am not aware of any such jealousy; but I have no doubt that particular classes may object to it, and be unwilling to have Europeans settled in their neighbourhood. I should think a considerable number of Bengal zemindars would object; for many oppress their tenants exceedingly.

758. Should you suppose the higher classes throughout India would generally be averse to it?—I think not, supposing the Europeans respectable.

759. Does it come within your knowledge that the zemindars have shown a great anxiety to induce Europeans to extend their occupation of land?—I have heard it so stated, but I do not know the fact.

760. Should you not consider it advantageous to the zemindars for Europeans to settle, as it would increase the value of land?—It would be for their advantage, but a good deal would depend on the extent to which they may really be the owners of the lands contained in their zemindaries: many of the great zemindars are not, I think, and do not yet securely consider themselves as entitled to enhance at pleasure the rents of their tenantry; and they are, I believe, generally guilty of considerable exactions. This state of things must probably make them averse to anything that is likely to increase the influx of Europeans; and in general the natives look more to immediate objects than to distant advantages.

761. Would it not have the effect of increasing the value of land immediately?—I should think very soon, certainly.



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SIR JAMES MACDONALD, BART., IN THE CHAIR.

Holt Mackenzie, Esq., called in; and further Examined.

762. REFERRING to some questions on your last examination respecting patronage, you stated that you considered it desirable to introduce the principle of selecting by competition?—Yes.

763. Do you think that the progress a young man makes in education in England is any criterion for the qualities required for a civil servant in India?—Yes, I think so certainly, taking education in a liberal sense.

764. Do not you think that a selection at a later period of life would be preferable?—I think civilians had better be 22 years of age before they go out to India.

765. What objection do you see to the whole of the service being originally military, and selections afterwards made for the civil and military officers?—I have always thought that would be an improvement upon the present system; but I do not think it would be the best system that could be adopted.

766. Have not some of the most distinguished of the Company's civil functionaries been military officers?—Certainly, the military branch of the service has furnished some of the best men.

767. Have any provinces been better managed than the Ceded Districts, which have been temporarily under a military man, Sir Thomas Munro?—I do not remember any administrator in India so good as Sir Thomas Munro.

768. Does not the situation of the European officer in charge of a province correspond with the Amil under the Mahomedan government?—It pretty nearly resembles it, I believe, in places where there is no separation of departments. But the Amils had generally, I imagine, a personal interest in the revenue, which the British officers have not, and the power of the latter is much less arbitrary; nor have they generally any military duty beyond what a civilian is capable of discharging.

769. Do not you think that it would be an improvement that the government should be of a mixed civil and military character?—Not as a permanent plan. In the ordinary administration of the country, I think the civil authority should be separate and predominant. Sir Thomas Munro was, I imagine, very little of a military man when he held the appointment referred to.

770. Do not you think that with every improvement we can introduce into India, the tenure of India must be in a great measure the tenure of the sword?—In a great part of India, and for a long time, such must, I think, be the condition of our tenure. In Bengal Proper the case seems to be different; there, I believe, the feeling to be, that we protect, rather than control by the sword. The people do not think of resistance, and have no conception that they could protect themselves from invasion by others if we were away: they are essentially unmilitary. In the Western provinces, the submission of the people appears to me to rest mainly on the dread of our military power; and our civil officers are obeyed, because they have the bayonet to back them. We protect the people indeed better probably than any preceding government, and they can hardly, especially the lower classes, be insensible of the circumstance. But still I conceive that in the general sentiment, certainly among the most influential classes, the restraints we impose are regarded, rather than the protection we afford; those who are used to arms may naturally fancy that they could protect themselves; and on the whole, from Benares upwards, I should say that essentially we hold the country by the sword. I am not aware how far that distinction I have mentioned in regard to the Bengal side of India would apply to Madras and Bombay. I should suppose the tenure by the sword must be the prevalent tenure.

771. In the probable course of the Company's government are not those provinces in which the tenure is what you admit it to be, that of the sword, very likely to continue such as to require military talent on the part of those servants of the Company filling the most important situations probably for the next 50 years?—I think that, generally speaking, we must look to our holding India, for a long time

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to come, very much by the sword; but I should not therefore conclude that military talent is what is wanted in the governors of the country. To establish a good civil administration appears to be their primary object, and if that be successfully accomplished, it may be hoped that gradually the power of the sword will become less and less necessary.

772. In answer to the third question proposed to-day, you state that you think 22 would be a better age than that now by law provided for the admission of young men into the service of the East India Company as writers; in making that statement had you reference to the physical character of the service as well as to the moral capabilities and qualities of the young men admitted into it?—Yes, as far as I can judge of the former; on the score of the latter I have no doubt.

773. Do you conceive that the age of 22 is more or less adapted to bear the change of climate than the age at which now by law the young men are admissible, and, in point of fact, are generally admitted?—I am not aware of any reason for decidedly preferring the one to the other; but I should rather think the more advanced age the best, the constitution being more confirmed.

