



extending their jurisdiction, and the opinion of the Bengal government is that the extent to which it is now carried is likely to be very seriously inconvenient, though the inconvenience is not such as to justify them in resisting it, and therefore they have referred the matter home.

802. In the case you have supposed of the native banker at Benares having his residence at Benares, but an establishment in Calcutta, how, except by rendering him subject to the process of the Supreme Court, would you provide for the due execution of justice in respect to those who might deal with him in Calcutta at his establishment there?—If there were one system of courts for the whole of the presidency, the writs of the Supreme Court, supposing it to retain original jurisdiction, would, I suppose, be issued through the local courts, and security taken, when necessary, by them. Even on the present plan of separate establishments of King's and country courts, the same process might be observed as between England and Scotland, or England and Ireland.

803. In what way would the situation of the native be more or less improved under the case supposed, compared to what it is at this moment?—It must be greatly improved by any arrangement that diminishes his liability to be brought down under arrest to a distant province. For an up-country man to be carried forcibly to Bengal I should regard as one of the severest punishments that could be inflicted.

804. Suppose a man has an establishment in Calcutta, and another in Agra, and that he has defrauded a man in Calcutta, how would you provide for the trial by any other means than those which exist now?—The creditor may sue him in the local court of the district in which he resides. All property within the limits of Calcutta remains liable to the jurisdiction of the Supreme Court, and all the agents employed there are also subject to it. The objection, I may remark, does not apply to the case of persons who have themselves transacted business in Calcutta; but there are establishments there belonging or connected with bankers who live in the most remote parts of India, some in foreign states.

805. Is it not necessary, to give validity to all regulations or laws passed by the local government, that they should be registered in the Supreme Court at the presidency?—Registry has not been considered necessary, in regard to the general regulations passed for the guidance of the provincial courts, under the authority given by an act of the 21st of Geo. 3. The only regulations which are registered, are what are called rules and ordinances for the good order and government of the settlement of Fort William, &c., passed under the Act of the 13th of that King.

806. In the event of the Governor and Council at Bengal thinking it necessary to pass a new law, do you mean that such law would have force without being registered in the King's courts?—Such a law has full force on the Courts of judicature beyond the Mahratta Ditch, without registry, and I do not apprehend that the judges of those courts are entitled to take any exception to the authority of the Government in passing such laws; though there may be a doubt as to enactments going beyond the limits prescribed by Act of Parliament; as, for instance, in the case of new or additional duties imposed without the previous sanction of the Court of Directors and the Board of Control, such sanction being specifically required by the Act of the 53 Geo 3. The only laws registered are those which apply to the country immediately within the jurisdiction of the Supreme Court, which, inland from the river, was formerly bounded by what was called the Mahratta Ditch, a ditch intended to protect the settlement from the incursions of the Mahrattas, the line of which, though now filled up, is still observed.

807. How is this at the minor presidencies?—The same law applies, I apprehend. But at Madras the immediate jurisdiction of the King's Court extends to a greater extent of country, and at Bombay to the Island.

808. How are the duties of customs levied at Calcutta, and under what law?—The duties of customs are levied under the general regulations, and it was a question at one time whether the collections were legal that are made within the jurisdiction of the Supreme Court. But that point was settled by an Act of Parliament passed in the 54th of Geo. 3, which recognised the power of the Government to impose such duties by regulations similar to those enacted for the provincial courts. On the other hand, the stamp law, in its application to Calcutta, was required to be registered, and it must be acknowledged that the matter is not yet free from doubt, and requires to be considered. The very circumstance that the custom laws have not been registered, and that the stamp law was held to require registry, appears to show that the system is not well settled.

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809. The power of making laws existing in the legislative council, subject to the exception you have stated, comprised in the Act of Parliament, is absolute, is it not?—Yes, I do not know of any other restriction.

810. Of whom does the legislature at present consist?—In Bengal the legislative authority rests with the Governor General and the Council, consisting of three members, appointed by the Court Directors.

811. In that Council the power of the Governor General predominates over the rest of the council in the event of a difference of opinion, does it not?—I apprehend he has not the power of passing any regulation by his single voice, but he has a casting voice. The Act which gives to the Governor General and Governors authority to act without concurrence of their council, excepts from the operation of such independent power, legislation and matters judicially before them.

812. Is unanimity in the council necessary to the passing a regulation?—No, a majority is sufficient; and it may be right I should remark that the Commander-in-Chief is often absent.

813. Does it appear to you, that a body so constituted is adequate to the great charge with which it is entrusted as a legislative body?—I think it is desirable that a larger number of persons should be consulted before laws are passed. But I should state, many of the laws passed by the government are proposed by subordinate officers; the judges of courts, and the members of the different boards, having authority to propose laws. Most of the judicial laws do, in fact, come from the Sudder Court; and revenue laws have frequently been suggested by the Revenue Board. In such cases the Governor General and Council may be considered to exercise little beyond a *veto* upon what is proposed, though it is quite open to the government to reject in part or in the whole, their power being absolute.

814. Is anything known of those laws; do they undergo any great public discussion till they are promulgated?—Frequently the drafts of proposed laws are communicated to the public officers, and pretty fully discussed. In other cases they are passed without any discussion, except among the members of government.

815. Do any means occur to you by which greater efficiency and extent might be given to the legislative councils in India?—I think it would be an improvement if for the purposes of legislation some of the chief officers of government, and also respectable gentlemen not in the service, including possibly some natives, were appointed councillors by the Governor General, and authorized, as such, to discuss the subject of all laws intended to be passed, so that ordinarily no law should be enacted without the consent of a considerably larger body than now legislates; but in that case I should consider it necessary for the Governor General to have the same power of passing laws upon his own responsibility, in so far as might be necessary for the safety of the state, as he now has in matters of executive administration.

816. You think it might be possible to find means of giving the natives some share in making the laws which are to govern the country?—Yes, I think it might; but I should, for the present at least, leave their appointment entirely to the discretion of the Governor General.

817. Have you any doubt that there are natives at the presidencies who, from education, knowledge, talent, and general character, are competent to such a task?—I have no doubt that many natives are to be found whose opinions would be exceedingly valuable upon regulations proposed for the civil administration of the country, and who would feel it a great honour to be considered as advisers of government, without the privilege being given to them as a matter of right, or at all removed from the discretion of the Governor General. I do not confine the proposition to the presidency. In other parts also respectable natives might be advantageously consulted, though I do not think that anywhere they can properly be vested with political rights by a fixed law, independent of the discretion of the government. And it would also be beneficial to give a share in the legislative authority to the chief officers of government stationed in the provinces. It is to be regretted, I think, that the function of legislation has been confined to the same persons as have the executive power; for though it be impossible to carry on the executive government of a country if shared by a multitude of persons, yet laws should not ordinarily be enacted without the concurrence of many councillors.

818. Should you propose that the councillors should be all nominated by the authorities at home, or that any portion of them should be nominated by the Governor in Council in India, or is there any other mode in which you conceive their appointment could beneficially be made?—I think in general their nomination should





should be confined to the government abroad, the home Government exercising the same kind of control in that as in other matters; but it should not interfere frequently in any matter of detail, and it should seldom set its judgment of the individuals appointed, or claiming to be appointed, against that of the Governor General, unless where there might be reason to suspect a wrong bias or improper motives.

819. In the event of a special legislative power being conferred on the Governor General, in order to guard against pressing dangers, should you not think it desirable that that power should be limited by the sanction of something in the nature of a privy council, including probably the Chief Justice and the Bishop for the time being?—No; I think the responsibility for the safety of India must always rest on the Governor General alone, and that the power should be absolute in his hands so long as we govern India on the present system.

820. Would it be desirable that the laws passed by the legislative council should not be carried into effect until they have received the sanction of the home Government, except in cases in which they should certify that the public interest would suffer from such delay?—In cases where the public interest would not at all suffer by the delay, there would be advantage certainly in referring the matter home; but in general it is desirable that laws which are required at all, should be enforced at an earlier period than can well consist with a reference home, and a full consideration of the matter there. Therefore the rule had better, I think, be that they should be enforced when passed, trusting to the prudence of the local government not to pass laws which may be delayed without inconvenience until they have ascertained that the views of the home authorities agreed with theirs.

821. Would the establishment of a supreme authority in India, in which should be vested the power of executive, judicial, and legislative functions, afford, in your opinion, an adequate remedy for the evils arising out of the present system of government and judicature, as referred to in an earlier part of your examination?—Yes, I should think it would; supposing, of course, that the laws passed by it are to have the same force over the King's Courts as they have over the Company's Courts, both being considered as equally national tribunals.

822. Of what materials should such an authority, in your opinion, be composed?—For the executive government, I think that there should be one Governor General with a Council for the whole of India; and that the ordinary details of administration should be conducted by lieutenant-governors for the several great divisions of the country, with secretaries acting as councillors. The legislative council should, I think, consist of the Governor General and his Council, the judges of the Supreme Court, the lieutenant-governors and their secretaries; the chief public functionaries, judicial and revenue, with some military officers, and gentlemen out of the service, including natives, to be appointed by the Governor General. For local laws, local chambers might be constituted; but the legislative authority should be kept quite distinct from the executive, though the members of the several executive governments may form a part of the legislative council; and it would be necessary in regard to the former, as is the case with much business now transacted in India, to admit of discussion by correspondence.

823. Should all those persons have votes, or merely give advice?—I think they should all have votes, reserving a *veto* to the Governor General, and further giving him the power of passing laws which he might deem necessary to the safety of the state.

824. By what mode are the general laws to be discussed by a council so dispersed?—Those who could assemble would be summoned to meet at such place as the Governor General and his Council might appoint. In the assembly so held the proposed laws would undergo an oral discussion. Absent members should be allowed and required to give their opinions in writing; and the advantage of associating in the council some persons in the more distant provinces, whose opinions are not now sufficiently consulted, would, I think, outweigh any inconvenience likely to result from the councillors being dispersed.

825. Would not the same end be answered by getting the opinion of those, and then vesting the discretion in a smaller body?—No; I think that the exercise of a vote would give them a weight and a sense of responsibility which would be very salutary.

826. Might not the leading members of the government be defeated in any project of their own by a majority of the council thus created?—I should not apprehend injurious consequences from that cause. Suppose the appointment of coun-



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cillors to be vested in the Governor General, and that he shall have the power of passing laws which are necessary for the safety of the state, and the risk of occasional opposition, on insufficient grounds, would not, I think, be a great evil.

827. You state it to be highly desirable that laws should be made by a legislative council; have the goodness to state whether such desirableness arises from any disregard of the interests of the people subject to British rule generally, or from any special instances, to which you would call the attention of the Committee, as occurring of late years, and requiring this change?—Several laws appear to me to have been passed without sufficient consideration, and especially without a clear view of the practical operation of their details.

828. In what department?—Both in the judicial and revenue departments the laws seem to me to have been too easily passed.

829. The Committee have understood from your former answer that the judges, both of the presidency and in the districts, and the other high officers of the Company's service, are in the habit of conveying suggestions to the supreme government, or to the local government of their presidency, in respect of the alterations which they may suggest as fit to be made the subject of regulations?—Yes.

830. Does not such license so given by the respective governments to their servants, enable such respective governments to profit by all the experience of their servants as much as if drafts of the laws were submitted by the supreme legislative council to those who might be called their subsidiary members in distant provinces, personal conference being in both cases equally impossible?—There have been several laws passed without any reference to the local authorities; and in those cases they have had no opportunity of discussion; and when they propose laws, or are referred to, I think that they discuss with a sense of inferiority which it would be desirable to remove.

831. Would that sense of inferiority be much diminished if the same parties still communicated in the same manner, namely, on paper, with the supreme government, knowing that the same power would still exist in the Governor General to render their regulations nugatory?—I conceive that the circumstances and feelings of the parties would be essentially altered, if no law, excepting on very special exigencies, could pass without their votes being taken and weighed.

832. The question assumed a reference to those called councillors, but that the parties resided at a distance from the supreme legislative council?—At present there is no obligation of making such reference, and a reference frequently is not made; and though they have the power of suggesting laws, those laws may be rejected without discussion; they have, therefore, no negative upon what the government propose to do, and no means of giving force to their suggestions, if disallowed by government.

833. Are any regulations passed by any of the presidencies that are not transmitted annually to England?—No; they are all transmitted annually to England.

834. What number of regulations will each government have passed during the three last years?—I suppose that on an average about 20 or 30 regulations have been passed in Bengal.

835. If such a legislative council were formed, might it not be sufficient that it should be assembled for a time only to form a code, and then be assembled at intervals, leaving the authority of the government to pass such Acts as it saw expedient in the interval?—It strikes me, that no code can anticipate the wants of a people under the best established government, still less under a government like that of British India, the circumstances of which are changing perpetually. Doubtless it would be useful if, at the end of some fixed term of years, the existing laws were systematically revised, consolidated and simplified, and so a retrospective code periodically formed. But I do not think that any code could prospectively supersede the necessity of frequent legislation, or the expediency of having a well constituted legislative body always in existence.

836. Would not such a retrospective code be valuable, leaving to the government to form laws in the interval?—My chief objection to the present system is, the little deliberation with which laws may be passed under it.

837. You are of opinion that no law should be passed without a great deal of discussion?—Yes; such discussion as the circumstances of the country permit; and certainly, in my judgment, the object is not sufficiently provided for at present. The council may be said to consist of three persons, for the Commander-in-Chief is very frequently absent, and takes little share in civil business; and their thoughts being of course very much engaged with the affairs of the executive government,





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ment, if I might speak particularly of laws drafted by myself, I must acknowledge my conviction that they were adopted by the government too readily.

838. What proportion of the regulations have been repealed or modified on subsequent experience of their defects?—I cannot speak to the precise proportion; but a large part, I think, of the eight or nine volumes of the Bengal Code consists of regulations repealing, altering or consolidating others.

839. Should you not think it might be advantageous, that while laws are under discussion, before they are adopted, they should be made matter of discussion by the press of the country?—I think some advantage would result from their being so discussed.

840. In a country circumstanced as our Indian empire is, where the laws to be made are to affect so many millions of persons so widely scattered, and where there has existed no adequate check, in the shape of public opinion, upon the passing of such laws, do you not conceive it must be desirable, for the interests of that community, that the power of making laws should be fenced round by every possible security, and every means exerted to introduce to the discussion of them the best abilities which the country affords?—I think the present constitution does not require a sufficient number of persons to join in the making of the laws, and thereby does not secure a sufficient representation of the views of all parties whose interests are effected, nor that full information as to details which is necessary to an efficient legislation. It is this, rather than the want of abilities, I should complain of. Indeed, supposing all parties fully heard, and all necessary information collected, which cannot however be if we shut out discussion, it might perhaps be expected that, in so far as concerns the mere exercise of legislative talent, the best laws would be excogitated by a single individual in his closet, rather than by a number of legislators.

841. Do you not think that a discussion of those laws by natives, through the means of the public press, and introducing them into a share of political discussion, may in the event be dangerous?—Confining my observation to Bengal, it does not appear to me that there would be any serious danger in such discussion.

842. It is giving them a right to exercise judgment in matters of legislation; and as a step to the exercise of political power, would it not, in the present state of the Indian possessions, be a dangerous step?—I think not, as far as my experience of Bengal goes.

843. Do you conceive that our empire in India is an empire of opinion or of force?—It is a mixture of both I conceive.

844. Do you conceive the influence of the British name has existed chiefly by the idea of the union which has been thought to prevail among the authorities of India?—I think that it stands chiefly on the persuasion of our national power, and of military strength and military discipline, with considerable support among many in Bengal from the feeling of protection and security. And I do not conceive that disputes among the civil officers have much tendency to affect this, so long as the military remain united and under good discipline.

845. You do not consider that the collision between the King's Court of Bombay and the local Government of Bombay has had any injurious effect in weakening the confidence of the native in the honour and integrity of our government?—I should think not much. The bad effect I should have apprehended was that likely to flow from the dread of an alarming, mysterious, and unpopular process; but I do not think that the mere dispute of the Governor and the Court is likely to have had any great effect.

846. Do you consider that the discussion throughout all India of measures intended to be adopted by the supreme government, henceforth to be constituted as a council, will or will not contribute to the stability of the English government in the minds of the people?—I think it will contribute to the stability of the government, if it results in securing better laws.

847. What evils can you state to the Committee as having actually arisen from the present system, from the absence of that freedom of discussion which some of the preceding questions have supposed to be in the possible contemplation of the Legislature?—To give one grand instance, I consider that from the extension in 1803, and subsequent years, of the Bengal Code, with very partial exceptions, to the whole of the Ceded and Conquered Provinces, an inconvenience of the most serious amount has resulted, the laws being found to be very inapplicable to the state of things existing in those provinces.



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848. Are you aware that at this moment the King in Council has the power of repealing, altering, or amending any regulations that the local governments may pass?—Yes; I am aware of that; but I am not aware of any instances in which the power has been exercised, so far as their general regulations are concerned.

849. If, in the judgment of the India Board at home, any regulation were adopted by the local government of Bombay, for instance, which might be injurious, would not the India Board have the power either of submitting the expediency of an alteration to the local government, or moving the King in Council to repeal or alter the obnoxious regulation?—Certainly they possess that power.

850. Then in point of fact, there does exist, however little it may have been exercised, a controlling power in respect of the regulations of the different governments in India, similar to that revision which it has been the object of some late questions to suggest?—A controlling authority exists; but that such controlling authority may be efficiently exercised, it appears to me to be very desirable that there should be abroad the fuller discussion and information which the suggested arrangements might secure.

851. What was the result of the introduction into the Western Provinces of the Bengal Code of 1803; how long did it continue unmodified; and with what evils was its introduction accompanied?—One great mischief was the transfer of a large portion of the property of the country by revenue sales, which appear to have produced a mass of evil worse almost than had resulted from the tyranny of any native government; and a great disturbance otherwise of private rights by revenue arrangements and judicial decisions. The general scheme of government had no distinct reference to the local circumstances; and in the police especially, the plan pursued being founded upon the Bengal system, implied a neglect of the character of the people, their institutions and natural leaders, such as could scarcely have occurred had the laws been fully discussed by officers on the spot communicating freely with the people.

852. Was that code, so introduced, afterwards modified?—It has been subjected to various modifications.

853. So soon as those evils were discovered were they remedied?—Not sufficiently soon to prevent a very great mass of evil.

854. At the suggestion of what authorities have such modifications taken place?—Some of them at the suggestion of the local authorities; some at the suggestion of the members of government; some at that of the secretaries.

855. The natives being excluded from all participation in the civil government of their country, do they take any interest in any arrangements that may be made by our Government with respect to its civil administration?—I believe that the parties interested often take a lively interest when a law is published and made known to them, and that they are quicker than ourselves in anticipating the practical results of laws.

856. During your own experience has not a very considerable change taken place in India in the state of public opinion, as affecting public measures; are they not much more discussed, both in general society, and by the press, than they were some years since?—There has been more discussion certainly, but very few of our laws have hitherto been discussed by the press.

857. Should you say that the discussion of such measures by the press, so far as it has gone, has been upon the whole useful or injurious to the interests of the country?—I think the discussion of what may be termed public measures has been useful. I do not remember any instance in which it has been injurious. But some of the discussions about military patronage, and other matters which can scarcely be said to have been of public interest, may, I am afraid, have done harm to the discipline and feeling of the army. It is remarkable how little our laws or our judicial decisions have been discussed.

858. Do you speak of the press in the English language?—Chiefly of that press. The Bengal press shared, I believe, with the English the discussions regarding suttee and some other matters of general interest; and it has given some representations of the practical effects of the police and revenue laws, and one or two other matters of detail which appeared to me to possess considerable value, and of which the extended exposition seems much to be desired, as giving to the government a new access to the notions of the people in regard to the effects of their system. I am not aware that there has resulted anything like political inconvenience.

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859. Those discussions, so far as you have observed, have been conducted with perfect safety to the government?—I think so, so far as I am acquainted with the circumstances.

860. How long is it since anything in the nature of a native press has been established in India?—I believe about 10 or 12 years.

861. Do the publications of the native press penetrate at all into the interior, and are they on the increase?—I believe they are on the increase, but I do not imagine that they penetrate very far. The Persian papers, I believe, have not succeeded. The Bengalee papers are those that have hitherto succeeded, and they are limited, of course, to Bengal. An extended circulation may however be expected, for the natives seem sufficiently fond of news.

862. You have proposed to detach the Governor General from the local duties of the council in Bengal, and to leave him the general superintendence of the government of the whole country?—Yes; I think such a plan would be very advantageous.

863. Should you conceive it would be attended with public advantage to retain the present boundaries of the presidencies, or in appointing the lieutenant-governors would you make a new distribution of boundary throughout the Indian empire?—I am not aware of any essential change that would be advantageous, except that of dividing the Bengal Presidency into two separate governments. Probably on the Western coast Canara might be advantageously transferred to Bombay; but I am not sufficiently acquainted with that country to speak positively.

864. Is it the case that at present the promotion to office in the several presidencies is confined to the individuals within that presidency?—Yes; excepting the political branch, which is considered open alike to all the presidencies.

865. Would it not be desirable that there should exist the power of employing any Indian servant in any department at any presidency?—I think, upon the whole, it would be better if there was no absolute separation of the services; though practically there must be a distinct distribution, on account of the variety of languages and customs prevailing within the different provinces.

866. Can the government, as at present constituted, exercise an effectual control over the different agents employed in the administration of the provinces?—I think the Bengal government cannot possibly do so. Its sphere is much too extensive.

867. It is principally in this view that you suggest the idea of establishing lieutenant-governors?—Yes; and as concerns the Bengal presidency, I think the Western Provinces require a separate government very urgently. The language, the habits, the institutions, the nature of property, every thing, in short, is different from Bengal; and I consider it a great misfortune to the Western Provinces to have been ruled so much by notions borrowed from Bengal, which necessarily prevail more in the councils of Calcutta than they would with a separate government stationed near Furruckabad, Agra, Delhi or Meerut. Then in order that the Governor General may really control the other governments, it is necessary that he should not be responsible for the details of any presidency, especially of that which has more than 50,000,000 out of 70,000,000 or 80,000,000.

868. Do you happen to know what are the powers now vested in the resident at Delhi?—In the political department he has the same functions as the other political residents, modified of course by local circumstances, and with several political agents (British officers) under him. He has the immediate charge of the King of Delhi, and his family and dependents: he superintends or manages the business arising out of our relations with Runjeet Sing, with the protected Sikh chiefs between the Jumna and the Sutledj, with the adjoining hill country, with Bhurtpoor, and various petty principalities lying to the West of Delhi, and with the princes of Rajpootana. In cases of emergency the military authorities within the sphere of his authority, must attend to his requisitions; and of course the different political agents under him are required to obey his instructions in regard to all the matters falling within their cognizance. In the Judicial and Revenue departments he possesses the powers of the Sudder Court, and of the Revenue Board within the five divisions of the Delhi territory, the officers in charge of which combine the duties of judge, magistrate, and collector, but without any printed code of regulations; and he exercises similar powers, but under the rules of the general regulations, within the districts of Fharunpore and Meerut and their dependencies, which form the upper part of the Doab, (or Two River Country) between the Ganges and Jumna, and are separated from Delhi by the latter.



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For each division, viz. that of Delhi and that of the Doab, there is a Commissioner of revenue and circuit intermediate between the resident and the district officers.

869. Would the establishment of authorities, exercising somewhat similar powers but always subordinate to the Governor General, in different parts of the provinces, operate beneficially to the administration of the Government or otherwise?—I think he has more power than it is right to trust to one man under any general and permanent system. But in particular places, where there is likelihood of disorder, unless the people are restrained by a strong hand; and where they are too ignorant and undisciplined to be governed or protected by fixed laws, a similar arrangement may be advantageous. In the Delhi territory, however, I do not see any sufficient reason for leaving the people altogether without published laws, though it would be very wrong hastily to extend to them the rules that prevail in other parts of the country.

870. Will you state what are the boards now constituted at Calcutta for conducting public business?—There are two revenue boards. One, called the Board of Customs, Salt, and Opium, exercises a general direction and control over the several agents who provide the salt and opium, from the sale of which our revenue is derived, and over the other officers employed in the management and protection of those branches of the public resources. They similarly control the officers who are employed in the collection of the customs and town duties, the majority of whom are also collectors of the land revenue; and though they have no power in reference to the land revenue, all the collectors are under them in matters relating to the stamps and excise. For the general control of the business of the Land Revenue department, there is a board, denominated the Sudder Board of Revenue, with commissioners over divisions of three or four districts, who also exercise under the Nizamut Adawlut, the powers of judges of circuit. When the Governor General went to the Western Provinces he took with him a detachment of the Sudder Board, to exercise its authority over the affairs of those provinces separately from those of the Lower Provinces, and I believe it is proposed to establish a distinct board in that quarter, as well as a separate sudder court.

871. Is there not also a military and medical board?—Yes; there is a medical board, whose chief duty, I believe, is to superintend the provision and distribution of medical stores, to collect and examine the reports of the medical officers, and to advise government on medical matters; and there is a military board, which acts as a board of ordnance and public works, controlling the supply and distribution of all military stores, the management of all military agencies or manufactories, the construction of buildings, and, in short, superintending and advising the government upon all questions touching the *materiel* of the army; being likewise employed to superintend and control the construction of roads, canals, embankments, and buildings in the civil department.

872. Are there boards of those descriptions at the minor presidencies also?—There are medical boards both at Madras and Bombay; and at the former they have a board of revenue and a military board. At Bombay a military board did exist, but was abolished by Sir John Malcolm, and I have not heard that it has been re-established. There never was any revenue board at Bombay. These are all boards employed by the government in its political capacity. At Bengal there is also a board of trade, which manages the provision of the Company's commercial investments, but has nothing to do with the political government of the country; there is no board of trade elsewhere but at Calcutta.

873. Is all the machinery now employed in carrying on the government; the boards of revenue, trade, custom, medical, and military, necessary in your opinion, or advantageous to the efficient transaction of the public business in those departments?—I should think generally that a single individual would conduct the duty of the boards more efficiently than a collective body; I would except perhaps the military board, of which one main duty is to prevent expense, and to oppose plans likely to induce expense; and, as far as I understand its functions, I think there is an advantage in their being discharged by more than one person; but I conceive that one military board ought to answer for all India, if the army was one.

874. Is not the divided responsibility of the boards in itself an evil tending rather to the delay than the expedition of public business?—Yes; I think generally boards are efficient just in proportion as their duty is discharged by one man. It may be proper to state that the finance committee at Calcutta discussed that point among others.

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875. Are you aware that the amount of the salaries of the European civil servants in India amounts to the sum of 2,000,000*l.* annually?—It probably amounted to nearly that sum including all civil appointments; but has now, I believe, been considerably reduced by the revision which has taken place lately.

876. The principle of the system of Indian administration was to connect India and England, by giving the English who govern India, a continual interest in returning home, consequently giving them the means of so returning home by larger salaries than under colonization might be necessary?—Yes; the object has been, I believe, to keep up their connexion with their native country in that way.

877. Would not that object be better answered by giving them retiring pensions at an earlier period?—They now do get retiring pensions after 25 years' service; the amount of which is, however, chiefly paid by a contribution from their own salaries.

878. In point of fact, about 1,000 or 1,100 Englishmen, of high education and good connexions, are receiving from the Indian empire the means of making fortunes and returning to this country?—I think they have generally the means of making fortunes sufficient to enable them to return to this country, but I am sorry to say that they have not generally availed themselves of the means given to them.

879. What is your opinion of that law which prohibits civil servants realizing in India whatever fortunes they may have acquired there?—I think that any restriction on the purchase of land, except such as may be suggested with reference to the actual employment of individuals, is inexpedient. While officers are actually in the service there would be a difficulty in allowing them to acquire land, because the possession of that would subsequently limit the sphere in which they could be employed by the local government, if it were thought, as I think it would be, objectionable that they should exercise authority in districts where they themselves possessed land. Saving those objections, I think the obstructions inexpedient and unnecessary.

880. Would it not be desirable, as far as the prosperity of that country is concerned, that individuals should invest the capital they have acquired there in advantageous commercial and manufacturing speculation there, rather than in remitting it home?—I think it would be advantageous to remove the existing restrictions, but at the same time I should not expect that much capital would be invested in land by the servants of the Company; the natives are willing to give so high a price for land that, to say nothing of climate, I have no idea that it would answer the purpose of an European to buy land in India, unless he wanted it for purposes of manufacture or trade, or had some scheme of improvement in view. But I think the restriction is useless, and, in the degree in which it operates, inexpedient.

881. How many years' purchase is obtained for land in the neighbourhood of Calcutta?—I have understood from many natives that they are very glad to purchase with the prospect of a return of six per cent., and some experienced officers have stated the ordinary rate as high as 20 years' purchase upon the net profit, after paying all the public burthens.

882. If land in India sells at from 15 to 20 years' purchase, and in England from 25 to 30, why do you presume that persons having made money in India, would not, if permitted by law, invest their money in land in India?—I do not think the difference of profit would be a sufficient temptation, except to a few. Most men desire to come home, and the chance of bad health and other contingencies, from which the native is free, would render it an undesirable speculation.

883. What is the general rate of interest of money?—The government pay five per cent. for most of their debts, and the six per cent. debt, which they cannot immediately get rid of, bears a high premium. They are now, I understand, paying off part of one of the five per cent. loans, and endeavouring to raise money at four per cent., at which rate a considerable sum was at one time raised, circumstances having occasioned a glut in the money market. Five per cent. may now be considered established as the government rate. Native bankers, I have understood, charge on accounts current six per cent. The mercantile houses in Calcutta are at present, I believe, giving about eight per cent. The bank of Bengal has of late generally discounted at five or six, requiring perfect security. The cultivators of the land hardly ever, I believe, pay less than two per cent. a month, and often more; and interest varies within wide limits according to credit.

884. With reference to the two millions annually paid in salaries to civil servants in India, you were asked whether that did not enable young men of good education



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and connections to make their fortunes there, and remit them to England; from what source, other than from the industry of the natives, do those funds proceed?—A very considerable portion of the fund proceeds from the fertility of the soil, being in fact rent, of which, by the constitution of India, the government is the owner. But of course without industry the land will not yield rent, and in that sense the fund may be said to be produced by the industry of the people. So in regard to almost all taxes; and even the opium revenue, which is a tax not levied from the people of India, but from the consumers of the drug in China.

885. Have you any doubt that the arbitrary rents demanded from the natives have been in many instances regulated rather by the exigencies of the government than by the capability of the soil;—I have no doubt, in many cases, the government demands have been raised higher than they ought to be, and very much in consequence of government being or considering itself to be poor.

886. Are you aware that when Sir Thomas Munro remonstrated with the government at home on the fatal mistake which had been made in making too high an assessment in Madras, he was answered, nevertheless, the government could not afford to lower it?—I believe that answer was made to him, but made I conceive in error.

887. With a view to the principle of government of that country, do you not think that whatever may be the organ of the administration of affairs of India at home, means must be found of reducing the expense of its administration?—I believe the measures now in progress will leave the existing revenue sufficient: but it certainly is highly desirable to reduce every thing which can be reduced consistently with the safety and good government of the country; and more especially I consider it necessary for the good government of the country, that the owners of land should be allowed a share in the rent, that there may be no reasonable ground to doubt whether the government demands exceed the rent or fall short of it.

888. You consider the difference between European and native agency to be as nine to one; and that a native might be got for 100 rupees, to perform the same duty that an European performs for 1,000?—I think 3,000 rupees a year would, on an average, be sufficient for native judges, and I do not think the English judges are overpaid at 30,000. But I believe higher salaries for the natives have been recommended by some of the judicial officers in Bengal.

889. There are instances of natives holding judicial offices to the extent of 600 rupees a month, are there not?—In Bengal I knew only of one officer so paid; the head Moslem officer attached to the Sudder Court, who is called the Cazeer ool Cuzat. The native officers at Madras and Bombay are, I believe, more liberally paid, but I do not know the precise amount of their salaries. And referring to the price of labour and of grain in the Bengal provinces, it appears to me that the average of 3,000, admitting of gradations up to 6,000, would be there sufficient for the native judges. The European judges, I should observe, I contemplate as being judges of appeal; and though I should expect from the natives equal talent, and probably more work, I should not expect the same degree of trustworthiness.

890. The last answer has supposed that a court of appeal, consisting of European judges, should at any rate exist; does not the existing system furnish the best means to those who now sit in the judicial courts, of obtaining that knowledge which can alone enable them to decide appeals; and could such knowledge be obtained, unless the parties sitting in the civil courts had previously passed through the judicial course in those inferior branches in the districts?—I do not think that the present system furnishes the information necessary for the purpose. Our officers are generally too ignorant of the people to administer good civil justice. I conceive that a civil servant should not commence his career with the discharge of judicial functions; but should be employed on executive duties, which would make him minutely acquainted with the revenue system of the country, and with the rights and institutions of the people, before he was raised to be a judge of a district.

891. Is it part of your plan that there should be any, and how many, European judges in the provinces?—I think about 41 in the districts.

892. How many now exist in the districts?—There are 52 judges; the proposed plan would give 41: the total civil servants of the higher grades at present 173; I should propose 146.

893. The saving of judges would be 11, and of other servants 27;—Yes; and ultimately I think that fewer European judges would suffice. The authority of natives being gradually extended, and the control of the European judges becoming less and less detailed, much expense might thus be saved. The conduct of the natives



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natives will, I have no doubt, be found good in proportion as they are well and liberally treated. The Bengal judicial officers are united in saying that the sudder ameens are respectable men, and at Madras the native district judges are equally esteemed.

894. Are there any gradations, or are the judges all of the same rank?—Of the European judges there are three grades, the district judges, the provincial judges, and the judges of the Sudder Court. Of the native judges there are two classes; moonsifs, of whom there are several stationed in the interior of every district, and sudder ameens, who are established at the same station with the European district judge.

895. There is no judicial officer inferior to the judge in a district?—Not uniformly; but there are magistrates or joint magistrates, who are not civil judges, but exercise civil jurisdiction under special appointment; and the registers generally try and decide causes referred to them by the judge.

896. Does your experience in Bengal enable you to state to the Committee under what circumstances a disability in respect to the property of the natives of India, whether Hindoos or Mussulmans, occurs when they shall have embraced Christianity?—I have never had any case of the kind brought distinctly to me, excepting what are stated in a pamphlet printed at Calcutta by some of the gentlemen engaged in propagating the Gospel in India; but I have communicated with different officers on the subject, and I believe it to be generally recognised as part of the Hindoo law that the right of inheritance is forfeited by conversion to and the observance of another faith.

897. It is the same with the Mahomedan law, is it not?—I apprehend so.

898. In both cases generally, not by conversion to Christianity, but by departure from their original faith; by becoming an outcast in the case of the Hindoo, and an infidel in the case of a Mussulman?—Yes; and in the case of a Hindoo the question would probably turn, not on matters of faith, but on practices supposed to be inconsistent with the retention of caste.

899. Has any mode occurred to you by which, preserving perfectly and entire the toleration of our native subjects, the rights of those who may become Christians, rights connected with civil property, may be preserved to them also?—The question was discussed in Bengal, and is adverted to in the correspondence regarding a legislative council. It was admitted to involve considerable difficulty. Upon the whole, the impression upon my mind was, that a general law should be passed, declaring that no such consequence should follow a departure from hereditary faith, excepting with regard to property (to be defined), in regard to which there might be conditions inconsistent with a change of religion: such, for instance, as the management of various endowments, both Hindoo and Moslem, which could not, consistently with their purposes or the rights of others, be vested in any who had not adhered to the old faith. In the case of Hindoos, too, I should imagine that it would be ordinarily found necessary to leave the family house with those who continued in that faith, without interference of the convert, for many have temples attached to them; and it would, at any rate, I conceive, be impossible that the convert could live with his unconverted relations. To compel a sale would be a hardship and offensive.

900. Your experience has not furnished you perhaps with any practical instance of the evil, or the mode in which the evil was evaded or remedied?—No; I have never had to do practically with any such case.

901. Would you leave to the Hindoo or Mussulman the power of bequeathing property to his descendants on condition of their remaining in the faith of their ancestors?—I think the law of bequest ought to be left as it is. Moslems are limited to the bequest of one-third of their property; and though the Hindoos, under the law as administered in Calcutta, are, I believe, considered to have an absolute right of bequest, I should not interfere to alter the law by a legislative enactment.

902. The Hindoo having the absolute right of bequest, would be very likely to enjoin the continuance of his sons in the faith, as the condition of their inheriting the property?—Still I should not interfere with the right if it exist.

903. Do you consider that in the case of intestates there will be any objection to a regulation by which the courts should be directed or permitted to divide the property of such person, being a Christian, in the same way that he would divide it if he had remained either a Hindoo or a Mussulman?—No; with the exceptions I have already mentioned.





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904. The Committee understand that certain regulations have been established in Bengal, by which certain offices were reserved to Hindoos and Mussulmans, with reference to the exclusion of European candidates for such offices, or the half-castes, Indo-Britons; practically, has the interpretation of such regulations been to exclude Hindoos and Mussulmans who should become Christians?—I believe it has operated to exclude Christians in districts under the Madras presidency, where the Christian population was considerable. I am not aware of any similar result having occurred practically in Bengal.

905. Are you aware how far the existing ecclesiastical establishment in the Bengal presidency is adequate to the wants of the English population?—On that subject I beg permission to refer the Committee to a report of the Finance Committee which sat in Bengal in 1829-30; it is dated the 30th April 1830. The chief difficulty is to determine how far it is incumbent on the government to provide for the spiritual wants of the population.

906. That being also a question of finance?—We had to consider it chiefly as such; but the late Bishop Turner, I believe, reported to the government fully upon the subject, with reference to the suggestions of the committee.

907. Do you know that in Southern India, Christians, both Catholic and Protestant, intermarry with the Hindoo tribes, and continue to keep up caste?—I am not aware that such is the case. I know that in the Upper Provinces of the Bengal presidency many retain the name of Rajpoots who have become Moslems; and other Hindoo converts to the Mahomedan religion adhere to their notions of caste, and other ancient customs and prejudices; but I do not believe that those of different religions intermarry.

908. Are you aware of any instance in which a Hindoo, from having violated caste in many instances, was declared by the court to have been subject to the penalty of expulsion from his trade irrevocably, in reference to one only of all the offences proved to have been committed by him; that one being the offence of cohabiting with a Mahomedan woman?—I do not remember any such case; indeed, I believe several Hindoos on the Bengal side of India have been guilty of the offence without the penalty following; though probably, if it were brought under the cognizance of their punchayet, or general assembly, expulsion would follow.

909. The case to which reference was made in the question lately put was a case said to have occurred in the Sudder Dewanee Adawlut in the year 1814; does that or not bring the case to your recollection?—I think I know the party referred to. The family was one of distinction in Behar; but the circumstances have escaped me; they will probably be found in one of the printed reports of decisions passed by that court.

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*Jovis, 8<sup>o</sup> die Martii, 1832.*

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SIR JAMES MACDONALD, BART., IN THE CHAIR.

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*Charles Lushington, Esq., called in; and Examined.*

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910. DURING how many years were you a servant of the East India Company in India?—I was actually resident 22 years; but altogether I was about 27 years in the Company's service.

911. During how long a portion of that time did you fulfil the duties of Secretary of the General Department at Calcutta?—I was Secretary to the Government in the General Department of Bengal nearly 10 years; two years of that period I was Chief Secretary to the Government, in addition. During the same period also I was about six or eight months Private Secretary to Mr. Adam and to Lord Amherst.

912. Mr. Adam was at that time exercising the functions of Governor-General?—He exercised those functions from the end of January to the beginning of August 1823.

913. Will you state to the Committee, as the result of your experience in India, what you consider to be the advantages or disadvantages of the existing system for educating



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educating the civil servants of the Company?—I think the present system of education at Hertford is defective. The character of the education of the young men is not sufficiently defined; it appears to me that they are treated neither as boys nor as men. I am inclined also to be of opinion, that in consequence of the nature of their appointment, they are apt to presume too much upon their *interest*; they consider themselves too free from responsibility; and I believe that, with some few eminent exceptions, the proficiency in the native languages which the writers ordinarily take with them from Haileybury to Calcutta is imperfect. If the Hertford institution be maintained, its anomalous system should be corrected; it should be considered and governed either as a seminary or a college, not as a nondescript establishment, where the youths are subjected to an ill-defined restraint, vacillating between the coercion of a school and the liberal and manly discipline of an university.

914. Does not that undue reliance upon what you term their interest emanate in a great degree from the system of nomination under which they are originally appointed?—Yes; that is what I allude to.

915. Do you consider the qualifications established in the system at Haileybury as the best that could be devised, with a view to the formation of the young men for useful civil service in India?—No; I do not think they are.

916. In what respect do you consider those qualifications as defective?—I think that too much time is devoted to an ineffectual attempt to acquire the native languages, which would be much better learnt in India. I would confine the study of the native languages at Haileybury merely to the elementary and grammatical parts, leaving the rest to be acquired at Calcutta, either at the College or in such other way as may hereafter be determined; in fact, I would devote the education in England to the acquisition of the points of education of a gentleman, laying a good classical foundation, according to the existing practice of tuition, and combining with it the study of state polity and general jurisprudence.

917. Do all the young men proceed at present to India with the same certificate of qualification?—As far as I recollect, they all have one form of certificate.

918. Has it been very generally found that the attainments of the young men have corresponded to such certificates?—I think in most cases they have. I have observed in one or two instances, in communication with the officers of the College of Fort William, that the qualifications of the young men did not answer quite so strictly as they should do.

919. Do you mean that on their arrival at the College at Calcutta it has not been very frequently found necessary for them to begin their education almost *de novo*?—Occasionally with respect to the Oriental languages. Credit is sometimes given to the young men for respectable proficiency in Persian, Bengalee, or Hindostanee, when their ignorance of those tongues is but too apparent.

920. What should you consider the most efficient mode of obviating the evils arising out of the system of nomination to writerships at home?—I can answer that point most readily, because I have frequently considered it. I think the best plan would be, to distribute the writerships among the universities and great seminaries of England, Scotland, and Ireland, or entrust them to some high tribunal, empowered to bestow them according to a conscientious and uninfluenced estimate of the claims of candidates, whose only title should be their merit, and whose only disqualification, if unobjectionable in a moral point of view, should be their deficiency in the attainments adapted to the stations for which they are destined.

921. To vest them, in short, in some independent authorities; the basis of obtaining such preferment consisting in public competition?—Exactly so. The consequence would be, that we should have the choice of the greater portion of the rising talent of Great Britain; and India would be supplied with functionaries of superior and authenticated ability. I conceive that the character of the service would be very much raised indeed by such an alteration.

922. Do you not conceive that by such a change of system the moral character of the young men so sent out would be materially affected?—I think so. We should have men of a steadier cast, and more alive to the consequences of responsibility.

923. With respect to the age at which young men should proceed to India, is it your opinion that the present age is too high or too low?—I think, on an average, they generally go out at about eighteen. That is a very fair medium to take, but I would rather have them go out older than younger; certainly, by going out older, they are more likely to avoid habits of expense.



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924. If the principle of introducing into the civil administration of India more generally native agency were adopted, must it not follow that there would not be so many probationary offices for young Europeans to fill in India as there are now?—Certainly not. When the system is matured, I should conclude that we should not want any young men for assistants or registrars.

925. If then the offices of greater responsibility and control were alone reserved for Europeans, would it not, in your opinion, be desirable that young men should proceed from this country with a view to filling such stations at a somewhat more advanced period of life than at present?—Yes, certainly; supposing they are at once to step into situations of importance; but the difficulty occurs how they are to acquire the necessary experience and local knowledge, without a suitable probationary course of service in India.

926. Does not a young man proceeding to India cut himself off altogether from the different professions, civil and military, of this country?—Yes; he does, unless he returns to England within the age necessary to pursue such professions.

927. Does it not follow from this, that the instances have been very rare of sending back to England young men who have proceeded there, appointed to writerships, however deficient, in point of ability, they might have proved themselves for employment in India?—I think that consideration has operated very strongly with the government.

928. Do you remember any instances of young men being sent back, except for some moral offence?—I do not remember any young man being sent back.

929. What is the principle of promotion of the civil servants of the Company when in India; is it by seniority, or is it by favour of the local government?—In as many cases as possible, regard to seniority is observed. There are some very important situations where it is absolutely necessary to overlook mere seniority, and to select men of marked ability; for instance, the political residences, the Sudder Dewanee Adawlut and some others; but the claims of seniority are respected as much as possible, so much so, as to deprive the Governor-General of a great portion of what would be considered patronage; he scarcely has a selection. I look upon it that the patronage of India, I mean Bengal, which is the only part I am intimately acquainted with, is, generally speaking, dispensed with remarkable equity.

930. If the supply of writers is proportioned at all to the demand for filling up vacancies as they arise in India, it is presumed that the Governor-General has very little room for selection in the servants to be promoted?—Certainly but little.

931. If, on the other hand, a large body of supernumerary young men are sent out to India, would it not entail a very heavy charge upon the finances of the country?—Yes; I should think so.

932. Have you any doubt that there are at present, and under an extended system of native education, would for the future be, a still larger supply of intelligent, informed, and trustworthy natives, adequate to fulfil the duties of nearly all the offices, except the highest in the Revenue and Judicial departments?—Undoubtedly; I have a very high opinion of native talent.

933. Would the introduction of native agency into those departments, and the giving the people of the country reason to know that they were not excluded from those rewards which await European talent and acquirement, in your opinion, tend to strengthen their attachment to British dominion?—I should think there can be no question that it would do so.

934. During the period of your residence in India, did not you interest yourself considerably in the system of native education?—A great deal, as far as my official occupations would allow.

935. Will you state whether of late years much has been accomplished in Bengal in that particular?—Some years back the Company were authorized by an Act of Parliament to appropriate a lac of rupees annually to promote the diffusion of education among the natives, out of the surplus territorial revenues of the Company. For a long time there was no surplus revenue; indeed, I am not quite certain that there is any now: but a few years ago the government began to apportion that annual lac of rupees regularly amongst certain institutions, and I may say, that for the last seven or eight years the government have afforded the most efficient, the most cordial, and the most benevolent support to the education of the natives. They have established a Sanscrit College, with a foundation of 30,000 rupees a year; they have established a Mahomedan College, with the same endowment; and they have assisted very much what we call the Anglo-Indian College, which is a college founded



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founded by the Hindoos themselves almost expressly for the cultivation of the English language. They have favoured this college very much, by allowing it the use of instruments, books, and other facilities, and permitting several of their own officers to act as examiners, and to aid them in various ways. The examinations of this latter college, I know in one instance, and probably in several instances, have been conducted at the Government-house in the presence of the Governor-General. The Government have revived the colleges of Delhi and Agra, also one at Benares, and they have established schools at Chinsurah, Chunar, Ajmere, and Bhagulpore, and other places; they have also appointed a committee of public instruction, who superintend not only the government's own institutions, but afford their aid and countenance to all the schools belonging to natives which may apply to them for aid. The committee are specially instructed to submit from time to time to the Governor-General in Council such measures as may be calculated to improve the education and morals of the people by the introduction of useful knowledge, including the sciences and arts of Europe. The principal civil servants at the presidency belong to the committee, of which a member of council is usually president. The progress of native education is ascertained with great anxiety by the Governors-General. In their speeches to the assemblies of the College of Fort William, notice is always taken of the progress of native education, and learned natives are very much encouraged; I should say on the whole, that a very warm and heart-felt interest has been shown by the government in native education, and that its servants also, as far as possible, have contributed their endeavours to the promotion of that most desirable object.

936. However strong the interest felt by the government in the object of educating the natives of India, are the Committee to understand that one lac of rupees, about 10,000*l.* sterling, is the only portion of a territorial revenue of about 20,000,000*l.*, at present devoted to that object?—I suspect so, except some inconsiderable additions; they occasionally give a few hundred rupees a month to other institutions for native education.

937. You have mentioned that the natives themselves established an Anglo-Indian College at Calcutta, with a view principally of acquiring and disseminating the English language; is not that, in your opinion, a strong proof of the eagerness of the natives to acquire the English language?—It is a very strong proof; and that is not the only proof, because they have constantly shown a great anxiety to acquire the English language.

