



verdant, by the showers of His grace and mercy, the garden of the wealth and prosperity of your majesty, the ornament of the throne of grandeur and exaltation. Let it not remain beneath the veil of secrecy and concealment, or be hidden from the light-reflecting mirror of your mind, that lately much discussion has been carried on between the Court of Directors of exalted dignity and myself, by means of a written correspondence, touching the recent treaty of the 11th of September, 1837. Now, taking into consideration that the expense entailed by the auxiliary force—viz., sixteen lacs (£160,000 sterling) per annum, might be the cause of interrupting the administration and amelioration of your kingdom, the said expense became the subject of their grave deliberations. From the period you ascended the throne your majesty has, in comparison with times past, greatly improved the kingdom; and I have, in consequence, been authorised by the Court of Directors to inform you, that 'if I think it advisable for the present, I may' relieve your majesty from part of the clause of the treaty alluded to, by which clause expense is laid upon your majesty.

"Hoping that your majesty may continue to rule your country, as you have hitherto done, with justice, equity, and anxiety for the welfare of your subjects,

"I am, &c.—AUCKLAND."

If Lord Dalhousie's statement, that the home government disavowed the treaty as soon as they heard of it, were correct, the declaration made by Lord Auckland, in July, 1839, and just quoted by him, was either a deliberate fiction, or a gross and scandalous concealment of the facts from the king. It was impossible to reconcile the opposite statements made by the two governors-general; and it was necessary, not only for the vindication of Lord Dalhousie, but to relieve the memory of Lord Auckland from the dishonouring suppositions which at present attached to it, that these extraordinary discrepancies should, if possible, be explained.

His lordship then proceeded to detail the policy subsequently adopted to cover the undeclared rejection of the treaty by the Court of Directors, which he stigmatised as a species of Old Bailey chicanery, by which the lives and property of men might be swindled and juggled away.—Mr. Maugles, as a member of the Court of Directors, professed himself ready to take his full share

of responsibility for the annexation of Oude, which he believed was a just and necessary measure. The government of Oude, from the commencement of the reign of the family now deposed, had been, he said, the worst in the world, uniting all the vices of an Asiatic government, while the people were controlled by the iron hand of European civilisation. He dwelt upon the violations of the treaty; upon the warnings given to the king; upon the neglect with which representations were treated by him; and upon the lawless condition of the country—which fully justified, in his opinion, the extreme measure of annexation. With regard to the treaty of 1837, it was the fact, as stated by Lord Dalhousie, that it was disallowed by the Court of Directors; although it was true that Lord Auckland did not tell the king of Oude that the whole of that treaty had been abrogated. He did not believe that the annexation of Oude had any appreciable effect upon the mutiny; and he read a letter from Sir John Lawrence, stating as his opinion, that although it was possible the king of Oude might have had something to do with the mutiny, the Hindoo population of Oude were in favour of the annexation, and that the mutiny sprang from the sepoys themselves. Mr. Mangles mentioned instances in which natives had maintained the authority of government at stations deserted by the civil officers, and asked whether these facts were compatible with the notion that it was a rebellion; in his opinion, it was a military mutiny from the beginning.—Colonel Sykes, likewise a director of the Company, spoke of the disorganisation of the Oude territories, which were governed, he said, by an ignorant and voluptuous king, who took no part in public affairs. Districts were farmed out to officers, who paid or retained the revenue in proportion to their powers of retention.

The most extraordinary speech delivered in the course of this important and interesting debate, was made by General Thompson, member for Bradford, who thus delivered himself of a torrent of accusation and invective. "He was not," he said, "himself an eminent man; but he knew hundreds of men who thought they could discern the causes of the late insurrection, and who wondered that practised statesmen did not do the same. The mistake of filling the native army with the natives of Oude had

been adverted to; but other causes had been in operation for a series of years. High authorities had said that, in order to enable men to rule in India, it was necessary that there should be no interference with the religion of the natives, and that the increase of European colonists or planters should be discouraged. They rightly said that an interference with the religion of the natives would be resented by them as it would be by Englishmen at home, and that the introduction of colonists would lead to that horrible war of races which could only end in the extirpation or subjugation of the weaker party. The continual irritation caused by religious bodies in India had something to do with it. Being 'to the manner born,' he knew the strength as well as the infirmity of these bodies. He rejoiced over their strength, and lamented their infirmity; which was, that when the precept of doing to others as they would be done unto was in question, they always made an exception in the case, in which 'I by myself I' was one party, and the other was a person of a different creed. The planter or colonist spirit in India had long been increasing. It was a grievance among men of this stamp when a man of Indian complexion rose to station and position, and their organs had recently insisted that every native ought to pay a mark of respect to a European on passing him, which was a clear demonstration of Virginian plantership. Was there no danger in such a spirit, when a handful of Europeans were engaged against 150,000,000 native inhabitants? There had been much irritation in the native army, and a great and well-founded suspicion that efforts were being made to injure them in their religion. The colonel of a native regiment having made attempts to convert his men to Christianity, a sepoy had been induced, under the influence of liquor, to shoot the adjutant's horse. He was hanged; perhaps very properly; but the native officer, who was charged with not having been nimble enough in arresting this sepoy, was hanged also. In his opinion, if the colonel had been substituted for the native officer, a great act of substantial justice, if not of sound policy, would have been performed. The soldiers of a native cavalry regiment, who were a sort of yeomen, were ordered to put greased cartridges in their mouths; which was sentencing them to lose their standing and reputation with their family and friends, and which, in short, was about

as great a mixture of insult and injury as if a party of our dragoons had been sent to the veterinary surgeon to undergo the operation usual with cavalry horses. The native soldiers respectfully declined, as would have been the case in our own regiments; and then eighty-five of these unhappy men were ordered to be imprisoned in irons, and set to work on the roads for ten years. Upon this moderate and delicate sentence being pronounced, the rest of the regiment turned out, and the mutiny began. Men were caught, hunted, blown from guns, hung, and otherwise executed in consequence; and then, forsooth, wonder was expressed that in a town where the native party had the upper hand, reprisals were made. Reprisals never did much good. Nevertheless, it was in the nature of man to make them. If an Alva or a Tilly had been in similar circumstances, he would have known, that to do what was done by us at Delhi, to wait until 500 persons were upon the magazine before blowing it up, would have been an act which, whether praiseworthy or not, would have certainly been followed by the destruction of as many of his own party as were in the hands of his enemy. He would, doubtless, have told his adherents they might be thankful that their brethren had died like martyrs; but he would never have complained of their destruction as a hardship. How many things had since then been done in India calculated to prevent the possibility of the insurrection subsiding? He declared that if he were placed in a position in which his chief aim should be to shoot down, hang, burn, destroy, and do everything in his power to prevent the recovery of the British dominion, he should do exactly the deeds which had been done, if he had had the examples we had set to teach him, because many of the things which had been done in India were such as would never have entered the mind of any ordinary man. He referred to the slaughter of the native princes at Delhi. He could not, without infringing on the rights of conscience, designate that act by any other name than one of the foulest murders and atrocities recorded in human history. ('Oh! Oh!') He could assure the honourable gentleman who said 'Oh!' that in parts of this country a very different sound was raised on finding that this great dishonour had been done to the English name—a dishonour which would never be got over while history lasted. He had seen three different accounts of this affair, two of



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which, professing to be exculpatory of those concerned, introduced the words 'emissaries' and 'negotiations.' There could be no doubt that these unhappy princes had been deceived. A British officer in these days was tantamount to an executioner. The cloth had been dishonoured; our officers had in person adjusted the rope—they had seen that it slipped easily—the thing had not been done by another hand—it was a commissioned hand that had done it. They boasted, too, that they had tortured their victims, and talked of how they had hanged them. He was unwilling to go into details, because there were those who could not answer for themselves; for now both the tortured and the torturer were before their God. He believed that the Brahmin would have the best of it. Posterity and mankind in general would judge severely of all these acts, and we should have the shame and disgrace left for us. It was, in truth, a sore evil and affliction. Indeed, he sometimes wondered what any one of us could have done that such men should have been decreed to be our countrymen. Ay, and the torturers with glee recounted how they had 'hung them like fun!' He begged pardon for making such a quotation in Mr. Speaker's presence, but it showed the kind of men who had got the upper hand in India. And with all this before them, our statesmen were still doubting what could have been the possible cause of this Indian insurrection! There was a time when the opinion was once declared, that it was very unbecoming to look into causes. If those causes were now in continued action, it would not, he thought, be so very imprudent to look into and recognise them. He had, therefore, to thank the honourable gentleman opposite (Mr. Baillie) for having brought forward this question; and he would be most happy if, in the opinion of any honourable member present, he should be thought to have thrown any light upon the subject." The gallant general resumed his seat amidst the derisive laughter of the house.—Mr. Palk had been prepared to hear wild theories enunciated on points of policy on the other side of the house, but he had certainly never expected to have his feelings so outraged as by the speech to which they had just listened. He had never expected that those who had polluted and butchered the wives and daughters of our officers, who had tortured and murdered infants, who had outraged every feeling of

humanity, would find a defender in that house. Least of all had he expected that one who had held a distinguished command over regiments which owned the sovereign of this country, would have raised his voice in what was still a Christian house of parliament to defend the atrocities of the sepoys in India. He was afraid to trust himself to speak further on such a subject, so strong was his indignation. He bowed at once with deference to those who were much older than himself, and who had much greater experience; but, with the name he bore, he should be wanting in those feelings which, he believed, actuated every gentleman in that house, and every man who represented any constituency, if he sat quiet and did not enter his protest against a speech which, he trusted, would never be copied in that assembly.

After some observations from other members, the motion of Mr. Baillie was agreed to, and the house adjourned, without resuming the consideration of the bill for the government of India.

On the 18th of February, the debate on Lord Palmerston's bill for the future government of India, was resumed by Colonel Sykes, who strongly objected to the change proposed, and defended the administration of the Company. He was followed by Sir Charles Wood, who contended that, since 1784, the Court of Directors had not been the exclusive and independent government of India; and that, by the act of 1853, which he had introduced, the Court ceased to be an independent body, one-third of the members being nominees of the crown. It was not then deemed expedient to make a more extensive change; but he had stated that, on some future occasion, a further alteration might be necessary, and that the then measure was calculated to render the change easier. It was left open to parliament at that time, without breach of faith, or any inconsistency with the act of 1853, to do that which many thought was then indispensable—namely, to govern India in the name of the queen. Altogether, considering that the delays and shortcomings which had led to the present crisis, were attributable to the double government, he contended it would be wise to place the control of India at once, and especially at this time, in the hands of the crown, and carry it on in the name of the sovereign.—Sir E. Bulwer Lytton characterised the measure as audacious,

incomplete, and unconsidered. He declared that political changes among Orientals were always suspected; and argued, that the peculiar state of India at the present time, and the circumstances under which the measure had been brought forward, would aggravate suspicion, and increase the evils it professed to remedy.—Mr. Willoughby, an East India director, spoke warmly in support of the Company's government, and protested against the charges of inefficiency and neglect that had been brought against it.—Lord John Russell urged an immediate settlement of the question as to a system of government which would best secure the welfare of a great empire, and the happiness of millions of people.—Mr. Disraeli followed his lordship in the debate, and said, if he had thought a change in the direction recommended by her majesty's ministers would draw the inhabitants of Hindostan nearer to this country, and improve their condition, he was not of opinion that the operation of this measure would produce that effect; quite the contrary. There was one subject which had been lost sight of in this discussion—namely, the financial part of the question. It was idle to pretend that there would be, after the proposed change, any distinction between the finances of India and those of England; that if the exchequer of India was empty, that of England would not be liable. If this be true, before the house agreed to the introduction of this bill, it should ask what were to be the financial relations between England and India. At this moment, there was a deficit in India of about £2,000,000, and that deficiency would be necessarily doubled and quadrupled. Before the house and the country incurred this responsibility, they ought to know the resources of India, and how they were to be managed. What was wanted was a total change in the local administration of India itself. The revenue derived from the land could not be increased, and it was raised in a manner which rendered it precarious. Reviewing the projected scheme of home government for India, he insisted that it would be incompetent to grapple with the details of Indian administration; that the president must trust to the governor-general, who, with a supremacy of power that would exalt him above all control, must become a despot. The expenditure would increase every year; and the question would be, not of losing India, but of ruining England.

The financial question, he repeated, must be met; and how, he asked, were we, who found so much difficulty in adjusting our expenditure to our means, to provide for an enormous deficiency in India? The affairs of India had hitherto not created much interest in the house and in the country, because Englishmen had never had to pay for India. That illusion would now be at an end.—Lord Palmerston, in reply, observed that Mr. Disraeli had endeavoured to frighten the house by a financial difficulty. Nothing, however, was more contrary to the fact. The bill would make no change in this respect; the distinction between the two exchequers would remain, but would be made more clear and precise. Upon the general question, he said he could understand that those who approved the existing system should desire its continuance; but he could not understand how those who pronounced it to be defective should, nevertheless, wish to prolong its existence at a period when vigour and unity of action were so much required.

The house then divided upon the amendment of Mr. Baring, "That it is not at present expedient to legislate for the government of India;" which being negatived by a division of 318 to 173, leave was given to bring in the bill; a result which was popularly considered as expressing the feelings of the country through parliament, which held itself answerable for the possession and government of the Indian portion of the empire, as well as of the more integral division of it, and did not consider itself excused for misgovernment by the mere intervention of an inscrutable Court of Directors. As to the idea of danger from the change meditated, that danger had already presented itself when the revolution commenced. The bill in question, therefore, would rather register a great fact than effect a great transformation. Nothing in the way of destruction had been left to be accomplished; for when the great Bengal army mutinied, the East India Company, as a political institution, had died by its own hand.

The text of the "Bill for the better Government of India," introduced by Lord Palmerston, was as follows:—

Whereas by an act of the session holden in the 16th and 17th years of her majesty, chapter 95, "to provide for the government of India," the territories in the possession and under the government of the East India Company were continued under such



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government, in trust for her majesty, until parliament should otherwise provide, subject to the provisions of that act and of other acts of parliament, and the property and rights in the said act referred to are held by the said Company in trust for the crown for the purposes of the said government: and whereas it is expedient that the said territories should be governed by and in the name of her majesty: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows: that is to say,

Transfer of the Government of India to Her Majesty.—I. The government of the territories now in the possession or under the government of the East India Company, and all powers in relation to government vested in or exercised by the said Company in trust for her majesty, shall cease to be vested in or exercised by the said Company, and all territories in the possession or under the government of the said Company, and all rights vested in or which if this act had not been passed might have been exercised by the said Company in relation to any territories, shall become vested in and be exercised on behalf of her majesty; and for the purposes of this act India shall mean the territories vested in her majesty as aforesaid, and all territories which may become vested in her majesty by virtue of any such rights as aforesaid.

