another name for individual caprice. Fortunately, these individual changes were then of occurrence unusually rare in Mahomedan countries. The epoch of which I am now writing extended over a period of about a century and a half, and embraced only four reigns. Akbar ascended the throne in 1556, and Aurungzebe was carried to the tomb in 1707. The evil, therefore, of that capricious exercise of power, of those frequent mutations in the system of government, which are inseparable from all despotisms, was not experienced to that extent which is entailed upon a people when they have not merely to contend against the caprices of an individual, but against the caprices of a series of capricious individuals. Still I confess that I have little faith in the happiness of the people under such a despotism as that of the Great Moguls.*

Neither life nor property was secure under their rule. The Mahomedan conquerors took what they wanted, and executed whom they would. If a merchant possessed gold or jewels, he was careful to hide his wealth. If an artisan was more than commonly ingenious in his craft,

* I am speaking here of the flower of the Mogul princes. It is almost superfluous to allude to the cruelties of the earlier Mahomedan rulers. Ibn Batuta says that owing to the tyranny of the Emperor, Delhi, when he entered it, was almost a desert. "The greatest city in the world had the fewest inhabitants." The particular instances of the prince's cruelty which are given, are too numerous for citation—one or two instances will suffice: "One of the Emirs of Fargana came to pay him a temporary visit. The Emperor received him very kindly, and bestowed on him some rich presents. After this the Emir had a wish to return, but was afraid the Emperor would not allow him to do so; he began, therefore, to think of flight. Upon this, a whisperer gave intimation of his design, and the Emir was put to death; the whole of his wealth was then given to the informer. For this is the custom, that when any one gives private intimation of the designs of another, and his information turns out to be true, the person so informed of is put to death, and his property is given to the informer." Again: "Upon a certain day, when I myself was present, some men were brought out who had been *accused* of having attempted the life of the Vizier. They were ordered accordingly to be thrown to the elephants, which had been taught to cut their victims to pieces. Their hoofs were cased with sharp iron instruments, and the extremities of these were like knives. On such occasions the elephant-driver rode upon them; and when a man was thrown to them, they would wrap their trunk about him and toss him up, then take him with the teeth and throw him between their fore feet upon the breast. If the order was to cut him to pieces, the elephant would do so with his irons, and then throws the piece among the assembled multitude; but if the order was to leave him, he would be left lying before the Emperor, until the skin should be taken off and stuffed with hay, and the flesh given to the dogs."

he concealed the extent of his skill. It was dangerous to be rich. It was dangerous to be clever. It was dangerous in any way to be a marked man. If the sovereign was accessible to his subjects, so was the executioner. Justice was administered with such extraordinary promptitude, that offenders were hurried into the presence of their Maker almost before they knew that they had committed any offence. Nor was the personal clemency of the sovereign himself any defence against such gross abuse of arbitrary power. He had no means of communicating his own mild nature to the provincial viceroys and governors who ruled over remote parts of his empire, or even to the ministers of his own immediate cabinet.* His delegated authority was often cruelly abused. Old travellers tell of barbarous acts committed even in the presence of European gentlemen, at the recital of which humanity shudders, and credulity is well-nigh staggered.† There is hardly a native of India in

* Behram, Akbar's prime minister, was a great man, and, on the whole, not a bad one. But it is recorded of him, that "he took advantage of Akbar's absence on a hawking-party, to put to death Tardi Beg, the former governor of Delhi, without even the ceremony of taking the king's orders on so solemn an occasion. One day, while Akbar was amusing himself with an elephant-fight, one of these animals ran off the field pursued by its antagonist, and followed by a promiscuous crowd of spectators; it rushed through the tents of Behram, some of which were thrown down; thus exposing the minister himself to danger, whilst it threw all around him into the utmost confusion and alarm. Irritated by this seeming affront, and, perhaps, suspecting a design against his life, Behram ordered the elephant-driver to be put to death. . . . . A nobleman, of consequence enough to oppose Behram, was put to death on some slight charge by that minister. The king's own tutor, Pir Mahomed Khan, narrowly escaped the same fate, and was banished on pretence of a pilgrimage to Mecca." If men of rank were treated to this wild justice, it is little likely that the commonalty escaped.

† Take, for example, the following from the travels of John Mandelslo, written in 1640. The governor of Ahmedabad had invited the principal directors of the English and Dutch trades to an entertainment, of which, as usual, displays of dancing-girls were among the chief features. One party having danced themselves out, another was sent for; but they refused to come, for a reason which need not be given, and were then forcibly dragged into the presence of the governor. He listened to their excuse, "laughed at it, but immediately commanded out a party of his guard, and ordered their heads to be struck off. They begged their lives with horrid cries and lamentations; but he would be obeyed, and caused the execution to be done in the room before all the company—not one of the lords then present daring to make the least intercession for those wretches, who were eight in number. The strangers were startled at the horror of the spectacle, and inhumanity of the action, which the governor taking notice of, fell a laughing, and asked them what they were so much startled at."

the present day, who does not hug to himself the precious thought that there is no longer any power in the state that can order, under the influence of a gust of passion, or a spasm of caprice, even the meanest laborer to be trampled to death by elephants, or disembowelled with a sharp knife. The poorest Cooley is entitled to all the solemn formalities of a judicial trial, and the punishment of death, by whomsoever administered, and on whomsoever inflicted, without the express decree of the law, is a murder for which the highest functionary in the Company's territories is as much accountable as a sweeper would be for the assassination of the Governor-General in Durbar.

It must be admitted that the later Mogul Emperors were not intolerant—that they seldom or never gave way to the littleness of religious persecution. It would seem that the earlier Tartar monarchs filled all the chief offices of the state with strangers and aliens, and that the Hindoos were almost wholly set aside. But the princes of whom I am now writing were more tolerant and more liberal. The claims of the Hindoos were not disregarded. Men were appointed to offices of high trust and emolument, without reference to the religion which they professed, or the country from which they drew their origin.

It is not easy to arrive at a clear conception of the general condition of the great mass of the people during the reign of the Mogul princes. Materials are greatly wanting. Early travellers and historians tell us much of the Court—little or nothing of the people. Ibn Batuta, the Arab traveller, whom Mahomed Toghlak made Judge of Delhi, tells us nothing of the condition of the inhabitants of Northern India, but leaves us to infer that the country was considerably over-run with robbers and wild beasts. Of the country on the coast of Malabar, however, he gives a flourishing account. "In all this space," he says, "of two months' journey, there is not a span free from

cultivation. For everybody has here a garden, and his house is placed in the middle of it, and round the whole of this there is a fence of wood, up to which the ground of each inhabitant comes." The Italian travellers, who visited India about the same time, speak with rapture of the flourishing state of Guzerat and Cambay; and describe the populous towns, the rich orchards, and the beautiful gardens which everywhere decorated the banks of the Ganges, and indicated the prosperity of the people. But the knowledge possessed by these travellers was superficial in the extreme; what they saw they but imperfectly comprehended, and of what they heard they had but scanty means of estimating the truth. One fact was always related to them, and always carefully set down in their tablets. In every city that they passed were stored up immense heaps of jewels and gold. That there were, in those days, vast accumulations of this kind of unproductive capital is not to be doubted. But the many profited little by the hoarded wealth of the few. The indications of national prosperity were, I believe, local and accidental; and I have no faith in the general result. The wealth of India may have been great, but it did not circulate. It is now diffused over a larger space —is more reproductive. That, to some extent, these once stored-up treasures have, by a gradual process of extraction, been drained out of the country, is not to be denied. But the residue is of more service to the people than the gross amount secretly garnered up in the most affluent days of the old Mahomedan kings.*

Of this gorgeous display of imperial wealth our own

* A very experienced and intelligent friend, to whom this work is indebted for some of its most valuable details, writes, with reference to this and the passage at p. 24: "The question here suggested is a very curious one, and one regarding which I once had a talk with James Skinner. Even so late as in the days of his youth, the exhibition of wealth at the great gatherings of native chiefs, Mahrattas, and others, was dazzling—what has become of it? Has it, I asked — has it not spread among the people, and so raised the general level, though the eminences may have been lowered? Skinner would not admit this—at least, not to the extent I desired—and maintained, with the Shroffs and Bunneahs, that we drain the land."—[*MS. Notes.*]

countrymen spoke in the same exalted strains, but they contrasted it with the general poverty of the people. "Touching the wealth of the king," wrote one of the oldest of the Company's servants, in the reign of Jehanguire, "though I cannot be otherwise persuaded than that it is very great, yet I cannot believe it to amount to that exceeding height that Captain Hawkins hath very fabulously written of it; but howsoever, it is certainly marvellously great; and this he raiseth two principal ways, by the rent of his lands, and by the goods of his noble subjects, for almost the whole estate of all the greater persons of his kingdom returneth to him after their decease. The main sum of his wealth consisteth partly in ready money in his coffers, whereof he is said to possess wonderful store; for there is still an importation of all sorts of money into his country, but never an exportation; and partly in rich stones, pearls, and jewels, wherewith he is reported to be better furnished than any prince on the face of the earth." And the same writer adds, that though some of the courtiers are very wealthy, "the plebeian sort is so poor, that the greatest part of them go naked in their whole bodies, saving about their [middle] which they cover with a linen coverture;"* a state of beatitude in respect of which they, in no degree, differ from the people of the present day.

Of the dangerous state of the public ways at this time, a clear conception may be gained from the statements of the same writer. "On my passage from Surat," he says, "over a large tract of country as far as Agra, I was subject to a world of dangers on the way, it being well known that no country more dangerous to travel is in the whole world than this, by reason of many thousands of blood-sucking villains, that for so much as one of their

* *Joseph Salbank to the Company, Nov.* 22, 1617. *India House Records.M.S.*

brass pieces of money that countervaileth the third part of a penny sterling will cut a man's throat, which doth appear by the example of one of our poor countrymen, travelling about a year past betwixt Surat and Agra, over certain woody and desolate parts of the country, was so often assaulted by thieves on the way, whereof some stripped him of all his little money about him; yet when charitable people did offer him money to buy him victuals, he would take none of them, knowing he should quickly be deprived of it, besides the fear of his life, but contented himself only with such poor food as people presented to him." "Howbeit," adds the writer, in a spirit of grateful veneration, "I for my part passed through all those hellish weapons that these cannibal villains used to kill men withal, securely enough, through the tender mercies of my gracious God."* This does not bring out in very favorable colors the internal administration of the Moguls.