938. Are the Committee to understand from you, that in the establishments hitherto existing for the purpose of promoting native education, the acquirement of the English language has been universally adopted as an essential object?—The Sanscrit College was originally instituted principally for the cultivation of that language, but an English class was afterwards added. In the Mahomedan College the study of Arabic and Mahomedan law is chiefly cultivated; but they also have an English class.

939. Do you not think that by opening employment in India to such natives only as should have made some progress in the acquisition of the English language, a great stimulus would be given to the natives generally to acquire it?—Yes; I think so.

940. Even at present, small as is the portion of natives in the civil administration of their own country, do they not, in many instances, prefer the English language to the Sanscrit, and other foreign Oriental languages?—I think the younger class do. There has been a very great interest indeed excited among the rising generation in favour of the English language.

941. You are aware that the proceedings of the courts of justice in India are universally carried on through the medium of a foreign language, namely, the Persian; do you think it might be possible gradually to introduce the English language into the details of the administration of the courts of justice?—I cannot see any objection to that, because the Persian language is as much a foreign language to a Hindoo as English is. The Bengal government, however, have gone far towards settling that point, by promulgating their intention gradually and eventually to render the English language the medium of transacting public business throughout the country.

942. Do you consider that the giving to the natives systematically an enlightened education, affords the best chance of the advancement of the Christian religion in India?—It is the only rational foundation. While encouraging, to every prudential degree, the dissemination of useful knowledge among our Indian subjects,



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every government under which I have served, has enjoined the most scrupulous adherence to the long-avowed and indispensable condition of not interfering directly with the religious opinions of the natives, an injunction which has pointedly and wisely been reiterated by the Court of Directors. A disposition having of late been manifested in certain quarters to depart from that judicious and just course of policy, it seems expedient that our obligations, as declared by Act of Parliament, to respect the religious prejudices of the people, should be reviewed, and their observance authoritatively inculcated, for if we disregard our solemn engagements to our native subjects, we must calculate on their bitter disaffection.

943. Have you had occasion personally to observe any instances in which the extension of education has had the consequence of affecting the religious feelings of the natives?—I have not had any personal observation of the fact; but I apprehend it certainly does exist very strongly. I have great reason to suppose, that at least one in ten of those Hindoos at the presidency who have at all given their attention to reading, scoff at and have abandoned the follies of idolatry and become deists. I had not much intercourse with the natives myself in India.

944. Has any progress been made in the Bengal presidency in the conversion of the natives to Christianity?—I am afraid very little; there have been to my knowledge one or two remarkable instances, however, of sincere conversion, and many more are claimed. The cause of Christianity will not be promoted in India by premature, injudicious, or fanatical attempts at proselytism. The experience of late years has shown (I mention it with sorrow) that the direct and permanent conversion of adult Hindoos or Mahomedans (especially the former) is extremely rare; it only remains therefore to seek the propagation of Christianity by the slow process of instructing the rising generation. The progress must indeed be gradual, but the results will be solidly beneficial. Any efforts to force such results, by open interference with the religious observances of our native subjects, might, without advancing the great cause in view, produce consequences the most injurious. Such proceedings might tend to our expulsion from the country in the midst of our career of usefulness, and cast back the objects of our care into their ancient ignorance. We must patiently persevere in the course which has already produced a large harvest of improvement. It is true that the consequences of our teaching the natives the value and extent of their power will lead to their asserting it, and to the subversion of our rule; but this consummation is not likely to occur till the light of knowledge has spread widely, and beyond the risk of extinction, bringing with it the secure establishment of Christianity. The change of dominion will then, it is to be hoped, be effected without convulsion; we shall retire gracefully; gratitude will succeed to resistance; and instead of our being execrated as reckless tyrants, our memory will be revered as belonging to enlightened benefactors.

945. In what light are such converts held by their countrymen in Bengal?—Greatly depreciated. They cease to associate with them; they will not eat in their company; and, in fact, despise them.

946. You stated that you had a high opinion of the native talent; have you also a sufficiently high opinion of their trustworthiness to consider that native agency generally might be employed in India?—Generally speaking, I have not a very high opinion of their trustworthiness; but I think it is because when they have been in situations of trust, they have never been adequately remunerated; but if they were liberally paid and properly educated, I do not see why the Bengalee should not be as trustworthy as the European. I can adduce one instance within my own knowledge, which, I think, showed great trustworthiness on the part of the natives: it rather concerns myself personally, but perhaps I shall be excused for mentioning it. After I had been in India about 11 years, I was obliged to go home for my health. As I had been in the Political Secretary's office during the whole of that period, except when I was in college, I had long ceased to give any attention to the native languages, except for mere colloquial purposes. I returned to India after an absence of nearly four years, and of course was thrown out of my situation in the Secretary's office. It was necessary to take some employment or other, and it was also necessary to take the first that was offered (I would not have accepted a judicial one, from conscientious motives), and I was appointed acting collector of Burdwan, the revenues of which were about 450,000*l.* a year. When I took charge of that collectorship, I was almost wholly ignorant of my duty, and had to depend for advice on the head clerk, a Bengalee, but who understood English perfectly. I remained there six months, and of course endeavoured to qualify myself as well as I could, and also showed





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as much pretence of supervision as it was possible for me, under such a state of inexperience, to evince. I was then summoned to Calcutta to officiate as political secretary to government, and was enabled to render up my accounts, and to *escape* from the collectorship (for I can use no other word) without complaint of defalcation, owing in a great measure to the integrity or moderation of the principal native officers.

947. The term "Collector" would imply to an Englishman a mere receipt of money; will you give the Committee some notion of the extent of duties which devolve upon an individual filling that office?—The principal duty of a collector is to receive the revenue, and to preside in what we call summary suits; that is, suits that require early decision between the ryot and the landlord. I believe these are appealable to some other court, but I cannot speak much about revenue matters, as six months, 15 years ago, were all the experience I had on those points.

948. Does the collector combine any other functions?—Not that I recollect.

949. Does any method suggest itself to you, in which the government could give encouragement to the village schools, however trifling the amount might be in each case, which would considerably facilitate the acquisition of English by a large portion of the population?—The most effectual mode of aiding them would be to assist in providing them with competent masters, a measure not very easy of accomplishment, as a considerable prejudice exists on the part of the Hindoos against becoming teachers for hire; but this prejudice has of late been weakened.

950. You said that the natives had shown a great anxiety to obtain a knowledge of the English language; can you state whether many of them have made any proficiency in the language?—They have made very remarkable proficiency in the English language. Some of the students, who have completed their education in the Hindoo College, and other institutions, are in the habit of holding debating societies, where they discuss topics of considerable importance in the English language, and read lectures and essays of their own composition, upon various literary and scientific subjects. At one of the meetings above mentioned, the question for discussion was, "Whether posthumous fame be a rational principle of human action or not." It is true that the debates soon branched off into a consideration of the possibility and probability of human perfection, but the orators spoke with remarkable fluency, quoting Gibbon, Hume, Reid, Bolingbroke, Voltaire, Shakespeare, Milton, &c. The forms of similar meetings in England were imitated, and the chairman having inquired the reason of the secretary's absence, a loud cry of "Persecution!" was raised, and it was explained that he was prevented from attending by his father, who was afraid that his principles of paganism should be corrupted, in consequence of the other members being deists. Thus has the beginning of a most wonderful change been worked among a race, who for a long time were considered as sunk in a hopeless state of ignorance and the blindest idolatry. I should have mentioned before, that one of the young Hindoos in question being called upon at the police to swear, as usual, on the waters of the Ganges, declined, averring that he should just as soon swear by the waters of the Nile.

951. Have you known of a native of Calcutta, a Hindoo of education, publishing a work turning into ridicule the idolatry and superstitions of the Hindoo religion. The question refers to a work published in the year 1820?—I do not remember it.

952. Are you aware that any of the young men at Calcutta have established a periodical work in the English language?—I cannot speak with certainty; but I think I have heard it mentioned.

953. Were you present at any of the debates you have mentioned?—No; but I am in correspondence with persons who have sent me authentic information on that subject.

954. What subordinate offices had you filled in India previous to your appointment to the collectorship of Burdwan?—On my leaving college I was appointed assistant in the Governor-General's office. That office consisted of eight or ten junior civil servants employed under the Marquess Wellesley solely in the duty of transcription, but of a strictly confidential nature. Afterwards, upon the dissolution of that office, I was appointed assistant to the secretary in the Political department; I then became deputy secretary in the same office, and was obliged to return to England for my health in 1812. Upon my return, I was appointed to the acting collectorship of Burdwan, and then became secretary.

955. It was not, then, by virtue of seniority that you became collector of Burdwan?—I was entitled to a collectorship by my standing.



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956. Will you explain to the Committee what you mean by being entitled to a collectorship by your standing?—Unless in consequence of notorious incapacity, a civil servant is, after six or seven years, supposed eligible to a collectorship.

957. Is it usual for writers to be appointed to situations without any reference whatever to their capability, or their adaptation to the offices to which they are appointed?—Yes; because they possess very little peculiar qualification when they first leave the college; some young men who have made very great proficiency are generally selected for the political residencies.

958. Did not the government of Bengal in 1823 state to the Court of Directors that the supply of civil servants, from temporary causes, was inadequate to the demand?—I think they did.

959. Did not the local governments in consequence appoint one or two individuals, not of the regular civil servants, to offices commonly held by covenanted servants?—I do not remember any particular instance of it; but it does not follow that the fact may not have existed, because I was only cognizant of the affairs of my own department.

960. Do you conceive that the present mode of administering the public departments in Calcutta, through the agency of Boards, is attended with advantage to the public service?—Certainly not with advantage; I think it is attended with great inconvenience and great delay. Instead of having Boards, it would be much better to have one responsible efficient person. The consequence of a Board, in many cases, is, that you have one able man who does the work, and you have an inferior person, or a person of tolerable attainments, just to fill up the number to make the quorum.

961. From the distance to which many of those who administer the government in India in the provinces are removed from the seat of government, must it not happen that the government of the residency can have but an imperfect control over their proceedings?—Certainly.

962. In what way does it appear to you that it would be desirable to amend the system of the administration of the government in India itself, with a view to give it greater vigour and unity of action?—That is a most momentous and important question, which I feel great difficulty in answering.

963. Does it appear to you that by the appointment of lieutenant-governors, vested with considerable powers, but always subordinate to the Governor-General, a greater degree of vigour and uniformity of action might be given to the executive administration of the country?—Yes; I think so, and the Governor-General would be greatly relieved by such appointments; nor do I think, upon the whole, it will be the cause of great additional expense, because other appointments might be dispensed with.

964. Under such a system, might not, for instance, the expense of the governments at Bombay and Madras be very materially reduced?—I think they might, certainly. I conceive that instead of having governments with councils, &c., you might have lieutenant-governors there also, by which an immense expense would be saved.

965. What additional powers do you think it would be expedient to give to such officers, beyond those now exercised by the present provincial authorities?—The lieutenant-governors, supposing that system to prevail over all British India, would require very extensive powers, territorial, judicial, and political, which should enable them to act without reference to the paramount authority, except on the most important occasions. It would simplify the business a great deal, and would save the time of the Governor-General. At present, the Governor-General is overwhelmed with business, and it is impossible for him to attend to every detail submitted to him. Of course, there might be some efficient plan of responsibility arranged for the lieutenant-governors, but I do not profess to say what it could be just now. I am only speaking in reply to the question, as to the general alteration which I think might be expediently introduced.

966. Should you think it advisable that the Governor-General should be detached from the local administration at Calcutta?—I would confine the attention of the Governor-General to the most important points; he has far too much to do. I think that the members of Council might perform a great part of the business upon their own responsibility; I even think the secretaries to government might take their share in the executive also, upon responsibility, without making a reference upon every trifle, as they have to do now, to either the Governor-General or the members of Council. The consequence is, that as the Governor-General now must devote the greatest part of his time and attention to political matters, other subjects necessarily





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necessarily receive but a very crude degree of his consideration. It is physically impossible for any man to discharge all the duties which he, as Governor-General, professes to perform.

967. Can you suggest any mode by which it appears to you that the present immensely voluminous correspondence between India and this country might be abridged?—If the home authorities would dispense with so much detail as they require at present. We are expected now to send home a copy of every paper, however trifling, which comes before Council, and not only one copy, but copies in duplicate to the Court of Directors, and I believe in duplicate also to the Board of Control. I would send home transcripts of important papers, and indexes containing the heads of others which are not of great importance, and which might be furnished when required. A good index would keep the home authorities advised of the contents of the Indian records.

968. Is not the tendency of the executive government being discharged through the means of Councils or of Boards, to increase unnecessarily the amount of public writing?—I think it does increase the amount of public writing; but the members of Council are extremely useful to the Governor-General; they arrange for him the most material points of correspondence in judicial and territorial matters, and relieve him from a load of detail; but they could relieve him still more if they were allowed to decide upon many of those matters upon their own responsibility. As for the Boards, as I said before, I think they had better be abolished, and one responsible person be substituted.

969. The power of making regulations by the government of India, the Committee understand, is at present vested solely in the Governor in Council?—Yes.

970. Does it appear to you that any better tribunal might be constituted in India for so important a purpose?—Not having given my attention to that subject, I am not prepared to speak upon it.

971. Does it occur to you that, in matters so vitally affecting the feelings and wants of the natives, it might be possible to introduce into such legislative councils a person of native talent and experience?—I think it would be consistent for me to return the same answer to this question, that I have not considered the subject.

972. What was the state of the press in Calcutta at the period of your residence there; and what do you understand it to be at the present time?—The press in Calcutta was for a long time under a censorship; at last, in the time of Lord Hastings, an Anglo-Indian editor discovered that he could not be legally sent out of the country for press offences; the consequence was, that he set the government at defiance, and refused to adopt the erasures of the chief secretary, who was the censor of the press. The government then, making a merit of compulsion, adopted a set of regulations, by which they required that the proceedings of the public press should be conducted, and took off the censorship; and those regulations were for a time, as far as I recollect, very fairly adhered to. At last a gentleman established a newspaper, called the Calcutta Journal, which soon became extremely popular, and which was excellently conducted, I mean as to ability. The editor certainly created in India a great taste for literature, and for the prosecution of enlightened pursuits; but, unfortunately, he thought it necessary to infringe the Regulations, which produced remonstrances from the government. To those remonstrances, as far as I recollect, he generally returned respectful answers, and the next day repeated his infractions. The government, pursuing their system of weakness, continued to remonstrate with the editor. I am not certain whether I am correct as to dates now, but about this time an address was presented from certain individuals at Madras to Lord Hastings, congratulating him, and complimenting him upon having taken off the restrictions upon the press, which restrictions were in existence at that time. Lord Hastings was extremely pleased with this address; and in his reply dilated upon the advantages of a free press, and the credit which reflected upon a liberal government from allowing its measures to be publicly discussed. Whilst he was receiving those compliments, as Governor-General, he was authorising remonstrances and threats to the editor of the Calcutta Journal, as Governor-General in Council; and latterly, whenever the editor received one of those letters of remonstrance from the chief secretary, he of course threw into the teeth of the Governor-General those liberal expressions in his speech; the consequence was, that Lord Hastings felt himself committed; and though he acknowledged the necessity of curbing and coercing the editor of the Calcutta Journal to the very utmost, yet he was in a dilemma, and he deferred each hour the infliction of severe punishment until he left the country. The editor



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in question continued, after Lord Hastings's departure, to defy the government: one of the usual warnings, but I believe in a little stronger terms, was conveyed to the editor, upon the part of the then Governor-General in Council, Mr. Adam. He continued, and having reflected upon some act of the government, the consequence was, that he was ordered to quit the country. Afterwards another individual incurred the same fate, during the government of Lord Amherst. After a time, the Regulations being loosely drawn up, and easy to be misconstrued by such as wished it, the government applied to the Supreme Court for a bye-law, which should reach all native editors, Anglo-Indians and Bengalese; and a bye-law was in consequence enacted, which put the press under severe regulation, and made the editors liable to very strong penalties; I think they went so far as to confiscate the press and the materials, and also involved a fine upon each copy of the newspapers published which was considered offensive. Such was the state of things when I left India. I understand since, that Lord William Bentinck has allowed a system of the press totally licentious and free; by licentious, I mean that he has given it full license.

973. What were the offences, generally speaking, imputed to the publications of the editor of the Calcutta Journal?—Generally calling in question the acts of the government, so far as I recollect.

974. Do you recollect any specific instance of having excited natives to rebellion, or the soldiers to mutiny, or any offences of that description, tending to put the government in peril?—No.

975. Do you know what were the consequences to the editor of the Calcutta Journal of his summary deportation?—The consequence was that he suffered very severely in his fortune.

976. You stated that the government applied to the Supreme Court for a bye-law; will you be so good as to explain to the Committee what you mean by the government applying to the Supreme Court for a bye-law?—The Supreme Court, in conjunction with the government, are entitled, according to law, to enact certain laws for what is called the better government of the town of Calcutta and its vicinity, or some such expression.

977. Will you state what is the difference between a regulation and a bye-law?—A bye-law simply applies to Calcutta and its vicinity; a regulation is one of general extension to all the courts in the interior, and is either strictly judicial or territorial.

978. Do you mean that a bye-law would have no effect beyond the Mahratta Ditch?—I think not.

979. Is it necessary that such bye-laws should have their origin in the Supreme Court?—As far as I recollect, the government proposes the bye-law to the Supreme Court, which registers it or not as a legal enactment, after hearing objections to it, according to fixed forms.

980. Is that bye-law still in force, or has it since been repealed?—I suppose it is in force.

981. Are you aware whether it has in any instance been acted upon?—I do not remember.

982. Are not the civil servants of the Company generally at present precluded from taking any part in the press of India?—They are debarred by the orders of the Court of Directors from being proprietors or editors.

983. Is there any interdiction against their being writers in periodical journals already established?—No, I do not think it extends to that.

984. Does the power of the government under this bye-law extend equally to the native as to the European press?—Yes, it was intended to extend the control to the editors of native newspapers which had lately risen up.

985. At the period of passing this bye-law, does it come within your knowledge how many of the judges in Calcutta were present upon the bench?—As far as I recollect, there was only one, Sir Francis M'Naughten.

986. Was a similar bye-law applied for to the bench at Bombay?—I do not know.

987. Are you not aware that the bench at Bombay refused to sanction any such regulation?—I do not remember the circumstance.

988. Is it your opinion that the encouragement of native journals might be made the means of conveying information highly beneficial to the natives of India?—Unquestionably; but I would exercise a very close supervision over them; for fear they should be the means of doing mischief to the native army; in fact, the native army



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army is the only body which is to be considered now-a-days with regard to the press. I think the press may continue just as free and just as licentious as Indian politicians may desire, so long as the infection does not spread to the native army. Whilst we have the native army staunch, it does not much signify what newspaper squabbles take place at the presidencies. When Earl Minto was Governor-General, he was so alarmed at certain publications which proceeded from the missionary press at Serampore, directed against the religious prejudices of the natives, that he required the press to be removed to Calcutta, though the editors were living under the protection of the Danish government. It is mentioned by Sir John Malcolm, in his *History of India* (1826), that for 35 years a most active circulation of inflammatory papers, in the shape of letters, proclamations, and prophecies, has been made to the native troops, causing a deep impression; but owing to the difficulty of multiplying copies, the emissaries of sedition did not do much harm. Surely they should be debarred the facilities of a press, under the very eye of government, in aid of their designs! If the native army be once tainted, the empire which we have taken so many years to consolidate may be lost to us in one day; and therefore I think it is of the highest importance that the native journals should be carefully scrutinized, and my opinion is that this salutary supervision was rather too much neglected in former days. I cannot speak of course as to the last five years.

989. In what languages are the present newspapers written?—In Bengalee and Persian. I believe there was one in Hindostanee. The Persian papers are accompanied by a Hindostanee version.

990. Are those languages that the sepoys generally understand?—The sepoys generally speak Hindostanee, but of course they soon pick up a knowledge of Bengalee, when quartered in the Lower Provinces. I have heard that some of the native officers understand Persian, and even English.

991. Have you understood that any ill consequences have been attributed to the existing relaxation of the press at Calcutta, so far as it has gone?—Yes.

992. Can you state in what respect?—I am bound to answer frankly. The subordination in the civil service was affected in a few instances, and I think it had a still stronger influence upon a portion of the officers of the Company's army.

993. Do you know whether the present government of India have expressed themselves as sensible of any such ill consequences to their government?—No; I am not aware of it.

994. Does not the condition of the press at Madras at this time differ materially from its condition at Calcutta or Bombay?—Yes; I understand the censorship still exists at Madras.

995. Does it not appear to you that there should be some uniform system adopted with regard to it, throughout all the presidencies generally?—Yes; I would remove the censorship, because it is hateful to everybody; the very name disgusts people; in fact, we have gone through the ordeal, and as I said before, as long as the native army is not affected, it does not signify.

996. Does the state of society in Calcutta at present admit of trying offences of the press by the intervention of juries?—I should be sorry to throw any imputation upon a considerable body of men, but I should not like to have a press cause before any jury in Calcutta.

997. Of what classes and descriptions of persons would such juries be composed?—Principally of European shopkeepers, and of Anglo-Indians.

998. Do you mean to the exclusion of all the civil servants of the Company?—Yes; the civil servants never sit upon juries, except when specially summoned.

999. Are they precluded from so doing by any Regulation?—No; they are not precluded.

1000. Has any experiment been made of submitting to such tribunals offences touching the press?—Yes; there was one case where the editor of the *Calcutta Journal* was tried for a libel upon the secretaries to government, and the secretaries were cast. At that time disputes about the freedom of the press were extremely rife, and it was very difficult to get an unbiassed set of men as a jury. The power of venue, as in England, did not exist; we were obliged to submit to a jury who certainly thought warmly upon the subject, and taken from a class of persons who generally gave their opinion most decidedly against any interference with the liberty of the press.

1001. In your opinion, can the present system of licensing individuals who proceed to reside in India be conveniently or advantageously relaxed?—Yes, I think so.





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1002. Do you consider that in the event of the absence of all restrictions upon individuals resorting to India, any very formidable influx of needy adventurers need be apprehended?—No, I think not of needy adventurers, certainly. I do not see how they would get out.

1003. If they should get out, does India afford a possible means of subsistence to either the mere agricultural peasant or the lowest description of artizan?—I do not think that the mere agricultural peasant could compete for three months with the ryot of the country, for many reasons: on account of the cheapness with which the ryot can live, and also in consequence of the climate. It is impossible that any European could personally engage in agricultural pursuits in the climate of India; and as for the common-rate artizans, the natives of India are remarkably good workmen, and excellent imitators of patterns, and therefore I think it would be only the superior-rate artizans who could expect to succeed.

1004. Should you conceive it for the advantage of that country to encourage the resort to India of individuals possessing more or less of capital?—Yes, I think so.

1005. Are you aware of any benefit that arises from their prohibition to possess or occupy any lands in the interior?—I do not see why they should not be permitted to possess lands in the interior, provided the natives are guarded against their possible oppression.

1006. In what manner should you propose so to guard the natives?—I would make the Europeans in question amenable to the Company's courts, and the less that the Supreme Court is allowed to interfere the better.

1007. An apprehension has been expressed by some natives, in a recent petition to the House of Commons, lest by the permission of Europeans to settle in the interior they should be exposed to persecution, against which they should have no other redress than by proceeding to the presidency; are the Committee to conclude from your answer to the last question, that you see no difficulty in rendering the jurisdiction of the native provincial courts such as an European might safely be made amenable to?—I think that the complaints adverted to would be obviated, and might be remedied unexceptionably in the manner alluded to.

1008. Would it not be the direct interest of any European embarking capital in manufacturing or commercial speculation in India, to cultivate the good opinion and to secure to himself the co-operation of the natives?—It would seem to be but common good policy to do so.

1009. This then being his interest, and the protection afforded to him by the courts of justice being so improved as you propose, do any dangers occur to you as likely to result from an unrestrained admission?—I think that the class of persons who would go out to India, that is, persons with some small degree of capital, because we have excluded the lowest class, would generally be people of respectability, who would have a knowledge of their own interests, and I do not see the slightest objection to their being allowed to go into the interior, under the restrictions adverted to.

1010. Should you say that any jealousy exists, generally speaking, in the minds of the natives as to the settlement of Europeans among them?—Yes; in their ignorance, they are naturally apprehensive of it. They have had perhaps a few persons settled among them who may have treated them with roughness and violence. I allude to the class of indigo planters; but on the whole, they have generally treated the natives with mildness.

1011. Are you of opinion, that in the event of free access being permitted to Europeans it would be necessary to furnish the existing government of India with any summary powers with respect to the residence of individuals?—I think the Governor-General can scarcely be made too powerful; emergencies might arise where the exercise of summary power would be necessary, therefore I would leave him the power of sending Europeans to England, although I think it might be accompanied with certain explanations and modifications. I think that a great deal of secret mischief may be done by an ill-intentioned man, without coming within the jurisdiction of a court of justice.

1012. You would therefore leave to the Governor-General a power of summary deportation; should you propose to do so with or without his assigning a cause for so doing, and giving the individual an opportunity of disproving, if he could, the accusations against him?—I would certainly give him an opportunity of disproving the accusations, if he could; but I think the procedure should be summary, and not be clogged by an appeal to the Supreme Court, or any other court of judicature in India.

1013. Would





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1013. Would there be any danger, in your opinion, of the existence of such an arbitrary power disinclining men of capital from embarking under such a system —I think not, because every well-disposed man, and every reasonable man, has no cause to fear the infliction of such a punishment as that. A man who goes to India just to prosecute his pursuits peaceably, and not to trouble the government or other people with political dissensions or intrigues, is not likely to come under the visitation of this power; and another reason also is this, that such eagle-eyed scrutiny would be exerted over the exercise of such a power, that a Governor-General would take care to have good grounds for using it. It is also my opinion, although it may be disputed, that that power has never been unjustly exerted. I am sure myself, that if I were to proceed to India with 50 lacs of rupees, embarked in speculations of an anxious nature, I should not be afraid of trusting to the justice of the government; I should not be afraid of being deported.

1014. Where is the power that exercises this eagle-eyed scrutiny in India?—At home.

1015. You have intimated that some modifications might be desirable; what is the nature of the modifications you allude to?—I would make the procedure a little more formal as to accusation and trial, more for the satisfaction of general opinion than from any idea that the government in preceding instances have acted with harshness or injustice, because in every case I am aware of at Calcutta, there was a manifest infringement of the articles under which the individual came to Calcutta; he was bound by those articles to conform to the existing regulations of the Company's government, which he did not choose to conform to.

1016. Do you contemplate the probability of cases arising in which it would be attended with public danger to postpone the infliction of such a penalty until sanctioned by authorities at home?—I think, in the case of a political offence, it would be prejudicial to the safety of the state certainly.

1017. Do you think that it might not meet the exigency of almost any case that you could imagine, that until such sanction should have been received the individual should be placed under more or less of personal restraint?—I think in most cases it might certainly, but at the same time that individual, in a small society, as Calcutta still is, would be doing a great deal of mischief by remaining upon the spot for many months.

1018. Have you not known many Europeans of the poorer classes in Calcutta in a state of destitution, and objects of charity?—Yes, a good many.

1019. Have not you known any beneficial effects in respect to the administration of justice and police result from the existence of the press in India?—I do not remember any at this moment.

1020. Are you aware that so long ago as the time of Mr. Hastings, when the press was free, he had no difficulty in obtaining verdicts from juries against editors in cases of libel?—My memory does not serve me as to that point.

1021. Should you not attribute the circumstance you have mentioned, of the strong indisposition of the juries to convict in cases of political libel, to the peculiar excitement of the time, in consequence of the controversy upon the subject that was then going on?—Yes, certainly men's minds were very much excited then.

1022. Has any class of the native population shown much interest in this question about the liberty of the press?—I think they have, apparently; but I suspect that they have been only instigated by Europeans in the first instance, otherwise they would have been perfectly indifferent to it.

1023. You said that so long as the native army was not affected by the press, you apprehended no danger from the liberty of it; would you therefore apprehend any danger from the entire liberty of the European press, merely subject to the common resort of the courts of law?—Yes, I should, because by degrees the poison of the European press might be communicated to the native army by means of translation and other modes. We have known very active emissaries, for instance, before the massacre of Vellore, going about with papers venting sedition and mutiny. Should Great Britain be engaged in European war, the freedom of the press would require to be considered in a new point of view, as relating to the facilities which newspapers may afford for communicating intelligence to the enemy.

1024. Have you been in the habit of reading any of the native journals?—No; I have not; I have heard their substance sometimes mentioned.

1025. Do they resemble English newspapers?—As far as I recollect, there were some few heads of intelligence that were interesting to the natives, and a good deal about literature.



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1026. Was there anything in the way of political disquisition?—Not much, so far as I recollect; but that will soon follow, if it has not obtained yet.

1027. Have the native newspapers found their way into the interior?—Not many hitherto, I believe.

1028. For example, at Benares and Dacca, Delhi, and the more considerable places?—I know they have reached Delhi; I cannot speak positively as to other places.

1029. Does your experience during the period you were secretary to the government in Bengal, enable you to say how far the present machinery for conducting the government in India, both in India and at home, has led to great delays in the administration of public affairs?—I think it has led to great delay in frequent instances. Familiarly speaking, I think we calculated about two years in getting an answer from the Court of Directors on general subjects.

1030. Have you known any instances in which the determination of public matters of importance has very greatly exceeded that period?—There is none in my recollection at this moment.

1031. Can you suggest to the Committee any means by which the transaction of the public business of India might be conducted with more expedition and promptitude, due regard being had to its efficiency?—Yes, I think so, by having one authority instead of two at home.

1032. You think that a single organ for administering the affairs of India at home would be preferable to a double one, as now existing?—I should think so, undoubtedly.

1033. How soon does a merchant in India receive a reply from his agent in London?—Generally within a twelvemonth, sometimes much earlier.

1034. Have you considered the present ecclesiastical establishment in India as adequate to its purposes?—Yes, I think so.

1035. You speak from your knowledge of Bengal?—Yes; the ecclesiastical department was under my office as secretary to the government. The number of chaplains, was, I consider, adequate for Bengal. It would have been desirable to have more, so that a larger number of Europeans might have access to public worship. I mean those scattered at small stations. But the apportionment of chaplains is not to be considered with reference to the extent of our territory, but to the number of Christians who are to benefit by their ministrations, and the government cannot in reason be required to incur a large outlay for the accommodation of a few individuals, who do not contribute towards defraying the charge. Every station where there was any considerable number of Europeans quartered or resident, had a chaplain located; the Company had built several churches where they were called for, and were building more, only they wished to incur the expense gradually. I think that the number of chaplains is as great, if the complement be kept up, (because some are absent on furlough and on account of sickness,) as can reasonably be expected, the government paying all the expenses.

1036. What is your opinion as to the expediency of augmenting the number of bishops?—Having the misfortune to differ on this point with many excellent persons, I should distrust my own judgment, but the conviction presses most strongly on my mind that such augmentation is quite unnecessary. My reason is this, that I think the duties and labours of the bishop have been exaggerated, and that the archdeacons at the several presidencies have very little to do. I conceive that their functions might be very much increased. I was assured by Doctor Loring, the first archdeacon, that he had very little to do. The more particular charge of the ecclesiastical interests at the different presidencies might be safely intrusted with increased powers to the several archdeacons, who might (or should) control the subordinate clergy, and transact affairs connected with their department, without the imposing title of bishop, under ulterior appeal in important cases to their diocesan. It would scarcely be denied that the archdeacons are competent to visit the congregations of native Christians. With respect to the alleged hardship of the visitation, in any other branch of the service, the option of taking a voyage to sea, or up the river, or making an excursion in tents, or even a long journey in a palanquin, at a proper season, would be hailed as a boon by the healthy, and as a means of renovation by the sick. Therefore, I cannot understand why so much stress has been laid upon the infliction, as it has been called, of the bishop going upon his visitation.

1037. Are there any duties of ordination to be performed by the bishop in India?—There are; but in my experience they are of very rare occurrence. Then again,





again, as to the labour of the bishop, exclusive of the alleged toil of the visitation, he is allowed a secretary and a chaplain. This secretary both Bishop Middleton and Bishop Heber allowed to practise as an attorney in the Supreme Court, and consequently lost a great part of his assistance. The chaplains too of these prelates were generally detached on some other service, therefore the bishop was deprived, or rather deprived himself, of that aid which he was destined to receive. He certainly has, I believe, a very voluminous correspondence, but then he has deprived himself of persons who might draw up a number of letters for him, or at any rate transcribe them; and both Bishop Middleton and Bishop Heber were in the habit of copying their letters to the government with their own hands. Then again, great stress has been laid upon the danger to which persons at the time of life at which bishops usually resort to India, are exposed from the climate. My opinion is, that this inference is totally erroneous and opposed by experience, and that persons at a mature age have just as good a chance of health in India, as younger ones. With respect to the remarkable and lamented mortality among the bishops, I would observe, that Bishop Middleton lived eight years in India. The immediate cause of his death was, that he went out in an open carriage rather too early, and allowed the sun to strike upon his head. Fever ensued, but in consequence of his peculiar constitution, it was found very difficult to subdue the disorder; so that it cannot be said that his death was produced by the ordinary effects of the climate. Bishop Heber unfortunately committed the great imprudence of plunging into a cold bath after being exhausted by fatigue, and allowing the stimulus of exercise to subside, which error caused apoplexy, to which he had a constitutional tendency. Bishop James, I have heard from clergymen who knew him, was by no means a healthy man in England. It has been stated in a memoir of the life of Bishop Turner, that he had for many years suffered under an internal complaint in England, for which he looked to relief in a change of climate; so that the sun of India, however noxious, cannot be justly accused of accelerating that prelate's end. I think, therefore, that the climate of India may be acquitted of the death of those four bishops to a very great extent, and that it will be apparent that a clergyman in accepting the episcopal dignity of Calcutta, entering on the enjoyment of high influence and consideration, cheered by the prospect of extensive usefulness, receiving a fair stipend, and looking to a liberal pension, does not confer, as has been insinuated, an extraordinary favour on mankind by exposing himself to an almost certain premature death. I shall rejoice accordingly, if my exposition shall in any degree contribute to enlarge the sphere of selection for the high and revered station in question. If further proof were required, I might assert that India has not been inimical to the lives of chief justices; Sir John Anstruther came home after a long residence; Sir Henry Russell returned after a long residence, and is at this moment alive, I believe; there is also Sir Edward East; and Sir Charles Gray, the fourth chief justice is about to come home, his term having expired; Judges M'Naughten, Burroughs, and Buller are now in England. Then, on the other hand, it may be said that Sir Henry Blossett and Sir Christopher Puller died in India. Sir Henry Blossett went out in a dying state, from a schirrous stomach, and survived but a few weeks. Sir Christopher Puller, it was notorious, was subject to a confirmed determination of blood to the head; and in the fever supervening upon this most unfavourable predisposition, he was for some time attended by a physician practically inexperienced in tropical disorders.

1038. What objection should you see, independent of the question of expense, to there being more than one bishop in so extensive a country, for the purpose of ordination and other purposes?—It certainly appears to me to be unnecessary, because the ordinations occur very rarely, and the few persons to be ordained can come to the bishop.

1039. Is there not this objection to there being but one bishop in India, that a great part of his time is necessarily consumed in travelling from place to place in so extensive a diocese?—He cannot travel far without coming to some place which it is desirable for him to visit; and he can always arrange as to his correspondence, which I suppose can be conducted without inconvenience. It should be recollected, the bishop is only bound to go on his visitation once in three years.

1040. Might it not be very desirable that there should be a second bishop in India, who should be able, upon the vacancy of the office, to consecrate one of the clergy upon the spot, so that he might enter at once upon the functions of the office, which might save the necessity of a journey to England?—That might be convenient, but it would not be desirable as an uniform practice to appoint a clergy-



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man on the spot to the vacant bishopric; and if you make a second bishop, you must give him the allowances to enable him to keep up the dignity of his station. Besides, there would be a division of rule, perhaps; in fact, in the present infancy of the establishment it does not appear to me to be necessary. I think the archdeacons could perform the functions just as well, and the Company or the government would be saved many thousands of pounds a year, both in salary and in pension. At all events, the public finances should not be burthened with the expense of two additional bishops; but if the Christian community in India should urge the appointment of a more numerous hierarchy, they might reasonably be required to contribute to its maintenance.

1041. What objection do you see to the archdeacons being enabled to perform the functions of the bishop with the same salary that they now receive?—The government can by Act of Parliament delegate to them certain functions of the bishop, while the episcopal station is in abeyance; and I can see no objection to their powers being extended even while the bishop is in the discharge of his own functions, provided they continue, as before, subordinate to the bishop, receive no additional allowances, and do not assume the prelatial title. The establishment of chaplains is too small to justify any increase of dignitaries. It appears quite disproportionate to have a bishop for 35 chaplains in Bengal, a bishop for 30 at Madras, and a bishop for 25 at Bombay.

1042. Of the Europeans in India, is there any considerable proportion presbyterians?—Yes, a good many at the presidency.

1043. What sort of proportion of the Europeans in Calcutta do you think?—There are a good many Scotchmen at the presidencies, and they are generally presbyterians; they have a church of their own, for which the government send out and pay a chaplain.

1044. Have they not a presbyterian establishment at each of the presidencies?—Yes.

1045. Are there many Catholics among the Europeans?—Very few, except among the European soldiers, the majority of whom are generally Irish; they are allowed access to a Catholic priest. The government pay the salary of a Catholic priest at one or two stations.

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*Veneris, 16<sup>o</sup> die Martii, 1832.*

SIR JAMES MACDONALD, BART., IN THE CHAIR.

*James Sutherland, Esq. called in; and Examined.*

*James Sutherland,  
Esq.*

16 March 1832.

1046. WHEN did you return from India?—In April last.

1047. From Calcutta?—Yes.

1048. How were you occupied principally during your residence in Calcutta?—Chiefly in connexion with the press.

1049. During what period were you connected with the press?—I was for some time in the year 1818, again in 1823, and subsequently for the last four or five years of my residence.

1050. Were you yourself editor of any paper published there?—I was editor of several publications, and for the last three years editor of a daily journal, the Bengal Hurkura or Messenger.

1051. When was it first established?—I cannot tell at this moment; it was a great many years ago.

1052. How many English newspapers are published in Calcutta?—I have a list of the papers published in the beginning of the year 1831, which, with the permission of the Committee, I will put in.





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With the exception of the Bengal Hurkura press, at which alone no less than 14 periodicals, daily, tri-weekly, monthly, quarterly, and annual, are published (including four political and literary journals), all the presses at which the other publications enumerated above are published, and several others, undertake general printing, and there are printed several Advertisers, Price Currents, &c., and occasionally books and pamphlets.

1054. Whom do you understand by the Anglo-Indians?—Generally the children of British fathers by Asiatic mothers, and all Christians who are not British-born or aboriginal.

1055. Whom do you understand by the term half-caste, as familiarly used in India for the last 60 years?—The same classes.

1056. Applying them equally to the descendants of Portuguese, Dutch, and French, as well as of English parents?—Applying to all who are not aboriginal or European. I would desire to place it on record that I consider the word half-caste as offensive and improper.

1057. Do you possess any documents by which could be shown to the Committee, or can you from recollection state to the Committee, the numbers of each



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of the papers published at Calcutta in the native languages simply, or in the native and English languages?—I have not any accurate information as to the circulation of the native papers, but I can give a good idea as to that of the English newspapers.

1058. In what language are the native journals published?—All Bengalee, with one exception, which is a Persian paper. There was formerly an Hindostanee paper. About 3,000 is the circulation of the English papers.

1059. Including the tri-weekly as well as the daily papers?—Yes; the number includes the entire circulation, but it is rather a low estimate.

1060. Can you state what number of newspapers or periodicals are published at the other two presidencies?—There are three English newspapers published at Madras: The Government Gazette, The Madras Gazette, and The Madras Courier.

1061. At Bombay?—At Bombay, two: The Bombay Gazette and The Courier.

1062. Is there any native paper at Bombay?—There is, I believe, a Gujerattee paper.

1063. At Prince of Wales Island or Singapore?—There is a newspaper at Singapore, and one also at Malacca. At Penang, the Gazette, I believe has ceased.

1064. At Canton?—At Canton there are now two.

1065. Have you seen the official return that has been published of the newspapers in India?—I have seen such a return copied into the newspapers only.

1066. Did it appear to you to be accurate as far as it went?—No, it was inaccurate in many particulars. In the return of papers for 1830, there are many inaccuracies.

1067. Have you the means of stating what portion of the papers, whether native and English, or English only, are subscribed for by natives, and what portion by Europeans?—I have no certain means of answering that question; but my impression is, that the number of natives who subscribe to papers published by Europeans in English is extremely limited.

1068. With respect to papers published in the native language, do you mean that the circulation in that case is confined to the natives exclusively?—Almost exclusively.

1069. Can you state what portion of the 3,000 papers are subscribed for by natives?—That number totally excluded natives.

1070. That is totally excluding the native press?—Yes.

1071. Under what regulation practically is the Calcutta press at this time? How is the press at present conducted?—Every paper is published under a license from Government, revocable at pleasure, with or without inquiry or notice.

1072. Do you mean with or without assigning reasons?—Yes, with or without assigning reasons.

1073. Has this Regulation ever been acted upon; and if so, at what period?—It was first acted on in the case of the Calcutta Journal, in the year 1823; that paper having been suppressed under that Regulation.

1074. Was it acted on in any other instance you are aware of?—In another case, that of the Calcutta Chronicle, in the year 1827.

1075. Can you state from your own personal knowledge, the particulars of these two acts of suppression?—Yes. I have no copy of the official correspondence in the first case, but I was attached to the paper at the time. I recollect that it was ostensibly suppressed for the insertion of a pamphlet of the Hon. Colonel Leicester Stanhope, published in England, on a free press in India.

1076. Were they suppressed with or without any reasons assigned?—The reason assigned in the first case, to the best of my recollection, was the republication of the pamphlet in question; I beg to state, however, that I speak entirely on this point from memory; I have no document by me at present to refer to.

1077. Were you connected yourself with either of the publications at the time of the suppression.—With both.

1078. What was the reason in the case of the Calcutta Chronicle?—I have a copy of the official correspondence in the case of the suppression of the Calcutta Chronicle, but no specific reason was assigned; the general tenor was stated to be objectionable.

1079. I think it was stated by you in the case of the Calcutta Journal, the reason assigned was the republication of the pamphlet of Colonel Stanhope?—Yes, I think that was the principal reason assigned; the official letter may have referred to other publications.

1080. Will





1080. Will you explain what you mean by *assign*? Do you mean formally notified by the Government to the proprietors?—I mean it was adverted to in the letter suppressing the paper.

1081. Do you recollect whether that was the sole ground stated in the letter?—I do not at this moment distinctly recollect.

1082. But it was your own impression at the time that that was the real cause of its suppression?—Not that it was the real cause. My own impression was, that the law itself had been made with the express view of putting down that paper.

1083. How long previously to the suppression had that Regulation been made?—It came into operation a few months previously.

1084. Was that prior or subsequent to Mr. Buckingham's transmission?—Subsequent to Mr. Buckingham's transmission.

1085. With respect to the suppression of the Calcutta Chronicle, was it ever ascertained on what grounds that suppression took place?—The government, although respectfully solicited to state the grounds, refused to do so; but it was privately stated to have been suppressed for a paragraph, of which I have a copy here; the substance of the paragraph contained a suggestion, that if the government should prosecute a certain firm in Calcutta with a view of making them the "scapegoats," as it was called, in the case of the Stamp Act, that the community should indemnify them for the loss likely to be entailed on them thereby.

1086. Have you a copy of the official correspondence?—Yes, I have.

(*The Witness delivered in the same, which is as follows :*)

"To Mr. William Adam and Mr. Villiers Holcroft, Proprietors of the Calcutta Chronicle.

"General Department :

"Gentlemen,

Council Chamber, 31st May 1827.

"The general tenor of the contents of the Calcutta Chronicle having been for some time past highly disrespectful to the Government and to the Honourable the Court of Directors, and that paper of the 29th instant in particular, comprising several paragraphs in direct violation of the Regulations regarding the press, I am directed to inform you, that the Right honourable the Vice-President in Council has resolved that the license granted to you on the 25th January last for the printing and publishing of the Calcutta Chronicle be cancelled, and it is hereby cancelled accordingly from the present date.

"I am, Gentlemen, your obedient servant,

"C. Lushington,

"Chief Secretary to the Government."

"Charles Lushington, Esq., Chief Secretary to the Government.

"Sir,

"Calcutta, 31st May 1827.

"I have the honour to acknowledge the receipt of your letter of this date, informing me that the licence of the Calcutta Chronicle is cancelled by the Right honourable the Vice-President in Council.

"As his Lordship in Council has not seen fit to indicate the particular articles or paragraphs that have brought upon me this heavy expression of his displeasure, I am at a loss to know wherein my offence consists, what are the violations of the Press Regulations to which his Lordship refers, or in what respects the general tenor of the paper has been considered as highly disrespectful to the Government, and to the Honourable the Court of Directors.

"I beg to call to the recollection of his Lordship in Council, that the rules attached to the Press Regulation are expressly declared to impose no irksome restraints on the publication and discussion of any matters of general interest relating to European or Indian affairs, provided they are conducted with the temper and decorum which the Government has a right to expect from those living under its protection; neither do they preclude individuals from offering, in a temperate and decorous manner, through the channel of the public newspapers or other periodical works, their own views and sentiments relative to matters affecting the interests of the community. With profound deference to his Lordship in Council, I beg to state, that in offering my sentiments relative to



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matters affecting the interests of the community, I am not conscious of having transgressed the bounds here prescribed.

"I beg respectfully to submit, for the consideration of his Lordship in Council, that in every former case of suppression several previous admonitions have been given, whereas in the present case, although I am informed that the general tenor of the contents of the Calcutta Chronicle has been considered for some time past highly disrespectful, yet the withdrawal of the licence is sudden and unexpected, and has not been preceded by any authoritative warning, to which it would have been at once my duty, my interest, and my inclination to attend.

"Knowing the difficulties and dangers that beset the path of an Indian editor, I was originally induced to allow my name to be sent in to Government in that character with extreme unwillingness, which was vanquished chiefly by the hope of being instrumental in saving from destruction the property of a poor man, vested in a paper that had incurred the displeasure of Government in that case, and subsequently encouraged me to embark property on my own account in a similar concern. I venture to hope that an engagement thus commenced for the benefit of another will not be terminated by the fiat of his Lordship in Council, to my great loss, without any premonition for my guard and guidance.

"I have only to add, that should his Lordship in Council be pleased to extend to me the same consideration which has been bestowed upon others in similar circumstances, it will be my earnest endeavour to avoid whatever may appear likely to be deemed a violation of the Press Regulations.

"I have the honour to be, Sir, your obedient servant,  
(signed) "W. Adam,

"Sole Proprietor of the Calcutta Chronicle."

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"To Mr. William Adam.

"General Department :

"Sir,

Council Chambers, 1st June 1827.

"Your letter of yesterday's date having been laid before Government, I am directed to inform you, that the Right honourable the Vice-President in Council does not think it necessary to make any more specific reference to the objectionable passages contained in the Calcutta Chronicle of the 29th ultimo than was done in my communication of yesterday.

"2. I am desired to add, that the remainder of your letter requires no other reply than that the warnings publicly given to other editors were sufficient for your information, and that Government does not see fit to accede to your application for permission to continue the publication of the Calcutta Chronicle.

"I am, Sir, your obedient servant,  
(signed) "C. Lushington,  
"Chief Secretary to Government."

1087. Do you mean that no previous communication had taken place between the Government and the editor prior to this?—None whatever.

1088. In the absence of any declaration on the part of the secretary of the Government as to what were the objectionable paragraphs contained in the paper, what was your own impression as to what those paragraphs were?—I found it extremely difficult to form any idea on the subject, from the variety of matter which was introduced into one day's paper; a great variety of topics being discussed in each number renders it impossible.

1089. Your attention was recalled to a particular number?—The number of the 29th May; I think it was in that number that the paragraph which I have mentioned appeared, and which was afterwards privately pointed out as the paragraph that gave offence to the Government.