II. India shall be governed by and in the name of her majesty, and all rights in relation to any territories which might have been exercised by the said Company if this act had not been passed, shall and may be exercised on behalf of her majesty as rights incidental to the government of India; and all the territorial and other revenues of or arising in India, and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this act had not been passed, shall be received for and in the name of her majesty, and shall be applied and disposed of for the purposes of the government of India, subject to the provisions of this act.

III. Real and personal property of the Company to vest in her majesty for the purposes of the government of India.

IV. The appointments of governor-general of India, fourth ordinary member of the council of India, and governors of presidencies in India, now made by the Court of Directors with the approbation of her majesty, and the appointment of advocate-general for the several presidencies, now made with the approbation of the Board of Commissioners for the affairs of India, shall be made by her majesty by warrant under her royal sign-manual; the appointments of the ordinary members of the council of India, except the fourth ordinary member, shall be made by the governor-general of India, subject to the approbation of her majesty; and the appointments of the members of council of the several presidencies shall be made by the governors of such respective presidencies, subject to the like approbation; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively: provided always that it shall not be lawful for the governor-general of India, or the governor of any presidency, to appoint a person provisionally to supply any vacancy which may subsequently happen in the office of member of

council, unless the pleasure of her majesty be previously signified for that purpose; but any person appointed by such governor-general or governor respectively, subject to her majesty's approbation, to fill an actual vacancy in such office, shall be entitled to sit and act as a member of the respective council, and shall have the emoluments and advantages of such appointment in the meantime, until her majesty's pleasure may be signified in relation to such appointment.

President and Council for Affairs of India.—V. For the purposes of the government of India under this act, a council shall be established, to consist of a president and eight other members, and to be styled, "The President and Council for the Affairs of India;" and it shall be lawful for her majesty, from time to time, by warrant under her royal sign-manual, to appoint a person to be, during her majesty's pleasure, president of the council for the affairs of India, and by like warrants to appoint eight other persons to be ordinary members of such council; and of the persons to be first appointed such ordinary members two shall be appointed for four years, two for six years, two for eight years, and two for ten years (such respective terms to be computed from the commencement of this act); and every person to be appointed an ordinary member of council shall be a person who has been a director of the said Company, or has been for ten years at least in India, in the service either of the crown or of the said Company, or has been for fifteen years at least resident in India.

VI. Every ordinary member of council appointed to fill a vacancy occasioned by the expiration of the term of office of an ordinary member shall be appointed for the term of eight years, to be computed from such expiration; and every such ordinary member appointed to supply the place of an ordinary member whose office has become void otherwise than by the expiration of his term of office, shall be appointed for the remainder of the term of office of such last-mentioned ordinary member; and every person ceasing, or who, but for reappointment, would cease, to be an ordinary member of council by the expiration of his term of office, shall be capable of being forthwith reappointed.

VII. It shall be lawful for her majesty to remove any ordinary member of council from his office, upon an address of both houses of parliament.

VIII. The president for the time being shall be capable of being elected and of sitting and voting as a member of the House of Commons; and in case the person who immediately before the commencement of this act is the president of the commissioners for the affairs of India be appointed the first president of the council established under this act, and be at the time of such appointment a member of the House of Commons, he shall not by reason of such appointment vacate his seat in parliament.

IX. There shall be paid to the president the like yearly salary as that for the time being paid to one of her majesty's principal secretaries of state, and to each ordinary member of council the yearly salary of £1,000.

X. Four members of council may form a board.

XI. In case at any board at which the president is present there is a difference of opinion on any question, the determination of the president shall be final; and all acts done at any board in the absence of the president shall require the sanction or approval in writing of the president, or of one



of her majesty's principal secretaries of state; and in case of difference of opinion on any question decided at any board, the president may require that his opinions, and the reasons for the same, be entered in the minutes of the proceedings; and any ordinary member of council who may have been present at the board may require that his opinion, and any reasons for the same that he may have stated at the board, be entered in like manner.

XII. Provided always, that no grant whatever by way of increase of the actual charge for the time being upon the revenues of India, no appointment by the president and council to any office or employment on the establishment of the president and council, and no appointment or admission to service to be made by the president and council, under the powers transferred to them by this act, shall be made without the concurrence of the president and four at least of the ordinary members of council; but this enactment shall not extend to appointments of persons becoming entitled thereto, as mentioned in section 41 of the said act of the 16th and 17th years of her majesty; but such appointments may be made at any board.

XIII. During vacancy of office, &c., of president, his powers to be exercised by secretary of state.

XIV. Arrangement of the business of the council.

XV. Establishment of president and council to be fixed by order of her majesty in council.

XVI. One secretary may sit in the House of Commons.

XVII. Appointment of officers and their salaries, &c.

Powers of President and Council.—XVIII. President and council to exercise powers now exercised by the Company or Board of Control.

XIX. A specified number or proportion of the cadetships to be given to sons of civil and military servants.

XX. All appointments to offices, commands, and employments in India, which by law or under any regulations, usage, or custom are now made by any authority in India, shall continue to be made in India by the like authority.

XXI. Existing provisions to be applicable to president and council, &c.

XXII. Orders and despatches which may now be sent through secret committee may be sent by or to the president alone.

XXIII. When any order is sent to India, directing the actual commencement of hostilities by her majesty's forces in India, the fact of such order having been sent shall be communicated to both houses of parliament within one month after the sending of such order, if parliament be sitting, and if parliament be not sitting, then within one month after the next meeting of parliament.

XXIV. All orders and communications of the president and council which shall be sent to India shall be signed by the president or one of her majesty's principal secretaries of state.

XXV. Powers of sale and purchase and contracting given to president and council.

XXVI. Warrants, &c., under royal sign-manual, relating to India, to be countersigned by the president.

Application of Revenues.—XXVII. Dividend of the Company, and existing and future debts and liabilities and expenses, charged on revenues of India.

XXVIII. Revenues remitted to Great Britain, and monies arising in Great Britain, to be paid to president in council.

XXIX. Cash balance of the Company at the Bank transferred.

XXX. Stock account to be opened at the Bank.

XXXI. Stock standing in the name of the Company transferred.

XXXII. Power to grant letter of attorney for sale, &c., of stock and receipt of dividends, given to president and council.

XXXIII. Exchequer bills and like securities transferred to president and council.

Accounts.—XXXIV. Audit of accounts in Great Britain.

XXXV. President and council to make regulations for audit of accounts in India.

XXXVI. Accounts to be annually laid before parliament.

Existing Establishments and Regulations.—

XXXVII. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of her majesty, and shall be under the same obligations to serve her majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, privileges, and advantages as if they had continued in the service of the said Company; such forces, and all persons hereafter enlisting in or entering the same shall continue and be subject to all acts of parliament, laws of the governor-general of India in council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively, as if her majesty's Indian military and naval forces respectively had throughout such acts, laws, articles, regulations, and provisions been mentioned or referred to, instead of such forces of the said Company, and the pay and expenses of and incident to her majesty's Indian military and naval forces shall be defrayed out of the revenues of India.

XXXVIII. Forces paid out of revenues of India not to be employed out of Asia.

XXXIX. Form of attestation, &c., on future enlistments, to be as directed by her majesty.

XL. Servants of the Company to be deemed servants of her majesty.

XLI. All orders and regulations of the Court of Directors or Board of Control to remain in force.

XLII. All functions and powers of courts of proprietors and courts of directors of the said Company in relation to the government of India, and all appointments of such of the directors of the said Company as have been appointed by her majesty, shall cease, and the yearly sums payable to the chairman, deputy-chairman, and other directors of the said Company, shall cease to be payable; and after the passing of this act, all powers vested in her majesty of appointing directors of the said Company shall cease and determine.

XLIII. Board of Control abolished.

XLIV. Existing officers on home establishment of the East India Company and of commissioners for the affairs of India transferred to the president and council.

XLV. Records of the Company to be delivered to the president and council.

Actions and Contracts.—XLVI. The president and council shall and may sue and be sued by the name of the "president and council for the affairs of India," as if they were a body corporate.

XLVII. President and council to come in the



place of the Company with regard to pending suits, &c.

XLVIII. Contracts, &c., of the Company to be enforced by and against president and council.

XLIX. No member of the said council shall be personally liable in respect of any such contract, covenant, or engagement of the said Company as aforesaid, or in respect of any contract entered into under the authority of this act, or other liability of the said president and council in their official capacity; but all such liabilities, and all costs and damages of the said president and council in respect thereof, shall be satisfied and paid out of the revenues of India.

Saving of certain Rights of the Company.—L. It shall be lawful for the president and council to pay to the said Company, out of the revenues of India, such annual sum as her majesty, by warrant under her royal sign-manual countersigned by the chancellor of the exchequer, may direct, for defraying the expenses of and incident to the payment to the proprietors of the capital stock of the said Company of their respective shares of the dividend on such stock, and of keeping the books of the said Company for transfers, and otherwise in relation to such stock.

LI. Nothing herein contained shall affect the right of the said Company to demand the redemption of the dividend on their capital stock secured by the said act of the 3rd and 14th years of King William the Fourth; and all the provisions of the said act concerning the security fund thereby created shall remain in force, save that when the approbation of the commissioners for the affairs of India is required in relation to the disposal of the said security fund, the approbation of the president and council for the affairs of India shall be required.

Commencement of the Act.—LII. Save as herein otherwise provided, this act shall commence and take effect on the expiration of thirty days after the passing thereof.

By the proposed bill the question of Indian reform became wonderfully simplified. The changes actually proposed were so few, so obviously called for, and so evidently calculated to expedite the transaction of affairs, and improve the administration of India, that it became a matter of difficulty to meet them with any valid objection. The only question, indeed, raised by the leader of the opposition in this matter (Mr. Baring), being simply, and solely, "whether the present was the proper time for entertaining such a measure;" and there was no ground whatever for deprecating the interference of parliament by any appeal on the score of the rights, privileges, or deserts of the East India Company, which stood acquitted, by the ministerial admissions, of any such special misrule or misconduct as might have directly provoked the intervention of the imperial legislature. The reforms proposed had long been contemplated as among inevitable events: they had been deferred from various considerations; but the necessity had acquired such

urgency from the existing rebellion, that further procrastination by the government was impossible. The necessity for immediate action was established by the strongest arguments; one of which, based upon the cumbrous machinery of the double government, exhibited it as a positive clog upon business—a plain, tangible impediment in the way of dispatch; and such it had ever been found when a necessity for prompt and vigorous action arose. It is true Mr. Baring challenged the government to state "whether they had been impeded in any of their measures by the Company;" but that was not the species of impediment complained of. It was not asserted that the directors wilfully opposed the action of the ministry, but that the ministry found the co-ordinate functions of the Court of Directors a serious drawback on the efficiency of their own acts; and the struggle then shaking India to its centre, so completely exposed the defects of the co-administrative organisation, that sufferance was no longer endurable.

Besides this, the arguments to be drawn from the then actual position of India, and the probable sentiments of its population, told decidedly, as far as they had been ascertained, in favour of immediate legislation, and not against it. It was urged by the opponents of the measure, that the Hindoo mind would be seriously disturbed by the announcement, ill-understood, of a proposed change in the government under which it had existed for a century; that the natives would associate this change of government with some projected and mysterious change of policy, and would anticipate therein some diminution of the toleration and indulgence with which their institutions had been theretofore regarded. But this was merely conjectural; and it was equally fair to anticipate impressions diametrically opposite, as being equally likely to be produced. But admitting that any political or administrative revolution might operate with uncertain effect on the Asiatic mind, it was still hardly possible that a better season for such changes could be selected than one at which the commotion was already so deep and universal as scarcely to admit of aggravation. As regarded the grand objection to the assumption of the direct government of India by the crown on the score of patronage, the bill altogether disposed of it. By its provisions the civil service was assigned to the



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A.D. 1858.]

INDIAN MUTINY.

[CHANGE OF MINISTRY.]

public at large; and the military service, besides being greatly circumscribed in amount, instead of affording patronage to the crown, gave it to the new council, after reserving a portion of the appointments for the sons of public servants in India, whether military or civil. In India itself, it was proposed that the local appointments should continue to be made as they had been, with the exception that certain officers formerly nominated by the Court of Directors, were thenceforth to be nominated by the governor-general. In fine, the effect of the proposed measure tended to establish the fact, that the government would gain no such addition of patronage as ought to excite jealousy; that the actual administration of Indian affairs would be scarcely interfered with; but that the authority of the crown, long since theoretically recognised as paramount, would in future be practically exercised without the impediments of a circuitous machinery, and with such a direct responsibility to parliament and the public, as was necessary for the permanent welfare of British India and its teeming millions.

The bill of Lord Palmerston had, as we have seen, reached its first stage, when, on Friday, the 19th of February, an unfavourable division of the Commons, on the "Conspiracy to Murder Bill," led to a change in the cabinet, and, for a time, put a stop to further legislation on Indian affairs. The announcement of the resignation of her majesty's ministers was made by Viscount Palmerston, in his place in parliament, on Monday, the 22nd of February; and, the same evening, the Earl of Malmesbury, in the House of Peers, informed their lordships that the Earl of Derby, in obedience to the command of her majesty, was then occupied in forming an administration.