Some stress has been laid upon the amount of revenue raised under the Mahomedan dynasties; but I do not regard this as any real test of the prosperity of the country. Ibn Batuta says that the revenue raised from the district of Dowlatabad, in "taxes and fines," amounted to seventeen crores of rupees, or seventeen millions of our money. What the extent of country subject to the lieutenantcy of Dowlatabad may have been, is only to be vaguely gathered from the assertion that "it extends through a distance of three months," *i. e.*, a three months' journey. During the reigns of the later Mogul Emperors, from Akbar to Aurungzebe, the revenue seems to have averaged from twenty-six to twenty millions of our money. During these reigns, varying according to the personal character of the monarch, a considerable amount was realised from the questionable sources of fines and pre-

* *Joseph Salbank to the Company, November*, 1617. *India House Records.*

sents. Besides these, there was little else than the land-tax to recruit the royal treasury.* It would seem that in Akbar's reign, Upper India yielded more, and Lower India less, than at the present period. A comparison of the wealth of the different districts will be in some respects to our advantage; in others, to our disadvantage. But, on the whole, rightly estimated, the balance is not against us.†

There have necessarily been great changes, and of those changes advantage has been taken by writers eager to elevate the Mahomedan rule at the expense of that of the British Government in India. Doubtless, some once-prosperous places exhibit now no sign of prosperity—doubtless, there is nothing but waste and ruin visible in spots which were once smiling with cultivation, or stately with the evidences of mercantile wealth. But look at the state of England at the present time. If a traveller were

* It should be borne in mind that, under the government of the Mahomedan princes, the productiveness of the soil was more uncertain and accidental than under our own. The disturbed state of the country often caused large breadths of land to remain fallow for some years, and when they were again brought under cultivation, the yield was necessarily great.

† A very able writer in the *Calcutta Review* (Article, *The Life and Times of Akbar*) has given some interesting details of the relative amounts of revenue raised from different districts in Akbar's time and in our own:—"We will take at random the revenue of different zillahs in various parts of the kingdom, and the balance-sheet will be struck in our favor. Chittagong or Chatgaon, in Abul Fazl's scheme, paid three lakhs a year. Now, though over-run with jungle, and burdened with an extraordinary revenue and judicial establishment, it yields almost six. Purnea gave barely two: it now yields above twelve. Tirhut gave hardly five lakhs, and it now produces fourteen: Budaon shows us a balance of nine lakhs, and it gave eight in the time of Akbar: Allahabad presents a score of twenty-two with us, in opposition to seven with the Mogul. We have selected the above almost at a venture, and on the other hand it would be unfair not to mention several districts where the balance seems in favor of the old scheme. These, it may be augured, are mostly in Upper India, nor were the mighty resources of Bengal ever brought into full play by the Mahomedan sovereign or by the ablest of his viceroys. Kemaon, under the great financier of Akbar, paid in ten lakhs at least, and it is now set down as giving only two. Bahar showed twenty-one lakhs, and its actual land-revenue is probably about the same, and Agra, which is now thought rich at fifteen, is set down as giving the almost incredible return of fifty-one lakhs of rupees. [This, however, may be explained away. In the Subah were probably comprehended several smaller *Sircars* or zillahs, as Muttra, Furrukabad, Etawah, &c.] But our present great strength lies in the revenues of Bengal and Behar. Here we surpass the best days of the Mussulmans, and to this alone we trust for a *corps de reserve* when war or the expenses of a province unable to pay itself have drained the coffers of the state."

now to undertake a journey into the interior by road, he would stumble upon many signs of what, with equal candour and truth, might be declared to be evidences of the decadence of Great Britain. He would pass through many once-flourishing country towns, now in a state of visible desertion and prostration. He would enter once-magnificent caravanserais (posting-houses and hotels), on the spacious court-yards of which the grass is now growing. If the windows are not broken, and the house and the stables empty, the probability is that the traveller will find the many-roomed edifice inhabited by the ancient landlord, now a needy farmer, and the parish curate, who finds there permanent accommodation at a lower rent than is demanded by any other inhabitant of the place. The little town, which once was in a continual state of bustle and excitement, is now like a city of the silent. Little children play securely in the streets, unscared by the clanging hoofs of post-horses, or the smacking of post-boys' whips. But, for all this, England is not in a state of decay. The tide of traffic and the course of our pleasure-progresses run in a different direction. If old towns are falling into decay, new ones are springing up. As it is in England, so is it in India. It would be as reasonable to declare that the prosperity of Great Britain is declining, because there are evidences of decay along the Great North Road, as to comment upon the decrepitude of the Indian Empire, because about the grand imperial highway from Delhi to Cashmere there are indications of a state of bygone road-side grandeur, in the shape of ruined caravanserais and wells. The similitude is not a perfect one, but its imperfections are decidedly to the disadvantage of my argument. The change is, in the one case, from a state of things in accordance with the interests of the people, to another state of things, under altered circumstances, advantageous to the interests of the people. In the other case, the

change is from a state of things advantageous to the Emperor and his immediate followers, to a state of things advantageous to the general mass of the people. The evidences of decline which we see around us in India, are evidences, in reality, of little more than the decline of the paramount power of imperial selfishness. We need not much concern ourselves about such a decadence as this.

I have touched upon the subject of the relative amount of revenue raised under the Mogul dynasties and under the British-Indian Government. But of far more importance and interest than the question of the amount of revenue raised, is the question of the manner of its expenditure. I doubt whether the revenue actually collected under the most prosperous Mogul Government ever exceeded that now raised by our own. I am certain that, whatever the amount may have been, it was less beneficially expended. Now it is paid into what is emphatically called the *public* treasury. It is held in trust, and expended for the benefit of the people. But in the old times, much of the money collected from the people by legitimate, and much besides that was extorted from them by illegitimate means, was poured into the coffers of the Emperor and his dependents. Save in rare exceptional cases, there was a lavish waste of money on the costly accompaniments of a licentious Court—on dancing-girls and fighting animals, and pleasure-progresses and great panoramic camps. The contributions of the people were not sown, as it were, in the national soil, to spring up speedily again multiplied into a rich harvest. That which was taken from the husbandman did not return to him, but went, perhaps, to decorate the tail of a jewelled peacock, or to beautify the costly mosaic on the tomb of a Mussulman dame. It is very true that the English in India have erected no Taj-Mehals. If a Governor-General were to attempt to spend a tithe of the hundreds of thousands of pounds which

the Taj is said to have cost, on the tomb of a defunct wife, he would be recalled long before the work could be completed, and impeached soon after his recall.

I have no wish to blacken the character of the Mahomedan Emperors. I am anxious to give them credit for all that they have done. But I am almost ashamed of myself for having spent so much time in showing—what is so patent to the unaided comprehension of all who have not contented themselves with ignorance or abandoned themselves to prejudice—the manifest inferiority, in the scale of benevolence and beneficence, of even the best of these Mahomedan despots, as rulers of Hindostan, to the most indolent and selfish of our own Governors-General. It is enough, indeed, to write that they were despots. Under such a despotism, the people could not have been prosperous or happy. There was no security for life or property. The luxurious selfishness of the Emperors depressed and enfeebled the people. It could not be otherwise. The country, indeed, is still prostrated by that great curse of Mogul tyranny. It has never recovered from the corrupting influences of the slavish fear which that great domination engendered. India owes the confirmed debasement of her morals, no less than her mosques and cenotaphs, to the Moguls. It may be that a conquered people are always, more or less, a false people—that it is not in the nature of men to be truthful with the yoke on their necks. But the form of government observed, and the character of the religion professed by the conquerors, must always regulate the degree to which political prostration is accompanied by moral debasement. Falsehood is the child of fear. And who can estimate the tremendous amount of falsehood against which the English legislator has now to contend?—falsehood which baffles the wisdom of the enlightened, and sets at nought the best efforts of the humane. The state of things which ex-

isted under the rule of the Mogul despots was too surely calculated to corrupt both Mahomedans and Hindoos—to perpetuate among both classes the selfishness and faithlessness which years of milder rule and more ennobling example have yet scarcely even begun to eradicate.

We found the people of India abject, degraded, false to the very core. Mussulman domination had called into full activity all the bad qualities which Hindooism has in itself a fatal tendency to generate. To the esoteric vices inseparable from such a religion were added the exoteric vices born of circumstances, injurious to any people, but to such a people fatal in the extreme. The faithlessness, if not engendered, aggravated, and perpetuated by Mussulman despotism, is now the grand stumbling-block of British legislation. There is hardly an hour of his official existence in which it does not present itself in the path of the Christian functionary, to impede his advance and embarrass his movements. It is as patent to him as the Taj-Mehal, or the Kootab-Minar; and, go where he will, it is sure to stare him in the face.

It has not been my object in this chapter to draw any regular comparison between the general features of Mahomedan rule and those of our own dominion in the East. There is one point of difference, which will readily present itself to the mind of even the most inexperienced reader. It will at once occur to him, that the Mussulman conqueror, though differing in religion, and to a certain extent in manners, from the Hindoo, was still a member of the same great Oriental family, and exhibited, in his ordinary intercourse with the inhabitants of the conquered land, as many points of resemblance as of difference, and even in the latter very often assimilated his own customs to those of the country of his adoption. He sat on the ground; he ate his dinner with his fingers; he covered his head and uncovered his feet in-doors; he

secluded his women; and if he did not bring with him the same amount of regard for ceremonial observances, and the same rigid ideas on the subject of the cleanliness and uncleanliness of external things, he was very soon impregnated with them. The Mahomedan conqueror rapidly became Hindooised. He fused himself into the general mass of the people. He was not a Tartar, or an Afghan, but a Mahomedan Indian. India was his country; he was not merely in it, but of it. He, or his father, or some more remote ancestor, had emigrated thither, and had forgotten the country he had left behind. But between the English conqueror and his Hindoo subject there is an impassable gulf. There is nothing in common between them. The British gentlemen, who fill all the principal offices of the state, are not Christian Indians, but Christian Englishmen. They have brought their own costume and their own customs with them, and they keep them on the banks of the Ganges as they would on the banks of the Thames. They live alone—utterly separated from the mass of the people—and are surrounded with a prestige of superior wisdom and superior strength; but still, in many respects, an astonishment and a reproach in the eyes of our benighted brethren.

It is within the scope of this inquiry only to consider the very obvious difference of which I speak in relation to the happiness and prosperity of the people. And, on this point, it needs not that much should be said. The more you know of a man's circumstances—the more clearly you understand his character, and are acquainted with his feelings and opinions—the more familiar you are with his domestic habits, and the more unrestrained is your intercourse with him—the more good you may do him, if you will. But the greater, at the same time, is the injury which these advantages enable you to inflict upon him. Doubtless the orientalism of our Mahomedan predecessors might have wrought mightily

for the benefit of the people of India, but it may be fairly doubted that it did. It was used rather as an engine of oppression than of protection. It manifested itself rather in arbitrary interference than in kindly concernment. It was insolent and magisterial, rather than tender and paternal in its demonstrations. If the familiarity of the Mahomedans with the language, the usages, the feelings, and opinions of the people of India had been associated with our own earnest and sustained desire to turn these advantages to account, great, doubtless, would have been the gain. But it was the study of the Mahomedans to turn them only to their own account, and they were rarely used as anything more than instruments of extortion and oppression.