1090. You stated that it was privately intimated to you afterwards what the objectionable passage was; do you mean that it was intimated to you by a private friend?—Yes, by a private friend.

1091. Not from authority?—No, not from authority.

1092. You, in fact, then never had reason to know what were the grounds of the suppression?—Nothing beyond that private intimation.

1093. The last letter of the chief secretary adverts to warnings publicly given to other editors, which he conceives would be sufficient for your information; what was the nature of those public warnings?—They had called the attention of other editors to certain articles which had been deemed offensive by the Government.

1094. Where





1094. Where and to whom were those warnings given?—In Calcutta, given to the editor of the Bengal Chronicle.

1095. Publicly?—Officially.

1096. To whom were they addressed?—To the proprietor.

1097. What was his name?—Monte de Rosario.

1098. Were not those warnings matters of public notoriety?—They were published in the newspapers of the day.

1099. Had they any effect on the editor of the paper in making him more cautious in his publications?—That paper never was suppressed.

1100. Then may it be inferred that they had that effect on the paper?—It is difficult to say, because a change in the Government occasioned in several instances a change in the policy towards the papers.

1101. Was the Government changed at this period?—It was.

1102. In the case of Mr. Buckingham, were any warnings given to him officially?—Yes, several.

1103. Was his conduct altered in consequence of them?—I believe so. In consideration of his own interest he must have endeavoured to frame his conduct according to the wishes of the Government, but that he did not succeed is apparent, inasmuch as he was first transmitted, and the paper subsequently suppressed.

1104. Is it within your knowledge at what date the present Regulations affecting the press at Calcutta were made; are they coeval with the supreme authority of the English in Bengal?—By no means; the Regulations under which it is now conducted were enacted in 1823.

1105. Was not the press always under some restrictions ever since the English authority was established in India?—No, it was not; in the time of Warren Hastings it was as free as it is now in England.

1106. On the occasion of the suppression of the two papers in question, was there any loss of property sustained by the proprietors?—In the first a very enormous loss.

1107. At how much do you estimate that loss?—I should say it had not been overrated at 40,000%.

1108. How do you estimate that; was it divided into shares?—It was divided into 400 shares, 200 of which were offered for sale, and upwards of 90 of them readily sold at that valuation prior to Mr. Buckingham's transmission.

1109. The Calcutta Chronicle was only a three-times-a-week paper; what was the loss on the suppression of that paper?—I should say, on a low valuation, 1,000%; it had only been established four months.

1110. How many persons have been transmitted from India during your residence there for offences against the press?—Two from Calcutta and one from Bombay.

1111. Is the case of Bombay that which ultimately came before a court of law in this country?—Yes; Mr. Fair.

1112. To what extent then, under the Regulations, does the liberty of the press practically exist in Calcutta?—It entirely depends on the views of the Government for the time being, whatever those may be. Under the administration of Lord William Bentinck, a very great latitude is allowed to it; it is virtually as free as it is here, in fact.

1113. How did it stand during the time of his immediate predecessor, Lord Amherst?—In the early part of Lord Amherst's administration it was extremely limited; indeed Lord Amherst transmitted one editor, and suppressed the Calcutta Journal; but in the latter part of his administration his Lordship never interfered with the press at all while he was on the spot.

1114. Does not his policy with respect to the press seem to have undergone some change during his administration?—Yes, some considerable change.

1115. During the absence of Lord Amherst in the Upper Provinces was there any change perceivable in the liberty of the press?—It was during his Lordship's absence that the Calcutta Chronicle was suppressed; there was an immediate change on his Lordship's departure.

1116. Did anything transpire publicly to mark his Lordship's sense of that suppression one way or other?—Not at all.

1117. What were the general objects of discussion in the English newspapers at Calcutta?—Revenue, police, judicature, colonization; but also a very large infusion of strictly European politics.

1118. Had the editors numerous correspondents, and if so, of what class did they consist?—A great many; chiefly Europeans and Anglo-Indians, and some natives also.

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Esq.

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1119. Are not the civil servants prohibited from engaging actively in the papers at Calcutta?—There was some order of the kind published some years ago, but they still do correspond very largely with the press, both civil and military servants of the Company.

1120. What was the circulation of the Bengal Hurkura when you left that country?—In all its editions it circulated upwards of 1,500.

1121. That is to say, in its tri-weekly editions?—The three editions circulated upwards of 1,500; that of the daily alone was 800.

1122. Of whom did your subscribers consist; were there any natives among them?—Very few natives.

1123. What is the price of the daily paper at Calcutta?—About 7*d.* sterling.

1124. Is there any stamp duty?—None. There is a postage charged.

1125. What was the monthly subscription?—The monthly subscription is eight rupees, or 64 rupees by the year, if paid in advance.

1126. Are the expenses of paper and printing heavier there than they are in England?—Considerably.

1127. From what cause does that arise?—We have to import our paper, ink, types, presses, &c. from England.

1128. What was formerly the price of newspapers at Calcutta, do you know?—Formerly, I believe, they were all weekly journals; the price was then four rupees a month.

1129. By what means was the price reduced?—By active competition, in which Mr. Buckingham took the lead.

1130. What class of persons do you employ as printers and compositors?—Portuguese of the country and Hindoos.

1131. Native Christians?—No, Portuguese and Hindoos.

1132. Are they expert in their business?—Very expert.

1133. The Hindoos, pray how do they perform their parts?—When it is considered that many of them do not read English at all, with surprising expertness.

1134. What number of persons in all are employed on the Hurkura press?—Probably 50 or 60 in the publication of the newspapers alone; I have no means of knowing accurately.

1135. Of the native press, what are the topics that are principally discussed?—They now discuss questions of government, jurisprudence, revenue, and police; and religion some of them discuss very largely.

1136. Of your 800 subscribers, what number may have been resident in Calcutta?—More than half.

1137. What impediment is there to the circulation of the newspapers in the provinces?—The postage.

1138. Is the postage as heavy now as it was formerly?—Lord William Bentinck has made a very considerable reduction in it; formerly it was charged nearly as a letter postage, now there are two fixed rates; two annas to all places within a certain limit, and four annas to all places beyond that limit.

1139. What was the largest amount paid to Government by that postage?—One journal paid by contract to the Government 3,000 sicca rupees a month, or 300*l.*, under the old system.

1140. Has the reduction in the postage increased the sale of the newspapers?—Considerably. That of the Hurkura has increased: I am not sure that it has been so with the other newspapers.

1141. To what extent?—Probably 200 or 300.

1142. Has the reduction produced any defalcation in the revenue?—I imagine not, because it was agreed that the proprietors of newspapers should be responsible for such defalcation, if any occurred, and no claim has been made upon them, therefore I suppose there is no defalcation.

1143. Do you know what amount is derived from that source for the conveyance of newspapers?—I should think one-tenth of the whole post-office revenue, about 70,000 rupees.

1144. By the year?—Yes.

1145. Is there the same rate of postage at Madras and the Bombay presidencies as at Bengal?—No, the old rates are retained, and they are very heavy.

1146. Can you speak to what they are?—The postage of a paper from Madras to Calcutta, for example, is one rupee 14 annas; one rupee seven annas from Madras to Gangam, and seven annas from Gangam to Calcutta. Under the present Regulations the postage from Gangam to Calcutta would be only four annas.

1147. The





*James Sutherland,*  
Esq.  
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1147. The Madras rate of postage would appear to be more than double than that of Bengal?—A great deal more.

1148. During your connection with the periodical press, have you known any instance in which writings have been charged as having a tendency to promote sedition or revolt among the native troops?—I am not aware of any instance of the kind.

1149. What benefit do you suppose to have arisen from the free discussion of the press in Bengal?—I think it has acted as a check on the conduct of public functionaries, and occasionally led to very useful investigations.

1150. What reason have you for supposing that it operates as a salutary control on any of the functionaries at Bengal?—I imagine they all stand in awe of that public constituted by the Europeans, in the service and out of the service, a large body of Anglo-Indians, and a number of intelligent natives in Calcutta.

1151. Has the press on any occasion within your experience been rendered available for the defence of public functionaries when attacked?—Very frequently; they have frequently availed themselves of it against attacks made on them through the same channel.

1152. Do any particular instances of this nature occur to you?—I cannot at this moment recal any particular instance. I remember one instance in which a gentleman in the civil service was charged with having compelled a rich native to lend him his boat. The Sudder or Supreme Company's Court of Calcutta wrote to request the name of the author of this attack, which was given to them, and an investigation ensued, by which, I believe, the conduct of that servant was exculpated.

1153. Since the relaxation of the press in Bengal, under Lord William Bentinck, have you heard any allegation of specific mischief in any instance having arisen to the Government from that relaxation?—I recollect none, except in a rival paper; perhaps, in discussion with rival papers, they endeavoured to make out that the relaxation of the press was dangerous to the Government; but I know of no specific instance that can be produced.

1154. When you spoke of the relaxation of the restrictions on the press on the part of the existing Governor-General, do you mean the Committee to understand that the same power of transmission from India which has been exercised in former instances is not at this moment held over the press and its conductors exactly as before?—Precisely the same state of law exists.

1155. Then what do you understand by the term relaxation under the later government of Lord William Bentinck?—I mean, practically, that his Lordship has never interfered with the press, and that it has been privately understood he never will do so.

1156. You have stated in your own experience in India you have known three instances in which persons were transmitted from India?—Yes.

1157. Does your experience, or does your knowledge historically, enable you to state to the Committee any, and how many, further instances at any preceding period?—I am not aware of more instances historically recorded of transmission for offences of the press.

1158. Then in the course of all that you know, personally and historically, you can state to the Committee only four instances in which this power of restricting the press by transmitting from India the conductor of a periodical work has been enforced by the British Government in any of the presidencies?—Only four instances in which the press has been restricted by that means.

1159. In one of those instances which you have specified, the case of Mr. Fair, at Bombay, the party applied to a court of law in England, to receive compensation for the injury sustained by him in consequence of such transmission; can you state to the Committee what was the result of such trial?—To the best of my recollection, Mr. Fair was too late in bringing on his case; there was a technical objection taken; I think he was defeated on that ground.

1160. Can you state to the Committee generally at what period the press was restricted for the first time to the class of restrictions under which it is now subjected in Bengal?—In point of fact, it is under two restrictions at this juncture; the one the law of transmission, the first enactment of which I do not positively recollect, but it was long prior to the date of the present Charter; the second was enacted in 1823.

1161. What was the second class of restrictions to which in your last answer you have referred?—The licensing regulation of the late Mr. Adam, as Governor General.



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1162. Reference has been made to the case of Mr. Fair; upon what ground was he transmitted from Bombay?—For an alleged misrepresentation of the proceedings of the Supreme Court.

1163. Was the paper he edited his own property?—It was in part, if not entirely, the property of one of the secretaries to Government, Mr. Warden.

1164. What took place with respect to him?—Sir Charles Harcourt Chambers, one of the King's judges, conceiving the Government to be responsible for this misrepresentation, inasmuch as the paper was the property of one of their principal confidential servants, complained of it, on which the Government called on Mr. Fair to make an apology, and on his refusing to do so, he was transmitted to England, *via* China.

1165. Under what Government Regulations is the press at Bombay conducted?—There is no Regulation for the press at Bombay, but it is restrained by the terror of the law of transmission, I apprehend, applicable to Englishmen.

1166. Do the same Regulations that exist at Calcutta exist at Bombay?—No; the same Regulation was proposed at Bombay, but the judges unanimously rejected it as "repugnant to the laws of the realm," in the words of the Act of Parliament.

1167. Was that decision not in contradiction to a decision of the Privy Council?—It was; but the judges of the court did not conceive themselves bound by the decision of the Privy Council.

1168. When the Regulation was registered at Calcutta, do you know how many judges were on the bench?—Only one, Sir Francis M'Naughten, a puisne judge.

1169. Were you present in court yourself at the time?—I was, and reported the whole proceeding.

1170. What took place on that occasion?—Counsel were heard against the Regulation, on the part of the proprietors of several journals there, and also on the part of some enlightened natives on behalf of their countrymen; but the judge stated in the course of his judgment that he had previously promised the Government to sanction some such Regulation.

1171. The Regulation refers to the licensing, and not to the power of transmission?—To the licensing.

1172. Who were the judges at Bombay who refused to register the Regulation of the Government?—Sir Edward West, chief justice, Sir Charles Harcourt Chambers, and Sir Ralph Rice.

1173. Did the other judges at Calcutta dissent from the opinion of Sir Francis M'Naughten?—There were no other judges at the time, he was alone on the bench.

1174. What are the Regulations respecting the press at Madras?—It is under a rigorous censorship.

1175. Who is the censor?—Generally one of the secretaries to Government; I believe, the Chief Secretary.

1176. Is the censorship usually acted upon?—Constantly. There have been repeated instances of articles rejected in the Madras papers having been sent up to Calcutta, and published there.

1177. What is the form adopted as between the publisher and the censor?—The paper is sent to him in proof, and he strikes out anything that he disapproves of, either original or select.

1178. Have you known instances of considerable omissions in consequence?—Several. The first I recollect is that of the proceedings of a meeting assembled to address the Marquis of Hastings in 1818; the censor forbade them to be published, and they were sent up to the Calcutta Journal, and inserted in it.

1179. The Marquis of Hastings being Governor General?—Yes. The first instance in which I ever heard of it was a letter of the late Princess Charlotte, written on her death-bed to her mother.

1180. Does the censorship extend to European politics as well as Indian matter?—Even to Parliamentary debates.

1181. Can you produce any examples of rejected articles, rejected by the censor at Madras, which have been forwarded to you at Calcutta for publication?—Yes, I have one here, inserted in the Bengal Hurkura of the 29th of July 1820.

1182. In the event of an omission being made by the censor, how is the vacuum filled up?—Generally by lines of stars or asterisks.

1183. Then the Committee is to understand that, excepting only the power of deportation, which is common to each of the three presidencies, the presidencies are





are practically under Regulations each distinct from the other?—Yes, each distinct from the other.

1184. The censorship depending altogether on the judgment and discretion of the individual filling the office of Secretary to the Government, it is presumed that great variations and fluctuations would take place as to the manner in which the duties of the censorship are from time to time discharged?—Very great; they must depend on the views of the person exercising it for the time being.

1185. What Regulations, according to your view, would it be expedient to make for the press, due regard being had to the safety of the British Empire in India?—I see no reason why the press in India should not be left as perfectly free, subject to the control of the laws, as it is in Great Britain itself; on the contrary, I think that freedom is attended with even less danger, if possible, in India than in Great Britain.

1186. State to the Committee the grounds on which you form that opinion?—I conceive that the press for the present, and for a very long time to come, can only operate on the minds of the English, Anglo-Indians, and the natives very considerably enlightened; that if the Government desire to have the good opinion of such men, which I presume to be cherished by all public functionaries, the natives in general in India would enjoy the advantages of a free press without being aware of the instrument by which they are benefitted, or even capable, at present, of understanding it. I would appeal also in support of that opinion to the fact recorded in Indian History, that in the time of Warren Hastings, certainly the most critical period of our empire in India, the press laboured under no other restrictions than the law of England, which was found amply sufficient to check its licentiousness. I have had an opportunity of referring to the earliest paper published in Bengal, and it was violent, and even scurrilous in the extreme, in its attacks on public men; but the law in that case was found sufficient to suppress it, by subjecting the editor to numerous and heavy fines.

1187. Were the fines enforced by prosecutions for libel?—By prosecutions for libel in the Supreme Court, and the verdicts of juries.

1188. Do you think that writings of such a description would be tolerated in the present state of society in India?—No such writings as those contained in the earliest paper published in Bengal would now be tolerated one day, according to the present taste of the community in India.

1189. Was it the enforcement of the English law of libel that was found sufficient to put it down?—Yes, the English law of libel.

1190. Did not Mr. Hastings obtain various verdicts from successive juries?—He obtained various verdicts against Mr. Hickey, the proprietor of that paper alluded to, Hickey's Gazette; and when that Governor left Bengal, he held a bond of Mr. Hickey's, which he generously cancelled on leaving the country, a bond for these fines, amounting to 3,000*l*.

1191. Has not the circle from which juries might be taken considerably enlarged in Calcutta since the time of Mr. Hastings?—Very much in all classes.

1192. What difficulty, in your opinion, exists in jury trials for offences of the press at Calcutta?—I know of none. I have heard of fears expressed by legal men that there might be a difficulty of obtaining verdicts under the existing system.

1193. Do you mean that you have heard apprehensions expressed of an indisposition in the classes of whom jurors are composed—Yes.

1194. With respect to the system or to British dominion?—To the system alone, certainly not to the British power; that would be a very unreasonable supposition.

1195. Were the verdicts which were gained by Warren Hastings for attacks on his political character?—For attacks on his public and private character, and on that of the naval commander-in-chief.

1196. Not for political articles, not for articles on Indian politics?—Yes; for strictures on his public conduct, and on that of the naval commander-in-chief, and so on.

1197. Would you find a strict resemblance either as to the society or as to British dominion between the present time and the time of Warren Hastings?—On the contrary, no resemblance whatever; the advantages are all in favour of the latter period.

1198. No natives at that time read English newspapers?—Very few, I imagine, then.

1199. There was no considerable class of what are called Anglo-Indians?—Not many.

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Esq.  
16 March 1832.





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1200. Therefore the newspapers printed in English were principally read by the servants of the Company?—Principally by the servants of the Company.

1201. Was there at that time any very great class of commercial persons unconnected with the East India Company?—No, certainly very few; the monopoly effectually prevented that.

1202. Under what restrictions is the native press conducted at Calcutta?—Precisely the same as the English press, with the exception of the law of transmission, applicable to Englishmen alone, or British born subjects.

1203. How is it in Madras?—The native papers?

1204. Yes?—There are no native papers.

1205. Do you know whether the Regulations are the same for the Bengal papers in Calcutta and in the provinces?—In the provinces the penalties are more severe, amounting to confiscation of the types and presses in some cases.

1206. For breach of Regulation?—Yes.

1207. Then there are papers printed in the provinces of Bengal?—I am not positively aware of the fact; I have heard that there is one, and I know there is a press at Cawnpore, but I cannot say that there are native papers published there.

1208. In the event of the paper being published after the Government has notified the cancelling of the licence, what is the result?—The fine of 400 rupees for each publication, levied by summary process by the magistrates of Calcutta, which magistrates hold their appointments at the pleasure of the Government.

1209. Now what will be the state of the native press of Bombay?—Perfectly free, I should say.

1210. More than the English press?—Yes. I would observe, of late there has been a very great latitude of discussion permitted in Bombay; I have seen very recently a discussion about the Princess of Kittoor, who died under confinement by the Company's authorities.

1211. You have seen that case freely canvassed?—Yes.

1212. In the event of the financial accounts of India being published for information as they are now in England, do you conceive it would excite interest, and be productive of discussion or otherwise?—It would excite very great interest, and lead to many useful suggestions.

1213. Since your first acquaintance with the natives of Calcutta, has English education made any progress?—Very great progress indeed.

1214. Does there appear to be a growing disposition to approximate to English manners?—Very great; and the number who speak English has wonderfully increased.

1215. Would that apply more to the rising generation?—To the young men, and the rising generation more: it is indicated in the institution of literary societies, and the increase of native schools for teaching English.

1216. You refer to schools instituted by the natives themselves for that purpose?—Yes.

1217. Do you consider that this has led to make any impression among any of them in the superstitions of their religion?—I conceive that very few of the great number of the well-educated Hindoos any longer adhere to the superstitions of their countrymen in former days, whatever they may find it convenient publicly to profess.

1218. Do you allude to your residence at Calcutta principally?—Yes.

1219. Are those persons of respectability or of the lower classes?—Educated and respectable persons, persons much in habits of association with Europeans; at Benares also the natives presented Lord William Bentinck with an address of thanks on his abolition of the rite of suttee.

1220. To what do you ascribe this growing change in the character of the natives?—In the first instance, to the opening of the trade, which has led to a vast increase of European association, which has produced that improvement that, I believe, it has been remarked to have done everywhere else. In the instance of China, it was observed that the people of Canton were infinitely more intelligent than the inhabitants of the interior, where there had been no intercourse with Europeans.

1221. Is it your opinion that the increase of this intercourse, and the extension of education, are the most probable means of effecting ultimately any degree of conversion among the natives, among the Hindoos?—I should say the only probable means.

1222. Are





1222. Are there any native literary societies established at Calcutta?—There are several, I believe, I attended only one. *James Sutherland, Esq.*

1223. What class of persons resort to them?—Respectable Hindoos; young men principally. 16 March 1832.

1224. At the meeting you state yourself to have attended, what question was discussed?—A very able paper on the British constitution, written by a Hindoo, was read, and some discussion ensued on it in English.

1225. Do the Hindoos of Calcutta prefer the English literature to the Sanscrit?—Most decidedly. I have been in company with fourteen or fifteen of the youths educated at the College, and their conversation turned entirely on the merits of English literature, on the poetry of Pope, Dryden, and other writers; they have all a great ambition to learn the English language, and to acquire a knowledge of English literature.

1226. Are you of opinion that means might be taken for disseminating much more largely the English language throughout India?—Yes, I think means might be taken, by the introduction of that language as the language of the courts in the interior. I think also that the sepoys in our army might be taught to speak English, and I have heard Lord William Bentinck is attempting something of the kind.

1227. What opinion do you entertain of the capacity of the Hindoos?—I think they have great natural capacity.

1228. Should you say they are trustworthy?—I think those who are educated and those who have the advantage of European intercourse, are as trustworthy as any men in the world. With regard to those who are not educated and have not the benefit of that intercourse, they labour under the disadvantage of a superstition which inculcates falsehood as a virtue sometimes.

1229. Is there any improvement which strikes you as easy to be made in the native schools of India in teaching the English language?—No, I am not aware of any, except that a great number of translations into English of elementary works, on the physical and useful sciences in particular, might be an advantage.

1230. Could Government at a small expense increase the facilities of the natives acquiring English in the schools?—I imagine they might at a very trifling expense; for I believe the natives themselves are generally disposed to assist in the effort to instruct the rising generation.

1231. Would that be sufficient without the assistance of the Government?—It would require the encouragement and assistance of Government also.

1232. Are the Indo-Britons a numerous class at Calcutta; at what do you estimate their number?—There are a very great number congregated at Calcutta; but I consider the estimate which has been formed is very greatly overrated; I cannot conceive the number can exceed 5,000 or 6,000.

1233. Is the number increasing?—It is increasing.

1234. Do you think a little more extended intercourse with India would be likely to increase the number in Madras of the Anglo-Indians?—I should think it would. I should say that the shades of distinction, however, would decline: in the case of a European marrying an Anglo-Indian lady, for example, the shades of distinction would be almost lost; their children could not be distinguished from those whose parents were both Europeans.

1235. What degree of English education do they possess, and what capacity have you observed them to enjoy, for the transaction of public business?—There are very many clever men among them, and they are found extremely useful and skilful in the public offices, in which they are chiefly employed.

1236. Have you personally known any of them well educated?—Several extremely well educated; but they feel the disadvantage which they labour under; the exclusion from civil and military employment, and the first society, is felt as invidious.

1237. Have you any doubt of the policy of maintaining that distinction?—I should say it is very impolitic; I consider that it is sowing the seeds of disaffection among a body otherwise extremely well disposed to the British power.

1238. Have they also latterly instituted any societies in Calcutta?—They have several societies.

1239. Have you attended any of them?—I have attended one or two of them; the discussions were of a literary nature; I do not at this moment recollect the particular subjects.

1240. Did you attend them out of curiosity, or for the purpose of making use of them in the course of publication?—Purely from the desire to observe the



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nature of the discussions. I have heard some very good speaking, some very eloquent speaking, at some of those meetings.

1241. Do you consider them as being impatient at being excluded from civil offices of trust or responsibility?—I think they begin to feel their situation.

1242. Have you any idea of any danger resulting to the British interests by opening to them offices of trust and emolument?—On the contrary, I should think the British Government would derive advantage from that more liberal policy.

1243. If a covenanted European civil servant received 3,000 rupees a month, how much would remunerate an Anglo-Indian of the same capacity and fitness, how much would remunerate him for the same office?—I conceive he would think himself very handsomely remunerated at one third.

1244. What would be considered by a native of the same capacity and fitness as a sufficient remuneration under similar circumstances?—I think generally one half of what would content an Anglo-Indian would satisfy a native.

1245. Do you happen to know whether there is not on its way home a petition from the Anglo-Indians with regard to their exclusion from office?—I understand there is such a petition. There has been another meeting held on the subject.

1246. Do you consider the English gentlemen filling the offices of Magistrates and Commissioners of Courts of Requests at Calcutta superior in point of talent and acquirements to the average of the covenanted servants holding judicial offices; and if so, can you state to the Committee what is their comparative rate of remuneration?—I should say, they were at least fully equal in point of talent and acquirement to any of the Company's servants, judicial or revenue. With regard to the remuneration to gentlemen in those situations, it is as follows: the salary of the Commissioners of the Courts of Requests and the Magistrates varies from about 800 to 1,400 rupees per month. I believe, however, that there has been recently a reduction in these salaries.

*Martis, 20<sup>o</sup> die Martii, 1832.*

SIR JAMES MACDONALD, BART., IN THE CHAIR.

*James Sutherland, Esquire, called in; and further Examined.*

James Sutherland,  
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1247. I BELIEVE you wish to give some further explanation?—The point I beg to explain is, that although the warnings mentioned as given to the editors of the Calcutta newspapers, were, without the sanction and authority of the government, inserted in the journals of the day, they did not and could not form any intelligible guide for the conduct of the editors in regard to future discussions. The case of the suppression of the Calcutta Chronicle was exactly in point. On that occasion the government referred to previous warnings, and were supposed to allude to those given to the proprietor of the Bengal Chronicle. One of those warnings was called forth by some comments on the constitution of the Privy Council in England; the other by some jocular remarks on a despatch relative to the island of Shahpooree, in the river Naaf. In the case of the Calcutta Chronicle neither of those topics, to the best of my knowledge and belief, had ever been touched on at all, certainly not in the number of the 29th May, to which the government made particular reference. I mean to say, therefore, that they could have formed no guide, no warning to the editor of the Calcutta Chronicle. That is the explanation I wish to give. There is one other point on which I wish to add a few words. I stated that Lord William Bentinck had never interfered with the press generally; I have since recollected that he did, on one occasion, by a circular addressed to the editors, prohibit any discussion on the subject of the reply of the Court of Directors to the memorials of the Bengal officers respecting the half-batta reduction, which circular the editors obeyed.

1248. Is that the only point?—I do not at this moment recollect any other.

1249. And with that injunction the editors complied?—Yes, implicitly.





*Peter Auber*, Esquire, called in; and further Examined.

*Peter Auber*, Esq.  
20 March 1832.

1250. IN your examination of the 14th of February last, you stated, "that the number of despatches sent up for approval to the Board from 1793 to 1813 was 3,958, and from 1814 to 1830, 7,978." Are you aware that the most important of those despatches originated with the India Board?—I am not aware that the most important did originate with the Board; I do not know what may be termed the most important despatches; there are despatches which come solely within the cognizance of the Secret Committee, and there are the other despatches which come under the review of the Court of Directors at large. The former are unquestionably important on many points, especially with regard to the principles of maintaining our relations with the native states of India, and frequently as to the proceedings anterior to war, and also as connected with the treaties which may be concluded with those native powers.

1251. This answer has reference to the importance of the subject of the despatches; what proportion of the despatches numerically can have been said to have originated with the India Board?—As far as the despatches from the Secret Committee are concerned, I think, from 1784 to the present period, there may have been about 450 or 460 from that Committee to India.

1252. What part has been taken by the India Directors with respect to the proportion of such secret despatches?—I believe it has been represented that the origination of the secret despatches rests entirely with the Board of Commissioners, whereas the Act does not prescribe either party as specially invested with that duty; it declares that whatever are sent down to the Secret Committee by the Board of Commissioners shall be sent out by the Committee, who have no power of remonstrating against such despatch; but there is nothing to preclude the Secret Committee, that I am aware of, from proposing any despatch in the Secret department.

1253. Are we to understand practically there is no prohibition of the Secret Committee proposing despatches in the Secret department; have the Court of Directors or the Secret Committee never, in point of fact, originated secret despatches?—Anterior to 1813, and during the whole proceeding of the Mysore war, and those of the Mahratta war, in the years 1802, 1803, and 1804, and likewise the expedition against the Cape, Manilla, the Moluccas, the French islands, and Java, various despatches were proposed by the Secret Committee of the Court of Directors, and some also lately.

1254. Is there any provision by which despatches generally shall be held to originate with the Court of Directors?—The Act of Parliament, I think, provides so certainly by implication, that the Court of Directors are to originate despatches, for in the event of their not preparing replies to despatches to India, the Board may direct the Court to frame such despatches on any subject the Board shall see fit connected with civil, military, or revenue subjects, as connected with the government of India.

1255. Are we to understand, in your judgment, the originating power rests with the Court of Directors, and that of supervision and direction with the Board of Commissioners?—Perhaps I might put the Committee in possession of the proceedings which gave rise to the enactment as it now stands, with regard both to the despatches from the Secret Committee, and the originating of despatches by the Court of Directors. The Secret Committee was first established in 1784; when the Act which first instituted that committee was proposed by Mr. Pitt, communications were frequently held with the Court of Directors on the subject. Among the clauses that came under consideration was section 15 of the Bill: as it originally stood, that section vested the Board with the power of issuing secret orders to the government in India on any subject relating to the civil and military government, as well as respecting peace or war, withholding the knowledge of the same from the Court of Directors, as well as of the replies that might be received from India, as the Board might see fit. The Court of Directors were of opinion, that to the extent stated in the clause, the powers therein given would at one blow annihilate the Company's government. The Court were ready to recommend to the general Court of Proprietors to consent to vest powers in his Majesty's Ministers to issue secret orders, such orders being first communicated and afterwards transmitted through the Secret Committee of the Court of Directors, concerning the levying of war, or making of peace, or negotiation respecting war and peace, to the several



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governments or presidencies in India, and binding those presidencies to obey the same in like manner as if they had been issued by the Court; but beyond this they could not conceive a case in which such power would be useful, and many in which it would be improper and dangerous. In consequence of such representation the provisions were altered as they now stand.

1256. Where do you find the representation made by the Court?—In the records of the East India Company. With regard to the public despatches, section 13 of the Act of 1784, as it originally stood, left it to the Board to transmit, whenever they might see fit, to the Court of Directors, drafts of despatches, without waiting for any copies of despatches intended to be sent by the Court of Directors. The Court were of opinion, that whilst the government of the possessions in India remained vested in the Company, and administered in their name, under any degree of control whatsoever, the power to originate orders and instructions could not be vested in any other class of men consistently with the principles of such a government, or without at once annihilating the executive power of the Company, and that the power thereby given would not only tend to destroy the principle before mentioned, and tend to introduce a doubt which of the two bodies would stand responsible for delay or negligence, but might become highly dangerous in times of political contest and unsteady administration, when it might be very inexpedient that new men just vested with the power of controlling the most important acts of the Company should decide on materials digested, and without the aid of those reasons and explanations which a previous discussion by men of experience must ever afford, rather than be led to commit the credit of their Board by precipitate orders, which once issued would not be easily given up; and moreover it did not appear that any use whatever could arise from that power, because it would still be necessary that both the Board of Control and the Court should deliberate on every measure, and no time therefore would be saved by originating the orders in one branch rather than another. The Court were very ready to concur in any regulation which might enforce the despatch of business, and tend to prevent negligence or inefficiency in its own provisions, but whilst the government remained vested in the Company, the power so given appeared at once destructive and useless. The Court therefore gave it as their decided opinion that the clause should be altered by making the same to take place only whenever the Court of Directors should omit to forward to the Board their intended despatches on any subject within 14 days after requisition made by the Board. The Act was altered, and now stands nearly in those terms.

1257. The great bulk then of dispatches connected with the government of India originates with the Court of Directors, and the power and supervision of those despatches rests with the India Board?—Clearly so. I may state, in order to show it more clearly, that from 1814 to 1831, comprising a period of 17 years, there were 7,978 drafts, instead of 7,962, as stated in my former examination, (Question 156) prepared for India in the various departments. Of this number 690 were altered by the Board. The Court, under the power which is conferred upon them by the Act, made representations to the Board of Commissioners, upon 109 of those 690 drafts, and the Board consented to modifications, more or less, in 76 of those 109 cases. With regard to the importance of the despatches I beg to state, that the Political department comprises almost every subject which is or has been treated of in the Secret department, such as the policy to be observed towards the several native states in India. There is also the Judicial department, another very extensive and important part of the correspondence; the Revenue likewise, and I may especially point out the Financial department, which since the year 1822 has been prepared by Mr. Melvill, the auditor, in a manner which clearly exhibits the state of the Indian finances, and shows the extent and importance of that branch of the correspondence; and I am not aware that any entire despatch in these several departments, during the 17 years, has been prepared by the Board of Commissioners. The Board have directed despatches to be prepared to the number, I believe, of 49 or 50; I may not be quite correct, but I believe that is about the number. The Board on the occasion, in 1814, of the military arrangements, comprised in one letter what was proposed by the Court of Directors to be communicated in three several letters. On many occasions important alterations have been made by the Board, but no actual origination that I am aware of.

1258. There have been differences between the India Board and the Court of Directors on certain points of policy connected with the Indian administration, as, for instance, to the encouragement given to native princes to maintain troops after the





the European method; can you give me any information on this subject?—I believe the Board and the Court have entertained some difference of opinion with regard to the policy of training the troops of native princes after the European mode; but the Board have ultimately taken the same view with the Court, and rather condemned that policy, or at least they have concurred in despatches which condemn it.

1259. Can you state any, and what objections have been entertained at different times by the Court, with respect to the employment, or rather the retention in India of half-pay officers in the service, such service being the service of native princes?—I think it was in the year 1819 or 1820, after the conclusion of the Mahratta war, when a considerable reduction took place in His Majesty's regiments in India, that Lord Hastings permitted several half-pay officers of such regiments to remain in India. Those officers having found their way into the service of the native states, the Board of Commissioners called the Court's attention to the subject, upon which despatches were prepared by the Court, prohibiting that practice. I may refer to the Court's letter of the 19th June 1823 to the Board of Commissioners, upon the subject of some alterations made in the draft proposed by the Court relative to this subject; orders had originally been sent out in the Secret department, but the subject of those orders was afterwards treated of in the public records. The Court observed, "if there be one thing more indispensable than another to good government, it is the taking due precaution that those who are entrusted with power shall be duly responsible for the exercise of it, and although this responsibility will not always exclude bad government, bad government is inseparable from the absence of it. In proportion as power is great and liable to abuses, should be the efficiency of the checks imposed upon it. Hence it has wisely been deemed necessary not only to subject those who are entrusted with military power to severer laws than are generally found sufficient to restrain the unarmed class of society, but to keep the military force completely subordinate to the civil authority. But in the case in question, all precaution is neglected under circumstances which render more than ordinary precaution necessary. The European officers in the service of the Nizam and the Nagpore Rajah are vested with power, civil as well as military. They not only discipline and command the corps to which they are severally attached, but they are entrusted with the administration of revenue and police, and in both capacities appear to the Court to be equally exempt from responsibility. The governments of Hyderabad and Nagpore have been actually superseded by the British residents, whose authority, however great in other respects, does not legally extend to those officers; and even did the government retain their efficiency, it is not within the competency of the British Indian government to render British subjects amenable to their laws. Setting aside, too, the anomaly in the constitution of a military force of which the troops would be subject to one law and the officers to another, the Court are doubtful whether the Company's articles of war contain any provision applicable to offences committed by British officers when employed in the service of a foreign prince. There are a number of individuals, many of them very young men, entrusted with most extraordinary powers, placed in circumstances of strong temptation to abuse those powers, and subject to little or no responsibility for the exercise of them. The Court are far from wishing to exaggerate the probable evils of such an arrangement, but a solemn sense of duty does not permit them to suppress their apprehensions, that it will be attended with practical abuses most calamitous to the countries which may be the theatre of them, and injurious little less to the reputation of the government which does not prevent them, than to the character of the immediate actors in them."

1260. You have stated two instances in which differences of opinion had originally existed between the Court and the Board of Control, but in which ultimately the Board took the same view as the Court?—I do not mean altogether the same view; I mean in some degree approaching the view of the Court.

1261. Does not your experience enable you to furnish us with a great variety of instances in which points of controversy have arisen, the result of which was, that the Court were under the necessity of forwarding despatches to India in a sense directly opposed to that which they themselves had entertained?—Most clearly. Perhaps my previous answer, which stated the number of 698, I think, as altered by the Board, will show that it was only on 109 drafts that the Court made any representation, and that the Board consented to modifications in 76 of such drafts.

1262. It has been stated that there is considerable delay in the Indian correspondence, and that such delay has been caused by the existence of two Boards; can





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you state to the Committee whether, in your opinion, such delay be or be not attributable to the existence of two such Boards?—I am quite aware that it is thought considerable delay has taken place in the Indian correspondence. I find that a Return has been called for by the Committee of the number of letters received from India, the dates of such letters, and the dates when the answers were prepared here to such letters. I may take the opportunity of stating, that such Return will by no means give the information which I apprehend it to be the desire of the Committee to obtain. It is essential, in order to show the despatch or delay that may have taken place in the replies, that the date of the receipt of such despatches in this country should be stated, because it frequently happens that a letter may bear date in January or February, which letter is sometimes nine months on the voyage, and sometimes it is only four.

1263. The Return we inquire after states the date at which the letter was received?—I beg pardon; not the date at which they are received, but the period at which they bear date in India; not the period they were received here.

1264. Can you state any instance in which such delay has arisen from the system of previous communication, which was adverted to on a former occasion?—I have taken out one or two instances, simply with reference to previous communications, and in order to show the rapidity with which answers have been returned to letters of importance. A despatch in the Political department, from Bengal, dated 14th of February 1829, was received in June 1829; it related to the contemplated temporary removal of the supreme government from Calcutta to the North-west Provinces of India. That letter was answered in 16 days from its receipt, the previous communication having remained at the Board five days only. There was one also as to the Tennasserim provinces.

1265. In this Return the letter bears date on the 14th of February 1829; and opposite to that the dates of the answers to that letter are, the 13th of July 1829, the 1st of February 1830, and the 17th of August 1831; you state that it was answered in 16 days?—The letter to which I refer is dated the 14th of February 1829, and was received on the 17th of June.

1266. That is a very different account of the correspondence from what the Return gives?—That Return is signed by the Examiner of Indian Correspondence; it was brought down to me, as all returns are, to be forwarded through my department, and it occurred to me, on looking at it, that it would by no means afford the Committee that information which I presumed they required, which is, to see the rapidity or delay with which replies are sent to letters from India. I do not know how far the letters alluded to by the Committee may have reference to what I am now stating, but the fact is, that the despatch dated the 14th of February 1829, which had reference to the temporary removal of the supreme government from Calcutta to the North-west Provinces, was received here on the 17th of June 1829, and was answered on the 3d of July; the other letters may have contained some further explanations with regard to it.

1267. You admit it is in reference to the same letter, so that the period would be from the 24th of February 1829, down to the 24th of August 1831?—There may be an error in the Return; but the principle, namely, the removal of the government, was answered on the first date to which I have taken the liberty of calling your attention.

1268. It appears then, in the Return we now have, that in answer to the letter of the 14th of February, three different replies were given at various periods, the first being on the 3d of July 1829, and the last being on the 24th of August 1831?—The only answer of which I am aware, and of which I am speaking, was dated the 3d of July.

1269. Will you just explain how this has arisen?—I beg leave to state, that that Return was not prepared in my department. I have taken out one or two instances from the records, for the purpose of satisfying the Committee that, when the subject has been considered of sufficient importance to require an immediate answer, great rapidity instead of delay has been observed in preparing such answer. With regard to the two other letters referred to, I cannot give any other explanation without referring to the records. I apprehend that in the answer I am now referring to, the whole principle is treated of with respect to the transfer of the government; that is, the Court's disapproval of the measure, and in fact, the illegality of it.

1270. In point of fact, in cases in which delay has arisen, do you or do you not conceive there are any counterbalancing circumstances attending such delay, which may



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may be placed as an advantage against it?—If I might offer any opinion with regard to the general subject, it appears to me that the maintenance of the mode in which the correspondence is now answered is justly considered to be of great importance. No despatch from India which requires an immediate reply is left unanswered for any length of time. There are other important points upon which, in previous communication as well as in the original preparation by the Court of Directors, considerable delay has taken place; but I consider that the opportunity which that delay affords to both authorities of discussing and reviewing the several subjects which are contained and treated of in those despatches, amply compensates for the delay which has occurred. I shall perhaps better inform the Committee by reading part of a letter which was written by the Chair to Lord Ellenborough on the 27th of August 1829, when his Lordship pressed for some arrangement which might facilitate the correspondence with India. The Court observes, “Were the Indian government, as at present constituted, (comprehending under that term the established authorities in this country as well as in India,) to be characterized by a single word, it might with no impropriety be denominated a government of checks. Now, whatever may be the advantage of checks, it must always be purchased at the expense of delay, and the amount of delay will generally be in proportion to the number and efficiency of the checks. The correspondence between the Court of Directors and the governments of India is conducted with a comprehensiveness and in a detail quite unexampled; every, the minutest proceeding of the local governments, including the whole correspondence respecting it which passes between them and their subordinate functionaries, is placed on record, and complete copies of the Indian records are sent annually to England for the use of the home authorities. The despatches from India are indexes to those records, or what a table of contents is to a book, not merely communicating on matters of high interest, or soliciting instructions on important measures in contemplation, but containing summary narratives of all the proceedings of the respective governments, with particular references to the correspondence and consultations thereon, whether in the Political, Revenue, Judicial, Military, Financial, Ecclesiastical, or Miscellaneous departments. In the ordinary course of Indian administration much must always be left to the discretion of the local governments; and unless upon questions of general policy and personal cases, it rarely occurs that instructions from hence can reach India before the time for acting upon them is gone by. This is a necessary consequence of the great distance between the two countries, the rapid succession of events in India, which are seldom long foreseen, even by those who are on the spot, and the importance of the ruling authorities there acting with promptitude and decision, and adopting their measures, on their own responsibility, to the varying exigencies of the hour. These circumstances unavoidably regulate, but do not exclude the controlling authority of the Court of Directors. Without defeating the intentions of Parliament, they point out the best and indeed the only mode in which these intentions can be practically fulfilled. Although, with the exceptions above adverted to, a specific line of conduct cannot often be prescribed to the Indian governments, yet it seems to indicate any other rather than a state of irresponsibility that the proceedings of those governments are reported with fidelity, examined with care, and commented upon with freedom by the home authorities; nor can the judgment passed by the Court be deemed useless whilst, though they have immediate reference to past transactions, they serve ultimately as rules for the future guidance of their servants abroad. The knowledge, on the part of the local governments, that their proceedings will always undergo this revision, operates as a salutary check upon its conduct in India, and the practice of replying to letters from thence, paragraph by paragraph, is a security against habitual remissness, or accidental oversight on the part of the Court, or their servants at home. From a perusal of the Indian records, the Court also obtain an insight into the conduct and qualification of their servants, which enables them to judge of their respective merits, and to make a proper selection of members of Council.”

1271. It has been stated, “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.” Can you give an instance in which such



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power has been exercised?—I believe the instance adverted to was that which occurred in 1807, of the recall of the then Governor of Madras, Lord William Bentinck, and that is the only instance of direct recall which I am aware the Court of Directors have ever made. I can state the terms in which the Court proposed to communicate it. The Court had sent up to the Board a draft, which contained their sentiments in the form of a resolution. The Board have invariably rejected a draft so framed, because they very justly state that they are thereby precluded, if they adopt such resolutions, from making any alteration in the draft. The draft, as proposed by the Court, stood as follows:—"Resolved, that although the zeal and integrity of the present Governor of Madras, Lord William Bentinck, are deserving of the Court's approbation, yet when they consider the unhappy events which have lately taken place at Vellore, and also other parts of his Lordship's administration which have come before them, the Court are of opinion that it is expedient, for the restoration of confidence in the Company's government, that Lord William Bentinck should be removed, and he is hereby removed accordingly." The Board altered it in the following terms: "Though the zeal and integrity of our present Governor of Madras, Lord William Bentinck, are deserving of our approbation, yet being of opinion that circumstances which have recently come under our consideration render it expedient, for the interest of our service, that a new arrangement of our government of Fort St. George should take place without delay, we have felt ourselves under the necessity of determining that his Lordship should be removed; and we do hereby direct that Lord William Bentinck be removed accordingly."

1272. The instance which you have quoted is the only instance in your experience of the affairs of the Company to which the statement recited in the last question could have reference?—I know of no other.

1273. Have you any recollection of a despatch signed by 23 Directors, censuring the conduct of a Governor-General, which was withheld by authority of the Board?—I believe it was in the year 1805, and had reference to the policy pursued by the Bengal government in 1803 and 1804, which draft was cancelled by the Board.

1274. It has been stated that, "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 of 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." Can you state any instance in point in reference to such recital?—I am aware of only one instance, which took place in 1821, and in which the Court's decision in the case of an officer in the Bengal establishment, who was in this country, was made known to him before the draft which had reference to his conduct, and which necessarily would go to India, had been approved by the Board; but since that period I am not aware of any other, the Court having invariably abstained from communicating any decision whatever to parties when such decision was in any way subject to the approbation of the Board, unless that approbation had been received.

1275. You stated in your former examination that the references were 50,146; are we then to understand that the only instances in which such a case as that in the recital occurred, is the instance to which you have now referred in the case of the Bengal officer?—Most unquestionably; perhaps I may state that the 50,000 references alluded to were not all matters in which the Board would necessarily have a control.

1276. It has been stated, "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." Beginning with the administration of India; beginning from 1784, carrying it down to 1831, will you state the instances which have occurred in which on the part of His Majesty's Government the President of the India Board has refused the warrant of approbation to the great offices appointed by the East India Company, as recited by this question?—Beginning with the Governors General, and then going down from 1784 to the present period of Governors General, Governors of Madras and Bombay and Commanders-in-Chief, the total number of appointments which have been made are 70, and there have been only three disapprovals on the part of the Crown; but





but it is important to apprise the Committee that the King was not vested with the power of negating the appointment by the Court until 1813, therefore the exercise of that power must have reference to a period subsequent to 1813; and since that time there have been 24 appointments of Governors General, Governors, and Commanders-in-Chief, and only three were disapproved by the Crown. Those three consisted, one of the Commander-in-Chief at Bombay, who was appointed by the Court of Directors, and was a Company's officer; His Majesty was not pleased to confirm that nomination. The two other instances were those of Mr. Elphinstone and Sir John Malcolm; the Court proposing that Mr. Elphinstone should be removed from Bombay to Madras, and that Sir John Malcolm should be appointed to Bombay, Mr. Canning having in 1818 brought the services of Sir John Malcolm to the special notice of the Court of Directors for the government of Bombay, if they chose to appoint him. When the Court proposed, as I have stated, to appoint him successor to Sir Thomas Munro in 1824, His Majesty's refusal was received; but the Court afterwards nominated him to succeed Mr. Elphinstone at Bombay, and His Majesty's approval of that appointment was then given; so that, in fact, the negative passed upon the appointments of Mr. Elphinstone and Sir John Malcolm only affected the transfer of the former, and caused a delay in the appointment of Sir John Malcolm to Bombay.

1277. In point of fact, is there a single instance of a Governor-General of India, appointed by the East India Company, having been refused by the President?—I am not aware of one.

1278. In point of fact, is there a single instance of a Commander-in-Chief appointed by the Company having been refused by the President?—I am not aware there is an instance, with the exception of that to which I have adverted; but perhaps I should state that the Court of Directors, being fully aware of the individual who is to be appointed to the command of His Majesty's troops in India, generally appoint such officer to command the Company's troops, on an understanding with His Majesty's Ministers that the nomination will be confirmed by the King.