On the following Friday, the new ministry, under the leadership of the Earl of Derby and Mr. Disraeli, took their places in parliament; and after some merely formal business had been alluded to, the houses adjourned until the 12th of March, for the necessary re-election of those members who had accepted office under Lord Derby's administration. On that day, therefore, parliament again assembled; and, on the order of the day for the second reading of the Government of India Bill, Viscount Palmerston said he understood that the government intended to bring in a bill of their

own upon the subject. He, however, was unwilling to drop the measure he had introduced, until the house should be enabled to see the bill of the new government, and therefore proposed that the second reading of his bill should be postponed until Thursday, the 22nd of April. The motion was agreed to without any discussion. On the 16th, Mr. Disraeli, in explaining the general policy of the new government, said, with respect to Indian affairs—"We were opposed to the introduction of the bill of the noble lord (Palmerston), upon the ground that it was inopportune in the present state of India, and that it was unwise to weaken the influence of the government in a country where revolt was raging; but, after the vote of this house in favour of that interference, we consider it a duty to deal with the question; and, at present, it is the intention of the government to lay upon the table a bill for the government of India."—On the 11th of March, Mr. Rich, member for Richmond (Yorkshire), called the attention of the house to the treatment of the mutinous sepoys, and other insurgents in India, and adverted to reports of cruelties and mutilations attributed to them, which he believed to be exaggerations or altogether without foundation; observing, that "we had only heard one side;" and in referring to the probable causes of the mutiny, he censured strongly the conduct of the Indian government in the matter of the cartridges, asking why no inquiry had taken place in relation to the proceedings at Meerut, which had so much to do with the outbreak; and insisting that it was not a preconcerted revolt, but arose from a combination of circumstances, which, with due prudence, might have been averted. He commended the instructions of Lord Canning with reference to the treatment of the insurgents and deserters, and referred to published statements which showed, he thought, that some of our officers had not acted in accordance with the spirit of those instructions. He concluded with moving for copies of any report or despatch relative to the protection afforded by Mann Sing and others to fugitive Europeans at the outbreak of the sepoy mutiny; of any instructions given to officers in command of troops as to the treatment of mutinous sepoys or deserters; and, as to natives of Oude, not being sepoys, found in arms within the territory of Oude.—The motion was seconded by General Thompson. —Mr. Baillie expressed his surprise that,



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upon such a motion, Mr. Rich should have entered upon a general discussion of the origin and causes of the Indian mutiny. With respect to the manner in which martial law had been carried out, the proper authority to execute that law, he observed, was the commander-in-chief in India. Sir C. Campbell was fully aware of the views of the governor-general; and he (Mr. Baillie) thought that few of the excesses to which Mr. Rich had referred had taken place. He had no objection to the production of the papers asked for.—Mr. W. Vansittart differed from Mr. Rich. All India, he said, was looking with anxiety to see whether the outrages committed by the sepoys would be avenged. Lord Canning, he thought, had carried his conciliatory policy too far.—Mr. Buxton, on the contrary, thought that Lord Canning ought to be supported, not in sparing the guilty, but in keeping down the exasperation naturally felt by those on the spot. The dreadful stories of mutilations by the sepoys, had turned out, upon investigation, almost, if not entirely, without foundation. He read reports of excesses stated to have been committed by subordinate officers in India, showing, he said, a spirit not to be trusted; and he asked whether the house was prepared to lay down the principle that it was right to hang, in cold blood, men who fought to free their fatherland from the stranger, or for disaffection to our rule.—Mr. Mangles thought that Mr. Rich had made more excuses for the sepoys than they were fairly entitled to. As to the cartridges, the fact was, he said, that the greased cartridges were not issued to any native regiment, as a regiment, in our provinces. The cartridges at Meerut were the same as had been used by the troops without remonstrance for years. He declared that the statements of excesses which had appeared in the newspapers were exaggerations, and some of them inventions; and that so long as Lord Canning remained at the head of the Indian government, the country might be assured that no system of indiscriminate punishment would be adopted. Distinction would be made between offences, and justice would be tempered with mercy.—Captain Scott mentioned acts of atrocity perpetrated by the sepoys upon an English officer and his sister in Oude.—Mr. Adams observed, that a scant measure of justice had been dealt out to British officers in India, who, upon the authority of odd scraps cut out of news-

papers, had been assumed to have committed acts utterly inconsistent with their character. He reminded the house of what the insurgents really were, and thought that too much of a maudlin sensibility was manifested on their behalf.—Sir H. Rawlinson remarked, that the operations against the mutineers had now lasted ten months, and there was not a single prisoner in our hands; the inference was that no quarter was given. He looked, he said, from this discussion for such an expression of the opinion of that house as would react upon India, and teach the people that, in England, it was considered that the moment for the exercise of mercy had arrived.

The motion having afforded opportunity for some expression of opinion, was then withdrawn.

The same evening, in reply to a question by Mr. Kinnaid, Mr. H. Baillie said, that the six months' *batta*, awarded by the governor-general in council to the army which captured Delhi, was the largest sum that he was by law entitled to grant; but that the case of the army, and also of the garrison of Lucknow, were both under the consideration of government. With regard to this question of recompense to the captors of Delhi, it might be observed that, as the matter then stood, one of the most astonishing and important achievements on record—an achievement which saved the empire of India, and exalted the renown of England in all the countries of the world—characterised by patience, resolution, and intrepidity almost without parallel—had been acknowledged by a concession so paltry, that nothing but the usage of Indian campaigning could have rendered such an offer other than an insult to the army. Stripped of technical terms, the arrangement amounted to this—that every man who fought and conquered at Delhi, was to have a sum equal to thirty-six shillings English money accorded to him, in testimony and requital of his services! This was felt to be totally inadequate and unsatisfactory; and the question to be solved was—what course could be adopted for the satisfaction of the troops, under the peculiar circumstances of that remarkable victory. No possible doubt existed in any quarter as to the inadequacy of the reward awarded for the services rendered.

In defence of the arrangement as it stood, it was observed, that if Delhi had been an enemy's capital, and the besieging force



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had represented a British army encamped on hostile territory, and waging regular war, the capture of the city would have entitled the victors to prize-money from the spoils it might contain. But then Delhi was not, in the *strictly legal* sense of the term, an enemy's capital, nor were its contents an enemy's property. The riches and public stores of the place were, it was contended, all our own. Our own munitions of war filled the arsenal; our own rupees were accumulated in the treasury; and even the private property in the streets and houses was that of our own subjects. In the phraseology, therefore, of international jurists, there was no enemy in the case—no belligerent, at whose expense either plunder or prize-money could be acquired. Certain battalions, in British pay, had revolted, and seized a town upon British territory: they were subdued, after a tremendous struggle, by other British troops; but both armies were composed of subjects of the same sovereign. The war might be called a civil war, or a servile war; but it was not a war of the kind to which the ordinary usages of warfare, as regards prize-money, could be held to apply. Further, it was urged that the city being nominally our own, a right could not possibly be acquired by our own troops over the treasures it contained, any more than if, at any other Indian town or station, a dozen lacs of rupees which had been seized by a mutinous garrison, were recovered by a company of European troops opportunely arriving; in which case it would not be argued that the soldiers were entitled to divide the silver on the spot! And so, in the present instance, it was held that no title to prize-money existed, or could be created. Such was the substance of the case, as urged against the claims of the soldiers: but how disgraceful did it look when estimated by the known practical deserts of the conquerors! If the struggle was really so divested of all those attributes which confer glory and gain upon military success; if it was nothing more than a mere suppression of domestic disturbances, by which nothing could be won, it might have been asked on what principle was it held to require any acknowledgment at all? Why were the thanks of parliament voted to the troops engaged? Why was the general in command raised, with the approval of all, to a baronetcy; and not only to a baronetcy, but to one with a title taken from this very city? What could be the meaning of Sir

Archdale Wilson of *Delhi*, if that same Delhi was not a city conquered from the enemy? Again, upon looking at the whole course of public proceedings in the matter, it was unquestionable that the struggle symbolised and expressed by the one critical operation of the siege of Delhi, occupied in the minds of Englishmen such a place as had scarcely ever been taken by any incident even of European war. The anxieties of the nation were profoundly absorbed in the tremendous struggle between a handful of our countrymen and an army of mutineers, on which an empire depended. We put up prayers in our churches; we held a solemn fast; and we raised subscriptions without stint. As long as the issue was in suspense, public anxiety was unbounded; and when at length the victory fell, against the most terrific odds, to British valour, it seemed there would be no bounds to the gratitude of the nation. The instincts of the country, in this matter, outstripped the deliberations of the authorities, and deemed the rewards of the government parsimoniously bestowed; but if all this was reasonable, what became of the argument about war and no war? How could a *war*, manifestly regarded in such a light while raging, be described as no war when we came to consider the recompense of the conquering troops? What consistency was there in beginning to award honours and rewards, and then, in stopping half-way down? Either there should have been no acknowledgments at all, or they ought to have included the private soldiers' share in the form of prize-money and medals. No one would have hesitated over this alternative. All should have shared, or all should have been withheld.

But admitting that the government treasure found in the coffers at Delhi did not become the lawful spoil of that government's troops, yet how much ought to have been considered fairly due to those troops from their government, for the recapture of the city? Surely more than thirty-six shillings per man! Besides, the very allowance, miserable as it was, destroyed the whole argument against a greater one. Either the troops were engaged upon an unrecognisable service (in which case the donation of eighteen rupees was improper), or their exploits admitted of recognition and estimate (in which case the offer was contemptible). The true question, after all, was not merely what were the technical rights

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of the captors of Delhi, in and over certain lacs of rupees; but what ought to be done for men who, at the cost of most heroic endurance and valour, had saved the British empire in Hindostan, by converting a contingency of disastrous ruin into a campaign of imperishable renown.

Neither the East India Company or the home government were insensible to the fact of the utter disproportion between the services rendered by the army and the recompense awarded; and, at a quarterly general court of the Company, held in Leadenhall-street, on the 25th of March, the chairman of the Court of Directors stated, in reply to a question upon the subject, that an arrangement had been come to for settling the question in a manner which he believed would be satisfactory alike to the court, the country, and the army itself. There had not occurred the slightest difference of opinion between her majesty's government and the Court of Directors on the subject, nor had any reluctance been shown by either party to do ample justice to the army engaged in the capture of the city of Delhi. The governor-general had granted six months' *batta* to the troops. That was considered by some to be a very niggardly grant, and opprobrium had been cast upon the governor-general for having made it. But that was unjust, for it was all he was competent to grant under the orders of the Court of Directors. It should be remembered that all prize-money was in the gift of the crown. The East India Company had no power to grant a shilling. What, then, had been agreed upon was this—that all which could be justly considered prize, viz., all the property that had belonged to the mutineers and rebels, should be distributed among the captors; but that the property which had previously belonged to the government, and which had only been recovered, should not be so distributed. Everything taken from the mutineers would be prize. Besides that, the Court of Directors, with the sanction of the government, had granted another six months' *batta*, in compensation for that which could not be justly regarded as prize; such as the property of the government, and also of those loyal subjects who had behaved faithfully and well. It would be unjust to grant the property of the latter as prize, after having already suffered so much. There would also be a medal struck, and given to the men who served in the army at Delhi,

Lucknow, and Cawnpore—not three medals, but one medal for the three victories; and clasps would be granted for all services in the field. At the same court, the chairman also gave notice that it was the intention of the Court of Directors to propose a grant of £1,000 a-year to the eldest son of the late Sir Henry Lawrence, with remainder to the second son in succession.

At length, on Friday, the 26th of March, Mr. Disraeli (chancellor of the exchequer), in his place in the House of Commons, moved for leave to bring in a bill to transfer the government of India from the East India Company to the queen. The right honourable gentleman began his address with a justification of the administration of which he was a member, for now introducing the measure, after having opposed such a proceeding when submitted to parliament by the preceding ministry; and said that the vote by which the House of Commons had declared, by an overwhelming majority, that in its opinion the government of India should be transferred to her majesty, appeared to the present ministry to be conclusive as to one point—namely, the termination of the authority of the East India Company—an institution which, though it had fallen, having for some time rested on a foundation that was sapped and hollow, had in its day done great service to the country. The task of devising a proper substitute was full of difficulties, and could only be accomplished with the assistance of parliament. He then proceeded to describe the form of the home government for India which was embodied in the bill. It was proposed, in the first place, that there should be a high officer of state—a minister of the crown, who should occupy the rank and fulfil the duties of a secretary of state, to be president of a council of India. That council would consist of eighteen persons, half to be nominated by warrant from the crown, under the royal sign-manual; the other moiety to be elected. It was proposed that each of the nine nominated members should represent some great interest in India; so that, in fact, they would be representative men. They would be appointed in this manner: each of the presidencies would be represented by a member of its civil service who had served ten years; one in the Upper Provinces of India, or in the countries under the authority of the governor-general of India; another in the Lower Provinces of Bengal; a



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third for Madras, and a fourth for Bombay. The fifth member would have a peculiar qualification. It was thought that there should be in the council of India a member possessing personal experience of the character and feelings of native princes, as resident or political agent at a native court. The other four nominated members, it was proposed, should represent the military services—one, with a service in India of five years, for the queen's army; and each of the armies of Bengal, Madras, and Bombay, to be represented by an officer who had served at least ten years. It was intended to introduce into the bill itself the names of the nominated members; so that, in the first instance, they would have not only royal, but parliamentary sanction. Another portion of the council of India was to be chosen by popular election. The qualification of four of the elected members would be this: they must be men who had served her majesty or the Indian government in any branch of the Indian service whatever for ten years, or who had resided in India for fifteen years. They would be chosen by a constituency constituted thus: every person who had borne the commission of her majesty or of the government of India for ten years, resident in this country, or who had been in the civil service of either for the same period, or who was a resident proprietor of £2,000 capital stock of an Indian railway or of public works, or possessed of £1,000 of India stock, would have the power of voting for the election of these four members of the council. The number of the electors, it was estimated, would amount to 5,000 persons. As to the other five elected members, their qualifications would be this: they must have been engaged in the commerce of India, or in the export of manufactured articles thither for at least five years, or resident in India for at least ten years. Their election would be confided to the principal seats of trade and industry in this country; one would be elected by each of the following cities—London, Manchester, Liverpool, Glasgow, and Belfast. The constituency to return these members, the government was of opinion, should be the parliamentary constituencies of these places respectively. Mr. Disraeli then read the names of the members of the council to be inserted in the bill, and proceeded to detail the forms of procedure and general duties which the council of India would have to fulfil. The

minister for India would have the power of dividing the council into committees, exercising over them a general supervision, and the power to call a meeting of the council. It would likewise be in the power of six councillors to call a council by application in writing to the secretary of state for India. The members of council would not have a seat in parliament, and their salary would be £1,000 a-year. With respect to the exercise and distribution of the patronage, the result would be that there would not be the least alteration. Virtually, the patronage exercised by the East India Company would be exercised in the same way by the council of India. As to the army of India, there would be no change except what resulted from the general scope of the bill, which would, however, contain a clause that would facilitate any future changes in this respect. With regard to the finances, the bill would fix upon the revenues of India alone the expense of the government of India; the accounts would be laid before parliament, and there would be a sufficient audit. But, having said this, he was bound to add, that the relations of this country with the Indian finances remained a source of anxiety; and he believed that the time would soon arrive when parliament must give its serious attention to this subject. Notwithstanding the ability of the administrators of India, the state of its finances had always been involved in obscurity and perplexity; and it would be the duty of ministers to recommend to her majesty (and a clause was inserted in the bill to that effect) to authorise a royal commission to visit India, to investigate the financial condition of every part of our establishments there, and to report generally on the whole subject. Without touching upon details, these, he said, were the principal features of the bill. The plan, he observed in conclusion, was the first ever introduced to parliament for establishing a council of India, which combined, with knowledge and public spirit, complete independence. The right honourable gentleman concluded by moving for leave to bring in the bill, which was granted; and the bill was read a first time, and ordered to be taken into consideration on Monday, the 12th of April.