Apart from these considerations, it is probable that the points of resemblance between the conquerors and the conquered rendered the yoke more irritating and oppressive. The greater the difference between the master and the servant, the less intolerable is the state of servitude. But not merely upon this account is the latter less restless beneath it. It is certain that under the Mahomedan Governments the people were continually breaking out into revolt. Under the British Government internal rebellion is a thing almost unknown. I believe that this is in no small measure attributable to the approximation in the one case, and the divergence in the other, of which I have been speaking. When the difference between the master and the servant is slight, the latter is little able to understand why the relationship should exist, and little willing to suffer its continued existence. He does not recognise either the physical or the moral superiority which should place one in subjection to the other. And, therefore, he is restless under the yoke, and endeavors to cast it off. But when the master comes from a distance —from some far-off fabulous country—when he speaks another language, has another complexion, wears another

dress, and comes with all the environments of wealth, and wisdom, and physical power, great alike in activity and endurance—the servant recognises the necessity of submission; his self-love is less wounded, he is more patient under the yoke. Now, if the yoke is to be borne at all, it cannot be borne too patiently. Every effort to cast it off increases the cost of the subjugation.

I have one more argument to notice in this chapter, which has swollen to a length which I did not contemplate at its commencement. It is said that if the people of India were happier under our rule than under that of their Asiatic conquerors, they would emigrate largely into the British provinces from those states, as Oude and Hyderabad, which are still under Asiatic domination. And it has been urged by a very high authority that this circumstance is to be attributed to the fact that, although under British rule there is more security and more tranquillity, our monopoly of all the chief offices of the state more than counterbalances these advantages, and deters men from seeking our protection. But it appears to me that we need not look further than the known character of the people of India for the cause of their immoveability and quiescence. The natives of India are not a migratory people. They are not an enterprising people. Apathy is one thing; content is another. Of the misgovernment of the Oude and Hyderabad provinces I need not speak in this place. It is argued that this misgovernment is submitted to, because the natives under native rule may rise to offices of dignity and emolument. But how little, after all, does this affect the happiness of the great mass of the people. It is small consolation to the husbandman whose crops are destroyed, or to the artisan whose house is burnt to the ground, that there is no law against his sitting as a judge, or commanding a regiment of horse. It is of far more im-

portance to him that they who command regiments of horse should protect instead of oppressing, and that they who sit as judges should conscientiously administer justice to the people. It appears to me that the view taken of this matter by the Court of Directors of the East India Company is pre-eminently sound. "Facilities of official advancement," they wrote in an admirable letter to the Supreme Government of India, enunciating their opinions respecting the interpretation of the Charter Act of 1834, "can little affect the bulk of the people under any government, and least under a good government. It is not by holding out incentives to official ambition, but by repressing crime, by securing and guarding property, by creating confidence, by ensuring to industry the fruit of its labors, by protecting men in the undisturbed enjoyment of their rights, and in the unfettered exercise of their faculties, that government best ministers to the public wealth and happiness. In effect, the free access to office is chiefly valuable when it is a part of general freedom."*

But it is time that this inquiry should cease. The paper upon which I have written these last pages has rested upon a folio "Blue Book," containing a return "of all public works which have been completed in India by the East India Company within the last ten years; including embankments, canals, and works of irrigation, roads and bridges, buildings, factories, docks, and all other public works."—"Also, a similar return of all public works now in progress in India (with the addition of any proposed railways), showing in each case the object of the work, the date of its commencement, and (where terminated) its termination, the amount of expense incurred, the amount estimated for completion, and the probable time of completion, of all

* *The Court of Directors to the Governor-General of India in Council, December 10, 1834. MS. Records.* See post, pages 423, 424, 425.

unfinished works; with such statements or documents as may be deemed necessary to explain or illustrate the above returns."—(Ordered by the House of Commons to be printed, August 1, 1851.) I shall have occasion to refer to this, in less general terms, in a subsequent portion of this work. In the mean while, there it is, as a solid argument in itself, against which little can be said by those who vaunt the superior beneficence of the Mahomedan Emperors, and discourse upon the short-comings of our British rule in the East. It may not be all that I could desire; but, even as it is, could Akbar and his famous minister, Abul Fazul, have brought out such a "Blue Book" as this?

Note.—Illustrative of what I have remarked, at page 39, on the subject of forced labor employed in the construction of the great public works of the native princes of India, I find a passage in Mr. Robertson's very interesting work, "Political Incidents of the First Burmese War," which I should have quoted in the right place had the volume been in existence when I was writing on the subject. Speaking of the remains of a great wall in Arracan, Mr. Robertson says: "It is always to be borne in mind, in drawing conclusions from the great doings of ancient rulers, of whom no other record remains, that the power unscrupulously exercised by the monarchs of those early days, at least in Asia and Africa, of compelling the whole mass of their subjects to devote their labors to the accomplishment of any favorite design, rendered it possible for a very feeble state to leave very bulky vestiges to excite the admiration and curiosity of succeeding generations. What ancient Egypt suffered that the Pyramids might rise no one can tell; and who thinks now of the 30,000 men, women, and children, said to have perished, since this century commenced, to accelerate the excavation of the canal connecting the Nile with Alexandria?" It was observed, too, by Lord Aberdeen, in the House of Lords, with reference to the "humiliating" fact of the "great works of the Mogul Emperors," that we "might as well draw an inference from the Pyramids of Egypt, and conclude that their builders were superior to us in moral qualifications."—[*Parliamentary Proceedings, March* 11, 1853.] See also, on this subject, the chapter on "Public Works," p. 296, and note.

CHAPTER III.

Our European Predecessors—The Portuguese in India—The Dutch—Discouragements at the Outset—Progress of Empire—Our First Administrative Efforts—The Conquest of Bengal—Efforts of Clive and Hastings—The Regulating Act—Cornwallis and the Regulations—Subsequent Administrative Advances.

THERE is no need that, in pursuing the history of Indian Administration, I should treat in detail of the measures of our European predecessors on the great field of Eastern adventure. They were traders; they were conquerors; they were spoliators; they were proselytisers. But they were not administrators.

I would only speak of them in so far as their doings influenced the rise and progress of our own power in the East. On the last day of the sixteenth century the London East India Company became a substantial fact. The Portuguese had preceded us on the great pathways of the Eastern seas, and had even claimed a sort of exclusive right to the traffic of the far Indies. They had led the way to the great discoveries, by which other countries were eager to profit, and looked upon our merchant-ships as piratical interlopers. They had navigated and traded; they had fought and conquered; they had intrigued and proselytised, before the traders of London had met at Alderman Goddard's house or Founders' Hall, and taken measures to equip certain vessels of their own "upon a pure mercantile bottom." The commercial enterprise of the substantial Flemings,

too, had been roused into activity before our own, and they sent out their heavy vessels to the spice-islands before we had done more than talk about it. When, therefore, we fairly started as adventurers in the Eastern seas, we had rivals to cope with, whose antagonism cannot be estimated by those who would measure it in accordance with the relative powers of the three nations in the middle of the present century.

The progress of the Portuguese on the Continent of India had been rapid and dazzling. But the seeds of decay had been planted deep in the constitution of the Indo-Lusitanian power from its birth. Encouraged by the first successes of their countrymen, all kinds of adventurers, bound by no laws, and restrained by no scruples, flooded into the country, and made a deluge of licentiousness wherever they went. Soldiers swaggered, and priests crept about the seaports. Forts and churches rose up at their bidding. Strong in numbers, with all the muniments and equipments of war by sea and by land, they had no need to crouch to the native princes and humbly solicit their protection. Insolence and violence were the characteristics of the "braggard Portugals," and for a little while they carried everything before them.

It is not easy to arrive at a just conception of the extent of Portuguese immigration in the sixteenth and seventeenth centuries. Some, at least, of the statements illustrative of this subject should be received with extreme caution. It is related, for example, that when the Moguls attacked Hooghly, where the Portuguese were garrisoned, in 1632, ten thousand of the latter fell in the course of the siege. Such statements as these may be safely discarded. The stamp of exaggeration is too plainly upon them to suffer us to hesitate about their rejection. But when every allowance is made for these over-charged traditions, it still remains to be accredited

that Portugal poured her thousands into India in the sixteenth and seventeenth centuries, and that a large proportion of them were desperate and unscrupulous adventurers, who loved neither God nor Man.

The evil influence of the Portuguese was, in those early days, recited as the main hindrance to our advancement in the East. But it only kept us in check for a time to contribute to our ultimate greatness. At first, it would seem that the native powers, already alarmed and irritated by the fortifying of the Portuguese, had done their best to restrain a like evil habit in the new tribe of Feringhees; but they began, after a while, to understand that the countrymen of Hawkins and Roe could fight as well by sea and land as the descendants of Albuquerque; and it was conjectured that we might expel the lawless intruders, who had plundered their towns, massacred their people, and broken their idols without remorse. These things were in our favor. And whatever reproaches we may rightfully heap on the iniquitous career of the Lusitanian conquerors, this much at least must be conceded to them, that they were the first to breast the heady torrent of Mussulman usurpation in Hindostan, and to destroy the prestige of the invincibility of the Mogul. It was no light thing to bring the skill and enterprise of western civilisation face to face with the embodiment of that great Mahomedan power, which, streaming from its wild home in Central Asia, had overrun so many countries, and absorbed so many principalities. It was no light thing to drive a thorn into the flesh which had swollen so proudly under the influence of years of unbroken prosperity, and to raise festering anxieties and misgivings where before had been only security and triumph.

It is clear to me that the errors of the Portuguese wrought mightily to our advantage. Not that we voluntarily profited by them in the way of example, but

that we were compelled to avoid the excesses into which they had hurried themselves, and those very excesses tended to facilitate our gradual progress. We have established ourselves in India, because our progress has been gradual. Whilst we were slowly advancing step by step, the Portuguese Empire in India was rapidly falling to pieces. We need not look to any foreign sources for the cause of its decline and fall. The enmity of the Dutch may have precipitated the event, but sooner or later it must have fallen to pieces by the innate force of its own corruption.