1279. Can you, without any breach of official confidence, state any circumstances that took place in the year 1806 in respect to the appointment of the Governor-General of India between the months of February and June in that year. You are not to answer this question unless you choose?—I can have no difficulty in answering the question. The appointment of a Governor-General to India at the period alluded to gave rise to a long correspondence with the then President of the Board, Lord Minto. It will put the Committee in possession of the views of His Majesty's Ministers at that time, with regard to the power the Court possessed of nominating their Governors, if I read an extract from that correspondence. Lord Minto, in reply to the letter of the Chairs, in which they objected on the part of the Court to the nobleman who was proposed to them, wrote, "It is with perfect satisfaction therefore that I subscribe entirely to the unquestionable doctrine concerning the right and powers which relate to the appointment of all officers, civil and military, including the Governor-General, as it is laid down in para. 4, 5, and 6 of your letter. The appointment is undoubtedly vested in the Court of Directors by the clearest provisions of the law, and so far from disputing, I am prepared to second you in asserting and maintaining that doctrine. At the same time the powers of revocation are vested, by provisions equally clear, both in the Crown and in the Court of Directors. I subscribe also to the other important truth contained in the 6th para., viz. 'That in the selection of persons to fill those high stations (of Governor-General and Governors) it has been usual with the Court to have an understanding with Administration, and to consult their opinions and wishes;' nor can I feel any inclination to controvert the concluding lines in that paragraph, 'That the Court have also, to a certain extent, exercised their own judgment, and a choice, not objectionable to either party, has consequently been made.'

"In these great outlines of strict legal powers, and of a due and discreet exercise of them, we are, I trust, and I am happy in this opportunity of declaring so, entirely and cordially agreed.

"On that account, indeed, I am the more unwilling to pass by entirely without notice a passage in para. 14, which appears to me capable of bearing a construction which I am persuaded the Court did not intend, but if it does not clearly pronounce, it may at least be thought to convey, the imputation of Government, having pro-

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posed to arrogate the absolute appointment of the Governor-General without the interposition of any discretion of the East India Company.

"It would perhaps be enough to disclaim, in the name of the King's servants, and in the most distinct manner, the illegal design brought into view by this passage. But I may be allowed on this occasion to express some regret at finding in that paper even the trace and shadow of an injurious allegation, altogether unwarranted by any part of the proceedings to which it has been applied."

Mr. Canning in 1818 wrote to the Chair on the choice of a Governor for Bombay: "The more usual practice for the Court is to look for their Governors rather among persons of eminence in this country than among the servants of the Company."

1280. You have stated three instances since the year 1813 in which the approbation of the Board of Control to the appointment proposed by the Court of Directors has been formally withheld; do you entertain any doubt that in other instances the communication which took place between the Chair and the President of the India Board has been a different appointment from that which had been originally contemplated by the Court?—As far as public proceedings go, I can only speak to what is on record; but I have a perfect knowledge that there are instances in which individuals have been proposed by the Chair; and I know also, that there have been many instances, or some instances, in which individuals have been proposed by the Board in the same manner, to which neither party would consent, and that the principle laid down in the letter from Lord Minto has been the principle acted upon; viz. that there should be an understanding between the two authorities before the nomination is publicly brought forward: if, on the other hand, the nomination should be publicly brought forward in the way it has been here shown, the Court would, I have little doubt, decidedly negative the proposal.

1281. In the instance you have referred to in the year 1806, was not the result of what passed between the Court and the President of the Board of Control at that period the substitution of the name of one nobleman suggested by the India Board for the name of another nobleman, whose name had not proved agreeable to the Court?—I believe I may confidently assert, that Lord Minto was prevailed upon himself to take it by the Chairs.

1282. Do you conceive that Lord Minto's description of the relation in which the India Board and the Board of Control stood in 1806, is equally applicable to the relation in which they stand towards one another now, with regard to Indian patronage?—I am quite sure of it, with the exception of this, that the King has the power of negating appointments now which His Majesty had not then.

1283. From the view of the working system connected with this nomination, is the government of India, in your opinion, practically vested in the Court of Directors, or in the India Board?—In presuming to offer my own opinion, I will attempt also to fortify it by the opinions of those who have taken a prominent part in Indian affairs. It appears to me that the government of India has never been altered so far as regards the body in whom the actual government of India is reposed. Previously to the year 1784, the government of India vested, as I conceive it does now, with the Court of Directors, who were then subject on various points to the supervision by His Majesty's Secretary of State, as they are now to the Board. It may be important to show what the views were at the various periods of Parliamentary inquiry with regard to the East India Company and their executive body. In 1772, when a Committee was appointed to inquire into the Company's affairs, and which inquiry led to the Act of 1773, the Chairman of that Committee, who was Colonel Burgoyne, said, "I shall perhaps be told that the object and end of my inquiry is to throw the whole affairs of the Company into the hands of the Crown, from which the death-blow to the Constitution is most to be apprehended. I have no such purpose. If the Legislature has not power and wisdom so to model and regulate the sovereignty of the state in India, or so to delegate its powers as to prevent the influence of the Crown in England, let it never be attempted."

Mr. Burke, on the same occasion, says, "Their authority I would not have diminished in India by any severe animadversions. Let the people of Bengal be not taught to despise them by finding their authority limited and circumscribed. It is enough that we provide for the good government of that country for the future, when they have so widely extended our empire and commerce, when they have so greatly augmented our naval power."

In 1773, when Lord North was about to bring forward his regulating Act, he said, "The point to which I shall confine myself at present is the territorial pos- sessions;





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sessions ; and I think it necessary, in this part of the affair, to drop all examination or declaration of the right which the Crown has to these possessions ; since, from the motion which I have read, there is no want of such examination, as the territories are left, under certain conditions, entirely in the Company. I think they ought to be left for ever in the Company. I am fully and clearly of that opinion, if not from right, at least from policy. But this depends upon their conduct. If they in future govern them no better than they have hitherto done, my opinion will be very different."

In 1788, in order to show the minuteness with which the examination had been entered into by the Committees of the House of Commons at that period, Mr. Fox, when about to submit his views on Indian affairs, in allusion to the Committees' Reports, said, "they contained a body of information so complete, that perhaps the like had never been laid before Parliament."

It was with this information that Parliament legislated in establishing the Board of Commissioners ; which measure did not, I conceive, take away the government of India from the East India Company, but placed their administration of that government under the control of a branch of the Executive Government of this country.

In 1793 Mr. Dundas says, "If the mode at present adopted for the government of India is to be examined on any principles of general theory, it may be liable to many criticisms ; but it has been proved by experience to answer the purpose of a successful and prosperous administration of our Indian affairs. And, under these circumstances, it seems much wiser to found on the basis of established systems, than to substitute in their room the most plausible untried theories."

In 1800, when the subject regarding the private trade with India was brought forward, Mr. Dundas said, "That a direct interference by Government in the affairs of India is necessary for their stability and uniformity, I am more and more convinced ; but that the ostensible form of government, with all its consequent extent and detail of patronage, must remain as it now is, I am persuaded will never be called in question by any but those who may be disposed to sacrifice the freedom and security of our constitution to their own personal aggrandizement and ill-directed ambition."

In 1808, before the negotiation commenced for the renewal of the last Charter, Mr. Dundas said, "He had not yet heard or read any arguments against the continuance of the system under which the British possessions in India were governed, of sufficient weight to counterbalance the practical benefits which had been derived from it in their increased and increasing prosperity, and the general security and happiness of their inhabitants. It was possible that the same effects might have been produced under a government immediately dependent upon the Crown ; but for the attainment of those objects the experiment was at least unnecessary ; and it might be attended with dangers to the constitution of this country which, if they could be avoided, it would be unwise to encounter. Any alteration, therefore, which might be suggested in that part of the system would probably be only in its details."

And again : "He assured the Court, that it would be the earnest desire of His Majesty's Government to suggest to Parliament such a *system* only as should be conformable to the principles on which the Regulations of 1784 and 1793 were founded, as would secure to this kingdom all the benefit that could practically be derived from its trade with our possessions in India ; and to the natives of those countries a *government* and an administration of law suited to their customs, habits and prejudices, and consistent with the British character, and which should also be strong and efficient, without adding unnecessarily to the Executive Government at home, or increasing to any dangerous extent the influence of the Crown."

In the year 1813, it was stated by Lord Castlereagh, when moving that the House do resolve itself into a Committee of the whole House to consider the petition of the Company for a renewal of their exclusive privilege, "That if he and his colleagues had conceived that the arrangements they should propose would shake a system which had unquestionably answered *all the great purposes of government*, they would have hesitated before they had suggested them ; but his proposition would not only abstain from touching the principle of that system, but would render it more applicable to the times."

And on the 4th of June 1813, the Committee of the whole House resolved, "That it is the opinion of this Committee, that as long as the *government* of India shall be administered under the authority of the said Company."





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From what I have taken the liberty of pointing out to the Committee, it appears to me that the government does certainly rest with the Court of Directors, under the direction, control, and supervision of the Board of Commissioners; and perhaps I might, with reference to the various subjects which arise out of the trust reposed in the Court of Directors at the present moment, add, that if the originating of the despatches to India, with the exception of the principal part of those that are in the Secret department; if originating all the appointments in this country for the service, civil and military, in India; if the appointment of the highest functionaries in India; if the transaction of all the various duties of the civil and military officers, and others attached to the several establishments; if the power of deciding upon all personal cases, of course such as are adverted to in the despatches to India being subject to the review of the Board; if the provision and management of all the funds necessary for the political outlay in this country; if all the arrangements consequent on the recruiting of the Company's European regiments, the embarkation, transfer, and return of troops connected with His Majesty's regiments to India; if all questions as to prize money and the various details connected with so extensive a government, which it is scarcely necessary to notice here, in the shipping and commercial departments, and the correspondence with the departments of His Majesty's Government, constitutes the government of India, I presume it must be considered as resting with the Court of Directors, subject, as I have before said, to the correcting (to use Mr. Canning's own term) the correcting, restraining, and approving Board.

1284. It has been stated, "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." Can you state anything from personal experience or documentary evidence in relation to the recital of the preamble of this question?—From personal experience I cannot, but from documentary evidence I should say, that the Board of Commissioners from its first establishment—

1285. Mention the name of the first Commissioner?—I hardly recollect the name, but it is a singular fact, that the reference to the records anterior to 1807 will show that the Board of Commissioners took the most minute interest, and exercised a supervision on every matter falling within their province. There is one particular circumstance occurs to my recollection: when the subject of the decennial settlement in India was under discussion, I think it was in 1792, that Mr. Pitt and Mr. Dundas devoted ten days in communication with the Chairs upon the important subject. On that occasion they spoke so highly of the present Lord Teignmouth, then Mr. Shore, that the Court of Directors appointed him Governor-General of India in succession to Lord Cornwallis. Mr. Burke at that period happened to be at Bath; he was engaged in conducting the prosecution against Mr. Hastings, and expostulated with the Court for having made the appointment of an individual who he considered in some measure mixed up with the proceedings of Mr. Hastings. The Chairman of the Court of Directors, then Mr., afterwards Sir Francis Baring, wrote to Mr. Burke, stating, that it was in consideration of the high character, probity, and honour of Mr. Shore, that the Court had appointed him, and the Court adhered to that appointment.

1286. It has been stated that the views of the Court of Directors and the Board of Control have been different in respect to the employment of natives in India; do you or do you not consider that the Board have manifested a stronger desire than the Court for the employment of natives?—I think it is due to the Board of Commissioners to state, that they have undoubtedly pressed for the more immediate employment of natives in various offices than in the opinion of the Court of Directors has been wise or expedient; but the Court of Directors are as anxious as anybody can be to promote the same objects, only less precipitately. There is a despatch before the Committee, dated on the 23rd of July 1824, in which the Court of Directors thus expressed themselves: "But whatever may be the urgency for increasing your European civil establishment, and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last ten years, namely, the advantage and necessity of a more extensive employment of native agency in the Judicial department of the service. The Regulations





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lations passed by you with this object, in the beginning of 1821, have our cordial approbation ; and we were greatly pleased with the valuable Memorandum which was then submitted to you by your Chief Secretary, Mr. Bayley, explanatory of the policy which had influenced the framing of those Regulations. But though, under the provisions then made, the powers of moonsifs and sudder aumeens were increased, and their number may be increased indefinitely, we apprehend, from the large arrear of undecided causes stated in Mr. Adam's Minute to be depending in some of the Zillah Courts, that both the number and powers of those functionaries are still inadequate. It has frequently been objected to the employment of the natives of India in judicial offices, that they cannot be safely trusted with the administration of justice. To this objection it might perhaps be a sufficient answer to say, that they are already so trusted. But our principal reason for noticing the objection is, that we may impart to you our decided conviction, that when we place the natives of India in situations of trust and confidence, we are bound, under every consideration of justice and policy, to grant them adequate allowances. We have no right to calculate on their resisting temptations to which the generality of mankind in the same circumstances would yield ; but if we show a disposition to confide in them, and liberally to reward meritorious service, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good. It will be gaining a most important point if we can substitute a well regulated and responsible agency for that unauthorized and pernicious influence which there is reason to fear that the native officers of the adawlut are in the habit now of too frequently exercising over the proceedings of those courts. The experiment, however, of employing native agency in the administration of justice has been tried with success on a larger scale in the Madras provinces, where it has greatly relieved the zillah courts from a pressure of business, to the expeditious despatch of which they had been found unequal, besides having, as we believe, been attended with other important benefits ; and we have derived much satisfaction from observing a spreading conviction of its utility. When the revenues of a state are more than sufficient to defray the necessary expenses incurred on account of its government and defence, the people are entitled to look for relief from part of their burthens ; and you will besides have seen from our recent despatches in the Military and Financial departments, that according to the best view which we can take of the actual state of our affairs, it is not such as to exempt you from the strictest attention to economy in every department of your administration." The Board have undoubtedly pressed more strongly than the Court, subsequently to the Act of 1813, for the employment of natives. The Court are disposed to adopt the same principle gradually ; but they still refrain from going to the extent to which propositions have been made for conferring certain offices on the natives of India. The measures of Sir Thomas Munro on that subject have been alluded to in the letter just read as to the employment of natives. There is a Minute, which was placed on record by Sir Thomas Munro, which has reference to the precipitancy of some of our measures in 1824. "Our experience is too short to judge what rules are best calculated for this purpose. It is only within the last 30 years that we have here begun to acquire any practical knowledge. A longer period must probably elapse before we can ascertain what is best. Such a period is as nothing in the existence of a people ; but we act as if this were as limited as the life of an individual." With regard to precipitation he has this observation : "One great error in this country, during a long course of years, has been too much *precipitation* in attempting to *better the condition of the people*, with hardly any knowledge of the means by which it was to be accomplished, and indeed without seeming to think that any other than good intentions were necessary. It is a dangerous system of government, in a country of which our knowledge is very imperfect, to be constantly urged by the desire of settling everything permanently, to do everything *in a hurry* and in *consequence* wrong ; and in our zeal for permanency, to put the remedy out of our reach. The ruling vice of our government is innovation, and its innovation has been so little guided by a knowledge of the people, that although made after what was thought by us to be mature discussion, it must appear to them as little better than the result of mere caprice. We have in our anxiety to make everything as English as possible, in a country which resembles England in nothing, attempted to create at once, throughout extensive provinces, a kind of landed property which had never existed in them."



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1287. What is the highest salary given to a native in the administration of justice?—I am not prepared to answer that question.

1288. Can you state what the average is?—I cannot. The return could easily be made; I think there are now some returns before the Committee relative to that subject.

1289. You stated in your examination the other day “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:” have despatches relating to purely financial and commercial subjects ever gone through the Secret Committee of India?—Certainly.

1290. Upon such subjects as the transmission of bullion, and the nature and amount of the Company’s investments?—Unquestionably.

1291. Are such despatches at any subsequent period communicated by the Committee of Secrecy to the Committee of Correspondence?—The subject of no despatch in the Secret department, without the permission of the Board of Commissioners, can be communicated to the Committee of Correspondence. No despatch which has been forwarded to India in the Secret department can be communicated to any party without the permission of the Board, no matter whether it originated with the Court of Directors, or is sent down from the Commissioners.

1292. Do those orders of a purely commercial nature remain concealed from the knowledge of the Court of Directors?—I may perhaps draw this distinction between communicating this despatch *totidem verbis*, and communicating the subject of the despatch generally; but when any large measure, either war against a native state, or the carrying forward an expedition against any of the Eastern islands, has been in contemplation, and the finances of India at those periods exceedingly pressed upon or requiring aid from this country, the Secret Committee, in communication with the Board of Commissioners, have taken upon themselves to provide the funds essential for the prosecution of those measures, without communicating the same to the Court at that time; but the very effects which would necessarily result to the Company’s financial concerns would subsequently show that there had been such a transaction, and therefore ultimately the fact would be known.

1293. The case which you have instanced is one of a mixed nature of finances and politics; I am anxious to know whether there have been any cases purely commercial in which despatches have been sent to India by the Secret Committee?—I have great doubt whether any despatch purely commercial, without having reference to the state of the Company’s finances, or without being connected with some political proceeding, has been sent out to India by the Secret Committee: there is a Secret Commercial Committee, in addition to the Secret Political Committee, and the subjects which are treated of by them in their despatches are wholly commercial; and are not laid before the Court of Directors till the conclusion of the official year in the month of April.

1294. Does that Secret Committee correspond with the Board of Control in the same manner as the other Secret Committee does?—Every despatch from the Secret Commercial Committee is communicated to the Board of Commissioners.

1295. How is the Secret Commercial Committee constituted?—It is constituted under a bye-law, which has the effect of an Act of Parliament on the Court of Directors, if there is no Parliamentary provision which supersedes it. The Committee is chosen by the Court, who nominate the chairman, the deputy chairman, and the senior member of each of the three committees.

1296. The description of investment, whether indigo, silk, or otherwise, you consider as purely commercial matter?—Certainly.

1297. But an order to send bullion either connected with the government of this country or with the Indian debt, you consider to be of a mixed nature, partly political and partly commercial?—It would come under the Financial department, and either be carried to the credit of Commerce or Territory, as the case might be.

1298. And might pass through the Secret Committee?—It might pass through the Secret Committee, with the sanction of the Board of Commissioners; but, as I have before observed, no despatch could be sent to India in any way without their knowledge.

1299. But the entire trade of the Company with India being now for remittance, does not the Secret Committee possess, in fact, a power of interfering with almost the whole of the commercial and financial transactions of India, and of engrossing the direction of it in its own hands if it so please?—I apprehend we must suppose the  
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Board of Commissioners and Secret Committee of the Court of Directors to concur together in a measure of that kind, which is most improbable.

1300. There are no orders which they might not frame as they pleased?—It would be a most tremendous responsibility, if they were to frame and send out any orders which did not strictly fall within the limits of their appointment.

1301. And you consider the limits of those are sufficiently defined for that practical purpose?—I do. There is no desire that I am aware of to keep matters in the Secret department. One instance, in which it was proposed lately to treat of the affairs of a certain state in the Secret department, was opposed by the Court of Directors, who made a representation against some portion of a despatch regarding a state in the western part of India, which had been prepared in the Public department, being struck out by the Board, on the ground that it was their intention to include it in the Secret department. The Court expostulated against it, but the Court have no power to control the Secret Committee.

1302. It has been stated, that the division of the Directors among the Committees is regulated entirely by seniority; has it happened that within your knowledge at any time the Directors composing the Committee of Correspondence have all been members of a particular profession; all nautical men, for instance?—Clearly not since the year 1794. I am not aware of there being at any time a greater number than three nautical, or perhaps four nautical members, and that in very few years.

1303. Any statement to that effect would perhaps in your judgment not be sustained?—Most certainly not. Some explanation may be necessary to put you into possession of the reasons which weighed with the Court of Directors, in electing the committees as they now stand. Those committees, as I have already stated, were formed in 1785, in consequence of the Act of 1784, and in some measure in communication with the Board of Commissioners. Under the roof of the India House is comprised all the departments which are necessary for carrying on the whole of the affairs entrusted to the Company; and may be compared, in a smaller degree certainly (although still a very large one of itself), to what is performed in the several departments of the state.

1304. I thought you were going to state, that in the East India House there were departments analogous to those of the state of England generally; what part does the Committee of Correspondence bear reference to?—In the corresponding branch you may compare it with the Secretary of State for the Colonies. With regard to the Military department, I should say that it comprises what is done in a great measure at the Horse-guards and the War-office. The Financial department, being political and commercial, embraces the various points that are attached, or which are conducted by the Treasury of this country; and the Commercial department and the Committee of Shipping, what in some degree is carried on by the Navy Board and the Board of Trade. It may be necessary to state, that the shipping concerns of the Company, the members of which profession are particularly alluded to, long formed a very important branch of the Company's affairs, and was conducted under a variety of Acts of Parliament; in point of fact the Court were bound by legislative provisions in all their shipping transactions. The Committee of Correspondence is entrusted with the issuing of all orders connected with the despatch, rendezvous, and sailing of the several fleets to and from India; and during the period between 1793 and 1814, they were in frequent communication with the Admiralty for convoy, &c. At an early period of the war, the naval force of the country was frequently inadequate to afford convoy sufficient for the protection of the vast interests involved in the safety of the Company's fleets; and such was the importance attached to the size and character of the Company's ships, that in 1795 the Company transferred, at the instance of Government, eight of their large ships for the service of the public.

1305. Military service?—For political service.

1306. Not commercial service?—Not commercial. They transferred eight of their commercial ships for the military purposes of Government; they likewise in 1795, released the owners of 14 of their ships from their engagements, to aid the public service in the transport of troops to the West Indies; and so late as the year 1805, at the instance of the Admiralty, the Court of Directors gave up two of their ships for the service of Government. These circumstances will show that the Court of Directors has necessarily contained a proportion of professional members nautical men. Of those gentlemen there was the Honourable W. T. Elphinstone, one of the most able Directors, having filled the chair twice or three



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times; Mr. Marjoribanks the same; Mr. Lindsay has filled it once, and Mr. Loch has lately retired from it. I believe it will be scarcely found that any gentlemen have been more efficient in conducting the Company's affairs, or who have possessed more knowledge of them, than those gentlemen, and they acquired it by progressively passing through the several committees.

1307. Has not the size of the ships and their equipments been the same since the peace as they were in the war?—In consequence of the opening of the India trade, the Company, as far as the India shipping is concerned, have totally abandoned it. Their China ships are in part sent circuitously by Bombay, Madras, and Calcutta, as troops and stores may have been required to be transported, and as the commercial concerns of the Company in their consignments ultimately to China have rendered necessary.

1308. Those ships carry the same number of guns and men as in the time of war?—They do not carry the same number of guns, but I believe the number of men is the same. The Court have latterly been in the habit of employing what are termed dismantled ships, which have gone a considerable number of voyages, but are let at a lower rate of freight, in consequence of their being found in a less superior manner.

1309. Are they not altogether got up on a scale of expense which no individual merchant, or any set of merchants, would think consistent with prudent or advantageous commercial speculations?—If you look at the Company's shipping at the present moment, and compare it with the private trade, viz. the shipping that is now sailing to and from India, the charges on account of the Company's China ships is considerably larger; but I doubt very much upon the outturn of the whole concern in the long run, whether it will be found, that when the services they have performed, the cargoes they bring, and the security and safety altogether of that class of ships are considered, they much exceed the cost of the private traders. It is an important point to bear in mind, that from the opening of the trade to the present time, peace has existed; but I should confidently predict, that if we were to be at war again with any naval power, the India trade (and supposing the China trade to be thrown open it would be still worse, for the Indian Archipelago presents the means of resort for privateers, and rendezvous for an enemy,) the loss to the commercial interests of this country would be very great, for anything like a sufficient convoy or security to that commerce could not possibly be afforded. The commerce would be materially diminished, to the great detriment, I should say, of the country and of the revenue, looking at what has occurred in a state of war even with the Company's shipping in former times.

1310. With reference to the formation of the committees of the Court of Directors, have you ever known a barrister a member of the Shipping Committee, and the commander of a ship a member of the Law Committee?—Yes, there is at the present time.

1311. Within your experience has it not happened that the greater portion of men of experience and high reputation in India belonging to the Court of Directors have not become members of the Committee of Correspondence?—No, I should say not.

1312. Do you mean to say that many individuals of great weight and character have not, within your remembrance, been excluded from the committee by the operation of the rule?—That there may have been some, I have no doubt; but I should say, taking the whole series of events as they have occurred with regard to the Court of Directors, most of the members who have held high stations in India have sooner or later reached the Committee of Correspondence; and, as I took the liberty of stating before, they have, and every Director has, to all intents and purposes, the same power of interference in the Company's affairs, and of acquiring a thorough knowledge of all that goes on, except that of sitting and deliberating in the Committee of Correspondence.

1313. But is it understood that they do take part in the proceedings of the Court?—I am quite sure that the very dissents which these gentlemen have recorded on the minutes of the Court's proceedings, which are sent up to the Board, show that they do very fully enter into, discuss, and interfere with the various matters connected with the correspondence of India.

1314. It has been stated that the Board has 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; has the power of the Board, in so directing permission



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mission to be given by the Court to parties to proceed to India, been exercised in over-ruling the decision of the Court in respect to the same parties?—The return is now before the Committee of the number of individuals who have applied, being 1,547 since 1814.

1815. Of that number of applications so made, how many have been granted by the Court of Directors?—One thousand two hundred and fifty-three.

1816. How many have been refused by the Court of Directors?—Two hundred and ninety-four.

1817. How many of the 294 so refused by the Court of Directors have subsequently, under the permission of the India Board, proceeded to India?—Seventy-one.

1818. Then, in point of fact, the decision of the Court of Directors has been confirmed in the case of 223 of the parties who have previously been refused by that Court; that is to say, in three out of four cases the decision of the Court has been confirmed by the Board?—Clearly so.

1819. What is the principle upon which the Court of Directors has proceeded in these matters?—When any party desires to proceed to India, his application is preferred to the Court, and laid before the first Court after its receipt, when it is referred to the Committee of Correspondence, who judge of the grounds set forth, for a compliance with the application. If any good reasons whatever are shown, either to join any mercantile house from whom the applicant may have received an invitation, or that he has any goods to take to India, or that, in fact, he has any substantial reason whatever for proceeding thither other than mere speculation, I am not aware that the Committee ever refuses to recommend to the Court to acquiesce, or that the Court refuses permission.

1820. What are we to understand by the phrase in your last answer, “other than mere speculation”?—I should say, if an individual had made an application, stating that he was desirous of proceeding to India, and his application contained no specific object, the Court would call upon him to state for what purpose he wishes to proceed, and if it should be represented that it was to seek employment, the Court I think would consider it speculation and refuse permission.

1821. Do the Court of Directors take cognizance of parties who may apply for permission to accompany the Governor-General, Commanders-in-Chief and other great functionaries; and if so, what is the cognizance so taken by the Court?—The Court of Directors never hesitate in permitting any portion of their family, or such attendants as they may think fit to apply for, accompanying them to India; but if any request is made for parties to accompany them where there is no ostensible prospect either of employment, or for any other apparent purpose, the Court of Directors, I apprehend, would object to it; but it is so well understood generally by the personages who have been appointed to those high stations, what the practice of the Court has been, that I do not think any application has been made to which the Court have felt it necessary to object.

1822. The reluctance to which you advert as being sufficient to render needless any applications to overcome it, was founded, it is to be presumed, on some previous experience of the evil effects of the more general introduction into India of strangers so accompanying functionaries of high rank?—I think instances have occurred in which objections have been privately taken to such parties proceeding to India, from a perfect persuasion that it could only be with a view of placing the individual in some situation, or some employment not ostensibly avowed when the application was made.

1823. Can you state any instance in recent times in which a public functionary proceeding to India afterwards quartered on Indian employment an individual not previously connected with the service of the King, or with the service of the Company?—I am certain, and in fact the public records exhibit a most lengthened correspondence and course of proceeding regarding an individual who accompanied a Governor-General to India in the year 1813. In the judgment of the Court of Directors, and in that of the Board of Commissioners also, very serious injuries were considered to have arisen to a native ally of the British Government from such permission, and at this moment the circumstances and claims arising out of the event, form matter of correspondence and discussion between the authorities in this country and those in India.

1824. And you conceive the reluctance entertained by the Court of Directors to permit Europeans to accompany their high functionaries on proceeding to India has been attended with advantage both to the Company and to the native princes;



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by limiting the introduction of those who might exercise an undue influence in the affairs of India, an irresponsible and undue influence?—Certainly. I may take the liberty of stating, that when the Board was established in 1784, they very shortly afterwards expressed themselves adverse to the resort of individuals to India without any apparent prospect of employment. The evil was so strongly felt, that the Board in 1786 proposed to Parliament an Act imposing further restrictions than those contained in the Act of 1784; and the Board have also of late years expressed their disapprobation of leave being given to an individual who had been in India being allowed to return thither, simply on the ground that he had been there, as originally he had proceeded without authority.

1325. Do not the treaties with the native princes invariably contain an article providing that no European shall reside in that state without permission of the native prince?—I cannot very accurately answer that question, but I have little doubt it is so.

1326. It has been stated, that in the event of the administration of the Indian empire being no longer in the Court of Directors, and of the patronage now vested in the Court of Directors being transferred elsewhere, that the constitutional jealousy which has been often felt and expressed as to the transfer of such patronage to the Crown, might be relieved by its being transferred to a body utterly independent of the Crown; as for instance, independently of general competition, which has also been suggested, to such bodies as public schools or institutions, by way of reward to the pupils, to societies, to public functionaries, such as sheriffs of counties, or privy councillors: does any and what objection occur to you in respect to such distribution of such patronage?—Assuming from what we find on record that the objections which were stated in 1784 to leaving that patronage in the Crown, still exist, I do not consider that the proposed change which you have now stated would at all do away those objections which led to the patronage being reposed in the Court of Directors. It appears to me that the necessary quantum of patronage must be decided upon by the body who has to administer the affairs of India; and as it has been suggested that a secretary of state for India might be appointed, the duty of deciding on the quantum of patronage, comprising the civil and military as well as the appointments of Governors, and in fact every species of patronage, would necessarily devolve upon such secretary of state. At present there is a check as to quantity; for if the Court of Directors propose that so many writers and so many cadets be appointed, the Board may say, as they have said, “We do not think so many necessary:” in the contemplated change I see no such provision. Hence the advantage of the check as it at present stands. Suppose the number to be sent out henceforth, on the most moderate computation as compared with what has hitherto been made, (with the exception of this last year when there was no civil patronage whatever,) to be twenty writerships in the year. The cadetships I will take at fifty. This secretary of state would then have the power of naming the parties upon whom this patronage should be conferred. He might decide that some particular corporation in which he might have an interest, or in which some friend of his in the Administration might have an interest, should have one of those nominations, (and the fewer the number the more valuable each appointment would become,) so with regard to the sheriff or any individual, one having a particular influence in a particular county or borough, might have one of these nominations conferred upon him for the purpose of rendering service in the support and maintenance of such Administration, or in that of its supporters, by influencing those who might have the privilege of voting for the Members of Parliament. Hence the very evils which it has been the great care of the Legislature to guard against, would I think be more generally and more powerfully and widely diffused than almost under any other plan.

1327. It has been stated, that the average salary of the civil servants of the East India Company in their Indian possessions is about 2,000*l.* a year; do you consider then that the addition to the patronage of the Crown of 20 appointments, leading to such salaries, and of 50 appointments in the army, would throw a weight into the scale of the Crown, which would be open to the same objections formerly entertained and expressed with respect to such transfer?—I could have very little doubt of it, and when it has been attempted to be shown what the value of the patronage is to the Directors at the present moment, that patronage must be considered to be very valuable, and of course would be a most important instrument in the hands of any minister, which he might use, as indeed the records of Parliament show it has been used, for Parliamentary purposes.

1328. It





1328. It has also been suggested, that it might be made a most appropriate reward to civil or military officers who have distinguished themselves, that their children should receive writerships and cadetships; can you state, in point of fact, how far the civil and military servants of the Company do in the present course of things receive already civil and military appointments for their children?—In consequence of what passed at my previous examination, and the questions put to me, I have referred to the writers appointed for the last five years, those at the college and those by the London Board. I will first state the classes from whence they have been taken generally; three were sons of noblemen, from the college, eight were baronet's sons, 14 were the sons of clergymen, eight were Director's sons, 30 were the sons of the Company's civil servants, 22 were sons of officers in the Company's army, 42 were sons of persons in the Company's naval service, 27 were sons of persons in His Majesty's service, army or navy, 110 were the sons of merchants, bankers, professional men, and private gentlemen, making from the college an aggregate of 226. By the London Board there were 79 appointed, seven were the sons of clergymen, 10 were the sons of persons who were officers in His Majesty's service, both army and navy, 16 were the sons of persons in the Company's civil service, 10 were the sons of persons in the Company's army and navy, and 36 were the sons of bankers, professional men, merchants, and private gentlemen.

1329. Have you any means of knowing what number of applications have been made to the Court of Directors by the public generally for appointments?—I think since the year 1813 the public applications made for appointments are 720. I think there have been about 240 public applications for appointments to India.

1330. You have stated that in the event contemplated in the question put to you, there would then be no check as to the regulation of the amount of patronage; you have stated further, that you consider at present such a check is to be found in the existence of the Board of Control: will you state what in your opinion is the objection to the amount of the supply of civil servants, to be sent out from this country, depending on the requisition of the Governor-general?—The objection that would present itself to my mind is to be found on the records of the Company, and in the Court's letter, which I took the liberty of reading, dated in July 1824, which had reference to the employment of the natives; that letter, in great part, grew out of the requisition of the Bengal government for the appointment of 80 writers; it was not complied with, although the application was made in very strong terms, and the government pointed out their inability to carry on the public service unless some were sent out; I can therefore easily imagine, that the government in India would not be at all backward in demanding a greater portion of servants than the authorities here, as at present constituted, would think fit to appoint. A requisition was likewise made from Bombay for an increase of writers.

1331. I believe the application you refer to from the Bengal government arose out of a particular emergency?—It arose out of what they considered an emergency, but which the authorities in this country did not view in the same light.

1332. Why should you suppose that if a due responsibility were to devolve on the Governor-general in reference to this matter, he would not exercise upon this as upon all other points of his government a due discretion?—Great responsibility does undoubtedly rest upon the Governor-General, and he has the power of doing a variety of acts connected with his government on his own responsibility; and among them is that of determining the number of servants he may require. Supposing you were to leave with him the power of fixing the number, and that the same was to be taken as the guide, it is quite clear that one Governor-General has erred on that point to an enormous extent; and I can therefore conceive no check that can be imposed on the Governor-General which can prove so effectual as the present check.

1333. Can it ever be for the interest of a Governor-General to have any considerable number of unemployed civil servants residing in India?—One can only speak from experience: if he made the requisition he would find employment for them.

1334. On the other hand, is it not directly for the interest of those who have the appointments to make at home to increase the number of such servants?—So far as patronage is concerned, I should unquestionably say it is; and hence I think a very wholesome check has been and will continue to be put by the Board of Commissioners, in the event of any proposition being made for which the Board





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may consider that there is not sufficient grounds; that is one of the checks which I consider most important in the present system.

1335. Do you consider that the Board of Control can have as good means of knowing what supply of this description would be requisite, as the Governor-General in India himself?—I should say, looking at the minute manner in which the authorities at home are informed on all points connected with the government of India, and which I consider to be another most important feature in the present system, they are as well informed as the Governor-General himself, and as capable of judging as to the number.

1336. Are you aware that the Court of Directors, in the letter which you have alluded to from Bengal, reproved the Governor-General for his having named a European to a civil office usually held by a covenanted servant, he not being a covenanted servant?—I do not immediately recollect the case, but I am quite sure they would reprove him if it were so discovered.

1337. Were not some appointments made, under the emergency of that period, of uncovenanted servants, in default of their being a sufficient number of covenanted servants?—I really do not myself know that circumstances of that kind have occurred. I may take the liberty of stating, that under the Act of 1813, Parliament was pleased to legislate that no appointment to the service should take place, but of individuals who had gone through the East India college; and the joint control of the college was at that time vested in the Board as well as in the Court, and as the Board and the Court must have been aware of the events taking place in India, it is to be presumed that they made such a number of appointments as the exigencies of the service required: such indeed ultimately proved to be the fact, especially on the western part of India.

1338. Are we to understand, in the event of the nomination of the writers being made by the universities and public schools, and bodies of that description, you nevertheless are of opinion that those appointments would be liable to the influence of the Government of the day?—In the first place, as I have before stated, the number to be fixed upon must rest with the secretary of state or minister, be he whom he may, that has the home government of India. If the patronage is to be given to any university, the individuals who are there will of course have the power of conferring it on the parties who may be resident there, unless it is to be done by public competition. You would then know nothing of the parties who would go out; and as human nature is pretty much the same at colleges as elsewhere, I see no good reason to suppose that favoritism would not take place there. I do not see why the individuals at the university should be free from that which operates on others.

1339. I presume always that it would be an appointment in consequence of public examination; do you apprehend the public examiners of those bodies would be liable to favoritism as to the merits of the several candidates?—I should consider the boon as a very large one, and I am not prepared to believe it would be even then free from favoritism. It would be an extraordinary change with respect to the appropriation of India patronage, and I really do not see why all species of patronage should not be dealt with in the same way, if such a change as to that for India is to be made; but I confess I do not myself see any good ground or reason for such changes, either of one or the other.

1340. Can you point out any material objection to the general administration being henceforth in one body?—You mean, I presume, in this country.

1341. As distinct from the two bodies?—I think you would lose the whole of those wholesome checks, if I may be permitted so to call them, which Parliament has devised for the administration of an enormous empire, the concerns of which will always be secondary to European politics; and, therefore, it is exceedingly important to have one body with whom the affairs of the Indian governments should be of primary consideration, whilst at the same time the acts of such body should be controlled, as those of the Court of Directors are at present, by a branch of the executive government of the country.

1342. We have had in evidence before us the list of the proprietors; the classification of the proprietors of East India stock: from that list, and from your own experience of the parties described therein, do you consider that it constitutes a body well qualified, or otherwise, to judge of the fitness of a Director to govern 100,000,000 of the people of India?—I think, with the exception of the members of the two universities, that there is no body of men who possess more intellect, who possess greater means, or who stand higher perhaps in society generally in the  
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classes to which they belong, comprising, as that body does, many noblemen and many members of Parliament. I should say, that a body of 1,500 men, composed as the body of proprietors is at this moment, is by far superior to any body that I know of under the existing system for the election of members of Parliament, or who may exist under any future system that may be adopted; and the proprietors have exercised the power of election by returning individuals to the Court of Directors who have been members of the Legislature, and who in fact have taken part in making those very laws under which the Company's affairs are carried on and conducted.

1343. In what respect do you consider the qualifications of the proprietors of this stock to be superior to those of the proprietors of Bank stock or Long Annuities?—When I am asked with regard to the superiority in point of intellect, I should say, that in the choice of the directors of Bank stock or similar stock, there is little, comparatively nothing, to call forth any exercise of judgment; but with regard to the affairs of the East India Company, you have to judge of the fitness of a gentleman to take part in the government of a great empire, and to manage the concerns of the Company, and it has been the case that the qualifications of some gentlemen have been so strongly felt, (I may name the late Mr. Grant, also Mr. Edmonstone, now a Director, who was formerly Vice-President,) that when they came forward they were supported by great majorities, in consequence of the knowledge they were thought to possess of Indian affairs. I consider they are placed in a very different situation, and they are called on to exercise their elective franchise in a very different manner from other bodies.

1344. Do you consider that individuals become proprietors of India stock from other considerations than those of the mere profit or loss attending the investment of money in such stock as a commercial speculation?—I could name some possessing India stock who became proprietors without altogether considering the interest they would get by that stock; but superadded to that, there are strong inducements for them to become proprietors.

1345. Will you state what other considerations actuate any man who has capital, to invest or lay it out in India stock than in any other public stock?—In the first place I consider that the interest which India stock has given and does give is better; that is a pecuniary reason. With regard to others, it arises from long connection with India, and from a desire to take part in Indian affairs and in the discussion at the General Courts at the East India House, where points arise in which they feel an interest from having previously been in India; also to promote the election of their friends, and in the hope of participating in the patronage in some measure.

1346. In point of fact, gentlemen coming from India often become proprietors of India stock in order to keep up a legitimate mode of manifesting the interest which they take in the affairs of the country which they have left?—I have no doubt of it.

1347. The duties exercised by the proprietors of the stock are much more abridged under the present system than they formerly were?—Clearly they are abridged. Formerly they interfered with appointments, and with regard to every measure for the prosecution of the servants for malversation, &c.

1348. They are confined now to the selection of the Directors?—There is no subject which they cannot take up, and I may mention the very subject of the affair at Hydrabad. On those transactions the Court of Proprietors expressed their opinion most fully; they have also conferred grants of money and votes of thanks upon some of their distinguished servants.

1349. Without entering into the question as to the expediency of the formation of a legislative council in Bengal, by the acts of which the whole continent of British India is to be governed, that being matter of opinion, can you state that which is matter of fact, namely, what is the amount of Regulations numerically passed by the different local governments of India since the renewal of the last Charter; what proportion they bear to the state of the law in England during the same period?—The subject of a legislative council having attracted the attention of the public, I have in some measure considered the question, and I wished to ascertain what the great difficulties were which were imposed on the government as it at present exists, arising out of the extent of the Regulations, or the duty which the enacting of those Regulations imposed on it, because as they are justly considered of great importance, the greater the number of Regulations, the greater of course would be the labour and the responsibility on the part of





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the government. The power of enacting Regulations was first conferred on the government by Act of Parliament in 1781. Mr. Burke himself brought in that Act, but the government in India had before exercised the power. The Act of 1781 empowered the authorities at home to disapprove of those Regulations if they saw fit. In 1793 they were formed into a code, and from 1793 to 1830 there appears to have been 741 Regulations passed in Bengal, averaging about 20 every year. At Madras there have been 213 Regulations passed, averaging not quite six annually; and at Bombay there have been 223 Regulations, averaging six. It has been stated as one of the reasons why Parliament should be relieved from the labour of legislating for India (a right which I can scarcely conceive it will ever abandon), that the labour would be too great; but when I find that the general and public Acts of Parliament passed since 1793 to 1830 are 5,019, and that the local Acts, which are to be judicially noticed, are 4,622, making an aggregate of 9,641, besides the private Acts, which amounted to 2,677, but taking those Acts which are to be judicially noticed, and the local Acts, which have reference to the inclosure of commons, the stopping up of pathways, &c., &c., all of which would be conceived important in India, and in truth they are in some measure parallel with some of the Regulations passed there, I consider that the labour thrown on the Government of this country, by continuing the system as it is at present, really cannot be advanced as an argument for the proposed change, were there no other reasons to be urged against it.

1350. Do the Regulations comprehend the whole of the laws for the administration of India?—There are three classes of Regulations. The first are the Rules, Ordinances, and Regulations passed by the Government under the 37th section of the Act of 13 Geo. 3, for the good order and government of the settlement of Fort William. Such Regulations are not valid until registered by the Supreme Court. They are then to be sent to England, and exhibited at the India House. Within 60 days from their being so exhibited, any party may appeal against them. The King may likewise disallow such Regulations within two years from the making of such Regulations. The number of those Rules, Ordinances, and Regulations may have amounted to about 130 or 150 since 1773. The other Regulations are those which relate to the internal government of India, and are Rules and Regulations for the provinces. They were first recognized by the Act of 21 Geo. 3. I have brought with me a book which will put the Committee in possession of the manner in which those Regulations are classified; and by reference any existing Regulation may be most easily traced. It is the work of Mr. Augustus Prinsep, of the Bengal civil service. One on somewhat similar principle has been compiled at Madras, by Mr. A. D. Campbell, of that service. The third class of Regulations has reference to the imposition of taxes and duties by the Governor, and they are not valid until approved by the Court and Board of Commissioners.

1351. Is it your opinion that the number of new Regulations passed since the last Charter, not having amounted on an average to 32 a year, would be a sufficient justification for not providing the most efficient and most satisfactory council that could be devised for the purpose of making laws for the people of India?—By no means; but the question involves a very large subject. So far as my individual opinion goes, I can have no hesitation in offering it; but it would require some time to enter on the different points connected with the subject. I am decidedly of opinion that it is incumbent on the authorities of this country to provide in the best and most efficient manner for the good administration of India, and especially for giving to the natives of India the most clear, comprehensive, and simple form of judicial administration; but I am not prepared, from the consideration which I have ventured to give the subject, to concur in the opinions of those gentlemen who have stated theirs in favour of a legislative council, and who, I am quite sure, from their character, standing, and knowledge, must have infinitely greater weight than any opinion I may give on the subject. The legislating for India has been a matter that has engaged the attention of the authorities in this country, and of Parliament, from a very early period of our government in India. The Supreme Courts were originally instituted for the purpose of rather protecting the natives; but it was soon found that the powers they exercised were most injurious to the natives. Those powers were circumscribed by subsequent enactments a very few years afterwards. The discussions which passed between the Supreme Court at Bombay and the Government of that presidency, appear to me to have given rise to the various questions connected with the influence and power which the Supreme Courts have a right to exercise over the natives of India, and to the proposition for a legislative





a legislative council for India. In the papers which are put forward in support of the institution of a legislative council, the judges on the one hand, support the establishment of the Supreme Court, unless a very material change indeed takes place, whilst, on the other hand, members of the government contend that the Government itself must be supreme, and that the remedy might be applied, as far as the acting courts are concerned, by strictly defining their powers over the natives of India generally. The Government complain of the powers of the Supreme Court not being pointed out, and Sir Charles Metcalfe adverts to the fact that a native of the Himalaya mountains may be brought down to the stifling heat of Calcutta, who, at the same time, may be utterly ignorant of the existence, and much more so, if possible, of the powers or operation of the Supreme Court. Mr. Mackenzie, I believe, has suggested that a registry should take place of the parties who should be liable to the Supreme Court; and in fact a variety of suggestions which have been offered might be enumerated, whilst the remedies pointed out are not less various. The first question is, whether the Supreme Court is to remain as at present constituted? if so, it appears to me the most eligible course would be to define clearly its powers, which I think might be extremely well done in this country, with the aid of gentlemen conversant with India and the practice of the Supreme Court. The other point for consideration is the internal administration of justice for India.

Peter Auber, Esq.  
20 March 1832.

*Jovis, 22<sup>o</sup> die Martii, 1832.*

SIR JAMES MACDONALD, BART., IN THE CHAIR.

Captain *Turner Macan*, called in; and Examined.

Captain *T. Macan*,

1352. IN what service are you?—The King's military service, in the 16th Lancers.

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1353. For how many years were you in India?—Twenty-three years actual residence.

1354. During that period did you discharge also any civil functions in India?—For the last 12 years of my residence in India, I held the situation of Persian interpreter to three successive Commanders-in-chief, Lord Hastings, Sir Edward Paget, and Lord Combermere. It cannot be called a civil function, it has always been held by a military officer.

1355. Did the duties of that situation necessarily bring you in contact with the civil servants of the Company?—With the exception of the Persian secretary to government, the residents at native courts, and political agents, the duties of that situation did not bring me in official contact with the civil servants of the Company, but it brought me in contact with the natives of India, both in correspondence and in personal intercourse.

1356. Were you conversant with any other Oriental languages than the Persian?—The Persian, Arabic, and Hindostanee are the languages I am conversant in, but most so in the Persian.

1357. Have you had occasion to observe the amount of qualification in Oriental languages with which young men generally have proceeded from this country to India?—Having resided for the greater part of the last 12 years in Calcutta and having accompanied the Commanders-in-chief in their tours of the Upper Provinces, I became acquainted with the Oriental qualifications of most of the writers appointed to that presidency and zemindary. The amount of their knowledge in that department has been very trifling, I mean the amount brought from England.

1358. In what manner has it been attempted to supply that defect on their arrival in India?—By a College founded by Lord Wellesley in Calcutta.

1359. Is it your opinion that the system adopted at that College was well calculated to the end of grounding the young civil servants rapidly and efficiently in the Oriental languages?—The system pursued up to the period that Lord William Bentinck took charge of the government was not calculated to insure rapid progress in any Oriental language, though if the student was inclined to study, it afforded every facility to his doing so, but did not oblige and enforce it. The College at Calcutta has been a source of more debt than knowledge in the civil service, and has been an expensive establishment for the end proposed. For some time after its foundation, it was not uncommon for writers to remain in College for two and three years, during which period the government lost all use of their services.