In the course of the debate, or rather conversation, that ensued upon this motion, Viscount Palmerston gave his cordial assent to it, reserving the opinion which a consideration of the details of the bill might



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lead him to entertain of its merits; and Mr. Mangles said, he was persuaded, that after temporary feelings and jealousies should have passed away, it would be universally acknowledged, that the East India Company had deserved well of their country, and that whenever their powers and functions might expire, they would leave to England a noble legacy. As the representative of that great corporation, and as believing that the government of India had been on the whole a good and beneficial one, it would be his duty to oppose the introduction of any bill intended to take from the Company a power which had been so well exercised. But he was bound to state, at the same time, that if it should be the will of parliament to deprive the Company of its functions, he and his colleagues would be prepared, in the fulfilment of their duty to the people both of England and of India, to give their most cordial assistance in rendering the new system of government as good and as efficient as possible.

Numerous enquiries and suggestions were advanced by various members during the evening; in reply to which, the chancellor of the exchequer said, "he had been asked what were to be the duties of the council; and he had to observe upon that point, that the duties of the council were to be the transaction of all business connected with the government of India, that could be transacted in England. They would have the entire transaction of that business; and from the details laid before him, he thought that it would require that which would be exacted from the members of council—the total devotion of their time. No gentleman would be a member of the council who was an active member of a profession, or engaged directly or indirectly in trade or commerce. Of course, with respect to those members who were elected, that rule could not apply; and it was desirable that the council should contain some persons who were familiarly acquainted with the commerce and trade of the country. With respect to the qualifications for members of the council in consequence of residence in India, that applied to all the dominions under the authority of the governor-general; and therefore the Punjab and Scinde were included. He had been asked whether the council was to sit and transact business in Cannon-row. The honourable member who made that inquiry was not so familiar as himself with the quantity of business that

must be transacted, and the space required for its transaction. He could assure the honourable gentleman, that the building in Cannon-row would not be able to hold the council. Where, ultimately, the members of council might be collected together, it was not for him to say. No doubt, they would be able to place themselves in some convenient locality; but, for the present, the council must transact its business in Leadenhall-street. Some honourable gentlemen seemed to think that, under the bill, the whole military patronage of India would be handed over to the Horse-guards. Certainly, he must have conveyed his meaning in very ambiguous phraseology if he were misunderstood on that point; but he thought he had clearly stated that the patronage of the military establishment, added to the cadetships, was to be distributed among the council, and by them distributed among the people in the same way as was now done by the Board of Directors. An honourable member had suggested that the members of the council should be elected by ballot. When the people of this country should be unanimous for the adoption of the vote by ballot, the government would then give the honourable member's suggestion the gravest consideration."

Of the relative merits of the two bills thus before the country, there were of course opinions as various as the shades of political principle or party tactics could supply. From the multiplicity of such, the following comparative view, as taken by the *Daily News* of 31st March, appeared to be the most luminous, and impartial also. After premising that the task of legislating for India must be approached in dispassionate mood, and under the deep sense of moral responsibility which befitted so momentous an undertaking, the writer proceeded thus:—"The bill presented to the House of Commons by Lord Palmerston, is the first that calls for notice. The radical vice of that measure is the immense amount of irresponsible power and patronage which it entrusts to the ministers of the crown for the time being, and the inadequate security it affords for the appointment of capable men in India. The bill proposes that the home government of India shall be exclusively vested in a council, composed of a president and eight members, nominated by the crown—the president to hold office during pleasure; the other councillors for a



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certain term of years. This council and its president are to be a corporation for the management of Indian affairs. In them are to be combined all the power at present exercised by the directors of the East India Company and the Board of Control conjointly. Except with regard to such affairs as are at present conducted by the secret committee, all business is to be transacted in council. But when the president is present, he may disregard the opinion of the majority of the council, and follow his own if in opposition to it. And he may do the same with regard to any resolution adopted by a majority of the council in his absence, on the condition of his putting his own and their reasons upon record. In two cases only is it necessary that his determination should be sanctioned by the assent of four other members of council; when matters of finance, or when the exercise of patronage is in question. Thus, the whole administration and patronage of India—with some inconsiderable exceptions—is proposed to be vested in nine nominees of the crown, one holding office so long as it suits the arrangements of his political party, the rest for a term of years. Neither the public of India nor of England are to have any voice in the nomination of this council. It is, indeed, liable to be called to account for its actions in parliament; and with a view to this, it is proposed that the president and one secretary appointed by him may have seats in the House of Commons. But parliament has always had the power of examining into and controlling the government of India; and how many days of each session, on an average, have been given to the affairs of India since India was ours? It is an arrant farce to speak of the dread of parliamentary responsibility as likely in the slightest degree to influence the proceedings of the proposed council for India. The common sense of the nation has declared, that the only way to prevent the president and his council from becoming mere tools of the crown and its ministers, is to resort to the elective principle for the appointment of at least a moiety of the council. It is also felt, that for the purposes of intelligent and independent deliberation—as also for an adequate supply of working committees—eight councillors and a president are too few.

“These defects the government which has succeeded Lord Palmerston’s, profess to have remedied in their amended bill.

They certainly have recognised the principle of election by an independent constituency as regards a moiety of the council; and they have increased the number of councillors. So far, good; but they have at the same time engrafted other modifications on the original bill, which more than neutralise the benefits of these concessions. The council for India, according to Lord Palmerston’s bill, however objectionable the mode of its appointment, would have been a reality. It would have had duties to perform, and power to perform them. But the council for India, according to the ‘Government of India Bill, No. 2,’ is a mere excrescence. Lord Palmerston proposed to vest the government of India in a president and council. The president could only act in council. Lord Ellenborough proposes to vest the government of India in a fifth secretary of state. The secretary of state can act without the council. The council, in fact, can only assemble when he summons it, or complies with its petition to allow it to meet; and, when met, it can only talk. The secretary of state does not need to be supported by a majority of its members even on questions of finance or patronage. Indeed, whereas the greater part of the patronage is, by Lord Palmerston’s bill, vested in the president and council, the whole of the patronage is, by Lord Ellenborough’s bill, vested in the crown—that is, in the secretary of state for India, and his colleagues of the cabinet. It is also worthy of remark, that while provision is made in Lord Palmerston’s bill for the presence of an accredited mouthpiece of the council for India in the House of Commons—a member who can be interrogated as to its doings, and compelled to explain or defend them—nothing of the kind is to be found in Lord Ellenborough’s. The latter bill declares, that of the five principal secretaries of state, only four can sit at one time in the House of Commons. The secretary for India may therefore be at any time excluded from that house, and no substitute is provided for him when that shall happen. It is a trifle, and yet not unworthy of note, that while Lord Palmerston’s bill declares that the president and council may sue and be sued, Lord Ellenborough’s bill exempts the secretary of state from this conjoint liability with the council.

“The inference we would draw from this review of the two measures is, that it would be dangerous to allow Lord Palmerston’s



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bill to become law, because it vests the entire power and patronage of India in a small and manageable body of nominees of the crown; and that it would be equally dangerous to allow Lord Ellenborough's to become law, because it vests the whole power and patronage of India in a secretary of state, whose tenure of office depends upon that of his party—the council attached to him, although in part the offspring of popular election, being utterly powerless to do or prevent anything. Both of the cabinets who have tried their hands at the experiment of constructing a good government for India have lamentably failed. Were the issue in our power we should say to parliament, postpone legislation till a really unexceptionable measure shall be submitted to you. You already have a government in India which all parties concur in saying has worked not much amiss. Why change it before you have a tolerable certainty of obtaining something decidedly better in lieu of it? But we are told that parliament, having already declared that it will legislate for India this session, must keep its word. The declaration appears to us to belong to the rash and ill-considered class which there is more honour in abandoning than in adhering to. But if parliament will fetter itself by a mistaken pride in unreasonable consistency, let it at least avoid adopting an objectionable bill for no other reason than that it is offered as a substitute for another equally objectionable. The great fault of Lord Palmerston's bill is, that it places India at the mercy of a few irresponsible nominees. The great fault of Lord Ellenborough's bill is, that the council, though sufficiently numerous and not exclusively composed of nominees, is utterly powerless. If no party in the House of Commons is prepared to offer a third and better bill, let the house at least make an attempt to combine the better features of both the bills before it in one. Let the two bills be remitted to a select committee, with instructions to retain that part of Lord Palmerston's bill which delegates the government of India to a president and a real council; to enlarge the council to the number proposed in Lord Ellenborough's bill; to adopt the elective principle embodied in Lord Ellenborough's bill, with an improved constituency; to retain the provisions in Lord Palmerston's bill for ensuring the presence of an official representative of the council of India in the House of Commons;

and to make whatever amendments, on this combination of the best parts of both measures, may appear to the said committee advisable."

A special general court of the Company was held on Wednesday, the 7th of April, at which the proposed grant of £1,000 per annum to the eldest son of the late Major-general Sir Henry Lawrence, was adopted by the proprietors; and the chairman then submitted to the meeting the two bills then before parliament for the future government of India; and also a lengthy and elaborate report upon their respective merits. The provisions of each bill were discussed *seriatim*; and the report concluded thus:—

"From this review of the chief provisions of the bills, which embody the attempts of two great divisions of English statesmen to frame an organ of government for India, it will probably appear to the proprietors that neither of them is grounded on any sufficient consideration of past experience, or of the principles applicable to the subject; that the passing of either would be a calamity to India; and that the attempt to legislate while the minds of leading men are in so unprepared a state, is altogether premature.

"The opinion of your directors is, that by all constitutional means the passing of either bill should be opposed; but that if one or the other should be determined on, for the purpose of transferring the administration, in name, from the East India Company to the crown, every exertion should be used in its passage through committee to divest it of the mischievous features by which both bills are now deformed, and to maintain, as at present, a really independent council, having the initiative of all business, discharging all the duties, and possessing all the essential powers of the Court of Directors. And it is the Court's conviction that measures might be so framed as to obviate whatever may be well founded in the complaints made against the present system, retaining the initiative of the council, and that independence of action on their part which should be regarded as paramount and indispensable."—The report having been adopted, Mr. Arbuthnot proceeded to discuss the merits of the two bills. It was clearly the duty of the Court of Directors to use all the means in their power to prevent the passing of either of the bills; but, as that perhaps was not possible, the next best thing they could do was to assist the legislature in passing such a measure

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as would best provide for the good of India. If either bill must be accepted in its present shape, he should prefer to accept that of the late government. It would be better to have one authority than the crude and ill-considered plan proposed by the present government. He objected to the mode of appointing the council, and also to the subordinate position which that council was to hold. In every respect the measure was susceptible of great improvements. It appeared to him that the House of Commons had determined to abolish the East India Company. The Court ought to bow to that decision, and, as far as they could, to aid in obtaining the best possible measure for the future government of India.—The chairman said it was distinctly stated in the report which had been read, that if it should be the evident pleasure of parliament and of the country to proceed with the bill for transferring the government of India from the Company to the crown, the directors would feel it their duty to use their best energies to make the bill as perfect as possible.—Mr. Sergeant Gaselee said he had no great predilection for Lord Palmerston; but of the two bills before parliament he thought Lord Palmerston's was the best. The bill of Lord Derby was one of a most cumbrous and complicated character. It preserved all the vices of the old Company without retaining any of its virtues. He objected to the appointment of a council. He thought it would be much better to throw the whole responsibility upon the ministers, who might be assisted by a competent number of clerks. Such was the system in the imperial government; and surely that which was good for England was good for India. The bill proposed by Lord Derby's government was most impracticable. It was said to be the concoction of a noble lord of great Indian experience; but he (Sergeant Gaselee) deprecated that Indian experience. It was always tinctured by prejudices and jealousies arising from the different branches of the service in the several presidencies. The bill was so complicated, that he doubted whether even one cabinet, not to say one man, could have devised its machinery. Let them look to the good of India alone, irrespective of party. His suggestion was, that the collective wisdom of the Court of Directors, assisted by Sir J. Melville and Mr. Mill, should prepare a scheme worthy of the Company, and show to the country that

they could give up their government with dignity and honour.

The second reading of the Government of India Bill had been, as before stated, fixed for Monday, the 12th of April; but, upon that day, on the question for going into committee of supply being put, Lord John Russell took the opportunity to suggest that, on account of the great and decided objections urged against the provisions of that bill, it would save much valuable time, and facilitate the decision of the house, if government were to proceed to carry their views on the subject into effect by resolutions, instead of by the more formal and dilatory process of submitting each clause of the bill to the consideration of the whole house. His lordship observed, that the course he proposed involved considerable discussion; but, when the resolutions were agreed to, very little debate need take place on the bill as a whole; and there would be great difficulty in discussing, in a committee of the whole house, the many important questions which, from the wording of the clauses, were mixed up with points of inferior and subordinate interest.—The chancellor of the exchequer fully appreciated the difficulty pointed out by the noble lord, and was quite willing, if the house considered it expedient, to adopt the course suggested—to proceed by resolutions instead of by bill; and as the noble lord possessed in that house an authority which no one could more deservedly exercise, it would be more agreeable to himself (Mr. Disraeli) if the noble lord would propose the resolutions; although, if necessary, he (Mr. Disraeli) would not shrink from the responsibility of doing so. Lord John Russell considered the question was one that ought not to be taken out of the hands of her majesty's government, and declined the honour of proposing the resolutions. After a short discussion, the chancellor of the exchequer stated, that he would prepare and place the resolutions upon the table of the house as speedily as possible.

A special general court of the East India Company was held at their house in Leadenhall-street, on the 13th of the month, when the following resolution, in reference to the two bills and to the report of the Court of Directors,* was unanimously adopted:—

"That this Court concur in the opinion of the Court of Directors—that neither of the bills now

* See preceding page.



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before parliament is calculated to secure good government to India; and they accordingly authorise and request the Court of Directors to take such measures as may appear to them advisable for resisting the passing of either bill through parliament, and for introducing into any bill for altering the constitution of the government of India, such conditions as may promise a system of administration calculated to promote the interests of the people of India, and to prove conducive to the general welfare."

On the 20th of April, a series of resolutions affirmatory of the policy proposed to be adopted in the future government of India, were laid upon the table of the House of Commons by the Right Hon. Benjamin Disraeli, who then moved that they should be printed for the consideration of members, previous to a motion for their adoption as a basis for further legislation on Indian affairs. The resolutions were as follow:—

"1. That as the territories under the government of the East India Company are by law to remain under such government only until parliament shall otherwise provide, this house is of opinion that it is expedient that the transfer of such government to the crown should now take place, in order that the direct superintendence of the whole empire may be placed under one executive authority.

"2. That for this purpose it is expedient to provide that her majesty, by one of her principal secretaries of state, shall have and perform all the powers and duties relating to the government and revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the commissioners for the affairs of India.

"3. That such secretary of state shall be responsible for the government of India, and the transaction of business in the United Kingdom relating thereto, in the same manner and to the same extent as any of her majesty's principal secretaries of state are responsible in the several departments over which they preside.