Outwardly these Flemish adventurers, who were so eager to grapple with the Portuguese, were our allies. But they were false friends, and, as such, more dangerous than open enemies. Our own seamen and factors had from the first been suspicious of the designs of these "honest Dutch," and had written one to another, from our insular establishments, warning them that they were "our enemies to the utter ruin of our trade, so far as their power will give them leave."* And this was very soon apparent. They obstructed us, and dictated to us. They compelled us to do what we did not wish, and prevented us from doing what we did. They committed excesses, and we paid the penalty of them in vicarious forfeitures and imprisonments. They wronged us, and lorded it over us; and we were perpetually seeking redress at home and abroad, but never succeeded even in obtaining an instalment of tardy justice. According to all human calculations at this time, the Dutch were about to establish a great empire in India, and the English were about to be driven ignominiously into new fields of enterprise in another quarter of the globe. All that the Company could do at this time was to maintain a gasping existence against the threatened danger of total destruction. But the very obstructions which

* *Letter of George Ball, from Macassar, to Bantam. India House Records.*

seemed to menace the life of the Company were the elements of its permanent success.

For these very discouragements, which beset the Company at the commencement of their career, averted envy and compelled caution, and were therefore their protection and support. If India had really embraced within its limits the "*arva beata divites et insulas*," which the imaginations of our countrymen pictured to them so luxuriantly at the dawn of the seventeenth century—if the traffic had been as profitable, if the fields of adventure had been as alluring in reality as in expectation—if the young men of good family who went out in our early fleets had met with brave entertainment from the native princes, and had sent home dazzling accounts of their marvellous success, there would soon have been an end of the Company. A little cluster of London merchants could never have kept in their own hands the privilege of exclusive trade with the far Indies, if it had not been that this privilege appeared to be little worth contesting. The Company were opposed abroad and vilified at home. Their dividends were unexpectedly low. Their shares were at a discount. Their factors wrote home that English goods "would not vent among the Gentiles;" and the Lord Ambassador, whom King James sent out to the Mogul, protested that "the country was mistaken." This embassy seemed for a time to raise the dignity of Indian adventure, and to give an impetus to the ignorant ambition of the unprofitable classes at home. But they soon discovered the error they had committed, and returned home to report that there was no hopeful entertainment for them in the kingdom of the Great Mogul. The war in the Low Countries gave better prospect of employment to our younger sons. And so, in this the seeming hopelessness of Indian enterprise, lay strong and deep all our hope. If the Company's monopoly had not been preserved we should have established no Indian Empire.

Not that the Company ever thought of empire. The London merchants, who looked anxiously for the return of their rich argosies, when the Stuarts sat in Whitehall, and the Moguls ruled the empire of Hindostan from the Peacock throne of Delhi, were no more than adventurous traders. They were never stirred by dreams of conquest, or perplexed by projects of government. Their wildest speculations were bounded by the vision of a few factories within sight of the white surf of the southern and western coasts, or washed by the dark waters of the Ganges. They were settlers only by sufferance of the native princes, of whom they stood in continual awe; and it would have seemed as impossible to them to reduce the "Great Mogul" to a pensioner and a suppliant, as to float the continent of Hindostan into the British Channel, and annex it materially to the British Isles.

In all their counsels at home—in all their instructions to their servants abroad—the trader was everywhere dominant. It was their policy to retain the slightest possible hold of the soil—to encumber themselves with as little as possible that they could not carry off at a moment's notice. They hated the thought of an increase of "dead stock." The multiplication of factories was odious to them; and a fort was an abomination. They looked only for a brisk trade and a good dividend. And although for "neglecting to establish fortified factories"* they were nearly losing their monopoly altogether, they reprehended their servants abroad for thinking of territorial acquisition and military defence. Indeed, so little did it seem to them that there was any chance of ever fighting with the natives of India, that, during the war of succession at the end of Shah Jehan's reign, they exported ordnance and ordnance-stores "on a pure mercantile bottom," calculating that there would be a demand

* This was one of the grounds assigned for the grant of the charter to Courten's Association.

for such articles of merchandise, and that the royal princes would pay highly for goods which they could turn to such profitable account. But the disposal of events was far beyond the reach of that little handful of London merchants. All things were working quietly, but powerfully, when least they thought it, towards the establishment of that great empire of the Merchant Princes which now stretches from Peshawur to Pegu.

Eager as the Company were, and earnestly as they tried, to limit the number of their factories, the number continued to increase. Expansion seemed to be the natural law which governed our position in the East. From the Bombay coast, where the Company's factors first settled themselves, they made their way by land to Agra, then rounded Cape Cormorin, settled themselves on the coast of Madras, and soon stretched up the Bay of Bengal, to establish themselves in that rich province.* This was not the result either of commercial cupidity or territorial ambition. Naturally disposed towards slow and cautious movement, the Company were hurried onward by an irresistible power, which made them, in spite of themselves, Merchant Princes and great territorial Lords. Wonderful, indeed, was the manner in which the road was cleared for the advance of the Company. Everything was falling to pieces and decaying around them. The Mogul power was crumbling at their feet. The Portuguese Empire was rotting away, devoured by worms and maggots—a filthy mass of corruption. Nothing had any vitality and progressiveness in it, except that little body of London merchants, which seemed beyond the reach of human accident to damage or to repress. Heavy blows and great discouragements gave them only new courage and

* It was not, however, considered a rich province in the early days of British adventure. Our factors looked askance at it. "Bengalla," they wrote, "is a hot country—the most of the people very poor Gentiles." — [*MS. Records of the East India Company.*]

new strength. He whose ways are not our ways wrought for them deliverance out of peril—power out of weakness —victory out of defeat. There is no more instructive lesson in all history than this. The great structure of our Indian Empire has been reared as no human intellect would have designed, and no human hands would have fashioned it. It has been reared for us as for a chosen people, and mighty is the responsibility which a trust so imposed upon us entails. The more we consider all the circumstances of the Rise and Progress of the British power in the East, the more palpable and obstinate appears the scepticism which would attribute so stupendous and mysterious a movement to anything but the special interference of an almighty Providence for a purpose commensurate with the grandeur of the design.

It is not the object of this work to trace the triumphs of British arms and the extension of our territorial dominion. I have here to do only with matters of internal administration, and I assume the possession by the reader of a general knowledge of the salient events of Anglo-Indian history, from the day on which Captain Best wrote to the Company, "we have settled in Surat," to the time when Lord Dalhousie announced the annexation of Pegu.* We traded; we conquered; we governed. It was long before this matter of government came very palpably before us. At first, all that we had to do was to govern ourselves, and this we did in a very loose manner—rather according to laws of power and impulses of passion, than to principles of justice and reason. At the outset of our career the Company's factors were under the immediate orders of their own chiefs—Surat being the seat of the central authority—but the "General," or commander of the Fleet, seems to

* We had a factory of old in Pegu—but it was soon abandoned. Our traders used to report that the country was full of rubies.

have had a controlling power. The factors complained that he regulated their promotion,* and that the captains of his ships sat in their councils and interfered with their affairs.† As the British population of Surat consisted, in no small measure, of the people of the Fleet, perhaps this fusion of the two authorities was not altogether unreasonable or inexpedient. The consultations were often held on board the ships in the Roads; and the chief of the factory signed his name after that of the principal naval officer.

The laws under which our people lived at this time were necessarily two-sided. In regard to all our transactions with the native inhabitants of the place, we were subject to the judicial tribunals of the country. On the first establishment of our factory at Surat, Captain Best, in his treaty with the Viceroy, had stipulated that "in all questions, wrongs and injuries that shall be offered to us and to our nation, we do receive from the judges and those that be in authority speedy justice, according to the quality of our complaints and wrongs done us, and that by delays we be not put off or wearied by time or charge."‡ But our people had no great liking for these native courts, and when it could be done without manifest danger, took the law into their own hands. Among themselves justice was administered in criminal cases by virtue of a King's commission under the Great Seal, which empowered the Commissioners to punish and

* Joseph Salbank, one of the oldest of our factors, wrote home to the Company in 1617, complaining "that your proud Captain Keeling, towards whom I have ever carried myself very genteelly, or rather more humbly than I ought to have done, should offer me that indignity as to place me under punies and younglings to whom, for my years' sake, I might be esteemed grandfather—yea, this he did, though he never saw them to whom he gave precedence above me."—[*MS. India House Records.*]

† "Whereby the way your worships may be pleased to take notice, that it may be a thing of ill consequence, when you make commanders of ships to be of your Council of India, though to be consulted without by your President and Council in some things, especially such as concerns sea-affairs, hath been their continual practice, and is also very necessary."—[*F. G. Merry to the Company, January*, 1649. *MS. India House Records.*]

‡ *MS. India House Records.*

execute offenders by martial law.* In civil cases the will of the President or Chief of the Factory seems to have been absolute.

As our factories increased in number, there became a divided authority and control. The establishments on the western coast and in the interior of the peninsula were subordinate to Surat, whilst those on the Coromandel coast were off-shoots from, and subject to, the factory at Bantam. But the Company's servants in India recommended a system of greater centralisation. "We are told," they wrote, "to declare our opinions that your affairs, like those of other nations which are far greater, would be best managed if they were submitted under one government, which you might place at your pleasure either at Bantam or here (Surat), as you shall find to stand with your most conveniency."† It could hardly be questioned whether the central authority might be fixed, more expediently, at Surat or Bantam. The importance of our insular establishments had been great, when it was doubtful whether we should be able to

* And this power was exercised too. I find among the Surat consultations, as far back as February, 1616, the following record of criminal proceedings:

"Consultations held on board the ship *Charles*, dated Swally Road, Feb. 28, 1616. Present, Captain H. Pepwell, Chief Commander of the fleet, &c.

"Whereas Gregory Lellington had on Sunday, the 16th of February last past, in or near the town of Surat in the dominions of the Mogul, killed Henry Barton, Englishman, and belonging to the company of the good ship the *James*, then riding in or near the Road of Swally, it was concluded by the council aforesaid, that the said Lellington should be called to answer for the said murder; which being effected, the King's Majesty's Commission, under the Great Seal, in point of authority and power to punish and execute by martial law, where need required, was read publicly before the prisoner, and that done it was laid to his charge as followeth." [Here follow the crimes with which he was charged.] "Wherefore the said Gregory Lellington being convicted by his own confession, it was generally resolved on, that as well in respect of the offence itself as for example and prevention of others in the like, that he should suffer pains of death whereof he received judgment by the mouth of the Chief Commander, which was (according to his own desire), that he should the next day be conveyed ashore, and by the musketeers of the guard be shot to death—and so the Lord have mercy upon his soul.—Signed HENRY PEPWELL (Chief Commander of the fleet)—THOMAS KERRIDGE, *Chief of the Factory*, &c."—[*MS. India House Records.*] I have given this at length, as the earliest account of our judicial proceedings in India with which I am acquainted.