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1360. They were also at considerable expense in maintaining them?—They were drones to the government, and I should say at an annual expense for each individual of 600*l.* or 700*l.*, nor was it found that the length of time they remained added to their qualifications as Oriental schoolars. The College of Calcutta I have mentioned as being a source of great debt. Situated in a luxurious capital, where there is every temptation to idleness and extravagance, and great facility in raising money, it has tended in a great degree to induce expense far beyond the means of the writers; and as a proof of this, I will only mention that a few years back, when an estimate was taken of the debts of the civil servants, which they were called on to divulge, and which I believe they did tolerably fairly, the amount was, as nearly as I can recollect, about a million and a half sterling.

1361. State the numbers and the period that it embraced?—The entire number of the civil servants on the establishment could not have been above 450. The debt was confined comparatively to few. I know not the number; and I believe much of it to have originated in college extravagance. It was not uncommon in former times for young men to leave college with a debt of from 50,000 to a lac of rupees, on which they were generally paying an interest of 10 per cent., with an insurance on their lives possibly amounting to five per cent. more. This was if they borrowed it from agents; but it sometimes was borrowed from natives, who lent it not so much for the sake of the interest, but with the hopes of profiting by their patronage when appointed to official situations; and in this manner a civil servant lost much of his independence. For the first 10 years of his employment in civil administration, he was seldom able to pay even the interest of this debt, which accumulated with fearful rapidity; and many civil servants, after a residence in India of 28 or 30 years, after having held high official situations with a salary of perhaps 40,000 rupees a year for 10 years or upwards, have been unable to shake off the embarrassments occasioned by college extravagance.

1362. Those individuals, then, appear to have anticipated the fruits of that preferment to which they considered their writerships as having given them the right?—The debts were originally contracted in the reckless extravagance of youth, without any consideration of the future, but for the gratification of the present moment. The assembling of young men in a capital like Calcutta, where there is a temptation to every extravagance, and where a great facility exists, or rather did exist, of raising money, induced the extravagance I have spoken of.

1363. Do you attribute nothing of this recklessness to the nature of their appointment, which holds out to them an almost certain expectation of lucrative employment?—Undoubtedly much is to be attributed to this cause. To show that the extravagance is founded upon the anticipation of lucrative employment, I need only mention, that young men in the military service, who have not even one half of the allowance of a writer upon their arrival, and have more to do with it, have not got in debt, and could not if they had wished, borrow even one tenth of the money that has been profusely lavished on writers; so that the lender as well as the borrower has anticipated the effects of lucrative employment.

1364. In your time do you remember many instances of young men having been sent back to England from want of due qualification for preferment?—I cannot recall one instance.

1365. Should you say from your experience that the young men so appointed possessed more than the average qualifications for civil appointments that you would find among an equal number of young men taken from this country at random?—I think, considering the age at which they have been sent out, their qualifications have generally appeared to me to be far above mediocrity; and if the regulated tests for those who are admitted into the service without having been at the East India College in England, are strictly enforced, it will always ensure a sufficiently high degree of education. I think the age at which they go to India, with reference to the important duties they are almost immediately called upon to perform, is not sufficient; they are too young. The age of 20 would be better than 18. Formerly, when a young man after his arrival remained two or three years in college, a case not uncommon, this objection (if due attention had been paid to his further instruction) would not have had so much force. Generally speaking, the civil servants, I should say, are men of considerable capacity for business and great assiduity; but I think, when their previous education is considered, and the important duties they are called on to perform (duties connected with the philosophy of legislation in all its branches, and calculated to call forth latent talent wherever it exists), they have not generally shown so much ability as might have been expected.

1366. Do



1366. Do you consider the amount of requisite qualification in this country as being too high or too low?—I think, for their age, the amount is neither too high nor too low; but I would wish the tests to be strictly enforced.

1367. Should you propose to substitute any other tests of qualification for those at present resorted to?—Not unless they went out at a more advanced age, say at 20, in which case I would make some knowledge of jurisprudence a necessary qualification.

1368. Would you require any test of the knowledge of Oriental languages?—Yes; I would require a knowledge of the general principles of the Persian and Hindostanee languages; in fact, the test that is now in force.

1369. Supposing them so grounded, by what mode of disposing of them after their arrival in India, should you imagine they would best arrive at the utmost degree of proficiency in the languages?—The judicious regulations and alterations made by Lord William Bentinck in the College at Calcutta seem to claim for that college a trial of its success. I am of opinion, that under its present able secretary, and under the present enlightened Governor, the College of Calcutta will be found to answer all rational expectation, and that the students will acquire in a short time sufficient Oriental knowledge, without contracting debts; but I am decidedly of opinion, that a preferable mode of disposing of the civil servants after their arrival, would be to hasten them into the Mofussil, but not to collect too many at any one station. I would not have more than three at any one place; and at those stations native teachers should be kept on small permanent salaries from government, their full salary to be made up by those who employed them. The civil servants thus disposed of should be required, after three months, to attend the court of justice and the revenue office of the station, to qualify themselves in the practical details of those duties; and on a report from the civil authorities of those stations, they might be sent to Calcutta for final examination, for which purpose two professors would be adequate, in addition to the secretary.

1370. Does any peculiar public advantage appear to you to arise from the congregation of the young men destined for India in a large body in a college, previous to their departure for India?—I should say the reverse; and I consider the East India College in England a useless expense to the government.

1371. You think that the grounding of the Oriental languages might be fully as well accomplished by individual masters, if due encouragement was given to them, as by the aid of professors at high salaries at college?—I have not the slightest doubt of it.

1372. Do any of the evils and disadvantages respecting the writers, to which you have referred, appear to you to arise in any degree from the principle of their appointment?—A writer may have gone greater lengths in braving the orders or regulations of government, from the consideration of the support of that patronage by which he was nominated, though I should not say that this extended to any number. I do not think that the debts of the civil service, or any other evils I have alluded to, have in any way originated with the mode in which they have been appointed; but I conceive that if superior qualifications were made the test for appointment to India, that is, if competition instead of patronage was the mode by which vacancies to all departments in the Indian service were filled up, you would undoubtedly have men of higher attainments in every branch of the service; in fact, command a great portion of the talent of England for the Indian government. In this case the tests of qualification for a writer should be higher and of a different nature to those required for the military service, and those again should vary according to the branch in which they were destined to serve. By these means, the candidate should have his option of what test he would stand, whether for the civil service or the military, and what branch of the military.

1373. You have stated, that during your 23 years' residence in India you have had occasion to make frequent tours in the provinces; has your intercourse with the natives on those occasions been considerable?—It has, partly from official duty, partly from my Oriental pursuits. I have occasionally corresponded\* and held personal

\* Epistolary and personal intercourse between the Commander-in-chief, during his tour of India, and native chiefs, is confined to expressions of mutual regard. The chiefs often attempt to introduce questions involving their political connexion with the English Government, but they are always told that his Excellency's tour is purely military, and that absent from Calcutta, he meddles not in civil administration.



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personal intercourse with almost every native of rank and talent from the Sutledj to Calcutta; and from my not holding any official situation under government, which would make them cautious in communicating their opinions, our intercourse has been very unrestrained; and many of them have censured government institutions and individual characters with as much freedom and, I have no doubt, justice, as they have lauded other parts of our civil administration and functionaries.

1374. Generally speaking, how have you found the natives affected towards the British Government?—I think they have almost universally acknowledged the superiority of the British government over all former Asiatic government; and the learned men have frequently observed, that we have realized in practice the theoretical perfection of the Institutes of Acbar. They admit our intentions to be always good, but they censure many of our regulations and much of our system, both judicial and revenue, as not being founded on sufficient experience and data. The tardiness of justice they complain of as the greatest of evils. In giving these favourable sentiments of the natives on our government, I do not mean that there is one man of them that would take up arms to defend it; on the contrary, except the mercantile population of Calcutta, or those connected with the mercantile interests generally, I do not believe there is a native in India who would not desire a change.

1375. You find, then, the educated natives universally conversant with the details of the British government in India?—Not universally conversant either with the regulations or details, but with the practical effects of the administration.

1376. You have stated that you consider that for the most part they would desire a change; will you define more particularly what you contemplate by the word change?—Any native government instead of that of the British; I mean that our rule in India is supported, not by the justice and wisdom of our laws, or the love of the people, but by our military supremacy alone.

1377. Do you consider that they appeared to feel themselves aggrieved by their exclusion from what they would deem a share of the civil administration of the affairs of the country?—I think a due share in the administration of the country would tend to attach them more to our government, and make them feel an interest in it, which they now do not.

1378. Will you state to the Committee your opinion of their capacity for being admitted to a larger share of the administration of the government?—Their intellectual capacity is undoubtedly great; their moral capacity has been much doubted; but under an arbitrary government, where every man who holds a public situation was supposed to be necessarily corrupt in extent to his powers, and was treated as if he had been, whether innocent or not, there was no encouragement to morality or virtue, and a man who could not escape the suspicion of corruption, would endeavour to have the sweets of it. The natives of India are acute and intelligent, have great capacity for business, and, in fact, much of the business of India is now transacted by the native Omlah, without the responsibility attaching to it.

1379. Will you explain what you intended by the observation, that every individual was considered corrupt in proportion to his powers, and treated as such?—I mean under the native governments; but this sentiment still obtains with natives, and has a baneful influence on moral character.

1380. By what means should you propose to ameliorate any existing moral defects in the character of the natives?—By education; more particularly instruction through the means of the English language, and employment in civil administration.

1381. Do you believe that a general system of education, coupled with opening to the natives all such civil offices as they might become competent to fill, would have that tendency?—I think it would; if you give a man something to lose, he will be cautious how he loses it. I think their employment should be limited to the judicial and revenue branches of the service. A great part of the expense of our executive administration would undoubtedly be lessened by the employment of more natives and fewer Europeans.

1382. In those situations in which they have hitherto been employed, has not their remuneration been remarkably low?—Considering what has been ostensibly required of them, and the degree of responsibility attaching to their situations, I think their salaries have been fair: but in the future employment of natives in higher situations, I would raise their salaries according to the importance of the situation, and the degree of responsibility attached to it, so as to give the strongest inducement to good conduct.

1383. You





1383. You are of opinion that an inadequate amount of compensation necessarily leads to dishonesty?—Undoubtedly in the native character.

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1384. You have stated that you consider the introduction more generally of the English language as a great object, with a view to the better establishment of our power in India; by what system does it occur to you that it might be more generally introduced?—I would propose, that a proclamation be issued in Calcutta, stating, that at the end of a specific period, say five years, which I think sufficient, the proceedings in all the courts under the Calcutta circuit should be conducted in the English language. I have not the least doubt that at the end of that period, more than double the number of persons qualified in that language would offer themselves. In the schools in Calcutta there are many Hindoo boys who can read English, even Milton and Shakspeare, with much fluency, and explain difficult passages in those authors. The language now used in the different courts of justice is as foreign to the natives of the country as the English language. I except Bengal and Orissa, because in those provinces the use of the vernacular dialect is optional; in all other provinces the Persian language is used: it was forced into judicial proceedings by Mahomedan conquerors, and is not understood by any one of the witnesses that are usually examined, and but imperfectly by the native officer who takes down the evidence, and perhaps still more imperfectly by the judge. The language of correspondence between the native courts and the government is also Persian, and three-fourths of the native chiefs with whom this correspondence is kept up, do not understand one word of it; so that they are obliged to keep a moonshee to read the letters that are received, and explain and answer them; and I do not see why, in the course of a short time, such correspondence should not be carried on in English: for they would only have to keep an English writer or translator instead of a Persian, and it might induce them to make their children study the English language.\* At all events the Governor-General and public functionaries would know what they are writing to the native chiefs, instead of depending upon their Oriental secretary. The Mahomedan princes are generally more or less acquainted with the Persian language; but the language of their courts is Hindostanee. They are but very imperfectly acquainted with Persian.

1385. Would not the making the acquisition of the English language, after a certain period, a necessary qualification for office on the part of a native, operate, in your opinion, as a powerful stimulus to the dissemination of the language in India?—It would ensure it.

1386. Was not the attempt of the Mahomedan conquerors to introduce Persian unsuccessful?—It succeeded so far, that the proceedings in their courts and the whole of their correspondence was conducted in it.

1387. But in a very imperfect degree?—It was universally adopted by Mahomedans in all proceedings in their courts; depositions were taken in it, and it was the language of correspondence.

1388. But still very ignorantly taken down?—Most probably.

1389. Then what greater probability would there be that the English language should be more generally adopted than the Mahomedan, which was introduced under a very despotic government?—Their religion might be propagated by the sword more easily than their language. They used none of those means for disseminating their language which would be resorted to by a civilized and philosophic nation; and the intercourse with the inhabitants being at first a good deal embarrassed by the want of some common language, gave rise to the language which we call Hindostanee, but which is properly called Orrodo, meaning "Camp;" for when the Mahomedans first invaded India, they seldom inhabited villages or cities, but remained in camp, and the intercourse between the people of the country and the camp gave rise to a language the nouns of which were generally taken from the Arabic and Persian, some few from the Turkey and Sanscrit, the particles and verbs from the vernacular dialect of the country. This language, however, has never been used either by the Mahomedan conquerors or by ourselves as the official language of business, and I do not think it is well adapted to it.

1390. Do you not think that the language and character and institutions of a country are so intimately blended, that you will deprive the natives of their peculiar aptitude

\* The Raja of Bhurtpore had begun to study English before I left India.



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aptitude to business, by making them transact it in a foreign language?—I think for a considerable period it might have that effect.

1391. Do you not think it would be received by the natives of India, whom you describe as having no great attachment to us, as a foreign intrusion, and a badge of servitude?—They have shown the greatest desire in Calcutta and its vicinity to learn the English language, and have gone to considerable expense for that purpose. I did once imagine, that in the distant provinces the introduction of English would be considered in the light put in the question; but on visiting Delhi three years ago, I found a school for English instruction had been lately established there, and although it was only on a small scale and very inefficiently conducted, yet I think the natives viewed it with pleasure; and I have heard them express great regret that scientific instructors were not sent from England, or were not procurable in India. The want of competent instructors is indeed loudly complained of in Calcutta; the natives are fond of abstract sciences;\* they delight in metaphysical speculations, logic, astronomy, medicine, and mathematics; they show great aptitude in everything but a knowledge of geography, and of that they are totally ignorant.

1392. Are you acquainted of any instance in the whole history of the world of a people adopting a foreign language, or have they not always formed a blended language of their own and that of the conqueror?—I am not at this time prepared with any instance of that kind. I know not how far the Romans forced their language upon Spain when they conquered it.

1393. You are aware of the rapid disappearance of the Celtic language in Scotland and in Wales?—Yes.

1394. Is the instance you have mentioned at Delhi the only instance in your knowledge of a voluntary effort on the part of the natives?—It was not voluntary. The school at Delhi was one established partly by the assistance of government, and partly by individual exertion; it was very inefficient, and was situated in a very prejudiced and distant part of our empire, the residence of the king of Delhi. In Calcutta all the natives of rank and talent, particularly Hindoos, exert themselves in promoting the study of the English language; and the Mahomedans, though they have not shown the same striking desire on this subject, have yet evinced no opposite feeling. The secretary of the Mordursha, that is, the Mahomedan College for teaching Arabic and Persian, in Calcutta, a man of character, talents, and influence, has frequently stated to me his conviction that the Mahomedans would acquire the English language as quickly, and with as much desire, as the Hindoos, if encouraged.

1395. Do you think it quite safe to argue from the fact, that there exists among the natives of India a disposition to study the English language for the purposes of science or general information, that they would see with pleasure any attempt to engraft the English language upon the institutions of the country?—In speaking of the natives, we must always distinguish the two great divisions, the Mahomedans and Hindoos; what is applicable to the one is not always applicable to the other. I do not think they have ever contemplated the question in the way stated. I consider that the Mahomedans would not be at any expense or trouble to study or acquire the English language for the sake of the sciences, or for any knowledge they would acquire; with them the knowledge of Arabic, in which the Koran is written, is paramount to every thing, and their most learned men are, after all, what would be considered very ignorant in any European country. The whole of their learning consists in a little knowledge of Euclid, Ptolemy's Astronomy, some mutilated extracts from the writings of Aristotle and Plato, on which is founded their system of ethics; but above all, their character for learning principally depends on their knowledge of judicial theology, as the whole of their law, both criminal and civil, is taken from the Koran. With regard to the Hindoos, there is a marked difference between those who have resided in Calcutta and are in constant intercourse with Europeans, and those who have not had those advantages or disadvantages. The former show an evident desire to be acquainted with the English language, and everything connected with our literature, government and institutions; and a few have evinced this when there has been no hope of employment or pecuniary reward of any kind.

I cannot

\* Many years back a Mahomedan paid a considerable salary to a European gentleman to teach him Latin, and to read with him Newton's Principia.



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I cannot but think that the hope of participating in the emoluments and dignity of civil employment would stimulate even those in the Mofussil, who have hitherto shown lukewarmness on the subject, to greater exertions and rapid proficiency. The Hindoos would, I think, view the introduction of the English language into our judicial and revenue proceedings rather with pleasure than indifference. I am doubtful of the Mahomedan feeling, but I am rather inclined to think if it was judiciously done with proper explanation, at a fitting time, and with great attention to the feelings and prejudices of that class, that it might be very safely done; nay, I have no positive reason to think that they would not look upon it, however introduced, as a matter of indifference; with this exception only, that it would effect their immediate interests, inasmuch as it would throw out of employment many who are now in office, and render those qualifications by which many have fitted themselves, and are fitting themselves, for office, nugatory.

1396. Should you not consider the last topic you have adverted to as a reason for introducing such a change very gradually, in case it was considered desirable?—I do most particularly think that all changes in India, even though decidedly for the better, and when there cannot be a shadow of doubt as to the improvement to result from them, should be introduced with the greatest care and deliberation. Our changes have been made too hastily, and with too little deference to former institutions and present opinions and prejudices. I would therefore limit the first introduction of the English language to the circuit for Calcutta, or even a particular court in that circuit if necessary, and not until after a period of five or six years' notice or more, at the discretion of the Governor-General in Council; but I have not the slightest hesitation in saying, as I have before stated, that ere that period would have expired, more than double the number requisite to perform the duties would offer themselves, and that they would be chiefly, if not altogether, Hindoos.

1397. Can you tell to what extent the Hindoos were employed by the Mahomedan princes in the courts of law previously to the occupation of India by the English?—The employment of Hindoos in the offices of Government under Mahomedan rulers, depended much upon the character of the ruler; they were very much employed in the revenue departments, and scarcely any distinction was made between them and the Mahomedans; and during the reign of the Emperor Acbar, whose financial minister was a Hindoo, named Tudor Moll, I do not believe Hindoos were employed by Mahomedan princes in courts of law.

1398. Are the interpreters generally Hindoos or Mahomedans?—They are generally Mahomedans, but sometimes Raytes, who are a race of Hindoos. In some districts Raytes are much employed, and are considered clever men of business.

1399. Do the lower classes of Hindoos, who are about the families of Europeans as domestic servants, acquire the English language at all?—Not at all in the Bengal presidency, but they do at Madras.

1400. Do you not think that the native character is invariably deteriorated, as it is attempted to be assimilated to the European character?—I think the natives who have assimilated in dress and habits with Europeans, have frequently acquired their vices without their virtues. I confine this principally to the lower orders, for there are some natives of wealth and rank in Calcutta, whose knowledge, talents, and respectability have been considerably augmented by their association with Europeans; but all imitations of European dress and habits is generally viewed with dislike by both.

1401. Can you give any rough estimate of the number of natives at Calcutta who have attained anything like a proficiency in the English language?—I cannot give any approximation to the number. It may be found, I think, in an account of schools published by Mr. Lushington.

1402. They are not very numerous, the number of natives at mature age who have acquired the English language?—I do not think it possible for a native to acquire *much* proficiency in the English language after the age of 30.

1403. Would you not attribute the circumstance of the natives having deteriorated as they imitated the manners of Europeans, to the circumstance of their having adopted it from imitation and not from education?—Yes. When I said assimilated to Europeans, I did not mean those assimilated by education; I meant the uneducated, whose intercourse was confined to the lower orders of Europeans, and who had suffered much in their morals in consequence.



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1404. If you think that a native of the age of 30 would never acquire the English language, from what class do you propose to draw the officers in five years?—A native who was to start at the age of 30 to learn the English language would not probably be competent to perform the duties of an officer of the court after 20 years' study, but there is an abundance of natives in Calcutta who have studied from their youth, and who are now studying and making great proficiency in English. At a late examination of the English native scholars at the Government-house in Calcutta, they showed wonderful proficiency and critical knowledge of our language; they read from the works of Johnson with fluency and ease, and I have heard a few natives read and explain Milton and Shakspeare.

1405. You were understood to apply the period of five years solely to the precincts of Calcutta itself, and you proposed gradually to extend the circuit?—I mentioned 50 years as the probable time it would take to extend the English language to the courts in the Upper Provinces, and even then it might not get above Allahabad; five years I mentioned as the time within which a sufficient number of candidates could come forward to fill the situations in the courts within the Calcutta circuit; or, as I have said, if not sufficient for that, then to fill the offices in one court under that circuit, at the discretion of the Governor-General in Council.

1406. What is the proportion of the Mahomedans and Hindoos?—It varies very much in different provinces. In Bengal and Orissa the Hindoos are, I should say, 20 to 1; in the province of Roelcund, the Mahomedan population is considerably greater than the Hindoo; upon the whole, the Hindoo population is considerably greater than the Mahomedan, I should say 8 to 1.

1407. Has the Mahomedan faith gained upon the Hindoo, or do they remain much in the same proportion?—I do not think the Mahomedan faith has gained much upon the Hindoo since it has ceased to be propagated by the sword.

1408. Is there any attempt at proselytism on the part of the Mahomedans?—No active attempts; they are always glad of making a proselyte, but I do not think they use any very active measures for converting the Hindoos, or show that interest in the subject now that they did some years ago.

1409. Do they act perfectly well together, without any regard to each other's faith?—Yes; but the fanaticism of the Mahomedans, though it may have slept for a season, is ready on any occasion to awake and act with all its usual violence and destruction.

1410. You stated in a former part of your evidence, that you were of opinion that the inhabitants of India of rank generally would see with pleasure the substitution of any Asiatic government for the English Government; do you believe that sentiment to be shared by the lower classes of the inhabitants of India?—I believe it is. One reason why the men of rank and the independent chiefs dislike our government is, that they can have no hopes of conquest or bettering their situation in any way. Under the Mogul government they had such hopes; and as a proof of what respect is still shown to that government and to the Mogul, I would only mention that there is not, I believe, a native prince in Hindostan who has not upon his seal engraved these words, "The Servant of the King of Delhi," except one individual, the Rajah of Duttea, who, in gratitude for the rewards he received from the British Government, for his attachment and assistance to us during the last Pindarree war, has put on his seal, "The Servant of the King of England." For though the Mogul government trampled on all the institutions of the Hindoos, destroyed their temples, and built on their ruins their own mosques, the Hindoo chiefs would still generally prefer the Mahomedan government to the British.

1411. You mean from the probability of their enjoying a greater license under an Asiatic government than they can under the English?—Yes.

1412. You attribute therefore their disaffection to the justice and firmness of the British Government, and not to any imperfections that existed in it?—I attribute it to the destruction of all their hopes of conquest and independence. With regard to the lower orders, excluded from all participation in the honour or profits of our government, they cannot feel as much interested in it as in a government in which the lowest individual might hope to rise in rank and power by his personal exertions. Their common sayings, their tales, their aphorisms, are full of allusions to those vicissitudes of human life by which the humble and obscure are so often elevated. Under our rule, a native has nothing to look forward to, and has no motive





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motive of attachment to our government, though administered with more justice and attention to feelings and prejudices than any former government.

1413. Are you then of opinion that no improvements in the European system of government would reconcile the native population to it, unless it were possible to infuse more spirit into the native population, by throwing the door much more widely open than it is at present to their arriving at posts of distinction and importance?—I think it is impossible, without some such participation in our government.

1414. Do you think it would be impossible to make such participation compatible with the existence of the English government?—I think, for a long period, the participation should be confined to the departments I have before mentioned, viz. judicial and revenue; I exclude political or military.

1415. Would judicial or revenue functions be any temptation to the natives of rank and ambition?—I think they would.

1416. Is the judicial character highly esteemed among the Hindoos and Mahomedans?—Very much.

1417. You conceive, then, that the disaffection of the native population to the European government is founded rather on political than religious grounds?—I think so: we have never interfered directly with their religion, though they begin to complain, that if we do not directly interfere, we at least wink at, if not encourage, interference.

1418. To what circumstances do you particularly refer?—I refer to the sentiments of many talented natives, Mahomedans, who have spoken to me of the countenance shown by Government to missionaries, and to the excesses to which missionaries have gone in censuring their religious habits, even in the streets. One of those missionaries mentioned to the mixed population he was addressing, "that they hoped for pardon through the intercession of Mahomet, but that he was in Hell at present, and that they all would follow him if they persisted in their belief of his doctrines."

1419. Do you entertain any apprehension that anything like an official introduction of the English language would greatly strengthen the apprehensions of the natives of some interference with their religion?—I think, with due precaution on the part of the Government, it is not to be feared; the most prejudiced natives are willing and ready to admit that, with the exception of what I have said regarding missionaries, Government have hitherto held their faith with respect to religious toleration, though some doubts may have lately arisen upon that subject, in consequence of the abolition of the suttees.

1420. Do you consider the state of feeling of the Mahomedan population to be such, that it would be disposed to make any demonstration in favour of any other European power that might attempt to disturb the British dominion in India?—We took India from the Mahomedans, I may say, and the Mahomedans are most discontented. It is true, that before we conquered the Upper Provinces, the Mahomedan power had sunk into insignificance, and that of the Mahrattas prevailed; but the vicissitudes in Asiatic empires are so frequent, that the hopes of rising, however fallen the condition of a State may be, is never absent from their minds; and though the Mogul was in confinement when we conquered the Mahrattas, and cruelly treated, having had his eyes put out, yet he could still anticipate with confidence an end to their dominion and his misery. This is not the case under the British government. I do not say that the Mahomedans have relinquished all hopes of expelling us from the country; on the contrary, I believe such hope to exist in the breasts of many of the higher Mahomedans; and I think they would join any European power, even with but a slight prospect of success, in hopes of casting off the certain thralldom in which they are now held, for any future contingency. I should say, generally, that the Hindoos were considerably more attached to our rule than the Mahomedans.

1421. Were you ever in that part of India where the French power at one period was very preponderating, towards the southern part of India?—I have never been in the southern parts of India; but perhaps the French power never was so strong in India as that which existed under Scindiah. It was the French power under Scindiah which possessed almost the whole of Central India, conquered the Duwab, destroyed the power of the Mogul, and held him in thralldom on his throne at Delhi, and extended their conquests to the Sutlege. It was against this power that all Lord Lake's campaigns were directed; and it is a common saying with the Indians, that with the French Scindiah conquered Hindostan for the English, and



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that we gained it by conquering him and them. The forts of Agra, Allyghur, Gwalior, and a vast number of others, were all in the possession of that chief and his French officers; he had battalions regularly disciplined, and the finest train of artillery ever brought into the field against us by any native power; and he opposed us in more hard fought battles, with the exception of the battle of Assaye, than I think any other native prince has ever done since.

1422. Was not it the system of the French government rather to conform to the character and habits and usages of the people than to induce them to adopt theirs?—The French in Hindostan consisted of a small set of ambitious but enterprising individuals; they never had established a government, they possessed no territory and no subjects. I am speaking now of the Bengal presidency, not of the Carnatic. They were the servants of the native chiefs who employed them; they readily induced the natives to follow their mode of discipline in preference to their own, and everything connected with the science of war, such as the founding of cannon, &c. was submitted, I believe, to their sole direction; but in every other respect, I believe, they scrupulously endeavoured to follow the native customs.

1423. Do you not think that the French are more popular in India than we are, and that they have left a stronger feeling of attachment to them than we have been able to acquire?—Of those parts of India in which the French had establishments, I am ignorant. With regard to the character of the Frenchmen I have spoken of, they were all officers, and had enormous patronage, great salaries, and could reward to almost any amount; they have therefore left a good reputation behind them in India; but this is not confined to the French. No man has left so high a reputation in India as an Englishman who went out before the mast in a ship, from which he ran away, and established himself in the west of India at Hissar, conquered a vast extent of country, and ruled it with justice and wisdom for several years, until he was conquered by General Peron, of Scindiah's service. This man's name was George Thomas, and the natives to this day speak of him with the most affectionate regard, and the highest admiration. A native's attachment is generally in proportion to the gratification of his interest.

1424. With regard to the actual state, and feeling, and disposition of the natives in the Bengal provinces, where the permanent settlement has been established, do you not conceive that the zemindars of that country feel an interest in the continuance of the actual state of things?—I think they do. I think that in Bengal Proper, we are looked upon, perhaps, more as protectors than conquerors.

1425. By all classes?—I should say by the mass of the people.

1426. Is it not then your opinion, that by the extension of a similar system through every portion of our dominions in India, the co-operation of the native landowner in our favour might be more generally obtained?—I do not attribute the feeling in Bengal to that cause alone, or chiefly to that cause. That system of permanent settlement was undertaken in ignorance, and founded in injustice. This has been clearly proved since. We gave permanent hereditary property to many who had but a temporary interest in it, and some who had none at all, and many attempts have been made since that settlement to remedy the defects of it; sometimes to relieve the ryots from the power of the zemindars, sometimes to give authority to the zemindars, to enable them to collect their revenue from the ryots. But such are the evils still connected with that system, that one of the last acts of the late Mr. Harrington, who was a member of council at Calcutta, was a very long Regulation to remedy those that had arisen from that system. This Regulation was not passed into a law, as it was considered generally by the service a remedy worse than the disease. If such a system were adopted in the Conquered and Ceded Provinces, it would only be extending injustice, which, unfortunately, in the first settlements made in those provinces was too little guarded against; and I do not believe that anything connected with the permanent settlement would attach the natives more generally to us, than a settlement of 25 years, or any other period.

1427. You referred to the instance of a rajah who, in order to show his gratitude for favours conferred upon him by the British Government, put upon his seal, "The Servant of the King of England;" do you conceive that, with a view to further encouragement of the natives of consideration, it might be desirable to devise means of conferring upon them marks of personal distinction?—I think it would have a decidedly good effect; such a project, I believe, has been considered by the Government of Bengal, and it was proposed to give such power to the

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Governor-General. I think, however, it would have more weight if it came from the King of England.

1428. The dresses of dignity are now conferred, are they not?—Yes, honorary dresses, which give no permanent distinction; they are called kellauts.

1429. Do the natives look upon the British as benefactors to their country in the way of great public works and undertakings, in comparison with our predecessors in that country?—It was the taunting and just remark of Burke, that if we were driven from India there would be no monument or trace in 20 years of our having governed that vast empire. I consider the opening of the canal at Delhi to be one of the principal, if not the only public work we have undertaken beneficial to the country. The revenues of the country have not been sufficient to support our great establishments, and to undertake at the same time any of those expensive public works; and in any future introduction of the natives into the administration, care must be taken to get rid of some of the present expensive establishments, for our revenues are already but barely sufficient to support the present disbursements. Under native governments the aristocracy of the country were natives, who spent their money in it; and whatever they acquired, either by salary, exaction, or corruption, was frequently spent in public works, beneficial to the community, such as digging wells, planting groves of trees, building serays for travellers, opening watercourses, and thus making fertile lands of deserts. That aristocracy has been destroyed by our government, nor will the revenues of the country afford us to replace it in a manner, by the introduction of natives into our civil administration, without getting rid of some part of our expensive European establishments, who never think of spending the money they receive from the country in and for the country. Great public works, of which traces remain, were frequently the acts of private individuals under former governments, sometimes from the vanity of transmitting a name to posterity, sometimes from religious motives.

1430. From the revenue derived from the soil of India, exceeding 20,000,000, you conceive no portion can, under the existing system of administration of Indian affairs, be set apart for the improvement of the country in such works as aqueducts, canals of irrigation, great roads, and other essential improvements?—I believe it will be found on examination that since the renewal of the Charter in 1813, when the revenue and commercial accounts were directed to be kept separate, that the revenues of India have never covered the expenses within nearly a million sterling (I may be wrong as to the actual amount, I believe it is between half a million and a million), except in one year, when there was a small surplus; under such circumstances, unless reductions are made somewhere, we have nothing left for great public works of utility; but I must confess that there has been an unnecessary waste of public money (in the building and other departments) not always connected with public utility. I may instance the Mint in Calcutta, which I believe, first and last, has cost nearly 30 lacs of rupees. Many of the public offices of Calcutta are also instances of what I mention. The house for the Board of Opium to consult in for a few hours during the day, cost the government 1,20,000 rupees; and these houses have been too often built more with reference to the convenience of some member of the Board, or the secretary, who is to inhabit them, than the official duties to be performed in them. The system of offices in Calcutta is altogether bad. A public functionary gets a large office rent, with which he often hires a dwelling-house, and appropriates perhaps the lower story of it to the office for public business; such a place as his office is confined to in that house might be obtained for one-third of the amount; besides, great inconvenience arises to a person who has to transact business with those offices: he finds them at a distance of a mile or a mile and a half from each other, and he is often handed from one to the other several times before he can get his business done. Now, if the College in Calcutta was abolished, and that long range of building appropriated to public offices, considerable expense would be saved. I believe this idea occupied Lord Wellesley's mind.

1431. What is the amount of office rent?—Four or five hundred rupees per month; but it varies in different offices.

1432. The return from such public works as aqueducts would be enormous, would it not?—Very great. Some individual did offer to open canals, if permitted to receive the emoluments accruing from increased irrigation, &c. for seven years; and the benefit that has arisen, and the blessings which Delhi has experienced from the opening of the canal that flows through that city, are very great, and spoken of



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by the people with gratitude. The King of Delhi, upon the occasion of the water coming into that city, went out in solemn procession to meet it.

1433. Are there not very advantageous works of the kind that might be completed in the Deccan, productive of enormous results, and at a little expense?—I have heard there are large embankments to confine the water that falls in the monsoon.

1434. Should you not think it desirable that works under such circumstances should be undertaken by companies, under the encouragement of government, rather than by the government itself?—I do not think the state of society at present in India gives much reason to hope that such companies could be formed; it would be advantageous if they could; the only instance of the kind I know of is the Saugur Island Society.

1435. Would Europeans be likely to invest their capital in works of that sort?—I think there is much error upon the subject of European capital in India.

1436. Under the existing law that restricts intercourse with India, is it probable, in your opinion, that any companies would be found to undertake such works?—I think Europeans who have *acquired capital in India*, might undertake such works, with proper encouragement; but I scarcely can anticipate so much enterprise and risk as to take capital from England to invest in such speculations; in truth, capital is, I believe, never taken from England to India; it is made there, and remitted home.

1437. Have we not constructed a great military road through a part of Malwa?—There is not such a thing as can be called a great military road in any part of India; the best road is that from Calcutta to Cawnpoor, called the New Road. I have gone up it seven or eight times, and there are many parts of it scarcely passable in wet weather. I am told it is under the contemplation of the government to make a good road of it.

1438. Has not a road been made from Calcutta to Juggernaut?—The road from Calcutta to Juggernaut was made with money left by a Brahmin, with some little addition from government.

1439. Is there not a great line of road through Malwa, upon which great expense has been incurred in carrying bridges over torrents?—I am not aware of such a work; small bridges may be thrown over some of the mountain torrents at the expense of a few thousand rupees; but there is not what would be called a good road throughout India, except the road to Barrackpoor, the seat of the Governor-General.

1440. Would a road through India be of great service for internal traffic?—Not much; it would be useful for military communication, but for traffic it is not very necessary, as the Ganges runs through the heart of the country.

1441. Might not such a road be useful for post communications?—The post might be accelerated a little, but not much. Various propositions have been made to government to carry the post with greater celerity. I do not know that any have been considered more feasible than that of carrying it on foot: I think it might be improved.

1442. Great roads are not so necessary for civilization in India as in other countries?—No; it is a vast plain, that may be traversed in every direction; but a good road from Calcutta to Meerut would be a great advantage.

1443. What do you think of the steam-boat communication up the Ganges?—I do not think it will tend to any practical good; you may send it up to show that it can go, but I do not think it will pay the expense.

1444. Is the stream so rapid?—The stream is rapid, and it is filled with sands which vary their position every year. The depth of current is where the stream is most rapid. A steam vessel in going up is obliged to keep in the deepest part of the stream, where there is most obstruction, when a country boat with a tattered sail will run in shore, take advantage of a back current or a nullah where the water is still, and pass a steam vessel struggling and buffeting with a current running at seven or eight knots an hour in the centre of the Ganges.

1445. The principal obstacle, in your opinion, to steam navigation on the Ganges is the draught of water of the steam-boats?—The machinery of the steam vessel and the coals sink her in the water to such a degree that she can carry no great weight afterwards for useful traffic. If any improvement should take place in the construction of steam vessels, so as to render it unnecessary for them to carry such a large quantity of coals, there is no saying what may be done. If you will construct





construct a boat that will only draw two feet of water, she could go up the river better than any country vessel.

1446. An idea has been broached that great additional security would result to our Eastern empire from the extension of our frontier to the Indus; is that a subject you have considered?—Yes, I have frequently considered it.

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1447. What is the result of your opinion?—I have heard many military men say that the Indus was our natural boundary in India: but it has been proved by late and former wars, that a river like the Indus is little or no obstruction to a well organized invading army, and if we are to have a defensible boundary on that side, we should do more than stop at the Indus, we should push our posts into the hills, fastnesses and passes which are beyond that river; but I hold that the conquest of the Punjab (which is the country between the Indus and the Sutlege, upon which latter river our frontier posts are now stationed) would be highly impolitic and unjust. We already possess more territory than we seem capable of governing well. The chief of that state has been on amicable terms with us since the treaty made with him in 1808; the cause of that treaty was an attempt on his part to conquer the Seik chiefs east of the Sutlege, and the purport of it (which has been faithfully observed by both parties since that period) was, that he should not interfere east of that river, nor we to the west of it. The consequence has been, that he has gradually extended his conquests over the whole of Cashmere, Mooltan, and latterly Peshour; his territory is extensive, populous and fertile; his army numerous and efficient, perhaps the best native army in India, with the exception of the British. Again, it would be impolitic to extend our frontier in that quarter, as it would bring us in direct collision with the Afghans, one of the bravest, most bigoted, and fanatical of all the Mahomedan tribes. Now, it is well known that the Seiks are neither Mahomedans nor Hindoos, but admit converts of both, though their religion has infinitely more of the Hindoo in it than the Mahomedan; they are therefore a powerful barrier between us and those fanatical tribes, with whom if we were to come in collision, it would unquestionably have a dangerous influence on the religious prejudices of our Mahomedan subjects and troops.

1448. To revert to a topic you touched upon some time since, namely, the administration of public affairs in Calcutta. The Committee has been informed that in many of the departments the business is conducted by Boards; have you had any opportunity of judging at all of the manner in which that machinery works?—Though I have never been officially admitted into the arcana of the civil administration, yet the obstruction to public business, arising from the constitution of the Boards and unnecessary details, is such, that he who runs may see it. I consider Boards to have been more or less efficient in exact proportion as the business has been conducted by one individual of the Board, or a secretary. I have ever considered them clogs on public business. I have no memorandum by me to show when the various Boards connected with the revenue were established, but as well as I can recollect they are of very modern date. They would have been useful if they had relieved the government from any details, but they seem to have been used by secretaries merely as a focus to collect the scattered rays of practical knowledge, first for their own information, and afterwards to lay before council in the minutest detail. They might have been further useful had they been sufficiently consulted as to the practical effects of certain Regulations made by the government, or alterations in old Regulations, but this has not *always* been the case; and even when they have been consulted, sufficient attention has seldom been paid to the opinions of men who in general have great local and practical experience. I do not say this from personal knowledge; but there is scarcely a Board, the members of which I have not heard express that opinion. The same observation applies to the Sudder Adawlut in Calcutta. The details of all judicial business should have, generally speaking, been left to them, instead of which they were brought before the government by the judicial secretary in all their minutia, and occupied time that might have been more valuably employed. It has been a matter of surprise to everyone who has considered the subject, how the judicial secretary to government could have contrived business to occupy so much of his time and theirs; and yet he had been considered a very important functionary until lately, when I hear it is discovered that his duties, and those of the secretary in the Revenue Department, can be well conducted by one individual; and from my personal knowledge of that individual's talents, I have not the slightest doubt but the duties will be as well



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conducted as when divided. But one of the greatest obstructions to business in India is the mania for writing; and I believe that the cost of stationery and extra clerks connected with our India government in all its ramifications, is greater than the whole cost of the civil government of the United States of America; but expense is one of its least evils, the waste of time and talent which might be usefully employed is the greatest. The attention of government is occupied with trifles or trite axioms on political economy or jurisprudence, either inapplicable or so well understood as not to require illustration, whereas they are dilated on with all the importance of a new discovery; and a prevailing opinion exists in the civil service, that unless they keep themselves alive in the attention of government by constantly writing, their merits will be overlooked. The legislative government is thus hampered by details. But I confess I think the fault is in the government itself; it can effectually check this disposition of its servants, and I believe there is every disposition in the present Governor-General to do so.

1449. As far as you have observed, is the course pursued in this department one calculated to abridge and condense the public business, or rather to create public business?—A decided tendency to create public business.

1450. Does the constitution of the local government in Calcutta, as composed of the Governor-General and three Councillors, appear to you the best calculated for the administration of the local affairs of that presidency?—That the local government as it is at present constituted has some defects no one can deny; but that it is fully equal to legislate for the *native* population of India cannot, I think be questioned. It seems deficient in power to legislate for Europeans settling in India, and it is much hampered by the undefined powers of the Supreme Court, with which it is likely to come, and sometimes has come, in disagreeable collision. The Act of Parliament for the establishment of the Supreme Court seems not to have defined the power and jurisdiction of that Court so exactly as not to admit of doubt; and the Court have taken advantage of this obscurity or doubt, and have endeavoured to extend its jurisdiction not merely to the Mahratta Ditch (to which most people think it was intended to confine it), but throughout our provinces. The Court assert, that because a person has property in Calcutta, it can arrest his person for debt. An instance of this took place not many years ago, when a native of rank and wealth, residing at Furruckabad, was arrested for a small debt (which he offered at the time he was arrested to discharge, and of the existence of which he was not aware till he was arrested); and if the interference of the magistrate of the district, which I believe was considered by the Supreme Court as illegal, had not released him from the sheriff's officer, he would have been dragged 600 miles to Calcutta, and taken into a court, which sooner than have appeared in, he would have sacrificed not only his property but probably his life. Against this undefined power of the Supreme Court, some protection should be given to the natives, or some Act passed which would not admit of doubt, fixing its actual limits. Supreme power must exist in somebody in India, and I see no hands in which it can be trusted so well as those of the Governor-General. The Governor-General at present can act even against the opinion of his councillors on his own responsibility, and I consider this power absolutely necessary to preserve our empire in the East. I conceive that powers should be granted to the present government to legislate for Europeans likely to become resident in the country (they are now amenable to the Mofussil courts in a certain degree), and I see less objection to granting such power to the present government than to any other mode I have yet heard proposed for remedying this defect. As for the extension of the power of the Supreme Court over the Mofussil, I consider it the greatest calamity that could befall India. I speak, I believe, the universal sentiments of the natives out of Calcutta, that the jurisdiction of the Supreme Court would be considered by them as the greatest misfortune and calamity. The natives who are connected with the Supreme Court in Calcutta are notoriously some of the worst characters in India; there are gangs who live by perjury, and by threatening prosecutions in that court; and the natives have frequently told me that those perjurers are in the habit of going to men of respectability and rank (who would sacrifice half their property or even their lives rather than go into the court), and threatening that unless they will give them money, they are prepared to bring some accusation against them that will compel them to attend the summons of the court; and such is the dread of its power, and the disgrace of being dragged into it, that men of wealth are cautious how they will come and sleep in Calcutta. I may here relate an anecdote of two natives





natives of wealth who had some family feud; the object of one was always to get the other into Calcutta to make him amenable to the Court. He succeeded, under a pretence of reconciliation, and having kept him up at Calcutta most part of the night, induced him to remain till the morning, when, tapping him on the shoulder, he said, "You are now amenable." It is said, I do not know with what truth, that the Rajah of Burdwan, who is a man of immense wealth, pays a certain sum annually to a lawyer to keep him clear of the Supreme Court, and the usual words by which the natives express their abhorrence of it are, Balla-i-Nagahanee, which means an "unexpected calamity."

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SIR JAMES MACDONALD, BART., IN THE CHAIR.

Captain *Turner Macan*, called in; and further Examined.

1451. YOU have mentioned, that from your observation the native independent rulers under the Bengal presidency, whether Hindoos or Mahomedans, still regret the overthrow of the Mahomedan supremacy in India, and that they prefer that dominion to ours. Can you state the reasons of that preference?—I am of opinion that both the princes and their subjects are averse to our dominion; the former from a perfect hopelessness of emancipating themselves from our supremacy, or of extending their possessions or consequence by conquest or by intrigue, and from disgust at our interference with their internal policy. Scarcely anything has produced so much ill-will to our government, in the minds of the native princes, as this interference in the internal administration of their country and domestic affairs. We have had no fixed political principles by which our intercourse with native states has been guided. In some cases we have interfered most materially in almost every branch of their administration, as in the case of Lucknow, whilst on the other hand, we have sometimes avoided even what might be considered a judicious control. With reference to their subjects, their dislike has arisen from other causes. The checks to despotic power are two: first, the influence of religion, and second, the fear of rebellion. The dread of the latter has considerably checked and modified the despotisms of Asiatic monarchs; but as long as our interference with the internal government of the independent states continues, the subjects are prevented from showing their dislike to their rulers, or checking their despotic authority, by the knowledge or fear that the British Government would interpose and punish such manifestations. As an instance of the thralldom in which the subjects are held under the government of the native princes, from the dread of British power and coercion, I would particularly mention the state of Rampore and Lucknow. I have heard natives, who have lived under the government of Rampore, frequently declare that were it not for the fear of British power they would not allow their ruler to sit upon the musnud for 24 hours. The difficulties and embarrassments that the British Government in India have brought upon themselves by their mischievous interference in the internal policy of the independent states, has been fully exemplified since the conclusion of the Pindarree war, by the disturbed state of Rajhwarra; nor have the government, I believe, been yet enabled to extricate themselves from the embarrassing situation in which political agents, acting on undefined principles, have placed them with those states by such interference. If interference should be considered absolutely necessary, (which I cannot admit except as regards external policy), then it should be upon principles of justice as well to the chiefs as to the subjects; and if the power of the former is protected against the rebellion of the latter, then the latter should be sheltered from the oppression of the former. But I am decidedly of opinion, that all interference with the internal policy of independent native governments is impolitic and unjust, and the cause of bringing the British name into more odium with those states, and the natives in general, than anything I am acquainted with. I may here mention a third cause of the dislike of native princes to our government in India, which is the knowledge of its annihilating efficiency. An Asiatic has no idea of quiescent power; where it exists he expects aggression, and although it is generally supposed that our conquests in India have been conquests of aggression, it will be found on examination that this is without foundation; that they have

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more frequently, indeed invariably, been made in wars commencing on the defensive. Now, if it be asked, why native powers, conscious of their own weakness, have provoked us to war by aggressions, my reply is, that knowing we had the power, they expected and anticipated our using it to their annihilation, and they struck, anticipating an expected blow.

1452. You have stated these feelings to be, in your opinion, common alike to the Hindoo and Mahomedan; how are their interests identified in this respect?—The Hindoo population of India were not entirely excluded by the Mahomedan rulers from a participation in the offices and emoluments of government, as they have been by the British. Many of the Hindoo rulers were tolerated and supported by Mahomedan emperors, partly from fear of their united power, and partly from other motives.

1453. Do you apply these observations exclusively to the provinces under the Bengal presidency?—I know not what application they may have to the other provinces.