774. The latter part of your examination this day has had reference to the expediency or in expediency of selecting the civil servants of the East India Company from its military establishment; in what mode would you in the first instance provide for the admission into the military service of a young man qualified to discharge civil duties?—I believe I have already mentioned that I only considered the suggested plan as an improvement on the present system, not as the best system which could be adopted. One objection that occurred to me was, that you could scarcely require the same general test for the united as for the separate civil service. But even on the plan of nominating to the general service, civil and military, you might, I think, require a test equal to that now required for the civil service; the appointments would still be sufficiently good to justify even a higher acquirement. Then for the qualifications necessary in the more important stations of the civil service, you would have the opportunity of selection from a large instead of from a very limited body.

775. If you required the same qualifications for the admission of young men into the military service of the East India Company which are now required for their admission into the civil service, what advantage do you conceive would exist by such alteration which would compensate for any possible disadvantages arising from change in the system?—If you got the same average of qualification in a body containing several thousands, and had to select only a few hundreds of them, the qualifications of the persons so selected by competition in India would doubtless be higher than those obtained by the present system; supposing of course a fair exercise of the patronage of the local government.

776. In addition to the acquirement of science termed military, and sciences connected with the military profession, would not the young men so transferred from the army to the civil establishments of the Company have to acquire there the same knowledge of the languages, of the revenue and judicial system of the country, which in the present day must be found in the young men introduced into the civil service?—I am not aware of any military science being required from the young men now sent out for the army, excepting the engineers and the artillery, which form a special and very limited service. These might or might not fall within the general plan, but they would not materially affect the scheme.

777. At what age is a young man ordinarily appointed to the office of assistant in the judicial department?—I suppose now generally at the age of 18.

778. It appears from the first part of your evidence, that you would contemplate a considerable reduction in India of those offices to which young Europeans are now in the first instance appointed, by the substitution of native agency; is not that one of the grounds on which you would conceive that for the time to come young men sent out from this country should be sent out at a more advanced age than they at present are, inasmuch as higher situations only would then be opened to them?—Any change of that kind will render it essentially more important to have men of more advanced age and superior qualifications. But I think, that even although the existing plan be otherwise maintained, it is very desirable that measures should be taken to fix a later age of appointment.

779. Do you know whether there existed under the Mogul government large quantities of land in Bengal called Charity-lands, lands liberated from tribute as being appropriated to charitable purposes?—Yes, there is a vast quantity of land in



in Bengal given, some for charitable purposes, but generally for the maintenance of individual brahmins and others.

780. Do you know what has become of these lands under the British administration in Bengal?—I believe the greatest part have continued in the possession of the parties.

781. You do not know whether any considerable quantity of those lands, under the title of assumed or fallen in, have been in fact confiscated by the British Government?—Several life tenures have lapsed: but I believe they have formed but a small proportion of the free lands held in Bengal. These are chiefly held in small tenures; and under the permanent settlement of that province, unless the extent exceeded 100 begars, or about 32 acres, the government did not interfere. The rent belonged to the zemindar, even if the title was invalid; but of his claims the government took no cognizance. Of the larger tenures several have been resumed by the officers of government, as not having been alienated by competent authority, but they did not generally fall under the description of charity-lands. Others have been assessed as having been assigned as remuneration of service, or under other conditions. The general principle of the British Government has been to continue all that were valid life tenures, lapsing on the death of the parties; and to recognize long possession as constituting a good title.

782. You are not aware what was the amount of charity-lands delivered in in the account of zemindars which appears in the Bengal Consultations of 1767?—No, I am not.

783. You cannot say how far the lands appropriated to those purposes have or not been respected?—No, I cannot with any precision; I believe that comparatively few have been resumed, and none were intended to be resumed, of which the title was valid. Every district is yet full of those lands.

784. Are they distinguished in any particular way?—The designation varies according to the purposes to which they are appropriated, and the other conditions of the grant.

785. Under the present constitution of the Company's executive government in India, and the King's Courts in India, is there not, in your opinion, danger to be apprehended of collision between those two authorities?—Yes, I think so.

786. Will you state how that danger, in your opinion, arises?—It appears to me to arise chiefly from the existence of two independent authorities in the same country, removed by half the globe from the authority that can alone settle their disputes, when they differ. The jurisdiction of the King's Courts is defined by laws which are drawn up generally by persons very little acquainted with the facts to which those laws are to apply; and from the imperfection of language, all legislative acts that embrace a wide scope of enactment must involve a number of doubts, however well informed the Legislature may be. Hence have arisen several questions relative to the extent of the jurisdiction belonging to the King's Courts; and as such questions may involve matter of political consequence whenever the King's Courts extend their jurisdiction beyond that which the local government thinks the law warrants, there must necessarily be a risk of collision, more or less important according to the points under discussion. I think experience has shown that the claims of the King's Court may extend to a jurisdiction exceedingly important, and such as, if enforced, would essentially affect the political government of the country.