"4. That, in order to assist such secretary of state in the discharge of his duties, it is expedient that a council be appointed of not less than twelve nor more than eighteen members.

"5. That, in order to secure the greatest amount of knowledge and experience in the management of the affairs of India, it is advisable that the principal portion of the members of the council shall have served in India for a term of years to be limited by statute.

"6. That, with a view to the efficiency and independence of the council, it is expedient that it should be partly nominated and partly elected.

"7. That the members of the nominated portion of the council shall be selected by her majesty, subject, as a general rule, to the qualification above expressed, and one-half, at the least, of the elected members shall possess the like qualifications.

"8. That the members of the elected portion of the council shall be chosen by a constituency composed of persons who have previously held military commissions or civil appointments in India, in her

majesty's service or in that of the government of India, or who may possess a direct interest, to an amount to be specified, in some property charged or secured on the revenues or territories of India.

"9. That the council shall be presided over by the secretary of state, or by some member of the council to be nominated by him as vice-president.

"10. That arrangements shall be made from time to time, by the secretary of state and the council, for the meetings of the council, for the mode of procedure at such meetings, and for the distribution and transaction of business.

"11. That all despatches, letters, orders, and communications shall be addressed to the secretary of state, and shall be open to the inspection of every member of the council, except such as are now by law addressed to the secret committee of the Court of Directors.

"12. That the recommendation of persons for first appointments shall be made to her majesty by the secretary of state, with the concurrence of the council; and the same rules shall be observed in the making of such recommendations as have been followed by the Court of Directors in the making of such appointments.

"13. That, for the purpose of ascertaining the fitness of persons for the several appointments for which they may be so recommended, the same rules for the examination of cadets and of clerks shall be adhered to which are now followed by the Court of Directors of the East India Company, until the same be altered by the secretary of state and council of India.

"14. That provision shall be made for transferring to the crown all the real and personal property of the Company, except their capital stock, and the dividend thereon, so as to vest the same in her majesty, for the purposes of the government of India; for continuing the charge on the revenues of India alone of the dividend on the capital stock of the said Company until the redemption thereof, and of all the territorial and other debts and engagements which are payable by the Company out of the revenues of India; for auditing the accounts of the home government of India, under the direction of her majesty's treasury; for laying such accounts annually before parliament; and for securing the preference given by the 3rd and 4th William IV. to the dividends on the capital stock of the said Company, and the right of the said Company to demand the redemption of such dividends, and their right on the security fund, undiminished and unaffected by the transfer to the crown of the direct government of her majesty's Indian possessions."

Tracing the progress of the Indian government question towards a settlement, we find, on the 26th of the month, a petition was presented by the Earl of Albemarle, in the upper house of parliament, from the municipality and inhabitants of Birmingham, praying for the immediate establishment of an equitable system of government for India; upon which occasion his lordship expressed his entire disapproval of the ministerial plan; and said, from all he had read, and all he had heard, he felt quite confident that her majesty's ministers were



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not competent to frame a scheme for the government of India which would be satisfactory to that country, would be compatible with the principles of the constitution, and would tend to promote what ought to be the whole and sole object of every government—namely, the prosperity and welfare of the governed. In the course of the same evening, the chancellor of the exchequer moved that, on the following Friday, the house should resolve itself into a committee to consider the act of the Queen, which provided for the government of India, when he would formally propose the resolutions he had already laid upon the table of the house. The right honourable gentleman discussed at some length the relative merits of the two bills then before the house, and naturally gave the palm to the one introduced by the administration of which he was himself a member; and, deprecating the hostile opinions that had been expressed with reference to it, he urged upon the house that, unless an efficient council were appointed as provided for in his bill, equal in knowledge and experience to the Court of Directors, it would be better not to disturb the existing machinery.—After some severe remarks by Lord Palmerston, Mr. Gladstone said he did not think that, after the decision of the house in February in favour of terminating the existing form of government for India, the best mode of proceeding was by resolutions, which had the effect of making a new commencement of the work. No progress had been made in the settling of this question since it was first introduced; and Lord Palmerston seemed to imply that the present session would not see its settlement. Looking at the state of public affairs and of public opinion upon this subject, he respectfully protested against affirming the motion before the house. He had heard from Mr. Disraeli an ingenious and elaborate defence of his bill; but whatever scruples he felt towards the measure had not been removed by it. In neither plan, however, could he see any elements of a good scheme; and there was great difficulty in attempting to govern by one people another people separated not only by distance, but by blood and by institutions. The Court of Directors had been practically a body protective of the people of India, and there ought not to be a less efficient provision for that object. He looked in vain, however, he said, in either plan for any protective power that

could be compared with the Court of Directors. There should be a protection afforded to the people of India against the ignorance, error, or indiscretion of the people and parliament of England.—Mr. Gregory (Galway) said he considered the house had not sufficient information to legislate upon the subject; and moved as an amendment—"That at this moment it is not expedient to pass any resolutions for the future government of India." The amendment was seconded, and gave occasion for a lengthened discussion; but was eventually withdrawn.

The public mind now began to show symptoms of weariness with this protracted question; and it was by many considered peculiarly disgraceful both to parliament and the country, that the House of Commons should have spent half a session in working its way to a scheme of Indian government, and then break down with a confession of its own utter incompetence to handle the subject. It was urged, that if the change originally proposed was either unimportant or complex; if it related only to the construction of a department, or to the forms of office, then it would not greatly signify whether a bill which few understood or cared for was pressed or postponed. But the change originally proposed, and then accepted by all parties in the house, was at the same time supremely important and perfectly intelligible; being simply the transfer of the government of India from the East India Company to the crown, and the adoption of measures necessary to carry out that change; and it was considered, that were the house then, after returning again and again to the work, and after finally resolving on a course especially designed to secure unanimity, suddenly to bethink itself that it would be better to do nothing—not only would it weaken the hands of the authorities in India, and the energies of the army in that quarter, but the people of India and of the whole civilised world would conclude that we had at last discovered either our political depravity or our national decrepitude. Such, it was contended, would have been the effect of the course advocated by the member for Oxford university. He protested against the resolutions and against both of the bills, upon the extraordinary ground that they provided no protection for the people of India against the ignorance, indiscretion, and errors of the

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executive, the parliament, and the people of this country. In what position, then, it was asked, would these stand before the world were his views adopted?

On Friday, the 30th of April, in the House of Commons, on the order of the day being read for going into committee upon the resolutions on the government of India, an attempt was made to shelve the whole subject by Lord H. Vane (South Durham); who moved a resolution, "That the change of circumstances since the first proposal by her majesty's late advisers, to transfer the government of India to the crown, renders it inexpedient to proceed further with legislation on the subject during the present session." The motion was consistently seconded by Mr. Gregory (Galway), but was strenuously opposed by Lord Palmerston, Mr. Mills, Sir F. Baring, Lord Stanley, and other influential members of every shade of political opinion; and, upon a division, the motion of Lord H. Vane was negatived by 447 to 57; and the house went into committee upon the resolutions. The chancellor of the exchequer thereupon moved—"That it is expedient to transfer the government of India to the crown." A discussion ensued upon the question of expediency; in the course of which, the chairman of the Board of Directors of the East India Company entered at much length upon a defence of the Company's administration, and vindicated their rule from imputations that had been cast upon it. Ultimately, the first resolution was agreed to amid much cheering, and the consideration of the others was postponed.

By the adoption of this resolution, the house was distinctly pledged to legislate for the future government of India; and it addressed itself to the task with apparent earnestness: but before the second resolution had been formally propounded, an incident in the upper house of parliament, on the 7th of May, led to disclosures and explanations that had the effect of depriving Lord Derby of the advantage of the Earl of Ellenborough's services as a member of his cabinet, and, at the same time, excited a considerable degree of public indignation at his conduct. The circumstances were as follow:—

On Thursday, the 6th of May, Earl Granville, in his place in parliament, said that it had come to his knowledge that the right honourable gentleman—the leader of the government in the other house—had

there stated that Lord Canning's proclamation from Allahabad, of the 14th of March, addressed to the people of Oude upon the reduction of Lucknow, was disapproved of *in toto* by her majesty's government; and he wished to know if that statement had the sanction of the colleagues of the right honourable gentleman.—The Earl of Ellenborough (president of the council of India), in reply, stated that there had been no communication whatever between himself and the members of the other house as to the terms of the answer which had been given. The right honourable gentleman who had given the answers to which Earl Granville referred, had read the letter which had been written in regard to that proclamation, and was competent to speak upon the matter. The proclamation and the letter of the government should be laid on the table on the following day.

Accordingly, on Friday, the 8th of May, the Earl of Ellenborough stated to their lordships, that he proposed to place before them the proclamation of the governor-general to the people of Oude,* a letter from the secretary to the government of India to the chief commissioner of Oude, by which that proclamation was accompanied,† and extracts of a letter from the secret committee of the East India Company to the governor-general in council. On looking carefully through the latter document, he found there were a few paragraphs which it would be inconvenient to make public. Those paragraphs would not appear; but their lordships might rest assured that the substance of the despatch would be placed in their hands. Lord Ellenborough then moved for the production of the papers mentioned.

Earl Granville had asked for these papers because he thought it was important that some explanation should be given by the government with regard to the course they had thought it right to take upon the information of Lord Canning's despatch reaching them. He had heard, since the intention to produce the despatch had been arrived at, that it had been in the hands of independent members of parliament, and that a copy of it had been shown at the Reform Club. Therefore, as the noble lord only thought it right now to give portions of that despatch, he regretted that the government had not kept the other portions of it within their own

* See *ante*, p. 276.

† *Ibid.*, p. 277.

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bosoms. He (Lord Granville), in common with their lordships, of course only knew so much of the circumstances of this proclamation as had appeared in the public prints; and looking at that proclamation as it there appeared, he certainly must say, that it seemed to him consistent with the principles which Lord Canning had theretofore carried out. He must add, that the proclamation appeared to him to place a strong weapon in the hands of the government, by means of which they might use their influence upon those of the inhabitants of Oude who might be disposed to stand out, but who yet, upon a force of this kind being brought into operation against them, would rather trust to the clemency of the government than run the risk of the confiscation of their estates. But what he wished most particularly was this—to be understood as not in any way venturing to express any approval or disapproval of the proclamation—in fact, he could not properly do so, for he was perfectly unacquainted with the circumstances of the case, except as they appeared in unauthorised sources of information. The public prints state that the proclamation was accompanied by instructions from Lord Canning as to the mode of putting it into force. He presumed that those instructions would be placed before them; and he considered the course adopted by the government altogether unprecedented. They had not merely passed censure on the conduct of Lord Canning hastily, and, as he thought, without full information even before they had received an official copy of the document; but had promulgated in England (whence it would at once be forwarded to India) their own secret despatch, with which even the directors of the Company had only been made acquainted that morning. The consequences, he apprehended, would be the resignation of the governor-general—an event, in his opinion, fraught with serious injury to India, as depriving that country of the services of a statesman who had, under most peculiar circumstances, displayed consummate skill, and acquired among the nations an exalted reputation for justice and firmness.—The Earl of Derby explained the principles on which the government had acted. They believed that the proclamation, which threatened an almost general confiscation of the land in Oude, would drive the great landowners to despair, and tend to exas-

perate and prolong the contest in that province. The inhabitants of Oude ought not to be treated like mutinous sepoys. In writing to Lord Canning, however, they had studiously avoided using any expression calculated to necessitate his resignation. They had not even required him to recall his proclamation; simply intimating their wish that, in acting upon it, he should to a wide extent mitigate its severity.—The Duke of Argyll believed the government had fully admitted the principle that the government of India should be in India, yet it had taken the first opportunity to throw over the governor-general, and that in the most offensive manner.—The Earl of Ellenborough remarked, as to the despatch being in the hands of certain members of parliament, that it had been given to Earl Granville, at his own request, as an act of courtesy. In the course the government had taken, it had been influenced more by regard to the welfare of India than consideration for Lord Canning. No government deserved to stand a day that did not mark with disapprobation the general confiscation of land threatened by the proclamation. He did not desire the return of Lord Canning, neither did he fear it; the government would not have done its duty had it acted otherwise.—Earl Grey strongly condemned the course taken by the government; and, rejecting the idea that it was the attempt of a weak ministry to obtain a little cheap popularity by a few well-turned phrases in favour of justice and moderation, could only ascribe it to some extraordinary inadvertence it was impossible to explain.—The motion was then affirmed, and the papers in question were eventually laid upon the table.

The proclamation of the governor-general, with the letter accompanying it to the commissioner of Oude, are inserted in accordance with their respective dates.* The secret condemnatory despatch of Lord Ellenborough, *in extenso*, was as follows:—

The Secret Committee of the Court of Directors of the East India Company to the Governor-general of India in Council.

"April 19th, 1858.

"Our letter of the 24th of March, 1858, will have put you in possession of our general views with respect to the treatment of the people in the event of the evacuation of Lucknow by the enemy.

"2. On the 12th instant, we received from you a copy of the letter, dated the 3rd of March, addressed by your secretary to the secretary to the chief

* See pp. 267 and 277, *ante*.



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commissioner in Oude, which letter enclosed a copy of the proclamation to be issued by the chief commissioner, as soon as the British troops should have command of the city of Lucknow, and conveyed instructions as to the manner in which he was to act with respect to different classes of persons, in execution of the views of the governor-general.

"3. The people of Oude will see only the proclamation.

"4. That authoritative expression of the will of the government informs the people that six persons, who are named as having been steadfast in their allegiance, are henceforward the sole hereditary proprietors of the lands they held when Oude came under British rule, subject only to such moderate assessment as may be imposed upon them; that others in whose favour like claims may be established will have conferred upon them a proportionate measure of reward and honour; and that with these exceptions the proprietary right in the soil of the province is confiscated to the British government.

"5. We cannot but express to you our apprehension that this decree, pronouncing the disinherison of a people, will throw difficulties almost insurmountable in the way of the re-establishment of peace.

"6. We are under the impression that the war in Oude has derived much of its popular character from the rigorous manner in which, without regard to what the chief landholders had become accustomed to consider as their rights, the summary settlement had, in a large portion of the province, been carried out by your officers.

"7. The landholders of India are as much attached to the soil occupied by their ancestors, and are as sensitive with respect to the rights in the soil they deem themselves to possess, as the occupiers of land in any country of which we have a knowledge.

"8. Whatever may be your ultimate and undisclosed intentions, your proclamation will appear to deprive the great body of the people of all hope upon the subject most dear to them as individuals, while the substitution of our rule for that of their native sovereign, has naturally excited against us whatever they may have of national feeling.

"9. We cannot but in justice consider that those who resist our authority in Oude, are under very different circumstances from those who have acted against us in provinces which have been long under our government.