† *William Tremlen and others to the Company, Jan.* 4, 1638. *MS. India House Records.*

establish a trade with the continent of India, but it had continued gradually to decline as our factories took root on the great Indian peninsula, and we had become more willing to leave the island trade to the Dutch. Surat was therefore erected into a presidency. As time advanced, the control of the naval authorities was shaken off; and the President at Surat became the chief representative of the Company in the East.

The power which this officer possessed was great; and it was often fearfully abused. Everything depended upon the personal character of the man; and the Company were not always fortunate in their representatives.* But great local changes were now impending. In 1653 the settlement of Madras, or, as it was now officially known, of Fort St. George, was erected into a presidency. In 1668 the island of Bombay, which had formed a portion of the dowry of the Infanta on her marriage to our second Charles, was granted to the Company, and placed under the government of the Company's servants. It soon began to rise into importance. But at this time Bengal, which has now dwarfed the other Indian presidencies, held the lowest place in the scale, and was subordinate to the Presidency of Madras. It was not until the year 1715 that it was created an independent presidency, under the name of the Presidency of Fort William.† Our first efforts at improved administration were made upon the western coast.

On the first grant of Bombay to the Company, a Governor was appointed, with a Council, from among the members of which a Deputy-Governor was to be selected by the chiefs. But this Council was held subordinate to

* It appears to me that as time advanced, the character of the chiefs, or presidents, rather deteriorated than improved. The earliest were among the best—Mr. Thomas Kerridge, for example, the first chief of Surat, seems to have been a man of great integrity and ability.

† In 1699 the villages of Chuttanuttee (or Calcutta) and Govindpore were granted to the Company. Sir Charles Eyre was sent out as chief agent in Bengal, with instructions to build a fort, which, in honor of the reigning monarch, was called Fort William.

the President and Council of Surat, and in the following year an effort was made by the Court of Directors to place upon some better and more substantial footing the general administrative agency of their several settlements. It was then determined that the central authority should consist of a President at Surat, with a Council of eight members, five of whom were to reside permanently at the Presidency.* In this year, 1669-70, two Courts of Judicature were established at Bombay. The lower Court was presided over by one of the Company's civil officers; and the other, which was a Court of Appeal, was composed of the Deputy-Governor and members of Council.† The Deputy-Governor and three military officers were to constitute a Court for the administration of martial law. The Court of Directors took this matter of the legal tribunals into their serious consideration at this time; and were anxious, whenever it was possible, that trial by jury should be the practice in force. At the same time they recommended the establishment of a Mint. But they were extremely jealous of the growth of military influence at their settlements, and turned their soldiers into civilians and their civilians into soldiers at discretion; that the pure military element might not anywhere assert itself in dangerous predominance.‡

There was another advantage, too, in this. It appeared to the Company that indifferent book-keepers and accountants might make very decent soldiers; and that if their civilians were trained to arms, an occasional hard bargain might be got rid of by the gift of a military commission. Three-quarters of a century afterwards the force of this reasoning met with the most remarkable

* *Bruce.*
The writer adds: "This plan merits particular notice, from being the first example of a regular constitution, with chiefs, in the Company's foreign dependencies."

† In 1672-73 the President and Council recommended the establishment of a police force at Bombay.

‡ Mr. Bruce relates that one Captain Shacton, who was sent to Bombay in command of troops, was made a factor forthwith, "that he might combine his military with his civil duties."

illustration to be found in the history of the world. There was a young man at Madras, who had gone out as a writer on the establishment, but who made no great progress with accounts, and exhibited no very warm passion for the ledger. But he had been described, when a boy, as one "out of measure addicted to fighting," and no sooner were our settlements on the coast threatened by the enmity of our French rivals than he pushed aside the ledger, accepted a military commission—and laid, broad and deep, the foundation of our British Empire in the East.

The only recognised substantive service at the close of the seventeenth century, was that which is now known as the Civil Service. The Court of Directors were eager, in those early days, to organise it after a fashion of their own—a fashion, which was preserved unchanged long after the English had become the lords-paramount of the Indian world. The gradations of Writer, Factor, Merchant, and Senior Merchant, were then established, and the names of the Company's servants enrolled in a regular seniority list.* They passed, however, from one presidency to another; and, it sometimes happened, that when any emergency arose—when the Company's servants were at strife among themselves, or the trade of any particular agency was embarrassed—that the Directors sent out one of their own body, or a relative of one of their chief members, to bring matters to a favorable adjustment. It appears, too, to have been

* The following are the service regulations as contained in the Court's letters:—"For the advancement of our apprentices we direct that, after they have served the first five years, they shall have 10*l.* per annum for the last two years; and having served those two years, to be entertained one year longer as writers, and have writers' salary; and having served that year, to enter into the degree of factors, which otherwise would have been ten years. And knowing that a distinction of titles is, in many respects, necessary, we do order that when the apprentices have served their times, they be styled *writers*; and when the writers have served their times, they be styled *factors*; and factors, having served their times, to be styled *merchants*; and merchants having served their times, to be styled *senior merchants*."

very much the custom, even in those early days when the mercantile affairs of the Company were in a bad way—when trade was slack and money was scarce, or when their dead stock was consuming their revenue, to send out instructions to reduce the pay of their servants, and so to save a few hundreds a year.* This was not the way to obtain good service, and to keep the Factors and Merchants from trading on their own accounts at a greater loss to the Company than would have been entailed upon them if they had doubled, instead of reduced, the salaries of their servants.

It is in the records of the year 1679-80 that I trace, for the first time, anything like a scheme of general administration, embracing the whole question of Inland Revenue. In that year instructions were sent out to the Local Government to make Bombay discharge its own civil and military expenses. A duty was to be levied on the houses in the island; and the land was to be surveyed and assessed — or rather let out on lease. There was a dim idea, too, even in those days, of the development of the resources of the country by means of artificial works, and a system of drainage was recommended, by which the low marshy grounds of the Bombay island might be rendered fit for cultivation.

In 1681-82, Bengal was established as a distinct agency, with instructions to communicate immediately with the Court of Directors. This arrangement, however, did not last long. The chief Agent, who had been sent out directly by the Court, mismanaged affairs and misconducted himself; and Bengal was accordingly brought back again to its old subordination to Madras. About

* For example, in 1678-79, orders went out to reduce the pay of the President of Surat to 300*l.* a year, and to change his title to that of *Agent*. The senior member of Council was to have 80*l.* per annum; and the Deputy-Governor of Bombay 120*l.* The entire expenses of Bombay, civil and military, were limited to 7000*l.* a year. The result of these measures was a rebellion, headed by the chief military officer, which well-nigh lost Bombay to the Company altogether.

the same time Bombay was constituted an independent settlement, and in 1685-86 it was erected into the chief seat of the British power in the East Indies, whilst Surat, with a subordinate Agent and Council, was reduced to a Factory. In April, 1686, a new charter was granted to the Company, confirming all their former privileges, and further empowering them to erect courts of judicature, to exercise martial law, and coin money at a Mint of their own. The establishment of a Mint had long before been recommended to the Company by their servants abroad; and it had been much considered and discussed, but had never before taken practical shape. It was now, however, actually to pass into a fact by the express permission of the Crown. The Company regarded it simply as an instrument of trade, but their servants, five-and-twenty years before, had been looking at the matter of a Tankshall in the Deccan, in connexion with the question of war.*

In 1687, Bombay, in imitation of the more ambitious style of the Portuguese and the Dutch, was elevated to the dignity of a Regency, and the Governor was created General-in-Chief of all our Indian settlements. This was a matter, however, merely of outward titles and dignities. It is of more importance to record, that at this time Madras was formed into a Corporation, with a Mayor

* The factors at Rajapore—Henry Revington and others—wrote, in 1659, during the war of succession, recommending the Company to take advantage of the weakness engendered by this internecine strife, to coin money and make war on the Mogul. "For your worships may please to know," they said, "that all these artificial mines of money which were made in time of peace, are now exhausted through a civil war; and what better time than now to make them sensible of the benefit they have for many years received from you, and likewise of the injuries, oppressions, and wrongs, that you have received from them, which would be a good time to call them to account for, when your worships shall think fit to call the Persian to account for his (and both together must be, if ever you call the latter to account)? Will it not be necessary to have a Tankshall in the Deccan, and a coin that will be current to carry on a trade here, as large as you please, during your war with India, which will con tinue no longer than you please? . . . . Then judge if you would not make the Tankshall cry as mournful to the King of India's ears as the liver, the fountain of blood, should complain in a natural body, and then what conditions you may bring him to, is easy to foretel."—[*MS. India House Records.*]

and Aldermen on the English model. But the charter of incorporation came not from the King himself, under the Great Seal, but under the seal of the Company. Already had it been seen, in the case of legal no less than of military officers bearing commissions direct from the Crown, that, in the words of the Court, "the wind of extraordinary honor in their heads made them haughty and overbearing." The Company, jealous of such interference, argued against the use of the Great Seal, and maintained their ground with such good effect, that they carried the point in Council, and the Charter, under their own seal, was duly engrossed, and sent out to Madras.*

I set these things down in a fragmentary insequential manner, because there is nothing of a sustained character —no evidences of any comprehensive design—in these early efforts of the Company at civil administration. But it was about the period which I have now reached that they began to think seriously of their position in India—not merely as traders, but as representatives of a great nation. The power of the Mogul had sensibly diminished as their own power had increased. They had become more conscious of their strength, and had begun to weary of subservience to the native princes. Indeed, it had become apparent that these proud Mussulmans were no such formidable enemies after all. The enemies whom they most dreaded at this time were much nearer at home. A rival Company was starting up. The seas were bristling with interlopers. The Company's own servants were conniving at the piratical trade. The mer-

* "The corporation of Madras, under this charter, were to consist of a mayor and ten aldermen (three to be Company's servants and seven to be natives), who were to be justices of the peace, and to wear thin silk scarlet gowns, and of one hundred and twenty burgesses, to wear black silk gowns; a town clerk and a recorder were to be appointed, and all the subordinate officers were to be elected by the mayor and aldermen, subject to the approbation of the president. A sword and mace were to be carried before the mayor, and a silver one before the judge-advocate. A record was to be kept of their proceedings, and regularly transmitted to the Court."—[*Bruce's Annals of the East India Company.*]

cantile prosperity of the old corporation was threatened, and with their increased establishments and accumulated dead stock they were naturally alarmed by the thought of the loss of their commercial profits. Thus situated, they turned their thoughts with increased anxiety to the matter of revenue, the importance of which had been greatly enhanced by the jeopardy of the trade. "The increase of our revenue," they wrote out to Bombay, "is the subject of our care as much as our trade; 'tis that must make us a nation in India—without that we are but as a great number of interlopers, united by his Majesty's Royal Charter, fit only to trade where nobody of power thinks it their interest to prevent us—and upon this account it is that the wise Dutch, in all their general advices which we have seen, write ten paragraphs concerning their government, their civil and military policy, warfare, and the increase of their revenue, for one paragraph they write concerning trade."* The drift of this is not that the Company had become ambitious, but that the trade had become precarious. It appeared to be a necessity to think of revenue, if they were to maintain their position at all. But the national phase of the question would not have forced itself upon them with this urgency if there had been more hopefulness in the aspects of their commercial life.