787. In what manner, and on what occasion, have any symptoms of such collision already happened?—The occasion which immediately occurs to me is that which happened about three years ago at Bombay, as the most remarkable one since the dissensions in Bengal, which gave occasion to the Act of 1781.

788. What was the nature of that?—The chief question was, whether in certain cases writs of *habeas corpus* could issue from the King's Court to natives generally residing in the provinces, or whether the authority of that court, in reference to natives, was limited to the ordinary sphere of its jurisdiction. The Supreme Court of Calcutta also claims authority over many natives residing in the interior, on the plea of constructive inhabitancy; and it at the same time claims an extensive jurisdiction over landed property, holding that the immovable estates of all persons who are personally subject to them are also subject to their jurisdiction. They have directed their receiver to manage the collections of very considerable estates in the interior; and where that is done, that would seem to render the whole of the tenantry liable to the process of the court. Further, it would seem that in a suit for debt the person of a native, in whatever part of the presidency, may be

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attached, on affidavit being made that he is subject to the jurisdiction of the court; and on one occasion, a few years ago, a *capias* was issued against a native of great rank, living at Furrackabad, where he was arrested by the sheriff's officer; and although ready to satisfy the claim, and to give security to any amount, he would have been carried down to Calcutta if the local magistrate had not relieved him, by what was considered an illegal exercise of power.

789. What court was this?—The Supreme Court of Calcutta; and I beg to observe, that the Committee will find this subject very fully discussed in the Minutes of the Bengal government, and of the judges of the Supreme Court, relative to the establishment of legislative councils and the reform of the law, which have been published as Appendix V. to the Report of October 1831.

790. Referring to that case, and also to the proceedings of the Supreme Court of Madras in the case of Kuleemoollah Khan, does there, in your opinion, appear to be any real limit to the assumed jurisdiction of these courts?—I think there are many cases which might be stated to be beyond any pretension I have ever heard urged; but I am not able to say to how many cases the jurisdiction might be extended; more especially, there seems to be danger of a gradually extended application of the power of bringing natives from the most distant parts of the country to plead to the jurisdiction; for if it be generally known to the hangers-on of the court that by hard swearing they may compel a person to come 1,000 miles to a place which he detests, and to a climate which may be fatal to him, to plead to jurisdiction, I should fear the frequent repetition of cases similar to that which I have mentioned.

791. If the court has thought fit to exercise its special jurisdiction to the extent of seizing a native under the circumstances you have described, 500 miles distant from what was supposed to have been the limit of its jurisdiction, what real limit is there to the indefinite extension of such a power?—There appears to be no local limit, except that of the Company's government.

792. What steps were taken in either of the cases to which you have alluded, either the case of arrest at Furrackabad, or the case of the controversy between the authorities at Bombay?—I am not aware of anything having been done to amend the practice pursued in the Furruckabad case; in the other case the matter was referred home, and a decision passed against the judges of Bombay, which I suppose set at rest the individual pretension; but I am not certain that analogous cases may not occur, and others resting on some new point not less important.

793. That decision determined that the writs of the Supreme Court do not run beyond the local limits of the presidency?—I do not think that decision touched the case of a native who may be stated, on oath, to have commercial dealings in Calcutta, nor in any way limited the jurisdiction which has been extended to natives who have what the courts call a constructive residence; a Benares banker, for instance, having an establishment in business in Calcutta.

794. Was any legislative proceeding adopted in consequence of those transactions?—I am not aware of any.

795. Without entering into the discussion whether any native might be brought down 500 miles to Calcutta, does any such case occur to your knowledge?—I have mentioned the case which occurred at Furruckabad, a distance of about 800 miles.

796. Did you not state that the Supreme Court considered the magistrate as having acted illegally in setting the person at liberty?—Yes.

797. Was there any proceeding in consequence?—Yes, there was a prosecution in the Supreme Court, the particulars of which I forget; but it was held to be an established point that the magistrate had no power of bailing the person who was arrested, and that his exercise of authority was quite illegal.

798. The writ of the Supreme Court was recognized?—Yes.

799. Can you state to the Committee any instances during the last 70 years, from which time the jurisdictions of the King's Courts in India will date, in which collision has taken place between the Supreme Court and the local government?—The disputes which occurred on the first establishment of the Supreme Court at Calcutta, are doubtless fully in the recollection of the Committee. These were settled by Act of Parliament, and since that time there have been no disputes leading to serious consequences in Bengal.

800. That occurred about 64 years ago, did it not?—It is more than 50 years ago.

801. Therefore during that period there has not been any collision leading to any serious consequence?—None, but the Supreme Courts have been gradually extending