1454. You have stated, that in your opinion the local legislative government in India, with some modification and extension of power, is efficient; will you state more fully your opinion with respect to an efficient legislative body, and what modifications and changes you would propose in the existing power?—I believe it will be generally admitted, that India must be governed in India; and with regard to the best mode of forming an administrative government, I conclude that the object is to legislate for the mass of the people, that is the 80 millions of native population according to what is considered by them as affording the greatest security to their property and persons, the greatest quantum of justice at the cheapest rate, the most perfect toleration of their prejudices and religion, and the greatest security against the introduction of foreign laws founded on foreign intercourse. Now, I think that legislative body is most efficient which has the greatest opportunities of knowing the character and wishes of the people, and who will frame their laws on that knowledge, and not on abstract principles of theoretical government, nor sacrifice the interests of the 80 millions to the advantage or wishes of 400 foreigners who may now reside in the interior, or 4,000 who may be supposed likely to reside there on the abolition of the present law. With regard to the present legislative administration in India, I would suggest that they should be relieved from all unnecessary details connected with the executive government, perhaps from all details connected with it. I would suggest that an efficient Board of Trade might be established in Calcutta, to correspond direct with the authorities in England, and that the business of the Company as a trading body, if they are to continue so, should be entirely conducted by this Board. If the present legislative government are relieved from the details connected with the local administration, I would suggest a Deputy-governor or Lieutenant-governor for Calcutta, I mean for the Bengal presidency, to conduct such details; and, if it be thought advisable, that the power of this legislative government should equally extend to the other presidencies, then an executive Deputy-governor or Lieutenant-governor might be sufficient at each of them. But in order to aid such legislative government in their control over the other presidencies, I suggest that a member from each presidency form part of it. Legislative regulations framed by this body should not be hastily made or adopted, but after full discussion and consultation and discretionary reference to all persons, whether natives or Europeans, whom they may consider capable of throwing light upon the subject of such laws, which should be passed by a majority of the legislative assembly, the Governor having always a casting vote. But in all questions involving the security of the state, a supreme power should exist in the Governor, to act upon his own responsibility, even in opposition to his council. I consider this prerogative to be absolutely necessary for the safety of our Indian empire.

1455. Your last answer has embraced three distinct propositions: the substitution of a general central authority in Calcutta, or at least under the Bengal presidency, to supersede the local governments now existing in the other provinces; the creation of a legislative council, which is to frame regulations for the government of the whole; and the continuance of the existing authority of the Governor-General in certain extreme cases pointed out in your answer. Is there any and what objection to the existence of the present independent authorities ruling in Madras and in Bombay other than that arising from the increased expense of such independent establishments?—Anything that can reduce the expense of our civil administration in India, without injuring its efficiency, I consider of the very first importance.

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I am not aware of any material objections to the present constitution of the governments of those separate presidencies further than that it leads to an additional expense, and that it prevents an uniformity of system in the administration, which is much to be desired.

1456. Have you ever calculated what proportion of the expense could be saved by the substitution of a lieutenant-governor or governor in council at each of the presidencies, supposing always that such lieutenant-governor must in great emergencies have the power of acting independently of the supreme government, as he is now empowered and required by law to act?—I never made such a calculation; I had no data to found it on.

1457. Are you aware what the present expense of the independent governments at Madras and Bombay may be?—I am quite ignorant of it.

1458. Are you aware of the amount of the gross revenue of the several presidencies?—I am aware of the amount of the gross revenue of India; and I believe that the presidencies of Bombay and Madras have never paid their expenses as they might perhaps have done.

1459. Are you aware of the distance from Calcutta of the most distant of the subordinate stations connected with that presidency?—The most distant station is Ludiana, on the river Sutlege.

1460. Assuming Calcutta to be the seat of the central government, contemplated in your previous answer, are you aware of the distance from Calcutta to the farthest point now occupied by the British power in either of the other presidencies?—I am not aware of the exact distance; but I see no reason why the legislative government proposed by me should be confined to Calcutta: I think it is one of the worst places it could be at.

1461. To what other point would you propose to transfer such central seat of government?—To any point that might be fixed upon, after due deliberation by such government, as the best calculated, from its central position, to perform the duties entrusted to them. I have long considered Calcutta, even under the present state of Indian administration, not to be the most advisable place for the Governor-general and Council to reside at. As long as the Company were what they profess to be, a commercial body, trading to India, without sovereign power, and with little or no territory of any kind beyond the factory, Calcutta was unquestionably the fittest and only place for the head of their establishment in India; but as soon as they became sovereigns of a mighty empire, with a population of 80 millions of people, I then consider Calcutta to have been no longer the situation for the supreme government; its seat should have been more towards our northern or western frontier.

1462. Does not the removal of the seat of the central government, contemplated in the last answer, to some point more in the western provinces, render proportionably difficult the administration of affairs at the point furthest south, under the Madras presidency? Is there any instance in the history of India in which, under the Mogul government, its more distant parts were ever attempted to be administered without a local authority, almost even in name independent, referring to points as distant from Delhi or from Agra as the southern provinces would be from the seat of the British rule?—In giving my opinion as to the unfitness of Calcutta for the residence of the local government in the last answer, I was not adverting to the supreme legislative government which I proposed for the three presidencies, but more immediately to the present government of Bengal. The situation for such supreme government for the three presidencies I have not adverted to further than to leave it to be fixed by themselves. With regard to the Mogul government, the seat of their power was generally confined to Delhi or Agra, though for 13 years it was transferred to the Deccan. It may be generally considered that the situation of Agra or Delhi was not very central; but it should be remembered, that the Mogul power frequently extended to Caubul, the eastern parts of Khorassan, Cashmere, and all the countries intervening, and that their power to the eastward and to the south was often but a name. To the distant provinces were nominated rulers, who had almost supreme power, whose obedience was precarious, and entirely dependent upon the power of the Mogul emperor to enforce it; and when they conceived such power did not exist, they invariably threw off the dubious supremacy, and acted in every respect as independent sovereigns, paying no revenue and no regard to orders.

1463. Will you explain to the Committee what geographical limits you assign to the phrase in the last answer, "to the eastward"?—It is difficult to define anything



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under the Mogul emperors, it varied so much with the characters of those emperors. At one time an independent kingdom seems here often founded in all distant provinces. The Governor of Bengal, &c. sometimes throws off his allegiance, and the Deccan was never completely subdued, though the Emperor Aurungzebe went there in person, and remained there many years.

1464. In your last answer, which had reference to the formation of the legislative council, you considered that it was expedient that one from each presidency should be associated with the central council; do you conceive that the local knowledge that would be carried to such central council by any servant from either of the other provinces could be so adequate to all the emergencies of legislation, in providing for the necessities of a population so varied as that of the Madras and Bombay presidencies, compared with that of Calcutta, as the knowledge possessed ordinarily by the respective councillors of those presidencies as at present constituted?—Of the talents of the functionaries of those presidencies I have no knowledge from personal acquaintance; but if I may form an opinion drawn from the presidency to which I belonged, I have no hesitation in answering in the affirmative; and if at those presidencies can be found a man whose extensive information on every branch of Indian legislation, political, judicial, revenue, and military, and whose power of mind, soundness of judgment, and facility of transacting business approximate to that of Sir Charles Metcalfe, such an individual would be universally admitted to be efficient, and fully adequate for all the emergencies of legislation.

1465. You have stated that you would reserve to the Governor-general, as absolutely necessary for the safety of the British empire in India, the same arbitrary power now by law in extreme cases vested in him; do you mean to state that you would allow to the lieutenant-governors, contemplated in your preceding answer, the same absolute power of acting in unforeseen emergencies, which is now vested by law in the Governor in Council of the subordinate presidencies?—I do not see any necessity for such power existing in the lieutenant-governors; circumstances might occur, such as extensive mutiny in the army, or rebellion, when such lieutenant-governors and the commanders of the forces at the different presidencies would deem it necessary to act without reference to the supreme government. But whether it would be necessary to vest them with such power, such power by law, I am not prepared to say. In such extreme cases of mutiny, officers in all parts of the world act upon their own responsibility, according to the emergencies of the case. Generally speaking, the powers of such lieutenant-governors would be executive; but I consider that all Regulations affecting the presidencies to which they would belong should not merely be discussed in the supreme legislative assembly by a member from those presidencies, but that such lieutenant-governor, with his secretaries and such authorities, either native or European, whom he considered likely to throw light upon such proposed Regulation, should be consulted, and that the supreme legislative council should have the full benefit of their opinions in writing before such Regulation was passed into a law. One point I have omitted to mention with respect to the powers of the legislative assembly, that of legislating for Europeans who are now or may become resident in India. I do not conceive that there would be much difficulty in making the present system of judicial laws applicable to such individuals. Nor do I conceive that they would have any right to complain of being subject to such laws. Their going to India is optional; they can return from it when they please. People who optionally go to reside in any foreign country must be subject to the laws of that country, and, as I have before stated, all Laws and Regulations for the better government of India should have reference more to the 80 millions of native subjects than to the convenience, fancied or real, of a few European settlers.

1466. Referring to the supposed necessity of maintaining the existing high scale of executive government at Madras and Bombay, what are the duties now discharged by the Governor of Madras, at a salary of 16,000*l.* a year, with councillors, secretaries, &c. paid in proportion, which a vice-governor, well selected, with two or more competent public secretaries, might not discharge as efficiently and beneficially to the public interest at a much reduced rate of cost to the public?—I am not aware that the Governor at Madras and Bombay, with his councillors and secretaries, and extensive establishment of functionaries, has any executive duties to perform which could not as well be performed by a lieutenant-governor and such an establishment.

1467. Can you contemplate any separate interests belonging to either of the subordinate





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subordinate presidencies, which would not be likely to be adequately represented in such legislative council, as has been suggested, by an European civil servant and an enlightened native selected from each of those presidencies?—I cannot more particularly, as I have stated that any Regulations peculiarly applicable to those presidencies, should not be passed into a law without having the benefit of the opinion of the lieutenant-governor and secretaries, &c., as also the opinions of such natives as he or the legislative government might choose to consult. With regard to the native member of council, I confess I have considerable doubts of its present expediency. I do not deny that many natives exist in India who possess extensive information and local knowledge far superior to what is possessed by most Europeans, and that if they had been consulted, as unfortunately they never have been, upon many of our legislative enactments connected with the judicial and revenue branches, much injustice would have been obviated.

1468. With regard to the seat of government, is not one of the advantages which you propose by separating the Governor-general from the administration of the local government in Calcutta, that he would be free to visit, as he might see fit, the more distant parts of the British dominions in India, and to establish the head-quarters of his government temporarily at Allahabad or Benares, or at any other considerable place at which the public service might appear to him to require his presence?—I have not mentioned any place at which I think such legislative assembly would be best fixed, because this should be left to their judgment, and they should not be considered a fixture. Nay, I think it absolutely necessary that they should occasionally visit each of the other presidencies, and move to all parts of the country under their control, according to their discretion. Nay, I think an obligatory power should compel them to go to the other presidencies at fixed periods, say once in two or three years.

1469. You stated in a previous answer that the presidencies of Madras and Bombay have never paid their annual expenses; will you have the goodness to look at the Paper now shown to you, marked No. 9-10, and state whether an inspection of that induces you to correct that answer?—It appears that, according to this paper, Madras did pay its expenses in the year specified, and that Bombay did not. Having no official access to documents connected with the present disbursements and receipts of the presidencies, I stated that opinion from recollection of what I had read regarding the revenues, &c.

1470. On a general view of the amount of the civil expenditure in India, has anything suggested itself to your mind that would tend to its diminution?—First, the employment of natives in the judicial and revenue branches. Secondly, the formation of a legislative and revenue code, simple and well defined, which would enable more extended power to be given to individuals, and to dispense with useless appeals, which generally retard justice, multiply details, and increase expense. Thirdly, an economy in all public buildings, in which there has been a wasteful extravagance. As examples of this, in addition to those I have stated in my former evidence, I might mention houses at different stations for courts of circuit, useless military buildings, such as ranges of Assyrian-roofed stables built at Muttra, which never can be used, and various other public buildings connected with the civil and military administration, in which a profuse and wasteful expenditure of public money has taken place. Though of minor importance, I think considerable reductions may take place in all public offices. The sum may be small in each, but in the aggregate it would amount to a good deal. I give as an instance what I have heard mentioned, and have since verified, that some years back, when a secretary took charge of his office, he had bills presented to him by the clerks at the end of the month, separate from their salaries, for extra official duties performed. One clerk presented a bill for coming early before official hours; another for remaining late after official hours. The secretary inquired what were the official hours, and told the clerks he required no more of them than their duty, and that he would not receive any bills for extra official writing. This alone produced a saving in that one office, as well as I can recollect, of 20,000 rupees in the year; and I have no doubt that a similar reduction can take place in every secretary's office in Calcutta. If the establishments in those secretaries' offices be compared now with what they were some years ago, when the business was equally well performed, it would be found that they have increased twofold. Take, for example, the military secretary's office to government: when that office was held by Mr. Gardiner, and I believe by the late Mr. Adam, if I recollect right, there was neither deputy nor assistant; now there are both, besides a considerably increased establishment of clerks. I have already in my previous evidence



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touched upon the expediency of an abolition of the Boards. This also would be a considerable saving to government. I am not at this moment prepared to mention any other sources of saving, except what may arise from the employment of natives in our administration, and the consequent reduction of Europeans; and I believe that the present Governor-general of India has anticipated, by several judicious reductions in the civil administration, much that might have been suggested on this subject.

1471. Does it appear to you that the delays that have occurred in the transaction of public business between this country and India, and the voluminous and operose character of the conduct of its administration, are in any manner attributable to the constitution of the home authorities?—I think they are mainly attributable to that constitution.

1472. Will you point out in what respects you conceive such inconvenience to have arisen from such sources?—Questions of importance, which have been submitted by the government of India to the consideration of the home authorities, have not been answered sometimes for a period of two or three years; when such answer has been received, circumstances have so changed that further reference became necessary, and thus a period of many years has elapsed before the final adjustment of such questions. It is a prevailing, I might almost say an universal, opinion throughout India among all servants, both civil and military, that those Governors General who have attended least to the orders they have received from home have been the greatest benefactors to the country, and have consulted more the interests of the people than the rulers themselves.

1473. Will you state what means of acquaintance you have had with the administration of the Indian government?—Having never held any official situation under the Indian government which gave me a right of access to the documents connected with the administration of that country, I have no knowledge but what I have gleaned from observation, intimate intercourse with natives, and with almost every member of the civil and military service; and the situation I held on the staff of the late Marquis of Hastings brought me in constant intercourse with that nobleman, and gave me the advantage of his information and enlightened views.\*

1474. From your knowledge of the natives, should you say that if it appeared expedient to the Legislature of this country materially to alter the constitution of the organ of administering the Indian government at home; if, for instance, the Charter of the East India Company should not be renewed, and the territorial government should be confided to some other body, that such a change would produce any injurious effects upon the minds of the natives under the British dominion?—I do not think the natives of India either understand anything, or care anything, about the authority at home; they look to the local government; a few individuals in Calcutta may give the subject a consideration, but I doubt whether it would excite any fears or alarms in their minds, and on the mass of the people it would make no impression whatever.

1475. You think that, as far as the natives are concerned, the great point would be to impress them with a sufficient idea of the importance of the powers of the Governor-general in India?—Undoubtedly.

1476. Do you conceive that the natives regard the Governor-general now in Calcutta, in the same way in which they regarded the Nabob of former years, without reference to the delegated authority which each might respectively hold, or the source from which such authority might proceed?—Unquestionably, with regard to the mass of the natives; there may be a few exceptions in Calcutta, but they are few.

*Alexander Duncan Campbell, Esq., called in; and Examined.*

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1477. WHAT situations have you filled in India?—I went out to India in 1808, and was first appointed Assistant to the Secretary of the Board of Revenue. In 1812, I rose to be Deputy in that office. In 1817, I was nominated Secretary to that Board, and remained in it until 1820. In 1820, I was appointed Collector and Magistrate in the Bellary division of the Ceded Districts, where I continued until 1824; and thus served uninterruptedly twelve years in the Revenue Board, and sixteen in the Revenue department. Besides holding these appointments, I served in  
1809

\* I have now a Paper on the Revenues of India from 1813 to 1822, which Lord Hastings drew up for me with his own hand.



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1809 for a short time in the Stamp-office; and in 1818 I officiated for several months as Chief Magistrate and Superintendent of Police at the Presidency. In 1824, I was appointed Judge of Circuit and Appeal in the Provincial Court for the Centre Division. In 1826, I was nominated a member of the Board of Revenue by Sir Thomas Munro, and accompanied him in that capacity on his tour through the Southern Provinces. In 1827, I was thence selected to introduce his system of ryotwar into Tanjore, as Principal Collector and Magistrate there. Whence, in 1828, I was removed by his successor, after his death, to my former situation as Judge of Circuit and Appeal in the Centre Division. This I afterwards relinquished for that of Registrar to the Court of Sudder and Foujdary Adawlut, the Company's Supreme Court at Madras. Continuing in that office, I was also, in 1830, appointed Telinga translator to the Government. From 1811 to 1820, I held, in addition to my other appointments, the situation of First Secretary to the College at Madras. I was likewise appointed a member of that Board in 1812, until 1820, when I left Madras. And in 1826 and 1829, at each period of my return to the presidency, I was nominated a member of that Board. I was also, in 1826, one of three gentlemen nominated a Committee of Instruction for improving the Education of the Natives generally.

1478. Have you any knowledge of the native languages, and have you had occasion to have much personal intercourse with the natives in the several districts you have named?—I have received the honorary reward for proficiency both in the Hindostanee and Telinga language, of which last I have published a grammar and a dictionary, purchased by the government for 3,000*l*. I comprehend the Tamul, the Canarese, and the Mahratta, sufficiently to understand what is said in common conversation on business, but I cannot speak those tongues. As collector and magistrate in Bellary, and principal collector and magistrate in Tanjore, I had to maintain the most intimate daily intercourse with all classes of the natives; and in my situation as judge of circuit and appeal, I had also occasion to use the native languages daily in the court.

1479. What opinion of the general character and capacity of the natives did the opportunities you had of observing them impress upon your mind?—The lower classes of the natives appear to me as prone to crime as those of a similar description in our own country. The higher classes, except in European science and general information, may vie with those of a similar rank in Europe. Their manners and address are most polished; their conduct as heads of families and masters, kind and endearing; and the chiefs of the Telinga nation are distinguished by so nice a sense of honour, that our want of due regard to their feelings in this respect has occasionally driven some of them to suicide. Orme relates a celebrated instance of this kind in the zemindar of Bobilee. Another occurred in the Ganjam district, where one of this fine race of men, on being attempted to be disarmed upon entering one of our courts, plunged his weapon into his heart, and fell dead before the judge on the bench; and when a military force attempted to carry into execution a judicial process in the Nellore district, a third of this description destroyed all his family, and also himself. Instances of this kind illustrate the character of that class of people, but also deeply affect that of our own government. But the true character of the people is to be found in that of the middle classes, and of them I can speak in the highest terms, more especially of those connected with the agriculture and trade of the country, especially in the Bellary division of the Ceded Districts, in which I resided four years. They had the good fortune to fall, on our first acquisition of those territories, under the administration of Sir Thomas Munro, succeeded by Mr. Chaplin; and on my going to that province, I found myself received rather as a father than as a ruler. Many of the oldest inhabitants of the country came to see me at different times, requesting that I would place my hand upon their head, merely as a token of general protection. And I do not hesitate to say, that few can maintain a long intercourse with that amiable and simple race of people, without reciprocal feelings of attachment and regard for them. Their reverence for truth, a quality in which the natives of India are generally defective, is eminent. The asseveration of a Sircar ryot in that country is universally considered by the people equivalent to an oath. Indeed, when such a man's veracity is impeached, he constantly calls out, I am a *grahustoo*, or householder, meaning thereby to offer undeniable evidence of the truth of what he says. The tribe of cultivators of the Telinga nation, who occasionally migrate to Madras, serving there for a few years as palanquin bearers, whence they return with their earnings in this trade to stock  
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their farms, are proverbial for honesty throughout the country. The Canarese merchants and traders in the centre of the peninsula are also a most industrious and honourable set of dealers, many of them in affluent circumstances. I cannot speak quite so favourably of the Brahmin village accountants, or of our own Mahratta Brahmin officers, though in ability few can exceed them. In the Tamul provinces, the people, though greatly inferior in their reverence for truth, are in other respects little below their brethren in the centre of the peninsula; but in Tanjore the contrast is most lamentable. I do not attribute the inferiority of the natives in the district of Tanjore to their being composed of different materials from the other classes in the peninsula, but to the want of a good system of land revenue management on our part, by which the assessment on individuals is left undefined; and in consequence, corruption, forgery, and perjury have become so prevalent, that the province of Tanjore itself, and the court at Combeconum in particular, have become byewords in the Madras territories for everything that is degrading in the native character.

1480. You have stated the kind and affectionate manner in which you were received by the people of the province of Bellary, when you went there in your public capacity as the successor of Sir Thomas Munro and of Mr. Chaplin; upon your quitting that people, did you separate from them with similar marks of regard and gratitude on their part?—On my leaving it, as well as on return to the district subsequently, as a judge of circuit, I received from all those with whom I was formerly acquainted, the same warm expression of feeling towards me unabated.

1481. You have stated your impression of the character of the natives of that part of India; will you proceed to state to the Committee the estimate you have formed of their capacity for public employment?—I am of opinion that the natives with whom I am acquainted are capable of holding any situation, and of conducting the duties of it as well as any European. How far it may be expedient to employ them in the *highest* offices, may be a question of policy.

1482. What opinion have you had occasion to form of their trustworthiness?—The servants employed under the Madras presidency in the higher situations of our government are well paid; and in general, particularly in the Judicial department, have evinced great integrity. There have been instances in the Revenue department of the most gross abuses; but in general I should say, that corruption is not more prevalent with the natives than it was with Europeans, before their salaries were raised to their present standard, subsequent to the government of Lord Cornwallis, inclusive.

1483. In what situations at present are natives employed in the Madras presidency?—Natives are employed at Madras in all subordinate situations, in the Revenue, Judicial, and Military departments. In the Revenue department, their highest salary, after 20 years' service, may amount to 700 rupees per month, besides grants of land on *shotrium* tenure, which several of them hold. In the Judicial department, they are employed extensively as district judges, or moon-siffs; and latterly the Madras government have nominated three natives, one a Mussulman, and two Hindoos, with the same powers as are vested in the zillah and the criminal judges there. Their pay has been fixed at 500 rupees per mensem. The natives are otherwise extensively employed as clerks, and in the Revenue department as native collectors under the Europeans. Native Christians are excluded from employment in the Judicial department as native judges only, and I think the exclusion is to be regretted. I am not aware of any other exclusion of natives from the service of the government, though the half-caste natives are seldom employed except as clerks, on account of their not possessing acquirements for other duties equal to those of the superior natives of the country.

1484. Is it your opinion, that under a more extended system of native instruction, a more general resort might be had to native agency in the administration of the civil government?—I conceive it highly desirable that the natives should be employed in all departments in the details of the civil government. It would be difficult to raise them higher than they have been in the Judicial department, in the three instances I have noticed, without vesting them with that superintendence and control which I think should continue in the hands of Europeans. In the Revenue department, I conceive they might be further advanced.

1485. Although practically it might be inexpedient to advance natives to the highest offices of responsibility and control, at least for a long period to come, might it not however be advisable to declare, that the circumstance of their being natives is not in itself a necessary bar to their advancement?—I decidedly think that



that all notion of exclusion should be avoided, as checking the great object of raising the native character in the estimation of the people themselves.

1486. Would the feeling that any such exclusion was done away, tend, in your opinion, to strengthen their attachment to the British Government?—I do not think that the natives now consider themselves excluded; they merely are not employed in the highest offices; and I conceive it highly desirable that every office for which they are considered fit by the local government, should be held out as the reward of successful talent.

1487. Are you aware what was Sir Thomas Munro's notion on the subject of extending the instruction of natives in the Madras presidency?—Sir Thomas Munro recorded minutes respecting the expediency of improving the education of the natives, and appointed a committee to suggest measures for that purpose. His plan contemplated the establishment of one central school in each collectorate, and subordinate schools dependant thereon; the whole under the committee at the presidency. The committee at Madras, with the view of drawing the natives with them as much as possible, called upon the several collectors to forward from each of the provinces one person to be instructed at Madras, in order that he might subsequently superintend the schools in the province. From each of the 21 provinces, one Mussulman and one Hindoo were deputed to the presidency, and it was intended to instruct them in their own languages as well as in English, and if possible to afford them some information connected with European science; but the system had not proceeded far when I left Madras, from the want of fit teachers versed in European science.

1488. To what extent had the experiment been attempted?—Not further than I have mentioned. The selection from each district of one Mussulman and one Hindoo, forming 21 Mussulmans and 21 Hindoos, who were congregated at the presidency for instruction. They had commenced the study of their own languages and of the Sanscrit and Arabic respectively, and also of English; but the object of the committee in the first instance was more to lead the natives in the provinces to draw with them on the subject, and not to consider the institution anything unusual or likely to interfere with their religious prejudices; the selection was therefore made from people well known to themselves, and we avoided employing any person connected with the presidency. But the system had made but poor advancement when I left Madras.

1489. What were the obstacles to its extension?—The want principally of proper teachers in the branches of European science and knowledge which it was intended to convey to the teachers of the schools hereafter to be employed in the provinces.

1490. Were any efforts made by the government to obtain such teachers?—Offers of service were invited by public advertisement, but none sufficiently qualified were found. One Brahmin at Madras was appointed deputy master, and afforded a smattering of algebra and geography, and also explained a few of the first problems in Euclid to some of the students; but his own knowledge was exceedingly limited.

1491. Do any means occur to yourself by which this defect of teachers might be obviated?—I conceive that the opening more free access of Europeans to India would greatly facilitate the supply of a description of persons so much wanted at that presidency.

1492. Did you ever see any computation of the probable annual cost of carrying into effect the plan of education proposed by Sir Thomas Munro?—I have; but I do not now precisely recollect its amount. I think it varied from 50,000 rupees per annum, upwards. It calculated one head master and 12 subordinate ones in each collectorate, at very low rates of pay. They were chiefly to be remunerated by free offerings of their students; and the pay of the government was reduced to the smallest scale.

1493. Would not that be about 5,000% a year out of a revenue derived from Madras of nearly five millions and a half?—It would be a sum vastly inadequate; but the gentlemen of the committee thought themselves fortunate in obtaining even such a grant; the total amount for the whole of India, mentioned in the Act of Parliament of 1813, being one lac of rupees only out of the surplus territorial revenue of all India.

1494. Was the progress of that scheme of education arrested from want of teachers or from want of funds?—Chiefly from want of teachers. Had the means existed to carry on the plan, I have little doubt but that the liberality of the



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government would have aided it, even with further funds; though a certain sum having been fixed, it was of course an object not to exceed it.

1495. You consider that the present restricted intercourse of Europeans with India precludes the possibility of obtaining that class of instructors to whom you have referred. Do you consider that any danger would arise from a relaxation of those restrictions?—I have long considered the opening free access to all British subjects to India as an object in every respect highly desirable, not only as leading to an importation of British knowledge, skill, and talent, but also of British capital into the country. It is capital that is most wanted by the natives in the Madras presidency. I do not apprehend any dangers as likely to arise from the most free access of Britons to India, if they are placed under the local tribunals. Restrictions as regards passports may be requisite, more at the presidency of Madras than in Bengal, in consequence of the policy of our government in excluding foreigners from the employment of the native princes. In Bengal, the foreign settlements are few, limited in boundary, and accessible only by the Ganges. At Madras, the foreign settlements are more numerous, open and accessible by sea, and some of them of very considerable extent. Englishmen proceeding to India are not likely, I think, to object to the laws of that country, if they preserve something of their own trial by jury. I conceive it very desirable that, in the trial of such persons, European officers should be employed if possible; but if the system of employing natives in the higher tribunals leaves no authority in the district where an offence is committed by an European except a native judge, I think it desirable that he should, in cases of this description, be associated with an European. The objection to the trial of an European by a native would be quite as strong on the part of the native judge as on that of the British offender; he would act with great timidity and apprehension, viewing the European as belonging to the caste of the government.

1496. You would suggest, then, that the European voluntarily placing himself under the jurisdiction of the native tribunal should have afforded to him the security of a jury, composed in part at least of Europeans?—If possible, and in most parts of the country I think it would be practicable, provided the jury were reduced to a small number, say five, and European officers, in the military service, were admissible on such juries; but I do not contemplate the use of juries, except in cases of a highly criminal nature. For common assaults, I think Europeans might as at present be punished without the intervention of such a tribunal. The employment of them in all cases would be harassing to those who have to serve on juries.

1497. Is there anything in the general character of the law to be administered in the provincial courts, which, in your opinion, would be likely to deter an European settler from embarking his capital in India under such circumstances? Nothing whatever, except his own ignorance of its nature. The law as administered in the provinces under Madras, partakes hardly at all of the Mussulman code. A general belief, however, exists, that it is that law unmodified which is administered; and prejudice, no doubt, operates on the part of Europeans against it; but I conceive that, when they become acquainted with its actual nature, such prejudice will cease. The criminal law administered by our courts is infinitely more mild than the law of England. No punishment of death ensues, except in cases of express murder; and even in crimes of that description the sentence is occasionally modified to transportation, or confinement for life. I happen myself to know the case of an European soldier, who in the open day shot a native boy within a few yards of him. That man, if tried at Madras, would certainly have been hung. He happened to be a German, over whom, the Supreme Court, at that time, had no jurisdiction. The law has been since modified, and authority given to them to try all Europeans in the King's service, whether British-born subjects or not; but in consequence of their having no jurisdiction over that person, he was tried by one of our provincial courts, and condemned. There were no circumstances of palliation in the offence: but on account of the extreme contrition expressed by the prisoner subsequently to it, his sentence was commuted from death to imprisonment for life.

1498. When you speak of the erroneous belief existing as to the spirit of the law administered in those courts, do you mean existing in India or in Europe?—Principally in Europe. In India, the nature of the law is well understood by those who administer it, as well as by those who are subject to it: but the principal European settlers resident in India being congregated at the presidency, and subject only to British law under the King's Supreme Court, are entirely ignorant of the nature of the





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the law administered in the provinces. The few European settlers established in the provinces are also at present, in criminal matters, exempted from it, and subject only to the English law. They consequently know little of it; and the prejudice of Europe accordingly extends, in a certain degree, to Europeans not in the service, even in India.

1499. You have stated that, in the event of a free intercourse between Great Britain and India, it might be found necessary to adhere to a system of passports. Will you state to the Committee in what way, and to what extent, you would propose that passports should be requisite?—The only use of passports would be to control the employment of foreigners in the service of the native states. Without them, foreigners might find easy access from the foreign settlements into those states; and as natives are perfectly ignorant of the nation of the European, and consider all white faces alike, the object of a passport would be to distinguish Britons from those of a foreign nation, and to prevent the latter passing through the country without permission from the local governments; but the restriction is not one to which European settlers alone are subject. All gentlemen in our own service gladly comply with so simple a restriction; and I have known a young man in college who declined to do so, arrested, and carried by force to the residence of the magistrate.

1500. Are passports now requisite for travellers in India?—Throughout the Madras presidency. In Bengal, less attention is paid to that arrangement, for the reasons I have already stated.

1501. What officers are appointed in India to see that travellers have passports?—It is the duty of every native police-officer who sees an European travelling, to demand his passport.

1502. Are you of opinion that this restriction is not considered vexatious?—I cannot undertake to say that it has not been considered vexatious by many persons ignorant of the object for which it is established; on the contrary, I believe that one person in particular, Mr. Peter Gordon, has strongly objected to such a restriction.

1503. In the view of making the system of passports entirely subservient to distinguish between British subjects and a foreigner, might not the passport of the British subject be considered as his right, rather than as a matter of favour?—Passports are never matter of favour; they are issued to all British subjects having leave to reside in India, and also to foreigners; and the object of them is to stop the foreigner alone, when he comes near the boundary between our territories and the native state, as they would of course restrict him to our own territory.

1504. Then the fact is, that though the object is to affect only foreigners, it affects Englishmen also?—It does.

1505. Are you aware of any instances having occurred of a passport having been withdrawn from a British subject?—A passport cannot be withdrawn, but the issue of it may be refused. Once given, it justifies the bearer travelling from a point nominated to another point nominated, and nothing can obstruct him, as the passport is evidence of the permission granted.

1506. Are they permanent or temporary?—They are granted on each occasion; they are granted for every movement from one place to another. I myself have constantly used them, in travelling from one place to another, where I held no official situation.

1507. Supposing you wanted to change your line of route for any reason, what must you do?—The passport denotes the place from which you move, and that to which you are going, without prescribing any particular route.

1508. Can passports be obtained in other places besides the presidencies?—From all European officers, civil and military.

1509. Should you deem it necessary, in case of a free intercourse between Great Britain and India, to reserve, either to the Governor-general or the local governor of a presidency, the power of deporting an individual settled in India, at his pleasure, and without trial?—I think such authority very objectionable; at the same time, I conceive it absolutely necessary for the maintenance of our power in India, that restrictions should be placed over persons dangerous to the state. I would not, however, place greater restrictions over Europeans than over natives. The government at present have it in their power, for reasons of state, to confine any native under a warrant issued by the government without trial; and, in a case in which I strongly recommended that a prisoner should be brought to trial, a case in which, by the murder of his wife, he excluded himself from succeeding to the



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musnud or throne, which was his birthright, the Bengal government declined to bring the prisoner to trial, and he has since been confined as a prisoner of state.

1510. Do you mean to state it as your opinion, that such a power ought to exist in the governing authority, without restriction or qualification?—It is so dangerous a power, that I think it ought to be liable to restriction. A distinct legislative enactment on each particular occasion has been suggested; but I conceive that empowering the government to detain, without deporting, the offender, pending his appeal to the authorities in this country, would sufficiently provide for the danger, without exposing individuals to the loss and distress which sudden deportation from India may cause.

1511. Can you imagine the occurrence of any such cases of imperative urgency as would not be met by the detention of an individual, under the eye of the presidency, until the decision of the authorities at home upon his case should have been received?—I cannot; and I think that in most cases, where security for future good behaviour might be given, the government would be inclined to release, and might safely release, the prisoner pending such reference.

1512. You have stated that you entertain no apprehension of the effects of an unrestricted intercourse between England and India; do you imagine that the greater part of the emigrants from England to India would consist of persons who went there in order to make their fortunes and return to England, or persons who went there for the purpose of becoming permanent settlers in India?—I think few would leave this country with the intention of remaining in India; but the unsuccessful there might find it very difficult to quit India.

1513. Do you think, therefore, that gradually the effect of such a state of things would be, in process of time, to introduce a considerable proportion of permanent English settlers in India?—I think not. Those who remained would be in such distressed circumstances as not to be likely to leave many descendants behind them. The others, I conclude, would return to the mother country.

1514. Do not you think, therefore, that it would be the duty of the English Government rather to take care that the judicial and other institutions in India were adapted to the feelings and habits of the Indian population, than to those of any Europeans who might think proper to become, for the purpose of making their fortunes, temporary residents in India?—Decidedly. The laws of India ought to be made for the benefit of the natives of that country, not of the few Europeans who resort thither. But unless the laws affecting the latter were, in some degree, assimilated to those to which they are subject in this country, Parliament would be assailed continually, until they altered the law, by an universal outcry on the part of such settlers.

1515. Do not you think, that in such a case Parliament would act more justly in obliging those emigrants to conform to whatever state of laws was thought best suited to the native population of India, and that that ought to be the main and sole guide of the resolutions of the British Legislature on those subjects?—Certainly, if a choice is necessary between the British and the native law. But, in my opinion, the native law may be assimilated to the British, at least to a certain extent, with benefit to the natives themselves, and so as to meet the feelings also of the emigrants from this country. I allude to a partial introduction of trial by jury, as provided in Regulation X. of 1827, in the Madras code.

1516. Do you think that the introduction of the system of British law is an unmixed blessing to the European himself in India?—By no means.

1517. Though personally not acquainted with Bengal, are you aware of the general effects of its administration in Calcutta?—I am not aware of its effects in Calcutta, more than two casual visits to that presidency enable me to speak; but I am fully aware of its operation in Madras, and I should say decidedly that the criminal law is vastly more severe than that administered beyond the limits of the Supreme Court. The civil law also is attended by an expense which has ruined most of the native families of distinction at Madras, and borne most heavily upon Europeans. One gentleman, to protect the estate of his deceased brother from the effect of a palpable forgery, expended, I believe, about 50,000 rupees, nearly the amount of the forgery itself, in law expenses. The natives of the presidency see their fellow-countrymen hung for crimes which, committed beyond the boundary, never are visited with the extreme punishment of death.

1518. Do not you think that a code or system of law might be made advantageously by an amalgamation and selection of the laws of England and the laws of India, which would meet the wants of both classes?—I do not think that the principles





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principles of the law of England can with benefit be assimilated to those of India; but I conceive that the principles of the Indian codes may be so modified by the principles of general equity and general law, say the civil or Roman law, such as is in operation in Scotland, as to be beneficial both to the natives of that country, and to those who may emigrate from this.

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1519. Has not the system of juries extended considerably in some parts of India, and would not the application of that to many purposes of law be very acceptable to the natives?—The jury system is confined entirely within the limits of the Supreme Court. The Regulation I have already mentioned contemplates its gradual extension, in criminal cases, to the Madras provinces; but it has never been acted on, and has been considered objectionable by the government which succeeded that which framed it. The punchayet system in civil cases only has been tried in the Madras provinces, but its success has not been so great as was expected.

*Jovis, 29<sup>o</sup> die Martii, 1832.*

SIR JAMES MACDONALD, BART., IN THE CHAIR.

*Peter Auber, Esquire, called in; and further Examined.*

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1520. REFERRING to your answer, No. 1264, can you explain the circumstance of that letter?—With regard to the political one from Bengal of 3d February 1828, it appears that in the Return to this Committee there were two other letters coupled with it, and that the answer which was given by the Court on the 3d of July 1829 anticipated the matter comprised in the two other letters of November 1829 and March 1830 from India. I think those are the dates.

1521. It has been suggested that a selection at a later period of life than actually is at present the case, would be preferable in respect to the age at which a young man ought to enter the civil service in India, and that 22 years of age would be the period at which they should so enter such service; do you see any, and what, objections to the substitution of this later period?—The objections may be viewed as both physical and moral. The first objection that occurs to me, referring simply to the principles which have guided the ages now fixed, has reference to the physical qualities of the young men. The age at which they now go out is considered better calculated to enable them to fall in with the manners, habits, and customs of the natives, and to encounter the change of climate; and at that age they more readily gain a knowledge of the Eastern languages: on the other hand, there can be no doubt that if they went out at the age of 22, and prosecuted their studies in this country for three or four years longer, they would go out better qualified in point of general education, knowledge, and judgment, for the high stations they are destined to fill, and that they would be enabled to enter upon any duties on arriving in India.

1522. You have stated some objections to the substitution of a later period, and some moral ones; on the other hand, does it occur to you that there is any, and what, objection on the latter score, namely, on the moral ground, to a young man destined to pass the greater part of his life in India, remaining in England, and forming in England the habits of English life?—I certainly think that young men staying in this country till the age of 22 might form habits and views that would attach them more strongly to England than they are liable to under the existing system. I can easily imagine that they might acquire additional habits of expense and extravagance, which I think they are more free from under the present mode.

1523. Do you mean to say, that you conceive that the class of young men from whom usually the writers are selected in this country, would be more likely to contract habits of expense and extravagance between the ages of 18 and 22 at home, than they would be in India?—I think that they would not have the same means in India that they have at home; because at present, when a young man reaches India, he is sent into the Mofussil, and placed under a civil servant, who, I believe, takes cognizance of his conduct.

1524. Do you mean to state this to be the practice in India of your own knowledge?—I believe it is so at present; but if I am wrong in this supposition, you have only to place Calcutta and London in opposition to each other as to the means which they afford of indulging extravagance, and if the young men



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were consequently to remain at Calcutta, I should say they were as liable to habits of extravagance and expense there as they would be here.

1525. Are you not aware that the young men have been in the habit of anticipating their resources in India, by the facility with which they have obtained credit?—I believe that the fact of many of the civil servants being in debt is well known, and that the facilities of obtaining money during the residence of the young men at Calcutta has presented means of extravagance, which the Court of Directors were desirous of preventing by abolishing the College there.

1526. You have stated, that in the case of the young men continuing to a later period their education in this country previous to proceeding to India, you should suppose they might be likely to form habits and views that would attach them more intimately to their own country; do you not conceive that all young men who at present proceed to India look forward to the speediest possible return to their own country, as soon as they shall acquire sufficient property?—I have no doubt that almost every servant who goes out does so with the hope of returning to this country; but I should conceive that young men proceeding at the earlier age have not those strong ties to make them as desirous of remaining in their native country, which others might form at the age of 22, and that at the latter age they are less disposed to view India, as it ought to be considered in a great degree, as their future home.

1527. It has been suggested that it would be an improvement upon the present system, though not the best system that could be adopted, if the whole of the service being originally military, selections were afterwards made therefrom for the civil offices of the government; what is your opinion with respect to such a modification of the existing system?—It appears to me that it would be a total departure from the principles at present laid down by the Legislature for conducting the two branches of the Indian service, civil and military: and if it is on the one hand contended that it is desirable that young men should remain till the age of 22, to acquire a better education to fit them for civil duties in India, you would necessarily oblige all parties to remain to the same age; and I think it will be admitted that 22 would be generally thought too advanced a period for young men to enter into the military service. I think also that the course of education which is now pursued by cadets is very dissimilar from that which is followed by those intended for the civil service. I am quite aware that there have been numerous instances in which individuals in the military service have been selected to fill high and important civil situations in India, more especially in the early part of the Company's government, when newly acquired possessions were comparatively in an unsettled state. They are now also chosen; but the opinion of Marquis Wellesley, who when Governor-general had selected military men, was averse to the employment of them in civil situations as a principle. His Lordship recorded a Minute, in July 1799, wherein he stated, "Although I acknowledge with great satisfaction the eminent services of Lieutenant-Colonel Reade and other military officers in the administration of the revenue, my opinion is decidedly averse to the systematic employment of military collectors and assistants, and I accordingly recommend that all appointments of this nature made by the commander-in-chief, under the immediate exigency of the case, be revoked. In the room of military assistants, I propose that gentlemen from the civil service be invariably chosen for those situations." In this the Court of Directors fully concurred. There is another objection that occurs to me, which I may take the liberty of stating. If the principle were to prevail of selecting from the military for the civil stations, the government would necessarily make choice of the best military servants, and thus would leave the Indian army comparatively divested of the aid of those superior officers, whose connection and continuance with their corps and in command are so essential to the maintenance of that good understanding so important between the European officers and the native troops.

1528. You consider then, that under the plan suggested, the army would be left without the higher talents which are now intermixed with it; those higher talents being taken prominently into the civil service as the higher in point of emolument and general consideration?—My answer of course has reference to the supposition that all are to be chosen from the military service, and if so, that is decidedly my opinion.

1529. If the command of corps were made equal to those higher civil situations, do not you think that the military men would be as disposed, or probably more disposed, to retain their command of corps than to go to civil situations?—If  
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it is simply taken in a pecuniary point of view, then as a pecuniary inducement I presume they would; but I think it would be a very material increase of expense; and it is to be also coupled with the recollection that they are to remain in this country till the age of 22, in order that they may have the benefit of the education which it is proposed to give servants for civil duties. It would likewise be a departure from the sound principle which has always prevailed of having distinct services, and would be vesting the power of government wholly in military men, which I think is a principle that would scarcely be admitted.

1530. Do you think the system established at Haileybury is the best upon the whole that can be devised with a view of forming the young men for useful civil service in India?—I know that strong testimonies have been borne to the conduct, character, and acquirements of those who have been educated at Haileybury. That establishment was not formed without a full persuasion that it would give to the Indian service a set of young men well qualified in every point of view to perform the important duties which devolve upon them. When in 1824 a motion was made in the Court of Proprietors for the abolition of the College, Mr. Robert Grant observed: “I find, generally speaking, that the most important posts seem to have been filled in India by those who have been the most distinguished for proficiency at Haileybury.” He added: “Of five or six civil secretaries at Calcutta, three, Messrs. Mackenzie, Prinsep, and Stirling were distinguished prize-men for proficiency at Haileybury. Of four secretaries at Madras, and four at Bombay, two at each place, Messrs. Clive and Macpherson Macleod at the former, and Messrs. Norris and Simpson at the latter, were of the same class; and a third, Mr. Farish, had just been promoted from the same situation at Bombay.” With reference to its being considered the best means of educating young men for India, I by no means take upon myself to give any such opinion, for I believe it would be equally possible to get men as well qualified elsewhere; always provided a proper and sufficient test is established by which the qualifications of the individuals are to be decided; for I consider the service in India deserves to have the very best educated men it can obtain.

1531. It has been suggested, that in consequence of the nature of the appointment of the young men at Haileybury, they are apt to presume too much upon their interest, and consider themselves too free from restraint. From your official connection with the East India Company, have you any reason to conceive that this has practically operated to the disadvantage of the College and of the service, or can you state to the Committee any grounds upon which you doubt the accuracy of such suggestion?—I can scarcely believe it probable that any young man would rest upon the interest he might have with an individual Director to secure him from the results of misconduct, even at the College, and certainly not in India. With regard to the College, the Court of Directors divested themselves of the power of interfering in any way with the proceedings of the College Council, either as to punishment, rustication, or removal of students from thence. With respect to servants who may have reached India, I should conceive that any interference on the part of the Court of Directors, or any individual Director, in the event of misconduct, would be out of the question; and he could have no ground to rely upon any interest he had here, so far as the Court of Directors were concerned, because every event that takes place in India having reference to the conduct of a civil servant there comes under the cognizance of the Board of Commissioners; and this fact presents one of the many points wherein the check of the Board forms so essential a part in the present system.

1532. The Committee have a return from the India House of the total expenses attending the establishment of the East India College at Haileybury from its commencement; are you aware what is the cost of each individual writer who is there educated?—The total expense, by a return which has been presented to this Committee, attending the establishment at Haileybury, inclusive of the building account, from 1805-6 to 1830-1, in 25 years, amounts to 363,439*l.* 17*s.* 4*d.* Exclusive of the building, it has been 267,080*l.* 14*s.* 10*d.* The number of persons appointed writers has been 940, and the cost, including the building account under the first sum of 363,439*l.* has been 386*l.* 12*s.* to each person appointed. Exclusive of the building account, the expense of the education of each writer has been 284*l.* 2*s.* 6½*d.*

1533. What period of education does that give to each writer?—It would be taken at four terms, or two years; but latterly the writers have not been required, since the passing of the Act of 1826, to remain during four terms at the College.





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1534. By the last Act renewing the exclusive power of the Company, the Company were bound to expend a lac of rupees out of the surplus territorial revenue, for the purpose of educating the natives of India; when under that Act did the Company begin to expend any portion of the money upon that object, and what sum upon the aggregate has the Company so expended?—I believe a return is before this Committee of the sum, which amounts to an aggregate of about 360,000*l.*; they began to expend it in the first year, and continued it each year successively, more or less, up to the present time, making an aggregate of 360,000*l.*

1535. And being on an average how much?—Nineteen or twenty thousand a year.

1536. Is not that 20,000*l.* more than a lac and a half?—Decidedly. I find in 17 years it is 358,351*l.*

1537. In the first year after the Act of Parliament, that is to say, in the year 1814, it would appear from the return that the sum of 12,585*l.* was expended on the object; it appears that four years subsequent not above half that sum was so expended; can you account for that diminution?—I cannot account for it.

1538. Does it not appear by the same return that for the last six years the sum expended has been never less than twice as much as by law the East India Company were required to apply to this purpose, and in one year more than five times as much?—It does.