"10. We dethroned the king of Oude, and took possession of his kingdom, by virtue of a treaty which had been subsequently modified by another treaty, under which, had it been held to be in force, the course we adopted could not have been lawfully pursued; but we held that it was not in force, although the fact of its not having been ratified in England, as regarded the provision on which we rely for our justification, had not been previously made known to the king of Oude.

"11. That sovereign, and his ancestors, had been uniformly faithful to their treaty engagements with us, however ill they may have governed their subjects.

"12. They had more than once assisted us in our difficulties, and not a suspicion had ever been entertained of any hostile disposition on their part towards our government.

"13. Suddenly the people saw their king taken from amongst them, and our administration substituted for his, which, however bad, was at least native; and this sudden change of government was

immediately followed by a summary settlement of the revenue, which, in a very considerable portion of the province, deprived the most influential landholders of what they deemed to be their property: of what certainly had long given wealth, and distinction, and power to their families.

"14. We must admit that, under these circumstances, the hostilities which have been carried on in Oude have rather the character of legitimate war than that of rebellion, and that the people of Oude should rather be regarded with indulgent consideration than made the objects of a penalty exceeding in extent and in severity almost any which has been recorded in history as inflicted upon a subdued nation.

"15. Other conquerors, when they have succeeded in overcoming resistance, have excepted a few persons as still deserving of punishment, but have, with a generous policy, extended their clemency to the great body of the people.

"16. You have acted upon a different principle. You have reserved a few as deserving of special favour, and you have struck with what they will feel as the severest of punishment the mass of the inhabitants of the country.

"17. We cannot but think that the precedents from which you have departed will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made.

"18. We desire that you will mitigate in practice the stringent severity of the decree of confiscation you have issued against the landholders of Oude.

"19. We desire to see British authority in India rest upon the willing obedience of a contented people; there cannot be contentment where there is a general confiscation.

"20. Government cannot long be maintained by any force in a country where the whole people is rendered hostile by a sense of wrong; and if it were possible so to maintain it, it would not be a consummation to be desired."

In the copy of the despatch laid before the House of Lords, the paragraphs in *italics* (9 to 13, inclusive) were omitted; but it happened that, in the copy presented to the House of Commons by the secretary to the Board of Control, the despatch had been given un mutilated; and hence the double dilemma in which ministers were placed by the inadvertency of two of their colleagues. In addition to the papers laid on the table by Lord Ellenborough, the following copy of a letter from the secret committee of the Court of Directors of the East India Company, to the governor-general of India in council, relative to the policy to be pursued towards the natives of provinces lately in a state of hostility, was also produced:—

The Secret Committee of the Court of Directors of the East India Company to the Governor-general of India in Council.

"March 24th, 1858.

"The telegram from Calcutta, dated the 22nd ult., which arrived this morning, conveys intelligence

of the concentration of the force under the commander-in-chief, and of that under Jung Bahadur, upon Lucknow; and we trust we may indulge the expectation that, ere this, that city has been evacuated by the rebels, and that no considerable corps remains united against us in the field.

"2. If this happy result should have been attained, it will be very satisfactory to us to learn that you have deemed yourself sufficiently strong to be enabled to act towards the people with the generosity as well as the justice which are congenial to the British character.

"3. Crimes have been committed against us which it would be a crime to forgive, and some large exceptions there must be, of the persons guilty of such crimes, from any act of amnesty which could be granted; but it must be as impossible as it would be abhorrent from our feelings to inflict the extreme penalty which the law might strictly award upon all who have swerved from their allegiance.

"4. To us it appears that, whenever open resistance shall have ceased, it would be prudent, in awarding punishment, rather to follow the practice which prevails after the conquest of a country which has defended itself to the last by desperate war, than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion—such acts always being exempted from forgiveness or mitigation of punishment as have exceeded the license of legitimate hostilities.

"5. While we may be unable to forget the insanity which, during the last ten months, has pervaded the army and a large portion of the people, we should at the same time, remember the previous fidelity of a hundred years, and so conduct ourselves towards those who have erred as to remove their delusions and their fears, and re-establish, if we can, that confidence which was so long the foundation of our power.

"6. It would be desirable that in every case the disarming of a district, either by the seizure of arms or by their surrender, should precede the application to it of any amnesty; but there may be circumstances which would render expedient a different course of proceeding. Upon these exceptional cases you and the officers acting under your orders must decide.

"7. The disarming of a district having been effected, with exceptions under your license in favour of native gentlemen whose feelings of honour would be affected by being deprived of the privilege of wearing arms, and of any other persons in whom you may confide, we think the possession of arms should be punished in every case by a severe penalty; but unless the possession of arms should be combined with other acts leading to the conclusion that they were retained for the perpetration of crimes, that penalty should not be death. Of course the possession of arms by Englishmen must always remain lawful.

"8. Death has of late been too common a punishment. It loses whatever terror it might otherwise have when so indiscriminately applied; but, in fact, in India there is not commonly a fear of death, although there ever must be a fear of pain.

"9. In every amnestied district the ordinary administration of the law should, as soon as possible, be restored.

"10. In carrying these views into execution, you may meet with obstructions from those who, mad-

dened by the scenes they have witnessed, may desire to substitute their own policy for that of the government; but persevere firmly in doing what you may think right; make those who would counteract you feel that you are resolved to rule, and that you will be served by none who will not obey.

"11. Acting in this spirit, you may rely upon our unqualified support."

This letter, it will be observed, refers to events in March, already recorded in previous chapters of this work;* but, for obvious reasons, its existence was unknown to the public, until produced in obedience to a resolution of the House of Lords in May, 1858.

On Monday, the 10th of May, the Oude proclamation and the secret despatch (Lord Ellenborough's, of the 19th of April, 1858) again came under discussion in the House of Lords; and the Earl of Shaftesbury gave notice that, on the following Friday, he would move a resolution condemnatory of the publication of the secret despatch of the government to Viscount Canning. The indignation excited by the unworthy attempt to insult the governor-general and paralyse his efforts, was not confined to the House of Lords only. The measure was felt by the country as unwise and uncalled for, and prompted rather by personal motives than by a consideration for the interests of India. The expression of public dissatisfaction was general; and notice of a vote of censure upon the government, on account of the secret despatch, was given in the Commons on the 10th of May, by Mr. Cardwell, the member for the city of Oxford.

A further complication of the difficulty in which government had become entangled in this matter, was occasioned by a statement of Lord Granville, that the late president of the Board of Control (Mr. Vernon Smith) had, some time previous, received a private letter from the governor-general, in which his lordship stated, that he considered his proclamation to the people of Oude required an explanatory despatch; but that, owing to the great pressure of business, he had not been able then to send it. This communication, from inadvertence or design, had been withheld by the late president from his successor at the Board of Control; and Lord Ellenborough and the present government felt they had just grounds of complaint at the unusual reserve, by which, it was contended, the noble

* See ante, pp. 270; 276; 278.



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earl had been placed in a false position with respect to the governor-general's proclamation; and the occasion was seized to divert at least a portion of the popular censure from the existing government.

On Tuesday, the 11th of May, the Oude proclamation, the secret despatch condemning it, and the private letter from Lord Canning to Mr. Vernon Smith, again became the subjects of a discussion in the House of Lords, which derived additional interest from an announcement made by the Earl of Ellenborough, that he had tendered the resignation of his office, as president of the India Board, to her majesty, and that it had been accepted. His lordship was succeeded in office by Lord Stanley.

The vote of censure, of which notice had been given by Lord Shaftesbury, was embodied in the following resolutions, which were moved by the noble earl on the 14th of May:—

"1. That it appears from papers laid upon the table of this house, that a despatch has been addressed by the secret committee of the Court of Directors to the governor-general of India, disapproving a proclamation which the governor-general had informed the Court he intended to issue after the fall of Lucknow.

"2. That it is known only from intelligence that has reached this country by correspondence published in newspapers, that the intended proclamation has been issued, and with an important modification, no official account of this proceeding having yet been received; that this house is therefore still without full information as to the grounds on which Lord Canning has acted; and his answer to the objections made to his intended proclamation in the despatch of the secret committee cannot be received for several weeks.

"3. That under these circumstances this house is unable to form a judgment on the proclamation issued by Lord Canning, but thinks it right to express its disapprobation of the premature publication by her majesty's ministers of the despatch addressed to the governor-general, since this public condemnation of his conduct is calculated to weaken the authority of the governor-general of India, and to encourage those who are now in arms against this country."

In the discussion that ensued, Lord Ellenborough vindicated the course he had taken and the language adopted, for which he claimed the entire responsibility, and deprecated further reference to the subject in the existing state of Indian affairs. Several peers spoke for and against the resolutions, which ultimately were rejected by a majority of nine.

On Friday, the 14th, Mr. Cardwell, pur-

suant to notice, moved his condemnatory resolution as follows:—

"That this house, whilst in its present state of information it abstains from expressing an opinion on the policy of any proclamation which may have been issued by the governor-general of India, in relation to Oude, has seen with regret and serious apprehension that her majesty's government have addressed to the governor-general, through the secret committee of the Court of Directors, and have published, a despatch condemning in strong terms the conduct of the governor-general; and is of opinion that such a course on the part of the government must tend, in the present circumstances of India, to produce the most prejudicial effect, by weakening the authority of the governor-general, and encouraging the further resistance of those who are in arms against us."

A very animated debate followed, an amendment being moved by Mr. Dillwyn (Swansea).

"That the house generally approves of Lord Canning's policy up to the time of the Oude proclamation, and is satisfied with the firmness and judgment he has evinced during the crisis in India; but declines to give any opinion upon the proclamation itself until it has had further information on the state of Oude when it was issued, and also Lord Canning's reasons for issuing it."

The discussions of the resolutions and amendment was continued during the sittings of the 14th, 15th, 17th, 20th, and 21st; and then, by the consent of all parties, both were withdrawn without any result whatever, other than that the consideration of the resolutions which were to form the basis of future legislation for the government of India, was thereby unnecessarily and mischievously retarded.

On the 28th of May, the following letter of instructions from the Court of Directors to the governor-general in council, was presented to parliament, and ordered to be printed. It apparently referred to the proclamation and correspondence respecting Oude,* and to the letter of the secret committee of the Court of Directors, dated the 24th of March.†

"May 5th, 1858.

"1. You will have received, by the mail of the 25th of March, a letter from the secret committee, which has since been laid before us, respecting the policy which it becomes you to pursue towards those natives of India who have recently been in arms against the authority of the British government.

"2. That letter emphatically confirms the principles which you have already adopted, as set forth in your circular of the 31st of July, 1857, by impressing upon you the propriety of pursuing, after the conquest of the revolted provinces, a course of

* See ante, pp. 276 and 278.

† Ibid., p. 480.



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A.D. 1858.]

INDIAN MUTINY.

[INSTRUCTIONS.]

policy distinguished by a wise and discriminating generosity. You are exhorted to temper justice with mercy; and, except in cases of extreme criminality, to grant an amnesty to the vanquished. In the sentiments expressed by the secret committee we entirely concur. While there are some crimes which humanity calls upon you to punish with the utmost severity, there are others of a less aggravated character which it would be equally unjust and impolitic not to pardon and to forget.

"3. The offences with which you will be called upon to deal are of three different kinds. First, high crimes, instigated by malice prepense, and aggravated by treachery and cruelty. Secondly, offences the results rather of weakness than of malice, into which it is believed that many have been drawn by the contamination of example, by the fear of opposing themselves to their more powerful countrymen, or by the belief that they have been compromised by the acts of their associates, rather than by any active desire to embarrass the existing government. And, thirdly, offences of a less positive character, amounting to little more than passive connivance at evil, or at most, to the act of giving such assistance to the rebels as, if not given, would have been forcibly extorted, and which, in many cases, it would have been death to refuse to bodies of licentious and exasperated mutineers.

"4. It is the first only of these offences, the perpetrators of which, and their accomplices, it will be your duty to visit with the severest penalty which you can inflict; and it is, happily, in such cases of exceptional atrocity that you will have the least difficulty in proving both the commission of the offence and the identity of the offender. In the other cases you might often be left in doubt, not only of the extent of the offence committed, but of its actual commission by the accused persons; and, although we are aware that the retribution which may be righteously inflicted upon the guilty may be in some measure restricted by too much nicety of specification, and that, in dealing with so large a mass of crime, it is difficult to avoid the commission of some acts of individual injustice, we may still express our desire that the utmost exertion may be made to confine, within the smallest possible compass, these cases of uncertain proof and dubious identity, even though your retributory measures should thus fall short of what in strict justice might be inflicted.

"5. As soon as you have suppressed the active hostility of the enemy, your first care will be the restoration of public confidence. It will be your privilege, when the disorganised provinces shall no longer be convulsed by intestine disorder, to set an example of toleration and forbearance towards the subject people, and to endeavour, by every means consistent with the security of the British empire in the East, to allay the irritation and suspicion which, if suffered to retain possession of the minds of the native and European inhabitants of the country, will eventually lead to nothing less calamitous than a war of races.

"6. In dealing with the people of Oude, you will doubtless be moved by special considerations of justice and of policy. Throughout the recent contest we have ever regarded such of the inhabitants of that country as, not being sepoys or pensioners of our own army, have been in arms against us, as an exceptional class. They cannot be considered as

traitors, or even rebels; for they had not pledged their fidelity to us, and they had scarcely become our subjects. Many, by the introduction of a new system of government, had necessarily been deprived of the maintenance they had latterly enjoyed; and others feared that the speedy loss of their means of subsistence must follow from the same course. It was natural that such persons should avail themselves of the opportunity presented by the distracted state of the country, to strike a blow for the restoration of the native rule, under which the permitted disorganisation of the country had so long been to them a source of unlawful profit. Neither the disbanded soldiers of the late native government, nor the great talookdars and their retainers, were under any obligation of fidelity to our government for benefits conferred upon them. You would be justified, therefore, in dealing with them as you would with a foreign enemy, and in ceasing to consider them objects of punishment after they have once laid down their arms.

"7. Of these arms they must for ever be deprived. You will doubtless, in prosecution of this object, address yourself, in the first instance, to the case of the great talookdars, who so successfully defied the late government, and many of whom, with large bodies of armed men, appear to have aided the efforts of the mutinous soldiery of the Bengal army. The destruction of the fortified strongholds of these powerful landholders, the forfeiture of their remaining guns, the disarming and disbanding of their followers, will be among your first works. But, whilst you are depriving this influential and once dangerous class of people of their power of openly resisting your authority, you will, we have no doubt, exert yourselves by every possible means to reconcile them to British rule, and encourage them, by liberal arrangements made in accordance with ancient usages, to become industrious agriculturists, and to employ in the cultivation of the soil the men who, as armed retainers, have so long wasted the substance of their masters, and desolated the land. We believe that these landholders may be taught that their holdings will be more profitable to them under a strong government, capable of maintaining the peace of the country, and severely punishing agrarian outrages, than under one which perpetually invites, by its weakness, the ruinous arbitration of the sword.