Indeed, all this talk about the wise Dutch, their military establishments and their warfare, seems to have been little more than a spasmodic outbreak of bitterness incited by the evil circumstances of the trade, for instead of increasing their armaments, we find the Company at this time reducing them. They were wise enough,

* Mr. Mill, quoting this passage, says: "It thus appears at how early a period, when trade and sovereignty were blended, the trade, as was abundantly natural, but no less unfortunate, became an object of contempt, and from an object of contempt by necessary consequence an object of neglect." But, it appears to me, that it had become not an object of contempt, or an object of neglect, but an object of uncertainty. If the trade had not been in jeopardy, these paragraphs would never have been written.

however, to look after their revenue and exert themselves to improve the internal condition of their settlements—they kept a steady eye on the municipal institutions of Madras—approved of the erection of a new Town-hall, "recommended that a Post-office and an Insurance-office should be established, and repeated their instructions to offer encouragement to artists who were eminent for ornamenting cloths, to settle at the Fort."* To accomplish these objects, the "revenue was to be increased." But the Company's servants do not appear to have been very successful in this department, and circumstances were greatly against them, for we are told that, at this time, the revenue of Bombay had fallen down to less than a third of its previous amount. External enemies and internal disputes had embarrassed their fiscal proceedings; and the Company's debt continued to increase.

Those were cloudy days for the Company at the end of the seventeenth century. They had made their way, for a hundred years, against all kinds of impediments and obstructions, foreign and domestic, and now a greater peril than any stared them obtrusively in the face. The interlopers, under shelter of a needy Government, glad to sell any privileges or patents for which they could obtain purchasers, were consolidated into a chartered company, which was intended to supplant the centenarian association which had planted its settlements along the whole coast of the Indian peninsula. But the old Company did not lose heart. Allowed by their constitution three years of grace, they determined to make the best use of their time, and to battle it out manfully with the intruders, still hopeful of driving them from the field.† In the discreditable contest which then

* *Bruce's Annals.*

† They wrote out to their servants in India that "two East India Companies in England could no more subsist than two kings at the same time regnant in the two kingdoms—that now a civil battle was to be fought between the old and new Company, and that two

ensued, all thought of the improvement of the internal administration of our settlements was swallowed up. The two Companies obstructed each other; injured each other; maligned each other. And the character of the nation suffered in the eyes of the princes and people of India. But the old Company had wisely predicted that such a contest could not last long, although they did not foresee the manner in which it would be brought to a close. I need not add that a compromise was effected; that the two Companies, sinking their animosities at home and making arrangements about their stocks, were consolidated into one; and that in the year 1702 the "United Company of Merchants trading to the East India" was prospectively incorporated under the Great Seal.*

The evil that this unseemly strife had engendered "lived after it." The violence of the Companies' servants in India did not easily subside. Whilst the affairs of the two associations were being wound up, preparatory to their practical incorporation as one joint stock, all sorts of outrages were committed. There was no law, there was no decency. The revenue fell off. The administration was at a stand-still. They were evil days for the dignity of Indian adventure. But when, in 1709, the United Company were fairly in operation, a brighter day began to dawn. The trade of the Company revived; their administrative affairs recovered something of order and regularity. At all events, there was no open scandal of a very notorious kind. Of government, as we under-

or three years must end this war, as the old or the new must give way—that being veterans, if their servants abroad would do their duty, they did not doubt of the victory — that if the world laughed at the pains the two Companies took to ruin each other, they could not help it, as they were on good ground and had a charter—that when the three years expired, still they had revenues and possessions, and had a share in the new Company's stock, to the amount of 315,000*l.*, and were therefore entitled to trade annually to that amount."—[*The Court of Directors to the Council of Bengal, August* 26, 1698. *Bruce's Annals.*]

* The union was not completed until 1709. The intervening years were devoted to the winding up of the concerns of the two Companies, under a committee of management at home, composed of equal numbers of members belonging to the two associations.

stand it, in these days there was little. We did not get much beyond temporary shifts and expedients. There was no system; no uniformity. During the first quarter of the eighteenth century there was a Court of Justice at Bombay, and one at Madras, known as the Mayor's Court; but in Bengal there was none. The records of these courts contain some curious illustrations of the morals and manners of the early settlers, and of the natives, Portuguese and Indian, who clustered round them at the presidencies. The people in whose cases they adjudicated were for the most part the public or private servants of the settlers themselves, or people connected with the shipping in the ports. The Court carried on all kinds of business. It was at once a civil, a criminal, a military, and a prerogative court. It proceeded with remarkable promptitude and despatch, from the proving of a will to the trial of a murderer; from the settlement of a dispute regarding the sale of a slave-girl to the punishment of a drunken trooper or an extortionate witch. Flogging was the usual remedy prescribed. It was one of general application, and fell with the greatest impartiality on all offenders, old and young, male and female alike.*

But it was not on the southern or western coasts, but on the banks of the Hooghly, on those low lands of which our first settlers spoke contemptuously as of a hot country inhabited by very poor Gentiles, that in the early part of the eighteenth century there was made the greatest administrative progress. In the year 1715, as I have said, the English settlements in Bengal were erected into an independent Presidency; and some ten years afterwards a Mayor's Court was established in Calcutta, which had become the chief place of our trade in that part of the world. We

* *MS. India House Records of the Mayor's Court of Madras and Court of Justice of Bombay.*

had become by this time Zemindars, or landed-proprietors, under the Soubahdar of Bengal, and, in this capacity, with the consent of the native Government, we had before erected a criminal, a civil, and a revenue court, with limited jurisdiction, in the neighbourhood of Calcutta, for the trial of cases connected with the people located upon our estates. The CUTCHERRY, indeed, was fast becoming an English institution. The Company's servants were rising into administrative importance as heaven-born judges and territorial financiers. They constituted themselves tribunals for the trial of their own causes; they had power without responsibility, and dealt in judgments without law. They had liberty to fine, to imprison, to sentence to labor on the roads, but they could not hang the subjects of the Mogul. The lash, however, took the place of the gibbet, and malefactors were whipped into another world by the manual skill of the native flagellants.

From this time, up to the eventful day when Robert Clive, in the heavy turban and loose trousers of a Mogul, escaped from Madras to Pondicherry, and turned his back for ever on the drudgery of the desk, no very noticeable events, bearing upon the progress of English administration in India, present themselves for specific mention. But great events were now hurrying the English into an open manifestation of national power, and their territorial possessions, from obscure farms, were fast swelling into rich principalities. Clive and his little army appeared before Fort William, and the power of the Soubahdar of Bengal was broken by a handful of English strangers. The French, who had been contending with us for the European mastery of the southern coast of India, had taught us how to discipline the natives of the country, and we had learnt that these hireling troops would be true to the hand that gave them their salt. The

first great battle ever fought by the English in India placed Bengal at our feet. In a little while, the Dewannee, or administration of the provinces of Bengal, Behar, and Orissa, with all their wealth, was placed at our disposal by a power no longer able to stem the irresistible tide of European domination; and territorial revenue now began to take a substantial place in the considerations of the East India Company, and to attract the delicate regards of the Crown.

But although, in 1765, the revenues of these provinces became our own, motives of policy, natural but short-sighted, impelled Clive to leave the actual administration in the hands of the old native functionaries to be carried on in the name of the Soubahdar. It seemed expedient that we should be content with the unambitious part of gorging ourselves upon the revenues of the Dewannee, and leaving all the responsibility, and all the danger of its internal management and its external defence, in the hands of the native power. "The first point in politics which I offer to your consideration," he wrote to the Select Committee in 1767, "is the form of government. We are sensible that since the acquisition of the Dewannee, the power formerly belonging to the Soubah of these provinces is totally, in fact, vested in the East India Company. Nothing remains to him but the name and shadow of authority. This name, however, this shadow, it is indispensably necessary that we should venerate. Under the sanction of a Soubah, every encroachment that may be attempted by foreign powers can effectually be crushed, without any apparent interposition of our own authority, and all real grievances complained of by them can, through the same channel, be examined into and redressed. Be it, therefore, always remembered that there is a Soubah; and that though the revenues belong to the Company,

the territorial jurisdiction must still rest in the chiefs of the country, acting under him, and thus presiding in conjunction. To appoint the Company's servants to the offices of collectors, or, indeed, to do any act by any exertion of the English power, which can equally be done by the nabob at our instance, would be throwing off the mask, would be declaring the Company Soubah of the Province. Foreign nations would immediately take umbrage, and complaints preferred to the British Court might be attended with very embarrassing consequences."* It seemed, indeed, inconvenient at this time to do anything but swallow the emoluments of power; its risks and responsibilities were to be studiously ignored. We were to remember whenever there was an emergency, that there was a Soubahdar.

But the mask had its pains and penalties, too; it did not sit easily upon us, and it was now soon to be discarded. Old Mr. Holwell, who had escaped the destroying horrors of the Black Hole, to write pleasant "tracts" in England, which now, after the lapse of nearly a century, are still to be read with interest, had protested strongly against this "ringing changes on Soubahs," from the first. "Let us boldly dare," he exclaimed, "to be Soubahs ourselves." "We have nibbled at these provinces," he added, "for eight years, and notwithstanding an immense acquisition—an immense acquisition of territory and revenue—what benefit has resulted from our successes, to the Company? Shall we then go on nibbling and nibbling at the bait, until the trap falls and crushes us?" He wrote this, and much more, in the same strain, in

* Clive had been appointed in 1764 President and Governor in Bengal, with a Select Committee of four gentlemen. They were empowered to act upon their own authority, independently of the existing Council. The Council endeavoured to resist their authority; but Clive beat down all opposition.