1539. It has been suggested, with a view to a unity of action in the administration of the British power in the East, that one Supreme Governor should be appointed, the governors in council of the subordinate presidencies being reduced to lieutenant-governors with councils; can you state to the Committee from your experience of the Indian administration, what results would follow such alteration?—I am not prepared to state what results would follow such alteration; but it would be a very great change from the existing system of the three governments, and would vest in one individual a power so great, and the government of dominions so extensive, that I think one Supreme Governor would hardly be able to perform the functions of it satisfactorily, either to himself or to the authorities to whom he would be responsible. You may now and then have a Governor-general who, from previous acquaintance with India, or from his habits of life and peculiar qualifications, may be fitted to embrace a larger rule than another; but looking at what has taken place, especially during the Ava war, when Sir Thomas Munro was requested to remain at Madras during those operations, and also of the proceedings against Bhurtpore, and referring also to other political occurrences in India, and to the situation in which the government of Bombay was placed at the commencement of the last Mahratta war, I think that it is most essential for the welfare and interest of India to retain the governments as they are at present constituted. I can however readily imagine that it might be expedient to give to the Governor-general greater latitude for the exercise of the powers of government than he at present possesses; and I can conceive no objection to his being empowered to act in any part of India, that is, in Bengal, Madras, or Bombay; and that when he may be at either of the other presidencies he should take the chair in council, having, as he would then possess, the aid and advice of those who would necessarily be conversant with the affairs of the presidency, and whose opinions the Governor-general might or might not follow, as he should judge best for the interests of India; exercising also the power, when at those presidencies, of acting contrary to the opinion of the whole council, if he should see fit, recording, as he is now called upon to do, his reasons for the course of policy that he might adopt; which reasons would necessarily be sent home, and be judged of by the authorities in England.

1540. The suggestion referred to in the last question was accompanied with another suggestion for detaching the local administration of the government of Calcutta from the office of Governor-general, with a view to leave the Governor-general at liberty to transfer himself and his government and his court to such parts of India as he from time to time might think expedient; and it further contemplated the appointment of an efficient legislative council in India. Supposing the Governor-general relieved in those two points, should you then remain of opinion that the general administration of the three presidencies, administered by lieutenant-governors appointed under him, would be more than could be expected from a man qualified to fill that situation?—I think so far as regards the mere act of government, it would be expecting more from any individual than he could fairly be expected to perform. I would imagine a change in the Indian government, which takes place within five or six years generally, and a Governor-general arriving



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in India comparatively ignorant, and almost certainly practically ignorant, at least of the system, and of course of the proceedings of the governments there; he might then, under the proposed abolition of the subordinate governments, proceed at once from Bengal to Madras or to Bombay, and follow a course of policy with regard to any native states under those presidencies, diametrically opposed to what was in operation, and not having the advice, counsel, and aid of a governor and council, who, under the present system, would necessarily be conversant with the affairs of their respective presidencies, and the relation in which such presidency stood to the native states, pursue a course of policy very injurious to the character and interests of the British Government in India.

With regard to a legislative council relieving the Governor-general from much labour, I have already taken the liberty of pointing out to the Committee the number of Regulations passed since 1793, and I have ventured to state that I do not consider the mere extent of labour as a reason for such a provision. I was proceeding at the close of my last examination to express my opinion on the general question of a legislative council, upon which I was questioned, and stated that I ventured to entertain a different opinion from those which had been advanced, when the Committee adjourned to attend the House. It appears to me that the differences which have arisen between the Government of Bombay and the Supreme Court, in connection with other points that have been brought forward as to the nomination of a receiver by the Supreme Court at Calcutta to an estate in the Mofussil, and the powers such receiver was to exercise; also as to the powers of the Sudder Dewanny to commit for contempt within the jurisdiction or limits of the Supreme Court; and as to four natives who had been guilty of some criminal offences, and of which the Provisional Court disclaimed cognizance, have led more immediately to the formal proposition for the establishment of a legislative council.

In addition, however, to the points already noticed, there are others of equal, if not far greater, moment, which it appears to me no legislative council that could now be formed in India would be competent to settle, and which I cannot for a moment conceive Parliament would allow to be decided upon by any legislative council whatever, such as defining the powers of the Supreme Court, especially its jurisdiction in criminal cases; also the laws to which British subjects shall be amenable in the event of an unrestricted, or rather under an increased resort of British subjects and others to India; likewise the laws to which East Indians shall henceforth be subjected. They are viewed as natives of India; but in religion, language, education, and habits, they assimilate with British subjects.

There is the important question also as to trial by jury in the Mofussil. These are all points of infinite moment to the character of our government and to the interests of the parties concerned, and can, I conceive, be only settled by the British Parliament, with the aid of those gentlemen who are now in this country, and who have had local experience, and filled high stations under the Crown and the Company in India, as well as with that of other professional men who have from their engagements been led to consider Indian jurisprudence. If this is done with that caution and deliberation which the subject calls for, many of the difficulties and embarrassments which have given rise to the proposition for a legislative council will be removed.

The points then to be left either for the government as now constituted, or for a legislative council, would be, the framing Rules, Ordinances, and Regulations for the good government of the towns of Calcutta, Madras and Bombay, and on other matters connected with the well-being of the several interests within the limits of the Supreme Court. These are now not valid until registered by the Supreme Court; they are then sent home and publicly exhibited at the India House, and may be appealed against within 60 days of such exhibition, and His Majesty may disallow such Regulations within two years from their passing, should he see fit so to do.

The number of these since 1793 have scarcely amounted to 150 for Bengal.

The next point is the Regulations for the good government of the interior; these are passed by the Governor-general in Council, under the 21 Geo. 3, and subsequent Acts. I may perhaps refer to a remark of the Marquis Wellesley, when stating the grounds upon which he proposed the establishment of the Calcutta College. His Lordship remarked:

"The pleadings in the several courts, and all important judicial transactions are conducted in the native languages. The law which the Company's judges are



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bound to administer is *not the law of England*, but that law to which the natives had long been accustomed under their former sovereigns, tempered and mitigated by the voluminous Regulations of the Governor-general or Governors in Council, as well as by the general spirit of the British Constitution. In addition to the ordinary judicial and executive functions of the judges, magistrates, and collectors, the judges, magistrates, and collectors occasionally act in the capacity of governors of their respective districts, employing the military, and exercising other extensive powers; they are likewise required from time to time to propose to the government such amendments of the existing laws, or such new laws as may appear to them to be necessary to the welfare and good government of their respective districts. In this view the servants employed in the departments of judicature and revenue constitute a species of subordinate legislative council to the government, and also a channel by which the government ought to be enabled at all times to ascertain the wants and wishes of the people."

Thus in a measure corroborating what had been stated in opposition to the formation in India of a legislative assembly, immediately preceding the Act of 1781 (for the idea is not a new one), viz. that Parliament was not called on to enact *new laws for a new colony*, but only to grant more extensive Regulations for a people who had long a constitution of their own. The only point is *consideration*, before the Regulations are passed.

The question then appears to be, how can the best consideration be ensured upon every proposition for the enactment of a new Regulation.

The Governor-general does not think that at the present moment India presents the means for forming a legislative council, and proposes that the Supreme Government and the Supreme Court shall be the materials.

A gentleman, to whose opinions on India matters much weight is attached, thinks such a council ought to be composed of a large number, comprising not only the Supreme Government and the Supreme Court, but some civil servants and some natives, and also the lieutenant-governor (supposing the change made) of Madras and Bombay, and that the council should meet on all propositions for a new Regulation, and discuss the same fully and deliberately; and in the event of all the members not being able to meet, that they should interchange their ideas in writing. It is difficult to imagine that such a proposal could have been seriously intended, more especially as promptitude is one of the arguments urged for the establishment of a legislative council; whereas a proposed law might originate in Calcutta, and have to travel from thence to Simlah, and then to Madras and Bombay, and find its way back to Calcutta before it passed into a law. Moreover, the benefit of oral discussion would be lost in such a scheme; and after all, the Governor-general would not, as it appears to me, be relieved from the duty of considering the propriety of the proposed law, for he is to have the veto, and surely he could not be expected to give it until he had fully considered the subject.

The time will no doubt arrive when India will be in a situation to legislate for herself; but till that period arrives, it is, I conceive, our duty to legislate for her, and in so doing to be guided by those principles which are recorded at the commencement of the Regulations formed into a code in 1793.

By defining the powers of the Supreme Court, which I presume to think ought to be maintained under whatever changes may be made, in consideration of the number of British subjects under the denomination of East Indians, now little short of 30,000, and which must increase; added to whom will be the British subjects who may proceed under a less restricted intercourse with India: by ordaining, that all Rules, Ordinances and Regulations shall be submitted for the opinion of the Supreme Court, who, if no legal objection exists, after a certain period shall be bound to register them, sending home, if they shall see fit, any objections to be considered by the King in Council, communication thereof being made to the Supreme Government: by forming a subsidiary judicial Board to consist of a member of the Supreme Council, a judge of the Sudder Dewanny Adawlut, and the advocate-general, or any other functionary at the presidency, such as the territorial and revenue secretary, whose duty it should be to consider any proposed Regulation, and transmit the same, with their sentiments, to the Governor-general in Council, where such proposed Regulation should lie a week for consideration; the evils now complained of, particularly that of a want of sufficient deliberation before the adoption of a Regulation, would be remedied, and the important power of legislating for India, in the enlarged acceptation of the term, would still be preserved to the British Parliament, and a further infringement of the principle of the





the legislative and executive powers of the state being separate and distinct, would be avoided.

1541. Do you deem it advantageous to the interest of the administration of the government of India, that the governors of the subordinate presidencies should be more or less independent of the authority of the Governor-general?—I do not think that there would be any detriment whatever to the efficiency of the subordinate governments, if, in point of increase of charges, or any arrangements which might entail great additional expense on the revenues of India, they were subject to the control and even sanction of the Supreme Government, before any such increase of charge was carried into effect. Another point presents itself to my mind, in the supposition that the two subordinate governments are to be abolished, and one individual at each of those presidencies to be substituted under the title of lieutenant-governor, viz. that the army would necessarily be one army, instead of three separate armies as at present. Such a measure, from the character and composition of those armies, the different manner in which they are paid, the extensive duties which would necessarily devolve on one Commander-in-chief, on whom all the judicial matters relative to the interior arrangements of an army, consisting in the gross, I believe, of little short of 240,000 men, would present another very material objection to the abolition of the subordinate governments.

1542. But although the armies should be combined under one commander, does it follow that they might not continue separate and distinct armies as at present, in all respects of organization?—I am not aware that there would be insuperable difficulties arising out of that point; but that is a military question; at present the Commander-in-chief at each presidency has a voice in Council.

1543. As the law now stands, can the Governor-general, in point of fact, proceed on any great question of peace or war to any one of the subordinate presidencies, as to any one of the stations in his own immediate presidency; and can he, or can he not, there, on his own responsibility, in such critical affairs, direct every measure of the British power in India, recording the reasons why, on such emergency, he shall so supersede the local authorities?—In a state of war, I apprehend that the Governor-general could do so, and he has done so; but considerable doubts have been entertained in this country as to the exact powers which the Governor-general possesses, and that is one of the points which it would be most important clearly to define and lay down in any future legislation with regard to India.

1544. In point of fact, did not Lord Minto exercise that power in the year 1812, when he proceeded to Madras to take charge of the government there?—Unquestionably. My answer, with reference to the necessity of some special legislative enactment, grows out of the fact, that when the Governor-general, for the advantage of India, was desirous of carrying on the measures of his government, at a distance from Calcutta, legal objections were stated to exist to such a course of proceeding, in the despatch of July 1829 already referred to.

1545. It has been stated, that to transfer the appointments of writers and cadets to public bodies, to the Universities for instance, would prevent the evil consequences apprehended from transferring such appointments to the Crown. Can you state to the Committee any opinion upon that subject which you have formed?—So far as relates to the appointments of writers and cadets, I believe I have answered in my former evidence.

1546. Applying the question to the uncontrolled exercise of Indian patronage by the Governor-general, what is your opinion with respect to the influence which the Crown would thereby exercise, if the patronage were placed in the Governor-general?—If I understand the question correctly, it is as to what power may be exercised with regard to the Indian patronage, supposing the original nomination of writers and cadets to be transferred to some public institutions or to the Universities. It occurs to me that the whole patronage of India, supposing the present checks to be done away, and the government of India, so far as this country is concerned, placed in the hands of a Secretary of State, or of a minister of the Crown, be he whom he may, would necessarily be in the hands of the Governor-general, not controlled in the way which it is at the present moment. Now, every appointment is recorded; every reason for a departure from the precise rules laid down for nominations in India is likewise placed upon the proceedings of government and sent home, and is thus vigilantly scrutinized both by the Court of Directors and by the Board of Commissioners. If no such check existed upon the exercise by the Governor-general of the extensive patronage which necessarily



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devolves upon him in India, I conceive he might use it in any way he pleased, and that such patronage would be open to great abuses.

1547. The supposition implied in the question proposed to you was, that the original nomination of the young men sent out to India should be vested in the Universities or other public bodies, and should be the result of public competition; do you mean, that in such case you would say, that it would be transferring the whole of the patronage into the hands either of the Crown, or of a Governor-general appointed by the Crown?—I could never intend to imply any such thing.

1548. On the contrary, would not such a system render the original appointments independent both of the Crown and of the governing powers in India?—The original disposition of the patronage of writers and cadets would then necessarily be vested in some other body than the present, and would be bestowed, if I understand right, upon the Universities or public schools, to be contended for by public competition. I am not aware at the present moment that any power of patronage under those circumstances could be very largely exercised by the party deciding, with regard to the original appointment; but I do not consider the home patronage to be the only patronage which could be improperly used by individuals on a change in the government of India from the present system. It occurs to me, that the Indian patronage, as I have before stated, would devolve upon the Governors of India without the existing checks, and that unless similar checks were formed, those Governors might use such patronage under the recommendation or influence of the minister from whom they derived their appointments to India, and thus be made the means of that abuse which the present system was devised to prevent.

1549. But it is supposed in the question, that they would receive their appointments not through any individual agency, but as the result of public competition?—So far as the writers and cadets were concerned in the original nomination, I have no reference to the abuse of patronage here, but it is to the exercise of the powers which would necessarily devolve upon the Governors in India, who would not be under the check which at present exists with respect to the distribution of that patronage, that my previous answer applies.

1550. You have stated that you conceive that at present the patronage exercised in India is controlled, inasmuch as it is recorded and sent home, and vigilantly scrutinized by the authorities here; will you state to the Committee in what way it can be possible, that either the Court of Directors or the Board of Commissioners in this country can at present vigilantly scrutinize and control the preferments in India of individuals of whom they can know nothing?—The records, as now sent home from India, contain the most minute description of the services, the character and conduct of every individual in the civil establishment. Perhaps I may exemplify it by stating, that when members of council for India are appointed by the Court of Directors, a list of civil servants within a given period of the standing of those servants, from whence it is proposed to select members of council, is laid before the Court of Directors, which list contains a complete statement of the whole course of a servant's progress, from his arrival in India as a writer to the date at which it is proposed to appoint him to a seat in council. So it is with regard to every other civil servant in the establishment; and if it would not be troubling the Committee too much, I will take the liberty of reading a letter, which has particular reference to the course now observed with regard to the patronage in India, and the scrutiny which is exercised by the authorities here, or rather the knowledge which they possess of the course pursued by the government abroad. It is an extract of a letter from the Chairman and Deputy of the Court of Directors to Lord Ellenborough, dated in November 1829: "The Legislature has placed the local governments in subordination to the government at home, and it has exacted from them obedience to the orders issued by the constituted authorities in this country. The Legislature has provided, that all the Company's servants in India, civil and military, under the rank of Governor-General and Governor, shall, in the first instance, receive their appointments from the Court of Directors; that the members of council shall, excepting in particular cases, be nominated by the Court, and that the Governor-general and Governors shall likewise be appointed by the Court, with the approbation of the King. The Legislature has empowered the Court of Directors to recall the Governor-General and other Governors, and to remove from office, or dismiss from their service, any of their servants, civil or military; and as a security against excessive lenity or undue indulgence on the part of the Court, it has conferred upon the Crown the power, under His Majesty's sign manual, countersigned by the President of the Board



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Board of Commissioners, of vacating appointments and commissions, and of recalling any of the Company's servants, civil or military, from the Governor-general downward. By these provisions, the fortune of every servant of the Company in India is made dependent on the home authorities; and as long as the powers with which the latter are thus entrusted continue to be properly and seasonably exercised, there appears to us to be little ground for apprehension that the Indian functionaries will forget that they are accountable agents, and still less that this forgetfulness will be generated by so inadequate a cause as an occasional delay here, not in issuing necessary instructions, nor in replying to special references, but in reviewing their past proceedings.

"The Legislature having thus provided sufficient securities against the independence and irresponsibility of the governments in India, has, with a just appreciation of the distance and all the extraordinary circumstances attending the connexion between the two countries, not only left to the governments there the distribution and disposal of all the Company's establishments, civil and military, and the power of suspending from the service such individuals as may be guilty of misconduct, but has delegated to them powers of legislation, and to the Governor-general, individually and temporarily, some of the most important rights of sovereignty, such as declaring war, making peace and concluding treaties with foreign states; and whilst it has enacted, that the wilful disobeying, or the wilfully omitting, for bearing or neglecting to execute the orders of the Court of Directors by the local functionaries, shall be deemed a misdemeanor at law, and made it punishable as such, the enactment is qualified with the exception of cases of necessity, the burthen of the proof of which necessity lies on the party so disobeying, &c.

"Nor do the powers thus conferred (large as they are) exceed the exigencies of the case. It would be superfluous in addressing your Lordship to enlarge on the magnitude of the trust reposed in the local governments, and the difficulties with which it is encompassed, difficulties so many and so great, as to be almost insuperable, if experience had not shown that to a great extent at least they may be surmounted. The imposition of the various checks with which the system abounds presupposes the grant of a liberal confidence in those to whom power is delegated. The individuals selected for members of the different councils of government are usually men of mature experience, who have distinguished themselves in the several gradations of the service. At the head of the two subordinate governments are generally placed persons who have recommended themselves to the home authorities by their eminent attainments, extensive local knowledge, tried habits of business, and useful services in India, or persons sent from this country, who, without exactly the same recommendations, are on other grounds supposed to possess equal qualifications. The office of Governor-general has usually been filled by noblemen of elevated rank and character, who in some instances have held high offices of state in England, and who in going to India with the qualities of British statesmen, have there the means of acquiring a personal knowledge of the country and the people whom they are sent to govern; and the allowances of the Governor-general, other governors and members, as well of the supreme as of the subordinate governments, are fixed on a most liberal scale, suitable not to the character of mere executive agents, but to the greatness of discretionary trusts and the weight of their responsibility.

"It is by no means our intention, in submitting the foregoing considerations, to apologize for any want of promptitude or regularity on the part of the local governments in reporting their proceedings to the Court, or to absolve the Court from the obligation of carefully revising those proceedings, and communicating their sentiments thereupon within a reasonable time, and above all, of enforcing strict obedience to their orders where no sufficient reason is given for suspending or modifying them: all that we mean to infer is, that when the relative characters, positions, and powers of the constituted authorities at home and abroad are duly considered, a minute interference in the details of Indian administration was not contemplated by the Legislature, and that as long as a general supervision is watchfully exercised, and no proceedings of importance are kept back from observation, overlooked or neglected, its intentions are not necessarily defeated by an arrear of correspondence on matters of minor moment.

"It is doubtless indispensable that the home authorities shall exercise the utmost caution and circumspection in the selection of their Indian governors, and in the choice of fit persons for the councils of government; that they shall constantly and vigilantly inspect the proceedings of those governments, as they may affect the interests of the State as well as the characters and prospects of individuals; that



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commendation and censure be impartially distributed, and that in cases of manifest incompetence or gross misconduct, the extreme measure of removal from office be resorted to. It is incumbent on them to take care that, in our political relations with foreign powers, justice and moderation are uniformly observed, that the discipline and general efficiency of the army are maintained, and that in the business of internal administration, the welfare of the native population is sedulously consulted. It is obligatory on them narrowly to scrutinize and control the public expenditure, to keep a watchful eye over all their servants, to see that distinguished merit is adequately encouraged and rewarded, that the undeserving are not promoted by favour, and that evil-doers are not improperly shielded from the punishment due to delinquency. It is also within their province to convey to the local governments such instructions as may from time to time be deemed expedient with a view to these or other subjects, and to enforce obedience to their orders when transgressed or imperfectly executed without valid reasons."

1551. Your answer went in the first instance to show the existence of a control and vigilant scrutiny exercised by the home authorities over the patronage of the Governor-general in India, and which control you consider would cease to exist in the event of the substitution of some other public organ for the Court of Directors at home; and you have instanced this by the care that is taken to ascertain the character and qualifications of individuals selected to be members of council in India; are not the members of council nominated at present by the Court of Directors, and not by the Governor-general?—What I wished to exemplify to the Committee was, the minute knowledge that the Court of Directors possess of all nominations made in India, of the progress of their servants, and of their appointment from one station to another, and of the duties they perform. At the present moment there is, I conceive, a check both on the part of the Board of Control and on the part of the Court of Directors in the exercise by the Governor-general of his patronage, which patronage is made by selecting civil servants according to their seniority, as prescribed by the Act of Parliament, unless there is any reason for a different course of proceeding; and whilst it is true that the Governor-general selects from the military service military men for civil stations, it is a practice objected to, and for which he is obliged to assign reasons. Unless some strict provision or check shall exist in future, as now does exist, the Governor-general will of course be at liberty to exercise his patronage as he might see fit, without any control.

1552. In point of fact, is it your belief that any real control is exercised over the appointments in India of the commissioners, judges of circuit, members of the courts of revenue, and of other Boards; in short, of the detail of the patronage in that country?—I conceive that the patronage in that country is carried on as prescribed, in the manner I have already stated, by the Regulations, and if there was not the check that now exists, which I conceive the Governor-general is perfectly aware of, he might exercise it to a large and imperious extent.

1553. Are the Committee to understand that the only substantial check at present in operation is the check of the regulation of seniority?—That is one of the checks.

1554. Why are you to assume that that check would not be equally available under the one system as under the other?—I consider the great advantage of the present system is publicity, and the impossibility of abuse by the existence of the two co-ordinate authorities, each watching the other. I think it forms a check, and prevents the continued abuse in any way of the patronage in India.

1555. Has the vigilant scrutiny of which you have spoken, practically led to any interference with the patronage exercised in India on the part of the Court of Directors?—If the question be whether the Court of Directors have themselves interfered with the patronage, I believe that they may in the course of the last 17 years, from 1814 to the present time, have recommended one or two distinguished servants, who have been in this country, to the particular notice of the governments abroad on their return to India; but such recommendation has necessarily been subjected to confirmation by the Board of Commissioners; and when the Court of Directors have wished to recommend a servant to the particular notice of the governments abroad, and the Board have not seen sufficient reason for that recommendation, they have annulled it. If the question have reference to any interference by the Court on account of an appointment improperly made in India, instances, but very rare ones, could be found, and that fact establishes the efficiency of the check.

1556. Can



1556. Can you inform the Committee, from your experience of Indian administration, what have been the opinions of Governors-general as to the character of the civil servants of the East India Company?—I am not aware that the opinions of the Governors-general have been other than favourable to the Indian service, and to the qualifications of the servants of the Company in India; but I have no immediate testimony to produce of any particular Governor-general. There is a letter on record from the late Mr. Canning, who will be admitted to have been a most competent judge, to the Chairs, of the 21st of September 1818, in which he bears the strongest testimony to the character of the servants generally. It had reference to the selection of a Governor for Bombay. Mr. Canning wrote:

“But the extraordinary zeal and ability which have been displayed by so many of the Company’s servants, civil and military, in the course of the late brilliant and complicated war, and the peculiar situation in which the results of that war have placed the affairs of your presidency at Bombay, appeared to me to constitute a case in which a deviation from the general practice in favour of your own service might be at once becoming and expedient.

“It further appeared to me that the compliment to your servants would be the more distinguished if suggested by a previous declaration of the readiness of the King’s Government to concur in such a choice, should the Court of Directors think proper to propose it.

“To have coupled such a declaration with the name of any *one* individual would have been to expose the motives of it to a misconstruction. To have named *none* would have been to retain altogether undiminished the power of objecting to any individual nomination.

“The gentlemen whose names I have mentioned have been selected by me as conspicuous examples of desert in the various departments of your service, and on that scene of action which has been most immediately under our observation. I mean no disparagement to others, whose eminent qualities may stand fairly in competition with theirs, and I may add, that there is but one of the three with whom I have the honour of a personal acquaintance.

“On whomever your preference shall fall, it will always be a great satisfaction to me to have had this opportunity of recording not only my admiration of the talents and conduct of those gentlemen whose names I have specified, but the high and just estimation in which I hold the general merit and character of your servants.”

1557. It has been stated as one of the causes why Europeans have borne an inferior reputation in India, that the indigo factories managed by them have been necessarily left to an inferior class of persons, persons not qualified for so great a trust, the persons who own or support such factories not having been allowed to send home for any persons whom they thought likely to be good managers; can you state to the Committee any and what obstacles now existing, which prevent the owners and supporters of indigo factories from sending home for any persons whatever?—I am not aware of any restrictions upon individuals who possess indigo manufactories in India from sending home for parties in any way; and I believe that, with comparatively few exceptions, all applications that have been made in this country by individuals to proceed to India as indigo planters, or to assist in indigo manufactories, have been complied with.

1588. Has the Court of Directors been in the habit of granting or of refusing permission to persons to proceed to India, on their producing any applications from managers or owners of indigo factories in the East, desiring such persons to proceed to India in their employment?—I believe there is a Return before this Committee of the number of licenses granted by the Court of Directors, and it appears by that Return, that of the requests of parties to join indigo planters, from the year 1814 to the year 1813, 106 were granted by the Court of Directors. I think 11 parties were refused, of which 11, four were granted by the Board; but the number of indigo manufactories in India generally, comprising the whole of the country from Delhi to Calcutta, is about 899. The number of European proprietors is 119, and of European assistants about 354. The total Europeans connected with those are 473.

1559. Does the East India Company possess any official record of the number of indigo plantations, the names of the parties to whom they belong, the number of Europeans connected with them; and if so, can you furnish to the Committee such a statement embracing such particulars?—I have no doubt such a Return can be furnished.

1560. Are you aware what is the total amount of the annual expense of the entire East India House Establishment?—I think I stated in my first evidence



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the gross amount, comprising almost every branch of the establishment; I do not immediately recollect the exact amount.

1561. What proportion of that expenditure should you say was incurred by the Company in their commercial capacity?—I think I stated, that about 72,000*l.* of the 350,000*l.* or 360,000*l.* was political, but I am not quite certain as to the exact sum.

1562. Of the mass of public business now transacted at the East India House, what proportion should you say might be attributed to the mercantile transactions of government?—I should say, a very considerable part, if, when in speaking of the East India House, the whole of the warehouse establishment (which of course is a very considerable part) is to be taken in.

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*Esq.*

*Alexander Duncan Campbell, Esq.,* called in; and further Examined.

1563. WILL you state to the Committee what appear to you to be the defects in the existing system for the education of the civil servants of the Indian government in England?—The chief defects in the education of the civil service in this country appear to me to be, that they leave England too young, before their education is completed, and that, by the arrangements made at home, the whole of the civil service for India are insulated, like an Indian caste, from the rest of their fellow-countrymen, thereby depriving them of all opportunity for forming connexions with young men of their own age likely to be employed in public situations in the mother country. It also appears to me that, from their abilities being tried together at the same establishment at a very early age, their relative capacity for public employment is too soon settled; and that, in consequence, on their arrival in India, there is less emulation between them than would exist if they arrived in that country without their abilities being known to each other. But the most lamentable defect in the education of the civil service in this country is the want of instruction, not only in the principles of general law best calculated to assist our judicial tribunals, but in the peculiar tenures of land in India, ignorance of which leads subsequently to the greatest errors, both in our revenue settlements and in our judicial decrees. I therefore conceive, that young men should proceed to India at a more advanced age than at present; that their education in this country should be similar to that for the highest situations in England, and should further embrace instruction in the Indian tenures and Indian codes, as well as in the general principles of the civil or Roman law. A knowledge of the native languages can easily be acquired in India. Perhaps, as remotely connected with this subject, I may mention one or two circumstances which appear to me to depress the civil service generally in India: I allude particularly to their classification as “senior” and “junior merchants,” “factors,” and “writers,” obsolete denominations, recommended for abolition by the Marquis Wellesley; also to their relative rank with their brethren in the army, and to their being excluded altogether, even such as have risen to the most eminent situations, from those honorary distinctions which have been extended to their fellow-servants in the Military department. Formerly, the highest grade in the Indian army was that of colonel; and the present relative rank of the civil service with the army was settled at that period. The higher grades in the army have since been opened to the military, without any corresponding alteration in the rank of the civil service; and whilst the civil service rise, after 12 years, to a rank corresponding with that of lieutenant-colonel, all further advancement ceases. Such advancement may possibly commence too soon, but it should not stop altogether, especially at that period when the members of the civil service rise to the highest employments in the state. I allude to these points, as depressing that *esprit de corps* which it is desirable to cherish in all branches of the service. The want of union, also, in the civil service at the three presidencies, appears to me a further defect, as confining the selection for employment by the Governor-general chiefly to one presidency, and as depriving each presidency of those advantages which a reciprocal communication of improvements, by an interchange of public officers from one to the other, would obviously confer upon the whole. I would also add, that if the natives are to be more extensively employed in details, it is of the greater importance that the Europeans to be employed in superintendence and control should be the cream of British talent, selected by competition, not average talent only, as under the present system.

1564. Are there any defects in the existing system at Madras more particularly to which you would direct the attention of the Committee?—When the Committee of Public Instruction at Madras was joined with the College Board, at my suggestion, by Sir Thomas Munro, I delivered to him a paper, strongly recommending that



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that the junior civil servants at Madras should be attached to the various offices in the interior, instead of remaining at the presidency. That suggestion was not adopted by him; and I consider it highly desirable that the junior civil servants there should be removed from the metropolis immediately on their arrival. I have the memorandum in question, which I will, with the permission of the Committee deliver in.

[*The Witness delivered in the same. Vide Appendix.*]

1565. Do you know what prevented Sir Thomas Munro from acting on the suggestions contained in this paper?—I am not aware. I soon afterwards left the presidency; but my impression from personal communication with Sir Thomas, was, that he was highly favourable to the suggestion. He acted upon that part of it which proposed the union of the two Boards; and I conclude that it was only the multiplicity of other business which prevented his adopting the remaining part of the plan suggested, for he personally expressed himself in favour of it to me. I may perhaps explain, with reference to the system pursued at Madras for the junior civil servants, that it is very different from that pursued in Bengal. The allowances of the young men depend entirely upon their proficiency in the native languages. They are fixed, on first entering college, at about 240*l.* per annum, and are raised, on the acquisition of a sufficient knowledge to transact business in one language without the aid of an interpreter, to about 330*l.*, and when the student acquires a similar knowledge of a second language, to about 460*l.* per annum. The students have never been congregated together in one building as in Bengal, the college being merely a hall in which they are examined, and in which the natives are instructed, who are connected either with the education of the junior civil servants, or with the improved education of the natives generally in the interior. The consequence has been, that at Madras we have had very rare instances of extravagance: far the greater part of the service for many years have been entirely free from debt. On quitting the college, those few who have been involved in debt have left it owing sums generally less than 400*l.* or 500*l.* There have been one or two instances, in a long period of years, in which particular individuals have exceeded that limit, but they have been marked by the strong displeasure of the government; and a feeling pervades the service of Madras, that such extravagance nearly operates to preclude promotion to any high situation in the service.

1566. From your experience in India, in what respect does it appear to you that either the executive or legislative powers of the government in India require or are susceptible of practical improvement?—The great evil which appears to me to pervade our Government in India is one partially felt at home also, from the very nature of our Indian administration. I mean the evil arising from disunion of authority, and the operation of conflicting principles in the different branches of the public service. The officers of the same state, necessarily divided into separate departments, instead of being subjected to the control or review of successive heads, placed in due subordination to each other, and therefore enforcing uniform principles, emanating from a common central superior, directing the whole, find themselves under distinct authorities, in a great degree independent of each other, consequently acting on separate, and often conflicting principles, which necessarily bring their subordinate authorities into perpetual collision. Each separate act of the subordinates in India is, under such a system, liable to draw their independent superiors into long discussions, involving the general principles, which each respectively has long adopted, without any common consent, for the regulation of its own department, and to which each adheres with the tenacity of habit. To this cause may be traced not only the well known differences between the local governments and the King's courts in India; but also most of the voluminous discussions between the officers of the three presidencies, and between the officers of the same presidency in its various independent departments, which have caused public men in India to be reproached for a vice inseparable, I fear, from the present system of the Government itself. The great object, in my opinion, therefore should be to give to *European* control the vigour and strength of unity in the executive government of India, commencing from the Governor-general downwards. It may perhaps be impossible to unite the judicial functions with the other departments of the state; otherwise, I conceive that the old Indian system, by which the whole civil authority was vested in one person, subjected of course to a series of controlling officers in the same, but not in any conflicting, distinct or independent department, would be far the best system in India for the executive government. I think a Governor-general, with lieutenant-governors under him at each of the subordinate presidencies, and rulers of provinces under them, and of





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districts under them again, confining themselves to the department of supervision and control, without throwing away European talent in the details of government, which should be vested entirely in the natives, would be a very superior system to that now existing in India. Of course I include the necessary establishments of secretaries attached to each of the high controlling authorities at the different presidencies; and if they were permitted to act as councillors to the local lieutenant-governors, recording their sentiments for the information of the authorities at home, where they might differ in opinion upon any subject of importance, conflicting discussions would cease, due subordination would be enforced, and a vigour would be infused into our government, by consolidating power, highly beneficial to our interests in India. Besides, whole volumes of correspondence, arising from differences of opinion amongst the subordinate Boards and their local officers in opposite branches of the service, might be saved. With regard to the legislative authority in India, one great defect is the existence of different local codes in the provinces under each of the three presidencies. The enactments of the local governments are also scattered in so unconnected a shape as to render it difficult for any individual to make himself at once master of the whole referring to any single subject. I speak the more confidently from having been engaged in publishing in India a new edition of the Madras code of laws; and I quite concur with those who recommend the formation of a new code of laws for India in India itself. In its formation, the great object should be to facilitate the Legislature acquiring a correct knowledge of the evils under which the people really labour. At present our law in India, especially our revenue code, savours too much of the technicalities of English law, and is ill adapted to the feelings of the people; our enactments are also in general drawn up by persons around the government who have little personal information respecting the real grievances of the people in the provinces. Any new system, therefore, for the formation of a legislature, should include as its chief object the selection of such individuals, not only Europeans but natives, as would be most likely to give the government a clear insight into the grievances of which the inhabitants complain. This, I think, might be done by allowing the local governments to select both natives and Europeans to furnish their opinions, in writing, on the laws, and to suggest such new laws as they may consider expedient. I say in writing, because I would include so numerous a body of the local functionaries, as well as others, that it might be impossible, without putting a stop to the details of civil government, to congregate the whole together at one place. Independently of these local members, other natives and Europeans might be selected from each of the presidencies to attend the Governor-general, in whom the legislative authority should centre; and such European officers might act with great benefit, both as a legislative council and as secretaries of state, moving about with the Governor-general from one presidency or station to another, as might be expedient, and discussing the suggestions and opinions received from those who are in fixed stations; to whom also I have suggested, that a share in the legislation should be given. The principal danger to be avoided would be the granting too great a preponderance to such latter officers, necessarily employed in drawing up the law, in comparison with those who are fixed in the provinces. I think it highly desirable that a distinguished lawyer, such as the Chief Justice at any of the presidencies, should be associated with such a council, when held at the presidency; but I conceive it should be less the object to introduce the technicalities of English law, than to prevent the enactments of the Indian government from infringing the great principles of general law, without reference to the peculiarities of our own code. I would not, therefore, give any preponderance in such a council to gentlemen of the legal profession, and conceive that men well versed in the principles of general government may be found amongst the secretaries, to be selected by the Governor-general, without nominating any person of that description from the mother country.

1567. Would the system of improvement in the executive administration of the Indian government, as suggested by you, lead, in your opinion, to economy as well as to increased efficiency?—I think, certainly, that it might be arranged so as greatly to reduce the existing establishments. It includes, as I have before explained, the employment of natives in all possible situations of detail, and confining the European civil servants to superintendence and control exclusively. At present we enter too much into details, and a great deal of European talent is now thus thrown away in India. The employment of natives in such duties would no doubt greatly diminish the present expenditure. Indeed, such a system has, to a certain extent been already acted on at Madras.

1568. You





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1568. You spoke of a collision. Will you explain to the Committee what is meant by that expression?—By collision, I alluded to conflicting opinions being held by the officers of the same government in distinct independent departments, upon the same subject; as for instance in the Judicial department, opposed to the Revenue; or in the Magisterial department, opposed to both. Very opposite constructions of the same law have been given by the Board of Revenue at Madras, and by the Court of Sudder Adawlut, two separate controlling Boards, quite independent of each other; and the subordinate officers, acting upon the construction given by their controlling authorities respectively, have at once come into collision. I would instance the case of the purchase of lands by the head native servants in the district of Tanjore, annulled by the Board of Revenue, of which I was a member, on the ground of their being contrary to the Regulations of 1802, but which enactments I afterwards found, on joining the Sudder Adawlut, were considered by them applicable only to *zemindary* lands. The government had no doubt of the expediency of annulling these purchases; but finding the Sudder Adawlut construe the law differently from the Board, many months passed without the measure being carried into effect; and when I left the presidency, the government had directed a new law to be enacted, similar to one in the Bengal code, in order to give effect to the construction put upon the code by the Board of Revenue, which had been opposed by the Court of Sudder Adawlut.

1569. Is not such collision incident, more or less, necessarily, to the very existence of two distinct tribunals; and does it imply more than a difference of legal decision in the Court of the Vice-Chancellor, the Court of the Lord Chancellor, and the Supreme Court of Appeal to the House of Lords?—What I should wish to see introduced would be a system of appeal and control from one subordinate body to a superior superintending one, such as the question implies. The evil complained of is such as would exist, were one set of officers in England acting under the English, and another under the Scotch courts of law, neither being subordinate to the other, each independent, and the principles on which each acts being consequently quite distinct, and often conflicting.

1570. Does the answer assume that there is necessarily any ignorance on the part of the supreme authority of the principles upon which the subordinate authority has decided, any more than in the case of the Supreme Tribunal of Appeal sitting in England; is there implied any ignorance of the judicial decisions of the inferior courts in Scotland from which appeals are made?—I did not suppose any ignorance of the decision. I suppose that the Board of Revenue, the independent controlling power in the Fiscal department, opened the code, and construed it to the best of their knowledge, giving instructions to their inferior authorities to act upon that construction. This construction is then called in question by the lower judicial officers in the provinces, who thus come into collision with the local revenue officers; and it becomes necessary for the former to have the opinion of their distinct controlling tribunal in the Judicial department. The construction put by that tribunal, the highest controlling authority in the Judicial department, differs from the construction put upon the law by the highest controlling authority in the Revenue department: the same law is construed differently by separate independent controlling Boards; and these opposite constructions have brought their subordinate officers into collision with each other. I therefore advocate a system of government which would unite the controlling authorities, and place all the subordinate officers under one united superintending power.

1571. Is not such a system disadvantageous, if it be necessarily to be found as an accompaniment to the advantage of having a system of control and review?—I conceive that collision would be entirely avoided by a system exclusively of superintendence and control, quite distinct from that of checks, by bodies acting independently of each other. What I have in view will perhaps be best illustrated by the instance of Mr. Chaplin, as commissioner in the Deccan, or of Lord William Bentinck, uniting the powers of the Revenue Board with those of the Judge of Circuit, and placing him as the common superintendant over the authorities both in the Revenue and the Judicial department; a system which I do not think could fail, if the gentlemen selected were eminent revenue men, and had been relieved from the overwhelming details of the Court of Circuit. Control may thus be rendered more efficient when brought nearer to the inferior agency, and the whole being vested in one person, instead of being divided between distinct independent tribunals under no subordination to each other, the inferior



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agency to be controlled, will act under the same construction of the law, instead of proceeding, as I have before stated, on adverse or conflicting constructions of it.

1572. In the event of a Legislative Council being established in India, do you think it would be necessary, upon system, to exclude the natives from it?—By no means. I think it highly desirable that they should be admissible into it; though at one of the presidencies with which I am best acquainted, I think it would be difficult at present to select any native sufficiently distinguished by his rank and consideration in society to be associated with European gentlemen, such as would be qualified for the high situation of councillors attendant on the Governor-general. Many natives might be selected perfectly capable of giving the most valuable advice in the provinces, not attendant on the Governor-general, but fixed. I apprehend, however, that at first the feelings of the natives of the country will find vent more easily through the local European officers than through any native, unless he is selected by the people themselves. For the natives, unaccustomed to such a situation, will at first feel much at a loss to collect the opinions of their countrymen; and unless a popular selection is made, the people, accustomed as they are to represent all their grievances to the local European officers, will be inclined to place more confidence in them than even in their own countrymen, unless they have a voice in their nomination, or they are known to them personally or by repute.

1573. You stated to the Committee that you thought it would be a great improvement in our system of Indian government to revert to the old system of uniting the control of the Revenue and Judicial departments in the same persons; is it not the case that, under that system, the greatest abuse was found to result from such an union?—I am aware of no greater abuses under an union of the Revenue and Judicial departments than under their separation; they have never been completely united since the time of Lord Cornwallis. The Magisterial or Police department has been united with the Revenue department; but the judicial functions, except in petty criminal cases, such as in this country are cognizable by a justice of the peace, have continued hitherto exclusively in the judicial, a perfectly distinct department. Abuses in India will always exist, particularly in the Revenue department. According to the various systems of revenue management pursued, we may see them more or less, or may be excluded from the sight of them. But the abuses still exist the same, though perhaps less observed by Europeans in one district than in another; and, for the people, the best system of revenue management is that by which Europeans obtain the best insight into abuses; for unless we know them, we cannot check or punish them. No one should judge of revenue systems by revenue abuses, in India. The best managed districts are those where abuses are best seen and exposed; and the only mode of eradicating abuse completely, is by strengthening the hands of the superintending authority, not weakening it by a division of power. Abuses are much more likely to be checked under such an union of authority, than under the present system; its practicability alone is that of which I doubt.

1574. Will you explain what you mean by the union of the Judicial and Revenue departments?—I allude to a separate class of native officers in the management of the revenue, acting independently of a distinct class of native officers in the settlement of judicial disputes, but both liable to the superintendence and control of one European authority, in whom it would consequently become necessary to vest judicial powers, so far as to decide on cases in appeal; but on cause shown I would not limit the appeal to him only. A further appeal, only upon cause shown, might still be allowed to a higher European tribunal. It is of the greatest consequence that the European controlling authority should possess an insight into the proceedings of the natives, both in the Revenue and Judicial departments, for he is enabled by his knowledge of the one to correct the irregularities of the other, which frequently would not come to his knowledge, if he were left dependent for information only upon one class of the tribunals under him. My own information as a revenue officer was of material benefit to me as a judge of appeal in controlling some of the native judicial functionaries, and few have more exposed or punished native abuses in all departments of the service. I therefore speak from experience when I say that it is impossible to do so *successfully*, without some such union of authority. There should be a wide door open for appeal, to prevent injustice and to correct error; but many a corrupt native servant now escapes, by availing himself judiciously of our present divided and conflicting tribunals.

1575. It



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1575. It is in evidence before the Committee, that for the 16 years previous to 1830, the number of folio volumes of correspondence received at the India House amounted to 12,414, being nearly double the number received during the previous 16 years; can you devise any other means of abating this nuisance than by the substitution of a more efficient and vigorous system of executive government in India itself?—I cannot.

1576. Is it your opinion that such might be the consequence of the adoption of some such plan as you have suggested?—The plan I have suggested is exceedingly vague, but I have no doubt that by filling up some such outline, a good system might be matured, under which a vast quantity of the existing correspondence in India would cease. The evil mentioned also arises from the home authorities interfering, as I apprehend, too much in matters of detail. By granting the superior authorities in India more ample powers on such subjects, they would render unnecessary the transmission of a great part of the present correspondence to this country.

1577. In all that part of the correspondence, for instance, which relates to the addition to salaries and remunerations of different kinds to an amount not exceeding a few hundred rupees, might it not be sufficient that the government should be called upon to make a monthly statement of any additions that may have been made to any salaries, gratuities or remunerations within that period?—I should think it quite sufficient if such a statement were drawn out monthly, that it should be forwarded quarterly or half-yearly to this country, the local authorities being vested with power in the meantime to disburse the public money to a limited extent, subject to supervision here.

1578. Again, with regard to the delays in communications between the governments at home and abroad; do any means of remedying the existing evil occur to you?—None, except an union of the authorities in this country similar to what I have suggested regarding those in India. If the authorities here vested greater powers in matters of detail in the local governments, more time would be left for both to conduct the correspondence between the two countries on more important subjects; but I conceive that this would also be greatly facilitated by confining the correspondence with the mother country to one channel, namely, the Governor-General, issuing from him to the subordinate local governments, and thereby relieving them and the authorities here from all direct correspondence.

1579. You have stated the necessity of concentrating and simplifying the organ of government in India; does it appear to you that advantage would result from a similar process being applied to the authorities at home?—Undoubtedly; at present no one in India understands who is the real authority in this country. The Indian government in this country is so divided between the controlling Board and the Court of Directors, and the details of such division on any given subject are so little known, even to the East India Company's servants in India, that they are ignorant where representations are most likely to be effectual. I conceive it to be highly desirable that those bodies should be united into one, and publicity thus given to the authority really responsible.

1580. Was your ground of quitting your appointment in India that of ill-health?—I left India solely in consequence of a sudden attack of abscess in the liver, for which I was cut at sea, and which at seven days' notice obliged me to embark for England so suddenly, as to leave all my affairs there in the greatest confusion.

1581. Are you aware whether inconvenience has arisen from civil servants in India not being aware of the definition of the several powers of the two authorities at home, and consequently finding a reluctance to communicate with either of them lest offence should be given to the other?—I have no hesitation in saying, that if gentlemen in India knew more precisely the influential source whence orders on any particular subject proceed, they would much more readily than at present address representations to that authority; at present it is so vague, and divided amongst so many, that we are much at a loss occasionally to guess the precise source whence instructions issue, or with whom we may most effectually communicate.

1582. Then you would lead the Committee to conclude, that the double authority at home does, in certain cases, prevent that more full and probably useful communication of the servants in India with the home authorities, which if it were but single would be the rule, and perhaps thereby impedes, in some degree, the zeal of the servants in India in the performance of their respective duties?—Undoubtedly.



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1583. Have you observed any remarkable *prestige* to exist on the minds of the natives of India in favour of the Court of Directors of the East India Company, the weakening of which, by any alteration of the constitution of the authorities at home, might be injurious to British interests?—None whatever. I do not think that any native in India has a clear understanding of the constitution of the authority at home, except the few employed in our own public offices, who see the public correspondence conducted by not less than 13 gentlemen in this country. Their idea of the Company is exceedingly vague; and I cannot contemplate any alteration in the constitution of the authorities in this country likely in any degree to operate unfavourably on the minds of the natives of India.

1584. Do the natives of India, as far as you have observed, entertain any feeling of reverence for the authority of the Company, which they would not equally transfer to the authority of the Crown of Great Britain?—None. Such a transfer would be calculated to increase their reverence for the authorities at home. They are already partially acquainted with the Crown, as the final authority in all appeals from India, and they naturally comprehend clearly the nature of that authority, from that of the various dynasties of Hindoo and Mahomedan kings to which they were accustomed before our acquisition of the country.

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Veneris, 13<sup>o</sup> die Aprilis, 1832.

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SIR JAMES MACDONALD, BART., IN THE CHAIR

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The Right honourable T. P. Courtenay, a Member of the Committee, further Examined.

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1585. ARE there any points connected with your former examination on which you would wish to give further explanation to the Committee?—There is only one point upon which my evidence, as it stands, requires explanation. I stated that what is called Sir Thomas Munro's system was the work of the Board. I am anxious that it should not be understood that I intended to say that it was the work of the Board rather than of Sir Thomas Munro himself; what I meant, was, that it was taken up and countenanced by the Board rather than by the Court. I take the liberty of adding, that I have reason to believe that parts of my evidence have been the subject of representations to the Committee, which representations show that those who made them have materially misconceived the purport of my evidence. I am ready to give explanations upon all points upon which such misconception may have occurred; but perhaps the Committee will favour me by questioning me upon any on which their view of what I stated may have been altered by subsequent testimony.