"8. Having thus endeavoured, on the re-establishment of the authority of the British government in Oude, to reassure the great landholders, you will proceed to consider, in the same spirit of toleration and forbearance, the condition of the great body of the people. You will bear in mind that it is necessary, in a transition state from one government to another, to deal tenderly with existing usages, and sometimes even with existing abuses. All precipitate reforms are dangerous. It is often wiser even to tolerate evil for a time than to alarm and to irritate the minds of the people by the sudden introduction of changes which time can alone teach them to appreciate, or even, perhaps, to understand. You will be especially careful, in the readjustment of the fiscal system of the province, to avoid the imposition of unaccustomed taxes, whether of a general or of a local character, pressing heavily upon the industrial resources, and affecting the daily comforts of the people. We do not estimate the successful administration of a newly-acquired province



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according to the financial results of the first few years. At such a time, we should endeavour to conciliate the people by wise concessions, and to do nothing to encourage the belief that the British government is more covetous of revenue than the native ruler whom it has supplanted."

In the House of Lords, on Tuesday, the 1st of June, Earl Granville observed, that it had been stated by a member of her majesty's government, that a telegraphic message had been sent to Lord Canning subsequent to the resignation of Lord Ellenborough, conveying an assurance that the former nobleman, in his important position of governor-general of India, should receive the support of her majesty's government; and he (Lord Granville) wished to know if there would be any objection to the production of that communication. He also desired to know whether the government had any objection to the production of the vote of confidence of the directors of the East India Company, transmitted to Lord Canning, and of the despatch covering that vote? With regard to the first question, the Earl of Derby said, the only communication that had taken place was contained in a telegraphic message sent by him to Lord Canning, with a view to its overtaking the mail which had gone out on the 10th of May. It was a personal communication; because he had no right to enter into any official communication with Lord Canning. In that communication, he informed him of the change that had taken place in the government by the resignation of Lord Ellenborough; the regret of the government that the secret despatch which his noble friend had addressed to him had been made public; and expressed the determination of the government to give him the most cordial support in their power. It also expressed the hope of the government, that while they approved the policy laid down in the secret despatch of the 19th of April, Lord Canning would not in practice find it greatly to differ from the policy recommended by his (Lord Derby's) noble friend in the former despatch. It would not be possible to produce the private communication alluded to; but with regard to the despatch, and the vote of confidence passed by the Court of Directors, there would not be the least objection to lay those on the table immediately.

The following are the documents referred to by Lord Granville upon this occasion:—

"Political Department, May 18th (No. 2).

"Our Governor-general of India in Council.

"1. The secret committee has communicated to us the governor-general's secret letter, dated the 5th of March, 1858, with its enclosures, consisting of a letter addressed to the chief commissioner of Oude, dated the 3rd of March, and of the proclamation referred to therein, which was to be issued by Sir James Outram to the chiefs and inhabitants of Oude as soon as the British troops should have possession or command of the city of Lucknow.

"2. We have also received communication of the letter addressed to your government by the secret committee, under date the 19th of April last, on the subject of the draught of the proclamation.

"3. Our political letter of the 5th of May has apprised you of our strong sense of the distinction which ought to be maintained between the revolted sepoys and the chiefs and people of Oude, and the comparative indulgence with which, equally from justice and policy, the insurgents of that country (other than sepoys) ought to be regarded. In accordance with these views, we entirely approve the guarantee of life and honour given by the proposed proclamation to all talookdars, chiefs, and landholders, with their followers, who should make immediate submission, surrender their arms, and obey the orders of the British government, provided they have not participated in the murder of Englishmen or Englishwomen."

"4. We are prepared to learn that in publicly declaring that, with the exception of the lands of six persons who had been steadfast in their allegiance, the proprietary right in the soil of the province was confiscated to the British government, the governor-general intended no more than to reserve to himself entire liberty of action, and to give the character of mercy to the confirmation of all rights not prejudicial to the public welfare, the owners of which might not, by their conduct, have excluded themselves from indulgent consideration.

"5. His lordship must have been well aware that the words of the proclamation, without the comment on it which we trust was speedily afforded by your actions, must have produced the expectation of much more general and indiscriminate dispossession than could have been consistent with justice or with policy. We shall doubtless be informed, in due course, of the reasons which induced the governor-general to employ those terms, and of the means which, we presume, have been taken of making known in Oude the merciful character which, we assume, must still belong to your views. In the meantime, it is due to the governor-general that we should express our entire reliance that, on this as on former occasions, it has been his firm resolution to show to all whose crimes are not too great for any indulgence, the utmost degree of leniency consistent with the early restoration and firm maintenance of lawful authority.

"We accordingly have to inform you that, on receiving communication of the papers now acknowledged, the Court of Directors passed the following resolution:—

"Resolved,—That, in reference to the despatch from the secret committee to the governor-general of India, dated the 19th ult., with the documents therein alluded to, and this day laid before the Court of Directors, this Court desires to express its continued confidence in the governor-general (Lord Canning), and its conviction that his measures for

the pacification of Oude and the other disturbed districts in India, will be characterised by a generous policy, and by the utmost clemency that is found to be consistent with the satisfactory accomplishment of that important object.—We are, &c.,

"F. CURRIE,

"W. J. EASTWICK," &c.

The adjourned debate, in committee, on the Indian resolutions was resumed on Monday, the 7th of June, and continued, at intervals, until Thursday, the 17th of the month, when, with several amendments, they were reported to the house, and leave was given to bring in a bill for the future government of India.

With regard to the proceedings of government and the legislature in reference to this important subject, as they were connected with the several propositions of the late and existing government, the following remarks of the *Times* very succinctly expressed the popular opinion. That journal, in an editorial article of the 21st of June, observed—"For the third time we have come to a full stop in the matter of Indian legislation, and found ourselves compelled to begin over again. Lord Palmerston's bill could not get on because Lord Palmerston was turned out of office; Lord Derby's bill could not get on because of its intrinsic absurdity; and now the resolutions, that were to have settled everything, have come to a dead lock, and cannot by any means be induced to carry us a single step further. The waste of time that has been incurred is, we believe, unexampled, even in the annals of that most apt contrivance for the expenditure of human life—the House of Commons. It is now more than two months since the infelicitous ingenuity of Lord John Russell originated the clever scheme of stopping short in the middle of a bill, in order to settle, if possible, by a collateral investigation, what the contents of that bill ought to be. The thing was done and decided on at once by one of those sudden and impulsive movements which have made the present House of Commons the wonder, if not always the admiration, of its constituents. With the same kind of dash with which it threw out the late ministry and fell spontaneously to pieces on the proposition to censure Lord Ellenborough's despatch, the House of Commons, which had previously allowed the introduction of two bills, resolved by acclamation to drop them both, in order to relieve itself from the definiteness of the issue involved, and to expatiate freely on the wider field of

resolution. Everybody, except the house itself, saw at once the full effect of such a step. It relieved the government from all responsibility, and threw it upon the house at large. It was to go into committee on a bill the principle of which had not been decided upon. It was to come to a number of decisions, none of which were final or binding, and every one of which might be reconsidered whenever the real time for settling matters arrived. It gave tempting opportunity for delay, and encouraged, to an unprecedented extent, the faculty of wandering as far as possible from the point in debate. However, the price has now been paid. We have lost two months of the session. We have filled our columns to repletion with long and irrelevant speeches. Let us see what we have got in exchange. That the government was to be vested in the crown and placed in the hands of a responsible minister was conceded before the debate began, so that on that point there was no difference on either side. The resolutions embodying these two propositions were therefore merely formal, and made no advance whatever. The first point decided was, that the new council should not be less than twelve, nor more than fifteen—a whimsical conclusion by which nobody feels himself bound, and which will probably be more heartily contested than any point in the forthcoming bill. The house will very likely adhere to the decision at which it has arrived; but the debate will only furnish new grounds for argument, and provide the advocates of the smaller and of the larger number with better and more accurate knowledge of the strength and weakness of their respective positions, and equip them with new arms for attack and defence. Not much has been gained, therefore, either in point of time or knowledge by affirming this proposition, the narrow limits of which give it an air of pedantry and dogmatism ridiculously inconsistent with its really tentative and indeterminate character. The next proposition which the house has established is, that part of the members of the council shall be nominative and part elective. This proposition was accepted by the house in a fit of enthusiastic devotion to the will of the minister, which, we must say, he had scarcely earned. Lord Ellenborough's bill, as our readers will recollect, contained two methods of election—one by five chosen parliamentary constituencies, the other by

preference shareholders in stock and railways, merchants, Indian officials, and so forth. In this respect the bill differed as widely as possible from the council proposed by Lord Palmerston, which was wholly nominated by the crown. The first wave that broke over the ministerial ship carried away the five constituencies, to appear no more; and it soon became evident that the proposed Indian constituency was utterly repugnant to almost every one, its own proposers and advocates not excluded. What, then, was to be done? Formally to reject the elective principle was to destroy almost the whole difference between the resolutions and Lord Palmerston's bill, and to admit that a second time government had failed in finding the right principle, and, in its eagerness to find grounds of difference from its antagonists, had taken up an untenable position. On the other hand, to retain the words as they stood, threw upon government the duty of finding some species of election—an undertaking which held out no chance of success. The government were perplexed between admitting themselves to be wholly wrong, and taking up a position which they could not support. Candour pleaded for the one course, pride and consistency for the other. The government did not hesitate, having made up its mind to give up the elective principle, to obtain from the house a pledge that it should be carried out. This answered very well for one evening, and the affirmation of the principle was carried by a large majority, amid tremendous cheers. From that moment the fate of the resolutions was sealed. The house could not be asked to rescind what it had done, and neither it nor the ministry had the slightest idea of giving effect to the proposition which they had affirmed. Here, then, things had arrived at a point where it was possible to go no further without contradicting what had been decided upon. The manner in which ministers met this untoward position, was to sketch out a scheme of alternate nomination and self-election, and, without venturing to propose it, to proceed to resolutions on different and less important matters. Then the patience of the house at last gave way, and it was agreed to drop the proceeding by resolution with the same precipitancy and the same unanimity with which the plan had been adopted.

"This is but a sorry account of the labour of so many weeks; but it is actually all that

has been done—all the assistance that has been afforded towards the construction of the bill by many nights of debate upon the resolutions. A number of members of council has been declared by approximation which nobody seems inclined to adopt, and a principle of election has been laid down from which everybody distinctly dissents. Such are the solid foundations we have gained for the future bill. We are to have an election, only there is to be no constituent body: and the council itself seems likely to be rejected from dislike to the principle of co-optation, and also of election. It seems not improbable that the seven elected members may disappear altogether for want of electors, and leave us nothing but the eight nominated members of Lord Palmerston's bill. Such a result would be worthy of the course hitherto taken. Let us, at any rate, rejoice that we are at last free from these weary resolutions, and about to advance, however slowly, in the course of practical law-making, when, it is to be hoped, we shall have more of purpose and less of empty declamation."

A third bill for the better government of India, known as Lord Stanley's Bill, was at length, on the 22nd of June, printed for the consideration of the members of both houses of parliament. The following is an abstract of the provisions of Bill No. 3:—

The preamble states, that it is expedient that the territories in the possession of the East India Company should be governed by and in the name of her majesty.

By clause 1, the government of the territories now in the possession or under the government of the East India Company, and all powers in relation to government vested in or exercised by the said Company in trust for her majesty, shall cease to be vested in or exercised by the said Company; and all territories in the possession or under the government of the said Company, and all rights vested in, or which if this act had not been passed might have been exercised by, the said Company in relation to any territories, shall become vested in and be exercised on behalf of her majesty; and for the purposes of this act India shall mean the territories vested in her majesty as aforesaid, and all territories which may become vested in her majesty by virtue of any such rights as aforesaid.

II. India shall be governed by and in the name of her majesty; and all rights in relation to any territories, which might have been exercised by the said Company if this act had not been passed, shall and may be exercised on behalf of her majesty as rights incidental to the government of India.

III. Save as herein otherwise provided, one of her majesty's principal secretaries of state shall have and perform all such or the like powers and duties in anywise relating to the government or revenues of India, and all such or the like powers over all

officers appointed or continued under this act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company.

IV. After the commencement of this act any four of her majesty's principal secretaries of state for the time being, and any four of the under-secretaries for the time being to her majesty's principal secretaries of state, may sit and vote as members of the House of Commons; but not more than four such principal secretaries, and not more than four such under-secretaries, shall sit as members of the House of Commons at the same time.

Clause 5 provides, that if the person who immediately before the commencement of the act is the president of the commissioners for the affairs of India be appointed a principal secretary of state, he need not vacate his seat in the House of Commons. By clause 6, the salaries of one secretary of state and his under-secretaries, are to be paid out of the revenue of India. Clause 7 states that a council of India is to be established, to consist of fifteen members. Clauses 8, 9, 10, 11, 12, 13, 14, 15, and 16, refer to the mode by which the members of the council are to be elected, the way in which vacancies are to be filled up, the time of the tenure of office, the salaries, and other particulars.

XVII. It shall be lawful for her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, to grant to any secretary, officer, or servant on the home establishment of the said Company, or on the establishment of the said commissioners, who in consequence of such reduction as aforesaid by the secretary of state, or under such order in council, is not retained on the establishment of the council of India, any compensation either by way of a gross or annual payment, as, having regard to the circumstances, may seem just.

Clause 18 relates to retiring allowances to officers.

XIX. The council shall, under the direction of the secretary of state, and subject to the provisions of this act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India; but every order or communication sent to India shall be signed by one of the principal secretaries of state, and—save as expressly provided by this act—every order in the United Kingdom in relation to the government of India under this act shall be signed by such secretary of state; and all despatches from governments and presidencies in India, and other despatches from India, which if this act had not been passed should have been addressed to the Court of Directors or to their secret committee, shall be addressed to such secretary of state.

XX. It shall be lawful for the secretary of state to divide the council into committees for the more convenient transaction of business, and from time to time to rearrange such committees, and to direct what departments of the business in relation to the government of India under this act shall be under such committees respectively, and generally to direct the manner in which all such business shall be transacted.

XXI. The secretary of state shall be the president of the council, and it shall be lawful for such secretary of state to appoint from time to time any member of such council to be vice-president thereof, and any such vice-president may at any time be removed by the secretary of state.

Clauses 22 and 23 define the mode of proceeding to be adopted at meetings of the council.

XXIV. Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the secretary of state, under this act, shall, unless the same has been submitted to a meeting of the council, be placed in the council-room for the perusal of all members of the council during seven days before the sending or making thereof, except in the cases hereinafter provided.