1765, just as Clive was receiving the Dewannee from the Soubahdar and the Emperor; but we still continued "to ring changes on Soubahs," and to nibble at the administration of the country. The collection of the revenue, and the administration of justice, were at first left uncontrolledly in the hands of the native officers. It was found that, in every respect but the promotion of their own interests, they were utterly inefficient. It would be difficult, indeed, to exaggerate the vices of such a system. Natives and Europeans alike took advantage of it. There was no responsibility and no control. The strong preyed upon the weak—and the weak had none to look up to for protection. Misgovernment brought its wonted bitter fruit, and the revenue soon began to decline. So, in 1769, European supervisors were appointed as a check to the native functionaries. The most elaborate instructions were issued to them. It is hard to say what they were not expected to do;—but still the double government continued to work grievously. And there were those who thought that the supervisors only made confusion worse confounded and corruption more corrupt.*

After all due abatement made for the rhetorical exaggerations of florid writers and speakers, it is not to be denied that our administrative agency was at this time exceedingly vicious and corrupt. The temptation to excess was very great, and the power of resistance was of the slenderest order. The Company's servants in Bengal did very much what they liked, and grew rich on unhallowed gains without compunc-

* Mr. Verelst says that it was impossible at that time for the Company to have taken the management of the Dewannee into its own hands, for that the number of civil servants was barely adequate to the due performance of the commercial business; they were quite ignorant of the genius of the people, and totally unfit for the work of administration.—[*View of the English Government in Bengal*, p. 62.]

tion or remorse. It was not to be supposed in those days, it is not to be supposed in these, that men would leave their homes, to rot like sheep, among strangers, in a destroying climate, without some adequate reward. The Company's service, in all its open recognised conditions, presented nothing that could be regarded as a moderate compensation for all the pains and penalties of Eastern exile. The pay was so miserably small that the whole of it would not cover the house-rent of a civilian, and the young writer was sometimes obliged to go to bed soon after the early day-close of the tropics, because he could not afford to supply himself with the luxury of a candle or a supper.* Yet in those days large fortunes were made—how, has often been told before. The evil was one which necessarily increased with the progress of the administration, for the more determined the administrative character of the Company's servants, the more important it was to divest them of the prestige of dishonesty and rapacity, and to withdraw them from the practice of such crimes. Nothing could be more clear than this to the soldier-statesman Clive, who declared that the Company's servants should cease altogether to touch the profits of trade, and never handle native money. On his return to India in 1765, he had taken the resolution, to use his own words, "to cleanse the Augæan stable;" and it is hard to say how much the purity of the civil service at the present time is assignable to the efforts of the President and the Select Committee.

But it was not until some time after the final departure of Clive that the principle for which he contended became the rule of the Company, and the administrative business of our empire in the East was performed by men receiving fixed salaries, proportionate to the respectability of their position and the

* *Forbes' Oriental Memoirs.*

services which they rendered to the State. There was a season of shifts and expedients—of devices and experiments—during which the character of the Company's service continued to improve, because there was more rigorous supervision, but did not reach a high standard of integrity or efficiency. Affairs, indeed, at this time were in a transition state. The Company, unaccustomed to their new character of great territorial lords and incipient administrators, seemed to stagger under the responsibility which had been thrust upon them, and to wonder what would come next. They were eager to confine their territorial possessions to Bengal, and fearful of expansion on the side of Madras.* Great questions of government were new to them. They were suddenly called upon to administer the affairs, not any longer of a few factories, but of an empire of the internal concerns of which, except in their commercial relations, they had the most limited knowledge, and could hardly in reason be expected to have more. In this conjuncture, they did the best thing that could be done, though it grievously miscarried in the issue. They sent out a Commission, consisting of three gentlemen† of high character and extensive experience, with large powers of superintendence and control over all the Company's settlements, with instructions to inquire into and remedy all abuses, and to dismiss without scruple any of the Company's servants convicted of incapacity or corruption. What they would have done it is impossible to say. They sailed for Bengal in 1769, and nothing was ever heard of them again.

* Even Clive shrunk from the idea of a further extension of dominion. "My resolution was, and my hopes will always be," he wrote in 1765, "to confine our assistance, our conquests, and our possessions to Bengal, Behar, and Orissa. To go further is, in my opinion, a scheme so extravagantly ambitious and absurd, that no governor and council in their senses can ever adopt it, unless the whole scheme of the Company's interest be first entirely new-modelled."

† Messrs. Vansittart, Scrafton, and Forde.

No noticeable changes in the internal administration of Bengal took place under the governments of Mr. Verelst and Mr. Cartier; but in 1772 there succeeded to the chief seat at the Presidency a man destined, in the fulness of time, to take the very highest place among our Indian statesmen. Warren Hastings, one of the civil servants of the Company, was appointed President of Bengal. The double government had by this time fulfilled its mission. It had introduced an incredible amount of disorder and corruption into the state, and of poverty and wretchedness among the people; it had embarrassed our finances and soiled our character, and was now to be openly recognised as a failure.* On the 11th of May, 1772, it was proclaimed that the Company had determined to "stand forth publicly in the character of Dewan;" and the whole fiscal administration of the country now passed avowedly into our hands.

This was the greatest step in the progress of Anglo-Indian administration ever made by the Company—the greatest administrative revolution, perhaps, to which Bengal had ever been subjected. But although the Directors at home clearly enunciated the evils of the old double government, and ordered that a new system should be introduced directly in the name of the Company, they did not instruct their servants in India what the nature of the new government was to be. They

* The appointment of the supervisors, intended to remedy some of the defects of the system, wrought more harm than good. The Court of Directors, who seem to have been at this time considerably in advance of their servants, wrote to Mr. Hastings, in 1773, "We wish that we could refute the observation that almost every attempt made by us and our administration at your Presidency, for the reforming of abuses, has rather increased them, and added to the miseries of the country we are anxious to protect and cherish. The truth of this observation appears fully in the late appointment of supervisors and chiefs, instructed as they were to give relief to the industrious tenants, to improve and enlarge our investments, to destroy monopolies, and to retrench expenses, the end has by no means been answerable to the institution. Are not the tenants more than ever oppressed and wretched? Are our investments improved? Have not the raw silk and cocoons been raised upon us 50 per cent. in price? We can hardly say what has not been made a monopoly. And as to the expenses of your Presidency, they are at length settled to a degree we are no longer able to support."—[*Minutes of Evidence on Hastings' Trial, quoted in Mill's History.*]

left to their local officers the great work of sketching out the system and filling in the details; and fortunate was it that, at that time, the administration was in the ablest hands to which it had ever been entrusted.

In subsequent chapters on the Revenue and Judicial systems of India, some account will be given of the changes introduced on the first standing forth of the Company as Dewan. For a few days there seems to have been an administrative hiatus. We had not yet come very clearly to understand the duties and responsibilities of government, or to take those clear constitutional views of the relations subsisting between the rulers and the ruled, and the necessity of a precise definition of authority, which are now inseparable from even the crudest ideas of Indian administration. The working of one machine was stopped, before another was ready to be set in motion. It is instructive to contemplate a state of things, which in these days could have no existence, and mark what progress we have made since we first stood forth as Dewan.

But the new Regulations were hot upon the anvil, and Hastings soon began to set the administrative machinery again at work. I will only here state that he wisely determined not to wield the besom of destruction at the outset in too fierce and uncompromising a manner. He knew that the first step towards the reform of the administration of Bengal was the acquisition of information relating to the institutions of the country. He knew that the most experienced servants of the Company were groping in the dark, amidst errors and delusions, and that to base a system of the highest abstract excellence, on such errors and delusions, unsuited to the character and the usages of the people, would be to inflict greater injury upon them than had resulted from the double government which had ground them down to the dust. All that he did was of a proba-

tionary, experimental character. He was the first to come face to face with the inhabitants of the country as their immediate ruler and protector, and he was the first to acquire extensive information relating to the people who bowed to his rule and looked up to him for protection.

But other great changes were now impending. By this time the British Parliament and the British public had begun to bestir themselves about Indian affairs. There have been ever since that important year, 1772, periodical spasms of intense interest in the details of Indian administration, which come and go like the cramp or the colic, and are very formidable whilst they last, but do not seem to have any abiding effect upon the constitution which they assail. The year 1772 was the first spasm-year—but it was a great one. It opened with an Indian paragraph in the King's Speech, and closed with a report from a Select Committee of Secrecy which had been intermediately appointed. India was not so large a subject in those days as in these. The following year produced the Regulating Act.

I shall speak of this more fully in the next chapter. I have only now to do with its effects on the constitution of the Indian Government. And those effects were prodigious. A Governor and Council, consisting of four members, was to be appointed to Bengal, with supreme authority over all the presidencies of India; and a Supreme Court of Judicature was to be established in Calcutta, with civil, criminal, and ecclesiastical jurisdiction over all persons except the Governor-General and the Councillors. The appointment of the Councillors, as of the Judges, was to be vested in the Crown. One member of the Indian service, Mr. Barwell, was selected, and three strangers—General Clavering, Colonel Monson, and Mr. Philip Francis—were sent out to Bengal. The Government of this new body

was declared by Act of Parliament to commence on the 1st of August, 1774, but the Councillors did not reach Calcutta before the 19th of October. On the day following the old Government was formally dissolved, and the Governor-General and Council entered upon their administrative duties.

By the Act of 1773 (13th Geo. III., cap. 63) the Presidency of Fort William, or Bengal, was erected into the seat of the chief power in India; and the Presidencies of Madras and Bombay were rendered subordinate to it. The Bengal Council was to consist of a Governor-General and four members, one of whom was Commander-in-chief. The salaries of these officers were fixed at 25,000*l.* for the Governor-General, and 10,000*l.* for each member of Council—a tariff which has existed without alteration up to the present time.* The Governor-General had a casting vote in Council, but no power to act independently of his colleagues. There was a general authority vested in them "from time to time to make and issue such rules, ordinances, and regulations, for the good order and civil government of the settlement of Fort William, and other factories and places subordinate or to be subordinate thereto, as shall be deemed just and reasonable—such rules, ordinances, and regulations not being repugnant to the laws of the realm." They were empowered also to act as Justices of the Peace, and to hold quarter sessions four times a year within the settlement of Fort William. Such were the powers of the Governor-General and Council under the Regulating Act. For any offence against this Act, or for any "crimes, misdemeanors, or offences" committed by them against any of his Majesty's subjects, or any of the inhabitants of India within their respective jurisdictions, they were

* It is said that Lord Clive recommended that the councillors should each have an additional 5000*l.* a year for table-money.

rendered amenable to the Court of King's Bench, and liable, on conviction, to "such fine or corporal punishment as the said Court shall think fit to inflict."