1586. Will you be good enough to point out to the Committee any instances in which it appears to you that misconception of your evidence has taken place?—It appears to me that my evidence has been taken as intended to exalt the power and duties of the Board in the way in which those duties have been performed, at the expense of the Court of Directors; nothing could be further from my thoughts; and I am sure my evidence will not justify that view of it. I wished to explain to the Committee that the Board was not a mere office of check; that is, that it did not only belong to them to prevent the Court of Directors from doing what was wrong; it is their sworn duty, through the Court of Directors, to do that which is right. They cannot escape from a charge of misgovernment of India by stating that no amendment was proposed to them by the Court of Directors; it is as much their duty to supply the omissions of the Court of Directors as it is to see that the Court is not guilty of errors of commission. I believe that the Committee has been informed that nine-tenths of the most important business connected with India has originated with the Court of Directors; and I think that that calculation is very probably correct; I certainly said nothing at all inconsistent with that statement. The misconception, so far as I understand it, appears to me to have arisen from what I said with respect to the Secret Committee. I said truly, that the most important matters in the Political department are necessarily treated, in the first instance, by the Board. It may be true; and I think that one of the answers which I gave with



with respect to delay will show that I think it is true, that the orders sent out from this country to a government at so very great a distance have not a very operative effect upon the proceedings of that government; and it is clear that upon matters connected with peace and war, and negotiations with native princes, this observation must be peculiarly true. In an emergency, the government must act, and does act, without orders; but I distinctly remember several very important subjects which were treated in the Secret department, and for a long time in the Secret department only, and in which the views of the Board, not always consonant with those of the Court, were enforced upon the Supreme Government, and did materially influence the conduct of the government. I recollect a despatch concerning the alliance with Jypore, which was recommended; a contemplative measure respecting Kurnoul, which was forbidden; a great deal concerning the treatment of the Pindarees, and injunctions concerning Scindia's state, of which I have the more lively recollection, because, if I mistake not, the despatch, which went under the authority of Mr. Canning, will be found to lay down, in plain and strong language, the principle of non-intervention, of which so much has been lately said. I am quite aware that very important despatches on political subjects have originated with the Court, founded upon an extent and accuracy of information perhaps not possessed by the Board; and it is extremely probable that in the majority of those instances the Board have not interfered with the Court's directions. To sum up what I have to say upon this general subject, I would observe, that if it is intended to say that the Court of Directors, comprising within themselves all the functions of all the Boards, superior and inferior, which conduct the business of a great state, must have and have the larger share in the administration, I concur in that representation; all I mean to say is, that there is no part of that administration which can be the subject of correspondence with India, for the due management of which the Board are not responsible under the Act of Parliament, and the oath which they have taken. If, in giving this answer, I have in the slightest degree treated the subject in the spirit of controversy, I have done that which I am most anxious to avoid.

1587. Adverting to Question 411 of the Evidence taken before this Committee, have you any observation to make?—Generally speaking, with the qualifications which I have already mentioned, the statement in that answer is in a great degree correct. It is true that the secret despatches, and the political despatches, which are not secret, have had less effect upon the situation of India than those who framed them intended and expected. With respect to the matters alluded to in the answer relating to the maintenance of order and security among the subjects, the Board have not the power of directing such subjects to be treated through the Secret Committee; but there is another class of subjects not provided for in the Act which establishes the Secret Committee, but which have been necessarily treated through the Secret Committee, and upon which the orders of the Secret Committee have been more punctually obeyed. I allude to negotiations with European states having settlements in India, and generally all matters connected with European states or with war in Europe.

1588. Has not the existence of the Secret department enabled the government at home to use a greater freedom in its animadversion occasionally upon the conduct of the authorities in India than it would have been convenient to do if those despatches had necessarily been communicated to the Court of Directors?—I doubt that. The secret despatches are seen by a great number of persons in England, by all the Board and several of its officers, by a considerable number of sworn clerks at the India House, and then again, I apprehend, by a number of functionaries in India; and I know, in point of fact, that Members of this House having correspondence with India have been minutely acquainted with instructions, and have even had copies of papers sent to the Secret Committee, while the Court of Directors, technically speaking, was ignorant of the subject of them.

1589. Do you conceive this want of secrecy to arise from any defect in the manner in which this department has been constituted?—It is impossible to say but that a Secret Committee that cannot insure secrecy is defective in its constitution. I rather apprehend that the mischief must have arisen from there being treated in the Secret Committee some subjects occasionally, concerning which secrecy is of no importance, and probably sufficient care has not been taken to distinguish subjects which were of importance. Again, I may be wrong, but I am not aware that in India the secret despatches have any different character when they arrive there from the other despatches. I speak doubtfully upon that subject.





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I am quite certain that in the cases to which I allude the communication was made from India, and not from the India House or the Board.

1590. Did those subjects relate to negotiations and matters of high political importance?—High political importance and very high personal importance, but not connected with matters of urgent policy, or pending negotiation.

1591. Upon the whole, then, do you conceive that the existence of a Secret department is an indispensable part of the present system?—Yes; I apprehend that it is impossible that any government can be conducted without having the means of securing perfect secrecy in any peculiar branch; indeed, I think that in the Secret Committee there ought to be more power of enjoining secrecy upon any subject, whether coming within the duties of the Secret department or not. At the same time, the Committee will observe that the question of treating the matter secretly, and through a Secret Committee, and of treating it in the way in which secret despatches are now dealt with, that is to say, requiring them to originate with the Board, are two totally different questions: the secrecy might be as well observed although the despatches originated with the Secret Committee itself.

1592. Be so good as to refer to the Questions and Answers 1262 and 1270. Have you any remark to offer to the Committee upon those questions and answers?—It certainly appears to me that the gentleman who gave those answers under-rates the delay which is occasioned by the constitution of the Indian government at home. I am perfectly certain that the drafts of answers to despatches from India (by drafts I do not mean only official drafts, but also those received in “previous communications”), have been frequently detained at the Board two, three, six, and I believe I might say twelve months. The whole of that delay, supposing the fact to be, as I believe it is, that the future examination at the Board does not lead to any less minute examination at the India House, is obviously owing to the duplication of the authorities; and I certainly must say, in observation upon another answer, that some of the despatches so detained have been of very great importance, and a few of them of urgent importance, but the greater part of importance not so urgent. With respect to Question 1270, I would say, that I concur in the views developed by the Court in their letter to Lord Ellenborough on the 27th of August 1829, so far as it sets forth the advantages derived from the minute reports required from India.

1593. It has been stated, that since the year 1821 it has been the practice of the Court to abstain from communicating any decision to parties where such decision was in any way subject to the approbation of the Board; have you any observation to make upon that?—The instance to which the answer refers was, I believe, that which was in my mind when I gave my answer. I am inclined to believe that there were more instances of a nature very similar in the case of persons to whom permission was refused to go to India; but I beg to state, that in mentioning this point, as well as the anomaly referred to in another answer with respect to Lord William Bentinck, my object was to point out the anomalies which might result from the Act of Parliament, and which in some instances, however few, have resulted. In regard, however, to this instance of the Bengal officer in 1821, I should say that the Court defended the practice, against which Mr. Bathurst, then President of the Board, remonstrated. I have therefore no reason to suppose that the practice has since been altered.

1594. In answer to Question 1261, it has been stated, that of the number of drafts altered by the Board, the Board subsequently consented to modifications in 76 of them; do not such modifications frequently proceed rather from a disposition to avoid extreme collision than from a sense in either party that the despatches so finally modified are best calculated to meet the occasion?—In many cases the reason contemplated in the question has been the operative reason I have no doubt, and the consequence has probably sometimes been, that the despatch has been less fitting to the occasion than if it had been prepared and completed by either one of the parties. With respect to the number of drafts, 698, which is given as the whole number in a long period altered by the Board, I would only remind the Committee that it has been already stated that a very great proportion of the important alterations made by the Board are made in the “previous communications,” and that the draft is prepared according to the Board’s approbation. With respect to this question, I should further answer, that I am confident that the desire of avoiding collision has led in many instances to the continued and renewed postponement of instructions upon important subjects, and I am inclined to believe that some inconvenience

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has been occasioned by that circumstance; this of course has happened more particularly when there has been a President of the Board, who from the novelty of his appointment has not had that confidence in his own opinion, or in the opinion suggested to him by those who have been longer in the office, as he would have acquired after some years continuance at the India Board.

1595. Adverting to the Questions 1284 and 1285, do you concur in the correctness of the answers given to those questions?—I adhere to my answer, number 294. I am quite aware that Mr. Dundas and Lord Grenville took a great share in the management of the more important affairs of India for some years after the establishment of the Board in 1784, and particularly that they had a great share in the proceedings leading to the decennial and subsequently the permanent settlement, and probably in the proceedings concerning the judicial system; but I repeat, that from all the information which I acquired at the India Board, I am satisfied that neither they nor the successive Presidents of the India Board, until the year 1807, did follow up the operation of the new revenue and judicial systems in the several districts of India; nor, I believe, did the Court of Directors; but of that I speak more doubtfully. It is almost impossible that I can be mistaken as to the Board, because, though I was not at that time there myself, I know that the permanent officers of the Board were, until about the period I have mentioned, entirely ignorant of those matters; and although a great deal of business was done in the earlier days of the Board, quietly and amicably, between the President and the Chairs, it is impossible that in those communications that minute knowledge should have been acquired, which was acquired after the India Board office had been divided into departments.

1596. Will you advert to the Questions 1326 and 1338. Is it your opinion that the alteration contemplated in those questions would be likely to lead to the consequences surmised in the answers?—If the suggestion which I took the liberty of making was such as the answer contemplates, it certainly would lead to abuses much greater probably than those which now exist. Certainly, I never contemplated giving to any political functionary the selection of the body or public officer, who should from time to time make the nominations. My notion was, that the nominations should be given in a regular order; as, for instance, Oxford should have three appointments, then Cambridge three, then Dublin three; or, if among towns, London so many, Liverpool so many, and so forth, according to a fixed rule, not to be interfered with for any purpose of patronage. The number of appointments to be made must certainly be fixed either by the government abroad, or probably by the government at home, subject to the control of the government at home, under the responsibility, which in such matters is a real responsibility, to the House of Commons. With respect to 1338, I see no reason for believing that any favouritism would be exercised in the selection of persons contending for writerships. The experiment has been partially tried, both at Westminster School and in the University of Oxford, and I have never heard any allegation of favouritism. The Committee will observe, that my suggestions in the part of them now under consideration, have no reference whatever either to the absence of favouritism, or to the fitness of the person appointed, but simply to the avoidance of that influence of government which would certainly result from the transference of the whole Indian patronage to any political officer or department. I apprehend that so long as the present system continues, sending out young men under 22 years of age to form a body in India, from whom all the functionaries up to members of council inclusive are to be taken, there is no mode possible by which you can previously ascertain the fitness of those young men for the higher stations. If, as has been suggested to the Committee, you require persons of above average talent, you must abandon the present system, and take that which exists in England as to all but offices of mere routine, of appointing persons of various ages and different habits and professions to the important offices as they become vacant. I am by no means recommending this fundamental alteration in the system; all I mean is, that with the present system you cannot effect the purpose of obtaining more than average talent in your collectors, judges, political residents, and other high functionaries.

1597. In your connexion with Indian affairs, have you observed that any necessity arose, or any advantage resulted, from so large a body of Directors as the number of 24?—I should say, upon general principles, that so large a body was always inconvenient; but it is obvious, that if you greatly reduce the number, you must have a different sort of people, and you must pay them much better,



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for though the share of patronage which each would get would be much greater, yet not being saleable, it is not available for all the purposes, though it is for some to which salaries are applicable.

1598. Supposing that by any new mode of appointing young men for the civil service in India, a better class of persons were selected, should you not be of opinion that the salaries which might be substituted as the recompense of the Directors, in lieu of the patronage they would lose, would be an expenditure amply compensated to the public?—The question implies, that by taking away the patronage of the Directors, a fitter selection of young men might be made; unquestionably, a small expenditure of money for the sake of insuring so great an object, would be good economy, of that there can be no question; but I, as my former answer will show, am not prepared to say that there is any method consistent with the preservation of the present Indian system, by which you can insure a better class of persons.

1599. Are you aware of any advantage that has practically resulted from the six Directors going out annually by rotation, and going through the form of being re-elected at the end of the year?—I should think some disadvantage; at the same time, I am not prepared to say that it is desirable that the Directors should in all cases have their offices for life, they might perhaps go out with the power of being re-elected.

1600. What disadvantage do you conceive to have attended this operation?—I necessarily speak more from theory than from practice. It is obvious, that if a Director has given his particular attention to one subject, he may, under the present system, be cut off from the means of pursuing his inquiries, and giving his advice while those inquiries are in their most important stage. I apprehend that that has happened; but it is necessarily a subject upon which I cannot speak with any confidence.

1601. Your previous answer has had reference to the number of individuals composing the Court of Directors, and has implied that in your judgment that number is inconvenient; are you aware of the number of committees into which the Court of Directors is divided, and the number of individuals allotted to each, each committee being, in point of fact, a department of the state corresponding to similar departments in the State of England, and having the management of the Indian Empire, so far as the government of India is committed to the East India Company?—I am aware of the circumstances referred to in the question; but it will be observed, that my answer was given without great confidence, but it may be true that so many as 24 persons are required to perform all the various functions of the East India direction; and it may still not be true that so large a number as 24 are a convenient body to discuss all the more important matters of business, particularly I allude to the despatches to India, which come from the several committees into which the Court is divided. My notion of inconvenience chiefly applies to the discussion of controverted points in despatches, points particularly controverted between the Court and the Board; and one inconvenience of which I can speak practically, is, that it has of late years been almost impossible for the Chairs, in negotiating or discussing matters with the Board, to answer what the conduct of the Court shall be, and it has frequently happened that the Chairs have to the best of their power undertaken for a particular modification perhaps, or some compromise between the Court and the Board, and have not been able to effect it. I apprehend that if the number of persons having an equal voice in the Court were reduced; for instance, if only the Committee of Correspondence had voices upon such occasions, there would be much convenience; but I beg to say, that with respect to the internal operation of the system at the India House, I cannot speak with much confidence.

1602. You have stated, in reference to the system of rotation, that there are inconveniences connected with it; is there not one convenience, by which the body delegating the authority are enabled to resume it in the case of a Director who either has been inefficient, or at least supposed to be; and has not that occurred so often as to render it by no means a matter of form that the same individuals should in all cases be re-elected?—I have already said that I am not of opinion that the Court of Directors ought to hold their offices for life; and I certainly hold that view of the possibility of a necessity for omitting the name of a Director whose conduct might not have been satisfactory; but at the same time I have some doubts as to the competency of the electing body to form a correct judgment of the propriety of a Director's conduct, or at least of his capacity for his office, always excepting cases  
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of corruption or gross impropriety of conduct, in which I apprehend that the body of proprietors are perfectly good judges. At this moment I have only in my mind one instance of a Director losing his election, which Director was afterwards restored. I am pretty well satisfied that in both cases that was owing to a fluctuation of particular interests in the body, and with no reference to his qualification as a Director.

1603. Under the Bill of 1783, it was proposed that the Crown should nominate seven Directors, and that the proprietors should nominate nine; are you aware how the succession in that body was to be continued?—I am not; but I consider the notion that it is the interests of the proprietors which the Directors represent, to be a great fallacy. The proprietors have really no interest whatever in the concern except that of receiving their dividends: they certainly are interested in the good government of India and in the conduct of the China trade so far as their dividends are affected, but otherwise they are not really the people whom the Indian Directors represent in the government.

1604. During your continuance at the India Board had you occasion to consider the construction and working of the local governments in India?—Not as it has been considered more recently. The only point upon which I was disposed to form an opinion, from some personal communication with competent authorities, was this: I do believe that the Governor-general, having the local government of Bengal in addition to his more general duties, has too much to do, and that the consequence must be some inconvenience in the exercise of one or other of those functions. I do not apprehend that one scheme which has been submitted to the Committee, that of having the Governor-general and three Lieutenant-governors, which Lieutenant-governors should report to the Governor-general, as the governments now all report to England, would at all answer the end proposed. I apprehend that, under those circumstances, the Governor-general would have considerably more to do than he has now to do. For some other purposes it might be convenient; it certainly would—which was one object, I apprehend, for which it was planned—lessen the labour at home; but I apprehend that the labour put upon the Governor-general would be excessive, not to advert to the very high degree of confidence that must be reposed in him if his control is in any degree to supersede that of the authorities at home, a point of which I own I entertain considerable doubts, though I am not prepared to say that some of the minute superintendence might not be dispensed with; if, however, that goes to the Governor-general, it will not have the effect of relieving him from the burdensomeness of his present duties.

1605. You consider that this evil would more than counterbalance the existing evils of the subordinate presidencies being independent of government?—They are not now independent; but I have a middle course, which course, however, unfortunately would not lead to a saving of expense, and I apprehend that when the suggestion was made to me at the Board, that was the one that was contemplated, that the Governor-general should have the functions of Governor-general only, there being a Governor also at Bengal, or if you please to call them all Lieutenant-governors, that makes no difference; but that there should be three local Governors and one superintending Governor, but that that superintendence should not consist in that minuteness of control which the other scheme appears to me to contemplate. By this means the Governor-general, I apprehend, would have the whole of the management of the political affairs in India, and would exercise a general superintendence in all the other departments over all the subordinate governments. That I take to be the scheme which was several times suggested to the Court when I was there, especially by Sir John Malcolm.

1606. You have supposed that the last scheme to which you have referred would probably be attended with an increase rather than with a diminution of expense; must not that depend upon the necessity of maintaining the councillors on the footing upon which they are now established at the subordinate presidencies?—Decidedly; but I apprehend that the councillors would not be necessary on the appointment of a Governor-general at Bengal. The continuance of councillors, however, is another question.

1607. What has been your observation of the working of the system of the Governors and their Councils at the respective presidencies?—I speak with hesitation, but I am upon the whole inclined to think that the government might be very well conducted without the Councils. At present the councillors are no check upon the Governor in any case in which he chooses to exercise his own independent power; and of that in Bengal there has been a most extraordinary instance. A Governor certainly going to India would be perfectly helpless unless



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he had the constant means of consulting the Company's servants who have filled high situations; but I am not prepared at all to say that the secretaries of government and the heads of the departments might not give him the assistance which the councillors now give him, and the public at the same time lose no efficient check. I would say, though I am afraid it is one of those kind of remarks to which not much attention will be paid, that I should be very sorry, in the present state of the Indian service, that any high and lucrative office, filled by a Company's servant having served for a long time in India, should be abolished, and I speak of this, in fact, in some degree as a matter of policy and propriety.

1608. The plan to which you first adverted as having been mentioned to this Committee, contemplated further the establishment of a permanent legislative council in India; has that subject come at all under your consideration?—Certainly in a degree. There again I apprehend the plan has come before the Committee in more than one shape. One object I take to be simply framing what are called Regulations, those ordinances having the effect of law, which are now passed by the Governor in Council. Another project embraces a much more extensive object; namely, that of superseding the distinction between the law of the King's courts and the law of the Company's courts throughout India, and I understand it to have been proposed even to form a council which should have the same power over India as, in truth, Parliament now has; a council enabled to make laws binding upon all the King's subjects, British-born and Indians. I own that I do not see the necessity of that great change, and I have great doubts as to the possibility of creating a council that would perform the functions satisfactorily. I think there certainly is great inconvenience, some real and a great deal more possible, in the confliction of the King's courts with the Company's courts, and the functions of the government; but I am not prepared to withdraw from the King's English subjects the benefits, as they are well considered, of the English law; and on the other hand, I am quite as little prepared to extend that law to the provincial courts. I apprehend that that is a very great question, which may be very properly dealt with in England, with the help of some of those who have been judges in India; but I am very far from desiring to see the judges in India, who I think ought to be as independent of government as they are in this country, forming part of any legislative council for this or for any other purpose. With respect to the smaller matter of merely framing the Regulations, I really am not aware that the Regulations of the Indian government are open to more criticism than all detailed laws are and must be. If I were to make a comparison, I should say that the Regulations were rather better done than our Acts of Parliament, and I conceive that a much slighter change than that of the establishment of a legislature, composed of a variety of functionaries, might ensure any amendment that is required in the composition of those Regulations. I think there appears to be in some part of the records before the Committee some confusion, when it is said that the King's Court and the Government are two conflicting authorities. I apprehend that is not more the case in India than it is in England. The Court of King's Bench in England is perfectly competent to coerce and restrain a public functionary who exceeds his duty. The only difference is, that in England there is one authority supreme over both, namely, the authority of Parliament; and it has been suggested, I observe, that the Government should have, being the supreme power in India, the authority which Parliament has, an authority superior to the courts. Now it is hardly necessary to say to this Committee, that Parliament seldom, probably I may say never, interposes its authority in any proceeding of a court, and therefore, the power to be given to an Indian government, if given at all, must be given upon perfectly special, peculiar grounds. Now I am not prepared to say that those grounds do not exist, that is, I am not prepared to say that there may not be a case in which it may be fitting for the Government to interfere with the process of the King's Court, especially in a case in which there is any doubt as to jurisdiction: and I do not absolutely condemn the proposition for giving to the local Governments for a short time, and to the Governor-general for such time as may be necessary, on a reference to England, the power of preventing the execution of the process of the King's Court upon a distinct and positive declaration, under the Governor's responsibility, that the exercise of such process would be attended with public danger. It certainly has been represented, that the exercise of the process in some instances would have been productive of that result, and considering the very peculiar nature of the Indian government, I think possibly a proposition might be entertained for giving the Government the suggested authority.

1609. Do





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T. P. Courtenay,  
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1609. Do you consider the Regulations of the Supreme Court as being sufficiently defined?—Certainly not; and that is one of the considerations that prompts my former answer. I think it is impossible to read what has been written upon this subject by the Bengal judges without seeing that the jurisdiction is extremely indefinite. One mode of getting rid of that difficulty is to define the jurisdiction; another is that to which I have alluded before, of having but one jurisdiction throughout India. I own that the difficulties in the way of the latter appear to me insuperable; and I think therefore that the former should be attempted. Another scheme is to appoint local agents, having the entire control of districts considerably less, if I understand it, than those of the government, but larger than those of the present collectorates. I am inclined to believe that that suggestion has a fault, which I own, much as in many respects I admire the system of Sir Thomas Munro, did belong to many of his suggestions. The gentleman who made it was a disciple of Sir Thomas Munro; and the fault, if it be one, is attributable to the same circumstance, namely, his own competency to do that to which men in general are not equal. I believe that if you could always insure good men in such an office as that contemplated in the evidence of Mr. Sullivan, there would be a great improvement both in efficiency and economy; but I have great doubts whether you would be able to find persons properly qualified. Having mentioned the name of Mr. Sullivan, I take the liberty of referring to an observation of his, in which I entirely concur, as to the great difference between the English Universities and the College at Haileybury. The English Universities certainly connect every man, whatever may be his subsequent profession, with persons of all professions, and in all but the lower ranks of life. The College at Haileybury connects an individual only with those amongst whom he is to live in one particular line. I do take the liberty of saying, that I consider it as a matter of very great political importance that the persons, both military and civil, who serve in India should be, more than they are now, connected with others, according to the English University system. I cannot, in this Committee, pursue that observation with respect to the army, in which I think an improvement might be made with very great facility; indeed, I am not so well prepared to suggest the mode in which it should be done in the civil service, but having read the evidence of Mr. Sullivan, I beg leave to give my opinion, that it is a matter which in any new arrangement ought to be attended to.

*Lunæ, 16 die Aprilis, 1832.*

SIR JAMES MACDONALD, BART., IN THE CHAIR.

*Neil Benjamin Edmonstone, Esq., called in; and Examined.*

1610. DURING what period were you in India, and in what situations did you serve the East India Company?—I was appointed a Writer on the Bengal establishment in the year 1782, and arrived in India in the year following. During the early period of service I was of course attached to one or other of the public offices in a subordinate capacity. In the year 1788 I accompanied Sir John Kennaway on his embassy to Hydrabad, and was there upwards of two years. I was then removed to the situation of Deputy Persian Translator to the Government. In 1794 I succeeded to be the principal in that office. In the year 1801 I was appointed Secretary to the Government in the Secret, Political, and Foreign departments, which office I filled for 11 years, three of which years I held conjointly with that office the office of Chief Secretary to the Government. In 1812 I succeeded, by appointment of the Court of Directors, to the situation of Member of the Supreme Council, which I held for five years, during about 15 months of which time I filled the office of Vice-president in Council, in the absence of the Governor-General, Lord Hastings; and in the beginning of the year 1818 I embarked on my return to England.

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1611. Had you made any proficiency in the Oriental languages previously to your departure for India?—I had acquired a slight elementary knowledge of Persian, extending however little beyond the first rudiments of grammar, and consequently not such as to be of any material use; but immediately after my arrival in India I applied myself to the study of the Oriental languages.



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1612. Have you considered the existing system of educating young men in this country for the civil service; and do you consider it effective to its purpose, or if not, in what respect do you think it is deficient?—I think that the East India College has had the effect of sending out young men generally better educated than before, and they have also had the advantage of acquiring such a degree of elementary knowledge of the Oriental languages as greatly facilitated and accelerated their acquirement of those languages after their arrival in India. Generally, I conceive that the civil servants have been better educated since the establishment of the college than they were before.

1613. Do you consider their general conduct and proficiency when placed in the college at Calcutta as upon the whole satisfactory?—Their proficiency in the Oriental languages I had reason to know was generally satisfactory; but I have always been of opinion that the college at Calcutta, by congregating a number of young men at the metropolis a considerable time, had a prejudicial effect upon their conduct.

1614. You stated that you consider that since the institution of the college the young men have been better educated; will you state in what respects you conceive them to have been better educated beyond the point of elementary acquisition of the languages?—It secured their having to a certain extent the accomplishments of a liberal education, a proficiency in the classics, a knowledge of history, of the elements of jurisprudence and political economy; in short, it has always appeared to me that the institution of the college afforded a security for their all being more or less qualified by a liberal education for the situations they were destined to fill.

1615. Are the Committee to understand that any qualifications of that description are required in the college at Calcutta, or any other than a certain proficiency in two of Oriental languages?—According to Lord Wellesley's original plan, the classics and all other branches of knowledge and science were to be taught in the college of Fort William, but that comprehensive scheme of education was disallowed by the authorities at home, and confined entirely to the study of the Oriental languages.

1616. Does the age at which young men now go out from this country to India appear to you the most advantageously selected?—It is a subject to which I have frequently directed my thoughts, but have found great difficulty in arriving at a satisfactory conclusion, for there is a great deal that may be said on both sides of the question. On the one hand, by going out early, they become more readily attached to the service; they go out with minds less preoccupied by the allurements of society, before the natural passions and propensities of youth have been accustomed to indulgence, while their habits are yet unfixed, and their dispositions more pliable, and therefore more easily accommodated to the change in their condition, and to the obligations and restraints of the service for which they are intended. On the other hand, by going out at a more advanced age, they are previously exposed to the moral dangers and temptations of the most critical season of life. The pleasures and enjoyments into which they have been initiated are apt to take a strong hold upon their minds; they quit their native country with a greater degree of reluctance, and do not consequently take to the service with the willingness and zeal with which they used to enter it at an earlier age; but upon the whole, I think it must be admitted, that as certain and very considerable qualifications are necessary for the due discharge of the duties which these young men are destined to undertake, it is highly important to provide for their attainment of those qualifications previously to their entering the service, and therefore I am disposed to be of opinion, that the preponderance of the argument is in favour of their going out at a later than at an earlier period of life. I mean to draw the comparison between the ages of 16 or 17, and 18, 19, or 20.

1617. Considering the highly important character of many of the functions to which they are called, should you say that there had hitherto been a sufficient degree of ground of selection within the reach of the Governor-General of India for the appointment of persons competent to fill such situations?—I think we may refer to the history of British India for an answer to that question. The success that has attended the administration of our affairs in that country affords, in my opinion, ample proof that talents and qualifications adequate to all the duties and exigencies of the public service have been found among the civil servants of the Company abroad; much however must depend upon those qualities of a master mind by which the individual at the head of the government is enabled both to discover, amidst the class of persons from whom he has to select the instruments of his





his measures, the possession of the requisite talents and abilities, and to animate, encourage and reward the faithful and devoted exertion of them.

1618. On what principle is the promotion of young men once embarked in the civil employment in India regulated; is it by seniority for the most part, or is it by selection?—There is no fixed rule, and it must depend mainly upon the judgment and discrimination of the Governor General, but, *cæteris paribus*, seniority has always been considered as possessing a claim to promotion; at the same time there are numberless instances of juniors having been appointed to situations of the highest class, to the exclusion of their seniors in the service.

1619. But you would consider that rather as the exception than as the rule?—Rather the exception than the rule, because, *cæteris paribus*, seniority has always been considered as possessing a claim to promotion. I might instance that in my own case: I had the good fortune to be selected to fill offices of distinction and emolument that my seniors might justly have claimed. I only mention this to show that instances of deviation from the rule of seniority have been exceedingly common, and, as far as I have had reason to observe, they have generally been regulated by the exigencies of the public service.

1620. Are you of opinion that the mode of nomination by individuals subject to no public responsibility in the exercise of their patronage, affords the best chance to the public of obtaining men of eminence and high qualifications for the civil service of India?—I think that such mode of nomination cannot be prejudicial to that object, because the patronage is exercised gratuitously, and under no other influence than that of family connexion or private friendship; and further, because the youths are selected before their talents and characters are developed, and are for the most part selected from families of distinction and opulence, families who have the means of affording the best education to their children.

1621. Would not that be equally the case if the appointments were conducted under another mode than that of individual nomination: for example, by public competition?—Certainly that would afford the means of selecting youths of the highest promise.

1622. Should you not say that the character and talents of young men begin to develop themselves at the period of life at which they are now selected for the Indian service?—That cannot be denied; but the promise of a nomination is very commonly given before a judgment can be formed of the future ability and character of the youth, and therefore to that extent it is a matter of chance.

1623. What regulates the determination of the number of young men annually sent out to fill the writerships of the different presidencies?—A return of the casualties by death or by absence which is received from India.

1624. In regard had to the number of persons unemployed at the time in India?—I hardly feel myself competent to answer that question. That statement is always made out in the Auditor's office at the India House. The Auditor would be able to give the most accurate information upon that point.

1625. Beyond such reductions as may reasonably be effected in the salaries and appointments of any civil servants in India, what other means present themselves to your mind by which that large expenditure might be hereafter diminished?—By a more extensive employment of natives, I think there is no doubt that a very considerable reduction might be made. The reduction of the salaries of the civil servants I conceive should not be allowed to go beyond a certain extent. If carried too far, it would tend to the revival of those malpractices which existed many years ago to a great extent, and which were effectually checked by the very opposite process, that of increasing their salaries.

1626. From your long observation of the character and capacities of the natives of India, should you say that their services might be with safety more extensively introduced into the civil administration of that country?—I think they might; but they should act under the superintendence of European functionaries. They certainly are peculiarly well qualified for various situations, especially in the judicial and revenue branches of the administration; their local knowledge and habits as natives, and their complete possession of the language, necessarily render them so.

1627. In those departments you would see no objection to opening the career to them, subject always to European control?—Certainly not; I have always been an advocate for their more extended employment; at the same time, I should not be for advancing them precipitately to the exercise of the higher functions of office; it should be done gradually and cautiously, and they should be more liberally paid than they are at present.

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1628. With a view to their more general admission into such employments, should you not consider a more extensive system of native education is highly desirable?—Certainly; and that system has been long in operation. I was always favourable to it, and when in a situation to promote it, I contributed my share towards its advancement.

1629. Are you of opinion that it would be desirable that a greater promulgation of the English language should form part of the system of native education?—I cannot say that it ever appeared to me to be material. I think the English language never can be promulgated among the natives so as to be in any degree a substitute for the languages of the country, either in colloquial intercourse or in the transaction of business.

1630. Does there not exist a disposition on their part to acquire the language?—Many of those who are in the habits of communication and intercourse with Europeans, and who are in and about the presidency, are desirous of acquiring the English language, to enable them to be employed in the public offices under government; I believe that to be the chief motive. Since the institution of the seminaries of education at the presidency, at which English is taught, and where natives of rank are in the habit of sending their children, I have understood that many apply themselves to the acquirement of the English language.

1631. It has been stated to the Committee, that one of the chief impediments in the way of the more general adoption of a system of native instruction has been found to consist in the want of instructors; does it appear to you that due advantage is taken of the education and qualification for that purpose of the description of persons called half-castes in India, or might they not be more employed as a useful body in that capacity?—I do not imagine they can be considered (generally speaking) well qualified for such a duty; they are not held in respect by the natives; the bulk of them are in a very inferior station of life, have never been out of India, and are very imperfectly educated. There are, however, many well educated and respectable persons among them, especially those who have been sent to England for education.

1632. What effect upon the minds of the natives morally do you conceive would be likely to be produced by their being more closely and intimately mixed up with the administration of the affairs of their own country?—The natural tendency of it would be to improve their moral character, and to attach them to the government.

1633. The Committee have understood that at the present time a free native press exists in India; under such altered circumstances, does it appear to you more than ever desirable that every means should be taken to connect them by their interests with the British system in India?—Most certainly. The native press has arisen since I left India; I imagine it may be a powerful engine either for evil or for good, according as it is directed. The establishment of a free native press forms, in my opinion, a new and most important epoch in the history of British India.

1634. It seems that at present the Regulations regarding the press vary materially in the different presidencies; do you see any good reason why those Regulations should not be assimilated, and one uniform rule laid down respecting the press throughout the whole of India?—I am not aware of any such differences between the several presidencies as to render such a distinction at all necessary. I should be of opinion that an uniform system of restriction, as far as restriction is deemed expedient, should be established in all the presidencies.

1635. At Madras, for example, a direct censorship is up to this hour exercised, while, on the other hand, the press in Calcutta appears to be perfectly free; do you see any good grounds why such a distinction should continue?—I was always adverse to the freedom of the press, because I thought it inconsistent with the condition of the people and with the nature of the government; a free press, and what may be called, in a limited sense, an arbitrary or despotic government, seem to be wholly unsuited to each other; and accordingly, the effect of opening the press has, in my opinion, been to weaken the authority of the government; but to re-establish the censorship, supposing it to be desirable, is now, I presume, entirely out of the question. I should have preferred the continuance of the censorship on the ground that I have stated; but as it has been taken off in Bengal, I see no reason why it should not be removed at Madras also, upon the general principle of establishing an uniformity of system.

1636. Will you state in what particulars the authority of the government appears to have been weakened, or what evidence there is of any such effect having followed from the relaxation of the restrictions upon the press in Bengal?—The unrestricted discussion



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discussion of public subjects and public measures, and the latitude of observation on the characters and conduct of persons high in office, in which the press is accustomed to indulge, have necessarily diminished that deference and respect in which it is of so much importance that the government should be held.

1637. Can you state to the Committee any evidence which has appeared of the authority of the government in India being at this time weaker than it had been at any preceding period?—I can only say, that from the information we receive from India it does appear to me that the government is not capable of exercising the same degree of authority and control over the European population, and over the civil service, that it used to exercise before.

1638. Are the Committee to understand, that any representations to that effect have been conveyed to you from the government in India?—I derive my impressions from a variety of sources, both public and private, from official documents and private correspondence.

1639. Do the minutes of the council in Bengal bear out any such inference?—I have not, to the best of my recollection, seen that opinion specifically stated in any minutes of the council.

1640. When you state that, in your opinion, the increased freedom of the press has had the effect of diminishing the respect felt by the subjects to the government in India, do you mean to confine that observation to the European subjects, or do you include also the native population?—The latitude of discussion which I have described must necessarily have an effect upon the native population as well as the European.

1641. Have any instances come to your knowledge of that effect having been produced upon the native population, or have you formed that opinion upon general grounds?—Upon general grounds. I think that it has a natural tendency to spread beyond the limits of the European population, and the native press must necessarily add to it.

1642. In a government founded upon the opinion of the force and the talent of their present rulers, like the government of our Eastern empire, is it not a matter of course that anything that impeaches the ground upon which that government acts, must, in the nature of things, weaken the hold which it has upon the people so governed?—That question in fact explains my own meaning better than I did myself; I think it does so. That is the species of effect that I conceive the habit of unrestricted animadversion on the measures and proceedings of the government and the conduct and character of its members, must necessarily produce. The state of society in India does not admit of that counteraction which in this country renders such unlimited freedom of discussion not only innoxious, but to a certain extent beneficial.

1643. Should you concur in calling the government of India a government founded upon opinion?—In a great measure it must be considered so; at the same time it is an opinion founded upon a real superiority of character and greatness of achievement.

1644. Are you of opinion that it would be expedient to put the native press under closer restrictions than the European press should be subjected to?—I should think not. It could not, in my opinion, have any beneficial result; indeed, as it would be calculated to excite suspicion in the minds of the natives, it might rather have a prejudicial than a beneficial effect.

1645. You have stated that you consider it desirable, for the sake of uniformity, that the system adopted with respect to the press at Calcutta and at Bombay should be adopted at Madras also; do you conceive that there have been local circumstances connected with the presidency at Madras, both as relates to the residence of a native prince almost within the fort, and as to the neighbourhood of other native princes, much nearer to Madras than to other presidencies, which have rendered it inexpedient to give the same vent to public opinion in Madras that has been permitted at Calcutta or at Bombay?—I have never contemplated the subject in that point of view, but it does not appear to me that that constitutes any particular reason why it should be so.

1646. What amount of restriction should you consider it desirable for the future to impose upon the access of Europeans to India?—I am favourable to the continuance of the existing restrictions.

1647. Do you include in that the restriction with regard to the occupation of land in that country?—Yes.



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1648. You are aware that to some extent latterly in Bengal that restriction has been deviated from, inasmuch as it has been permitted to Europeans to take leases of land of some duration?—I am perfectly aware of that; and in fact the question with regard to the admission of Europeans as landholders seems to be already decided, the local government having, without previous reference to the authorities at home, come to a resolution to allow Europeans to hold leases of 60 years' duration; that arrangement has been confirmed by the authorities at home, with the limitation of the leases to 21 years instead of 60. In fact it seems to me that the subject is no longer open to decision; that the momentous question of admitting Europeans to establish themselves as landholders in the interior of the country is disposed of by that resolution, and the limited confirmation of it, to which I was entirely adverse.

1649. Upon what principle did you feel adverse to this alteration of the system?—I think that the European settlers would interfere with the possessions, rights and interests of the native landholders; they would become their rivals; and from their natural superiority of character, from their connexions and their influence, successfully so. I consider it to be a system calculated to keep down the natives rather than to elevate them. We have seen, in the conduct of the indigo planters and their agents, how much mischief has been produced by the residence in the interior of the country of Europeans having a connexion with the land. If British subjects are admitted indiscriminately as landholders, it would be necessary, I conceive, to introduce a new system of judicature for the control of them. The present has been found insufficient for that purpose, and would be found still more so in proportion to the increase of the number of European settlers. Our primary duty is to consider what is most for the benefit and prosperity of our native subjects; and it does not appear to me that the effect of allowing Europeans to hold lands will be to secure their rights and promote their interests, but, on the contrary, to injure them. The reports which have been transmitted upon that subject from Bengal within the last two years contain numerous representations of disturbances, and even actual conflicts, occasioned by the collision of rival interests, and of the injustice and oppression experienced by the ryots and others at the hands of the planters or their native servants. One source of such disorders in the practice (it appears not uncommon) of ryots receiving advances from two parties. At the period for the delivery of the crop each party of course claims the fulfilment of his contract, and endeavours to get possession of the crop by an armed force, which the planters are stated to be generally in the habit of keeping in pay for such purpose; and conflicts ensue, attended in some cases with loss of life.

1650. You state that indigo planters employed armed men to collect their crops; is that the custom with the native landholders?—I believe not. In the despatches to which I allude, the indigo planters only are mentioned as being in the habit of entertaining armed men. It may be proper to mention, that these despatches are in answer to orders transmitted to Bengal in the year 1829, requiring the government to obtain the fullest information regarding the conduct of the indigo planters in the several districts under that presidency, which information was supplied by reports from the magistrates of all the districts in which indigo planters were settled, many of them representing the existence of a deplorable state of confusion and disorder, occasioned by the conduct of the indigo planters and their servants, and the system under which the indigo plant is cultivated and supplied. A new Regulation was framed in consequence.

1651. Do you go the whole length of thinking, that under no system of Regulations would it be expedient to allow Europeans to become landholders in India?—I confess I have always felt generally adverse to that system, particularly on the extended scale now sanctioned; and I cannot bring myself to think that in its operation, on the extended scale now allowed, it can be otherwise than prejudicial to the rights and interests of the native landholders. I do not mean to object to Europeans of character and capital being permitted, as they hitherto have been in special cases and under proper restrictions, to hold lands for the purpose of introducing or improving the culture of articles requiring the aid of British skill, science and enterprise, such as indigo, coffee and other products; but to give them a general licence to establish themselves in the country as landholders I conceive is calculated to produce effects highly prejudicial to the interest and well-being of the natives, and to the maintenance of good order and tranquillity.

1652. Must



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1652. Must it not be physically impossible that the European population should, to any degree whatever, at any time supersede the native agricultural population of the country?—Undoubtedly the climate alone would render it so.

1653. That being the case, must not an European who possesses himself of land be one of these two, either a man who proposes to lay out some capital in the improvement of the land, or who fills the situation of an overseer under him; are not those the only two persons who can be employed in India in the cultivation of the land?—That may, I think, be admitted.

1654. Should you conceive that those two persons are in any situation to be in any respect formidable to the natives in India?—It is the unrestricted admission of British subjects as landholders, who are liable to become the rivals and oppressors of the natives, that I object to.

1655. Is not the chief engine of agricultural improvement in India, for example, irrigation; and if so, must it not be highly beneficial to the natives of the country that those who possess the means should employ them in constructing works to give effect to that engine?—Certainly.

1656. Has it happened within your experience or knowledge that those Europeans who have hitherto established themselves in the interior have made themselves obnoxious to the religious feelings and prejudices of the natives of that country?—I do not recollect any instances of that kind, I should not say in general that they have done so.

1657. You have stated that, in your apprehension, under the new circumstance of Europeans holding land, it would be necessary to introduce a new system of judicature; are you aware that the principal objection hitherto urged by the natives to Europeans so employing themselves has been the difficulties under which they laboured in seeking redress, often at great distance and very ruinous expense, at the presidency?—The difficulty which I think must be experienced in affording protection to the natives is a main objection to the extended admission of Europeans into the country as landholders.

1658. Supposing an European was disposed to submit himself to the jurisdiction of the Company's courts in the provinces, what difficulties do you then foresee in his residing in the midst of a native community?—In that country, where so much depends upon the respect in which the British character and the persons of British subjects are held, I apprehend that great evil might arise from their being placed in that manner upon a footing with natives, subjected to the same treatment and the same laws and penalties.

1659. In what way do you apprehend that greater evils would result from the residence of Europeans in the interior of India if they held land in their own persons, or if they held it in the names of others, as they do now in the case of indigo planters?—I think the system of their holding land as they now do in the names of others is a very prejudicial practice. It is an evasion of the law.

1660. Do you then think it is prejudicial that Europeans should hold land under any circumstances, either in their own names, or in the names of others?—My objection is to the admission of Europeans as holders of land for general agricultural purposes like the native zemindars, which now seems to be sanctioned.

1661. You were understood to state that you thought it very desirable that capital should be invested in India for the cultivation of indigo and other things?—Yes, but it is not necessary therefore that they should hold large estates in their own hands for that purpose; for the cultivation of indigo, for instance, all that they require is a sufficient space of ground for the erection of a factory, and the buildings and machinery requisite to carry on the work. They can contract, as they actually do, with the natives for the supply of the raw material. The occupation of lands, however, may be necessary for the purpose of rearing some other products, such as coffee, for instance, which requires much skill, care and cultivation, and several years to bring it to maturity. For such objects special licenses might be granted, as was actually sanctioned by the home authorities seven or eight years ago, for the cultivation of this very article in Bengal. But this is very different from admitting Europeans indiscriminately to hold lands on long leases for general agricultural purposes.

1662. You have stated as a probable evil the necessity of erecting a new system of judicature; do there not co-exist in India at the present time two concurrent or conflicting, as it may be, systems of jurisdiction?—Yes, that certainly is the case; the Supreme Court and the Company's Courts are, in some instances, concurrent,



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and in many instances, conflicting; the jurisdiction of the Supreme Court not being by any means accurately defined.

1663. Are the natives of India amenable to one or to both of those systems?—As well as I recollect the provisions of the statute, those natives are subject to the Supreme Court at the several presidencies where they live within the jurisdiction of the Supreme Court, and those who are considered in the light of servants of the Company; with those exceptions, I believe, the natives are exempt from the jurisdiction of the Supreme Court, but constructively natives not so circumstanced have, on many occasions, been brought within its jurisdiction.

1664. You have spoken of the limits of the jurisdiction of the King's Courts; will you state what are those limits?—All the three presidencies have certain local limits; for instance, Calcutta is bounded on the east by what is called the Old Mahratta Ditch; to the south by a canal called Tolby's Nulla; the northern boundary is not immediately in my recollection; on the west by the river; and there are similar boundaries at Bombay and Madras; and those who live within those limits are subject to the jurisdiction of the Supreme Court.

1665. Do you mean that no jurisdiction is at the present day claimed by the Supreme Court without those limits?—The Supreme Court has claimed jurisdiction beyond those limits, as we have seen lately at Bombay.

1666. Have they not acted upon that claim; are there not instances in which by their process they have compelled individuals to come from a distance in the interior to the presidency?—Exactly so; that is what I meant by saying that constructively they have brought natives within the limits of their jurisdiction.

1667. In what light, with reference to authority, do you conceive that the natives can behold this division of conflicting power?—They must necessarily regard it as an anomaly. It has also been a subject of complaint among those who have in this manner been brought within the limits of the Supreme Court's jurisdiction.

1668. It is known historically that this jurisdiction of the Supreme Court rose out of very small beginnings. Should you consider it impracticable to frame one uniform jurisdiction to embrace all the King's subjects, native as well as European, throughout India?—I think it is not practicable to frame one that shall be adapted to the condition and character of both classes.

1669. Have the advantages of the introduction of the British system of judicature been very apparent in Calcutta?—I am rather apprehensive that it has been found in practice rather injurious than beneficial to the natives. Numbers of them have been ruined by being engaged in causes in the Supreme Court; I believe that opinion is very generally entertained.

1670. As it is your opinion that the adoption of one uniform system of jurisdiction would not be practicable, does any mode occur to you of remedying the evil to which you have last referred?—I should be disposed very much to limit the authority of an English court of judicature, to confine it as much as possible to the Europeans, and to confine its jurisdiction in the utmost practicable degree. I am even disposed to go so far as to think that in place of a Supreme Court such as is now established, with three judges and all its officers, a more simple court, such as a Mayor's Court, or a Recorder's Court, would be more beneficial upon the whole.

1671. Have not great ameliorations already taken place in the administration of the Mahomedan criminal law in the courts of the Mofussil?—Very great; strictly speaking indeed, it can hardly be denominated Mahomedan law as it now exists, it has been so considerably modified with respect both to the rules of evidence, and to infliction of punishments.

1672. Is that then a system of law under which an European settler need fear to place himself, more especially if in graver cases it was made subject to an appeal of which an European governor or magistrate should be constituted a part?—An European would necessarily complain of being subject to trial without a jury; he would not, I presume, readily consent to lose the privilege of being tried by the laws of his own country, nor submit to the authority of a criminal code founded on the Koran, and of which the expounder is a Mussulman priest.

1673. Would it be impossible to arrive at something in the nature of a jury institution, though probably not so numerous, restricted possibly to the number of the punchayet, in the chief places of the provinces?—In that case the European would be liable to be tried by a jury not of his own countrymen, by a jury of natives, which I should conceive decidedly objectionable.

1674. What