Thus, for the first time, was the administrative character of the Company's government fixed and determined by Act of Parliament. Up to this period there had been nothing more than a general recognition of the Company's right to "have the ordering, rule, and government of all their forts, factories, and plantations;" and to "appoint governors and officers for the said forts, factories, and plantations."* But the system of government and the powers of the governors had been left entirely to the discretion of the Company to define and limit. The administration of these distant settlements had been matter of little concernment to the Crown; but now that the Company had become great territorial lords, and the possessors of a large territorial revenue, it became necessary for the Parliament of Great Britain to fix and regulate the administrative agencies and authorities to be established in the British possessions in the East, and to exercise, through the ministers of the Crown, a direct control over the Directors of the Company themselves. The administration of the East India Company had now become a great recognised fact.

The Act of 1773 continued in force up to the year 1781, throughout the whole of which time Warren Hastings presided over the Supreme Council of India. It was, in spite of the intestine strife which so embarrassed the administrative efforts of the Governor-General, a period of progressive improvement. The Company's servants had everything to learn as administrators,

* See the Charter granted by William III. to the English Company, and subsequently confirmed to the United Company. A subsequent Act was passed, 11 and 12 William III., cap. 12, "to punish governors of plantations in this kingdom for crimes by them committed in the plantations." It was of general application to governors, &c., of any colony beyond the sea.

and those great lessons were not to be learnt in a day. But considering the strangeness of the duties which then devolved upon them—the magnitude of the labor imposed and the extreme difficulty of acquiring a competent knowledge of the language, the institutions, the usages, and the character of the people, in all their multiform social aspects, a people whom before they had only known in the one relation of trader, the wonder is not that they advanced so little towards good government, but that they advanced so much. During this great experimental period of British rule there was gradually springing up a race of trained administrators, around whom the old commercial traditions did not cling — who had not graduated in chicanery, or grown grey in fraud and corruption, and who brought to their work not only a sounder intelligence but purer moral perceptions, and a higher sense of what they owed to the people of the soil. When, therefore, in 1786, it seemed to the authorities at home expedient to appoint to the chief seat in the council of India, not one of the Company's own servants, but an English nobleman of good parts, unsullied character, and extensive influence, the Governor-General so selected from the aristocracy of Great Britain, found himself on his arrival surrounded by a class of men with little resemblance to the old denizens of the Augæan stable which, twenty years before, Clive had so courageously ventured to cleanse. The Shores and the Barlows were at his elbow—men whose talents attracted admiration, and whose integrity commanded respect.

Under the rule of Lord Cornwallis the progress made in the internal administration was great and striking. He gathered up the scattered fragments of government which he found, and reduced them to one comprehensive system. He gave substance and permanency to

what had before been light and transient. He laid the foundation of the present Indian constitution — not hastily and unadvisedly, as has been often said, but after much profound thought and earnest consideration, with the advice and instruction of some of the ablest and most experienced of the Company's servants. A peculiar merit of the system which he introduced was that, broadly enunciating the principles of the Government, it created a code of written laws or regulations, to which publicity was to be given; it made legislation thenceforth proceed in the presence of the people; it taught the Company's servants, clearly and distinctly, the laws or regulations which they were to administer, and opened the Indian statute-book to every man in the country who had the will and the power to peruse it. But its leading feature was the recognition of the great constitutional truth that the legislative, the executive, and the judicial powers of the State ought to be in separate hands. It is true that no despotic Government ever submits to the fetters imposed by this great protective principle. But in no other way was Cornwallis's system an arbitrary setting aside of existing usages, in disregard of native prejudices and predilections; it recognised those usages, it respected those prejudices and predilections, and was most honestly and humanely devised for the protection of the people.

Of the changes which, during this great administration, were introduced in the Revenue and Judicial systems, I shall speak in detail when I come specially to consider these important subjects. But this would seem to be the right place in which to speak of the legislative powers and functions of the Indian Government, as they existed at that time. It has been seen that the Charter of 1773 gave the Governor-General and Council authority to frame from time to time

rules, ordinances, and regulations for the good order and civil government of the Company's settlements. There was something rather vague and indeterminate in this; but the Company's servants thought that they discerned in it the indication of general legislative power, and Barlow, who drew up the minute containing the first rough draft of the new constitution, freely used the word "laws," instead of "regulations," in all parts of the document.

Clearly setting forth the principles by which the Government were actuated, and establishing such a system of checks as would leave it "for the Government only in its collective capacity to have the power to commit oppression," it proposed that every law thenceforth to be passed by Government should be printed and published, so that if it be unwise it may stand in evidence against the framers of it, and then went on to say—"It may be urged that these ideas of justice are incompatible with our political situation—that as the people become rich they will feel their power, and combine to subvert our Government. But there appears to me to be no ground for such a supposition, for although we hope to render our subjects the happiest people in India, I should by no means propose to admit the natives to any participation in the legislative power."

The draft of this famous minute was submitted by the Governor-General to Sir William Jones, Sir Robert Chambers, and others, and was by them diligently examined. Their verdict was all in its favor. "I return," wrote Sir William Jones to Mr. Barlow, "Lord Cornwallis's incomparable minute, with which I have been so charmed, that I have read it attentively five or six times, and I have scribbled a few marginal notes without reserve. The plan is so perfect that I could suggest no

material addition to it."* "In obedience to your lordship's commands," wrote Sir R. Chambers to Lord Cornwallis, "I have perused with attention the judicious and elaborate minute which I received therewith."† But there were one or two points contained in the document which startled the English lawyers, and made them hesitate before they could express their entire approval of all the contents of Barlow's minute. Against the Regulation which made British residents in the Mofussil amenable to the local courts, they respectfully protested. "I recommend," wrote Jones, "a serious re-consideration of the article concerning British subjects residing in the provinces." And Chambers recorded at some length an opinion differing in no great measure from that of his brother judge.‡ But that which seemed most to stagger the English lawyers was the assumption, indicated in the minute, of legislative power by the Indian Government —power of which the Judges of the Supreme Court denied their possession. "Many passages in this excellent minute," wrote Sir William Jones, "seem to imply a general *legislative* power in the Government, but I

* *MS. Records.*—Sir W. Jones to Mr. Barlow. "Gardens—December 2, 1792."

† *MS. Records.*—Sir R. Chambers to Lord Cornwallis, Feb. 4, 1793. A still stronger opinion was afterwards expressed by Mr. (subsequently Sir) W. Burroughs.

"They (the Regulations)," wrote the Advocate-General, "are worthy of every praise which can be bestowed upon them, and would do credit to any legislator of ancient or modern times. I am, I do assure you, sincere in thinking that they are as likely to prolong our empire in Asia, as they are certain of promoting the prosperity and happiness of the millions which inhabit it. Should we ever, as probably we must, be driven from our present power in the East, they will remain a monument of our justice and true glory, and may continue to the people for whom they have been framed many blessings which under them they now enjoy."—[*Mr. Burroughs to Mr. Barlow.—MS. Correspondence.*]

‡ The proposed Regulation called upon Europeans desiring to settle in the provinces to sign a bond making them amenable in civil cases to the local courts. Jones doubted the legality of such a process, and argued that the validity of such a bond would not be recognised in any court of justice; but Chambers on the whole "inclined to the opinion that such a bond, if enforced in a proper manner and on a proper occasion, might be supported in an English court of justice." But he contended that it would be expedient to confine the condition "to actions for small sums, such as a native manufacturer or mechanic living at a great distance from Calcutta, would find it difficult to sue for in the Supreme Court."—[*Marginal Notes of Sir W. Jones, and MS. Correspondence of Sir R. Chambers.*]

have searched in vain for the statute by which such a power is given. The *rules and orders* of Courts may, indeed, be called laws of those Courts; but I should think *rules and orders*, or *regulations*, a clearer and better expression than *laws*." And again: "These and many similar phrases in the minute seem to assert a greater power of legislation than (I believe) the executive Government has been entrusted with."* Chambers wrote a long letter on this especial subject to the Governor-General, urging that the 9th article of the proposed Regulations seemed to "take for granted a general legislative power, and supposes that laws affecting property and private rights may be passed by the English Government in this country, just as they are by the King and Parliament of Great Britain;" and setting forth, after a full statement of the argument, that "the conclusion which may be reasonably inferred from all these particulars is, that the King and Parliament having taken into their hands the legislation of this conquered country, no subordinate legislature can exist here, but such as is derived from Act of Parliament, or such as, either expressly or by fair implication, is recognised and allowed by Parliament." "And," continued this excellent man, and upright judge, "it will, I believe, be found on examination, that there is no general legislative power here which can be so derived, or which has been so recognised."†

Nor did the English lawyer stop here. He laid it down as his opinion that even the British Parliament

* *Marginal Notes of Sir W. Jones to rough draft of Minute. MS.*—It is curious to observe the different views taken of this particular subject by the most eminent Company's servants. Mr. J. H. Harrington, to whom the Minute had been submitted, wrote: "Even the substitution of the term Laws for Regulations, though it be but a verbal amendment, will, I am persuaded, tend to substantial advantages. There is an habitual association of ideas attached to the term *Law*, which involuntarily influences a more serious and deliberate attention as to a solemn act of the legislature, which is not so much excited by the less appropriate and more familiar term *Regulation*."—[*MS. Records.*] The lawyers, however, could not tolerate what they thought an abuse of the sacred word; and Lord Cornwallis erased it.

† *MS. Correspondence.*

could not righteously interfere with the existing laws of Mahomedans and Hindoos. "By the Parliament," he wrote, "they certainly may *legally* be altered, for what is enacted by the supreme legislative power must, *ex vi termini*, be legal. But it may be doubted whether even the Parliament, after all that has been done and declared, can consistently with prudence, mercy, and natural equity, overturn the established doctrines of the Hindoos, or the Mahomedans, or any of the subjects before enumerated, or on any other points which either of those two classes of people consider as fundamental principles of their respective religion. More especially when it is remembered that their native princes, whether Mussulmans or Idolaters, though they might sometimes infringe those laws which they believed to be divine, never claimed or pretended to have any right to abrogate or alter them."* But it was this very overturning of the established doctrines of the Hindoos and the Mahomedans, which the authors of the new constitution declared was ever furthest from their thoughts. The arguments, however, against the use of the word "laws" seem to have prevailed, for Cornwallis erased it and substituted *Rules* or *Regulations*.

Many years afterwards Barlow, in his green old age, looking back through a vista of half a century upon those early days, when at the elbow of Lord Cornwallis he sketched the Regulations, which have since been the basis of our Anglo-Indian code, wrote, in the clear delicate penmanship of his youth, these retrospective notes:

"Great misunderstandings have prevailed with regard to the new constitution for the civil government of the British possessions in India, established by the Marquis Cornwallis in 1793, and completed by his successor, Marquis Wellesley. The change did not consist in alterations in the ancient customs and usages of the

* *MS. Correspondence.*