XXV. If a majority of the council record as aforesaid their opinions against any act proposed to be done, the secretary of state shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

XXVI. Provided that where it appears to the secretary of state that the dispatch of any order or communication, or the making of any order, is urgently required, the communication may be sent or order given, notwithstanding the same may not have been submitted to a meeting of the council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the secretary of state; and notice thereof being given to every member of the council, except in the cases hereinafter mentioned.

XXVII. Provided, also, that all such orders and communications as might, if this act had not been passed, have been sent by the commissioners for the affairs of India through the secret committee of the Court of Directors to governments or presidencies in India, or to the officers or servants of the said Company, may, after the commencement of this act, be sent to such governments or presidencies, or to any officer or servant in India, by the secretary of state, without having been submitted to a meeting or deposited for the perusal of the members of the council, and without the reasons being recorded or notice thereof given as aforesaid.

XXVIII. Any despatches to Great Britain which might, if this act had not been passed, have been addressed to the secret committee of the Court of Directors, may be marked "Secret" by the authorities sending the same, and such despatches shall not be communicated to the members of the council, unless the secretary of state shall so think fit and direct.

Clauses 29, 30, 31, 32, and 33, regulate the manner in which appointments to offices in India are to be made. Appointments now made in India to continue to be made there.

By clause 34 there is to be a competitive examination for cadetships in the engineers and artillery.

Clauses 35, 36, and 37, relate to the removal of officers by her majesty, and the disposal of the real and personal estate of the Company.

XXXVIII. The dividend on the capital stock of the said Company, secured by the Act of the 3rd and 4th years of King William IV., chap. 85, until the redemption thereof, and all the bond, debenture, and other debt of the said Company in Great Britain, and all the territorial debt, and all other debts of the said Company, and all sums of money, costs, charges, and expenses, which, if this act had not been passed, would, after the time appointed for the commencement thereof, have been payable by the said Company out of the revenues of India, in respect or by reason of any treaties, covenants, contracts, grants, or liabilities then existing, and all



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expenses, debts, and liabilities which, after the commencement of this act, shall be lawfully contracted and incurred on account of the government of India, and all payments under this act, shall be charged and chargeable upon the revenues of India alone, as the same would have been if this act had not been passed, and such expenses, debts, liabilities, and payments as last aforesaid had been expenses, debts, and liabilities lawfully contracted and incurred by the said Company, and such revenues shall not be applied to any other purpose whatsoever; and all other moneys vested in or arising or accruing from property or rights vested in her majesty under this act, or to be received or disposed of by the council under this act, shall be applied in aid of such revenues.

XXXIX. Such part of the revenues of India as shall be from time to time remitted to Great Britain, and all moneys of the said Company in their treasury or under the care of their cashier, and all other moneys in Great Britain of the said Company, or which would have been received by them in Great Britain if this act had not been passed, and all moneys arising or accruing in Great Britain from any property or rights vested in her majesty by this act, or from the sale or disposition thereof, shall be paid to the council, to be by them applied for the purposes of this act; and all moneys to be paid to the council, except as hereinafter otherwise provided, shall be paid into the Bank of England, to the credit of an account to be opened by the governor and company of the Bank of England, to be entitled "The Account of the Council of India."

Clauses 40, 41, 42, 43, 44, and 45, relate to the transfer of stock, the disposal of exchequer bills, and the power of borrowing money.

XLVI. All provisions now in force in anywise relating to the offence of forging, or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any bond, debenture, or security issued by the council of India under the authority of this act.

By clause 47, the present system of issuing warrants for payments is to be continued.

XLVIII. It shall be lawful for her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, to appoint from time to time a fit person to be auditor of the accounts of the council, and to authorise such auditor to appoint and remove from time to time such assistants as may be specified in such warrant.

By clause 49, the council accounts are to be annually laid before parliament.

By clause 50, commissioners may proceed to India to enquire into the finances and accounts.

LI. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of her majesty, and shall be under the same obligation to serve her majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company; such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all acts of parliament, laws of the governor-general of India

in council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively, as if her majesty's Indian military and naval forces respectively had throughout such acts, laws, articles, regulations, and provisions, been mentioned or referred to, instead of such forces of the said Company; and the pay and expenses of and incident to her majesty's Indian military and naval forces shall be defrayed out of the revenues of India.

Clause 52 makes provision for persons hereafter entering her majesty's Indian forces.

Clause 53 provides that servants of the Company are to be deemed servants of her majesty.

By clause 54, all orders of the Court of Directors or Board of Control are to remain in force.

LV. All functions and powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the government of India, and all appointments of such of the directors of the said Company as have been appointed by her majesty, shall cease, and the yearly sums payable to the chairman, deputy-chairman, and other directors, of the said Company, shall cease to be payable, and all powers vested in her majesty of appointing directors of the said Company shall cease and determine.

LVI. The appointments and powers of appointment of commissioners for the affairs of India shall cease and determine.

Clauses 57, 58, 59, 60, 61, 62, 63, and 64, refer to existing contracts and pending suits, and continue certain rights of the Company.

LXV. Save as herein otherwise provided, this act shall commence and take effect upon the expiration of thirty days after the day of the passing thereof.

LXVI. This act shall be proclaimed in the several presidencies and governments of India as soon as conveniently may be after such act has been received by the governor-general of India; and until such proclamation be made, all acts, matters, and things done, ordered, directed, or authorised in India in the name of the East India Company, or otherwise in relation to the government of India, shall be as valid and effectual as if this act had not been passed.

The most meritorious feature in this measure of Lord Stanley's, consisted in the fact that it was the bill of Lord Ellenborough divested of its most prominent and startling absurdities. The territories of the East India Company were by it to be vested in the Queen; and in her name the future government was to be carried on. The responsible minister for such government, it was proposed should be a fifth secretary of state: so that, after all the verbiage exhausted upon the subject of an official title, the government adhered to the original proposition rather than to the designation of president. From this point the bills materially diverged from each other. The three great constituencies—the proprietors of East India stock, the guaranteed railway shareholders, and the retired valetudinarians from the East—were thrown overboard; the



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qualifications followed the constituencies; the nicely-balanced machinery so artistically designed by Mr. Disraeli, by which every presidency, every service, every trade, and every condition was to be represented, was also swept away, leaving behind only the simple provision that the major part of the council must be persons who had resided ten years in India, while the remainder need possess no qualification at all. Then, it will be observed, the number follows the qualification. The council was to consist of fifteen instead of eighteen, as Lord Ellenborough proposed, or eight, as intended by Lord Palmerston. Of this fifteen, eight would be nominated by the crown, and seven by the present East India directors, from their own body. Lord Palmerston's bill, with certain very narrow exceptions, vested all the powers created by it, in the president and council: Lord Stanley's gave some powers to the secretary of state; others to the council in their own right; and again, others to the council, under the direction of the secretary of state—an arrangement admirably adapted to lead to confusion, if not to collisions. The council would be called together at the will of the secretary of state, or on the requisition of five of its members; and was not, therefore, an ordinary consultative body, but only to be convoked on extraordinary occasions; and, upon the whole, it was objected that the bill involved two principles inconsistent with each other—the responsibility of the minister and the independent action of the council—and would not meet the requirements of the crisis which had called for legislative interference.

On the 23rd of June a quarterly general court of the East India Company was held at their house in Leadenhall-street, when, after some routine business had been disposed of, the chairman (Sir F. Currie) stated, the court had been made special for the purpose of laying before the proprietors a resolution unanimously passed by the Court of Directors on the 9th instant, granting to Sir Colin Campbell an annuity of £2,000. The directors having been informed that her majesty intended to confer a peerage on Sir Colin Campbell for his services in the relief and capture of Lucknow, and in the restoration of British supremacy in that city and in Oude, had felt it to be their duty to propose a grant to him, by which he might be able to support that dignity. The resolution was as follows:—

“Resolved unanimously,—With reference to the gracious intention of her majesty to confer upon General Sir Colin Campbell, G.C.B., commander-in-chief in India, the dignity of the peerage, that as a special mark of the high sense entertained by the East India Company of the eminent services of Sir Colin Campbell, in planning and conducting the several brilliant military operations which, under the blessing of Divine Providence, resulted in the rescue of the garrison of the residency at Lucknow, and in the restoration of British supremacy in that capital and in Oude, an annuity of £2,000, commencing from the date of the final occupation of Lucknow, be granted to Sir Colin Campbell for the term of his natural life, subject to the approval of the general Court of Proprietors, and to the approval and confirmation of the Board of Commissioners for the affairs of India.”

The resolution was agreed to; and the chairman then said, that the Court of Directors had received a letter from the president of the Board of Control, announcing that her majesty had been pleased to confer the dignity of a baronetcy on Sir James Outram, one of their own officers, whose name did not come before the court for the first time. He had, therefore, much pleasure in proposing the following resolution:—

“That, as a special mark of the high sense entertained by the East India Company of the services of Major-general Sir James Outram, G.C.B., in the course of his long and brilliant career, and more particularly those connected with the memorable defence of the residency at Lucknow, the occupation and defence of the important post of Alumbagh, and the final conquest of Lucknow, under the command of General Sir Colin Campbell, G.C.B., and with the view of enabling him to maintain the dignity of a baronet, which her majesty has been graciously pleased to confer upon him, Sir J. Outram be granted an annuity of £1,000 for the term of his natural life, commencing from the date of the final occupation of Lucknow.”

This resolution having been seconded in a warm eulogium upon the services of Major-general Outram, was also adopted by the meeting; and notice was given that, at the next court, a motion would be submitted for extending the annuity to the eldest surviving son of Sir James.

The chairman then laid before the proprietors a draft of the Bill No. 3, for the better government of India, which had been received the day but one previous; and said that, as the president of the Board of Control expected to send the bill to the House of Lords by the 2nd of July, no time must be lost by the court in considering what steps should be taken.

The second reading of the Bill No. 3, was moved in the House of Commons by Lord Stanley, on Thursday, the 24th of June, and carried after a short discussion.

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On the following evening the house went into committee on the bill, when the 1st and 2nd clauses were agreed to without debate; but the amendments proposed to the subsequent clauses, as they progressed through committee, were so extensive as almost to constitute a new measure. A lengthened series of observations and suggestions, in aid of the efforts of her majesty's ministers to provide for the better government of India, was also submitted to the consideration of the legislature by the Board of Directors of the East India Company; which, on the 24th of June, were printed with the votes of the House of Commons. On the 8th of July, the bill, as amended, was read a third time, and passed; and, on the following evening, it was introduced to the House of Lords, and read a first time; the second reading being appointed for the 15th of the month. Upon the introduction of the bill, the Earl of Shaftesbury presented the following petition from the East India Company, against its passing into a law:—

"1. That at the commencement of the present session of parliament your petitioners did address your right honourable house, praying that you would not 'give your sanction to any change in the constitution of the Indian government without full previous inquiry into the present system,' an inquiry extending into 'every branch of Indian administration;' and that your petitioners did at the same time 'challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny.'

"2. That, nevertheless, without any such inquiry or investigation whatsoever having taken place, a bill has been introduced into your right honourable house, and read a first time, entirely abrogating that constitution of government for India which has existed from the first—viz., the government of this Company, at whose expense, and by whose exertions, British authority was originally established in India.

"3. That your petitioners cannot but regard such a measure as having in public estimation a penal character, and its adoption as calculated to lead to the general inference that they have abused their trust, and have been deservedly cashiered for misconduct. Your petitioners submit to your right honourable house that they cannot, without dishonour, acquiesce in their own condemnation without having obtained a trial, or so much as the production of a single charge against them. In 1853 it was decided by parliament, after an inquiry the most minute and laborious, that the government of India by your petitioners should continue 'until parliament should otherwise provide'; it is now declared by the preamble of the bill before your right honourable house to be 'expedient' to make such other provision for the government of India, without reason given or cause assigned, or any inquiry whatsoever.

"4. That, in the opinion of your petitioners, the

circumstances of the rebellion in India do make inquiry by parliament necessary, and such inquiry ought to be into the conduct of individuals, as the chief means whereby misconduct, if proved, can in future be prevented. Your petitioners submit to your right honourable house, that it is at least possible that one result of such an inquiry might be to implicate functionaries of the Indian government who are not servants of this Company, but whom it is now proposed to relieve from that practical although limited control to which they have hitherto been subjected by the existence of this Company. Your petitioners submit to your right honourable house, that in passing the proposed measure without full previous inquiry, you do incur the danger of increasing that power of the servants of the crown which, as exerted in the affairs of India, may have already been too great, and require to be diminished.

"5. That your petitioners cannot but consider the rejection of their prayer for inquiry as not only an act of injustice towards themselves, but an act of injustice towards the people of India, and a most lamentable precedent for the future conduct of the legislature under great national calamities. In their former petition your petitioners did respectfully claim such an inquiry, because when, for the first time in this century, the thoughts of every public man in the country were fixed on India, an inquiry would be more thorough, and its results would carry much more instruction to the mind of parliament and the country than at any preceding period. Your petitioners apprehend that the rejection of this their prayer is the neglect of a precious opportunity which may never recur. The bill now under consideration by your right honourable house, contrary to all former precedent, contains no mention whatever of the people of India.

"6. That your petitioners did represent to your right honourable house, in their former petition, that 'they could not well conceive a worse form of government for India than a minister with a council, whom he should be at liberty to consult or not at his pleasure;' a principle which the proposed form of government adopts to a very serious extent, it being one of the main provisions of the bill 'for the better government of India,' that the president of the council shall be at liberty to receive secret communications from India, and send out secret orders, whenever in his judgment such secrecy may be required, without submitting the same to the members of the council. It is the belief of your petitioners that inquiry by your right honourable house into the operation and results of the power of secret action which has been exercised by the president of the Board of Control since the institution of that board, through the medium of the secret committee of the directors of the Company, would make it impossible for your right honourable house to place in the hands of a secretary of state still greater powers for mischief than heretofore, by passing an enactment the effect of which is nothing less than to give the sanction of parliament to the dangerous practice of transacting the public business by means of private letters.

"7. That the capital stock and debts of this Company amount in the aggregate to £113,000,000 sterling—a liability from which it is proposed by parliament to relieve your petitioners, and which parliament does not propose to take upon itself, but, on the contrary, by the insertion of the word 'alone' after 'Indian revenues,' in clause 42 of the



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aforesaid bill, to expressly disclaim. Your petitioners beg respectfully to represent to your right honourable house that such an enactment cannot but tend to mislead the English people on a matter of the most vital importance, inasmuch as your petitioners cannot see how the national credit can be kept separate from the credit of the Indian government, save by continuing this Company in its administrative functions.

"8. That in the year 1773, when the chartered rights of your petitioners were first invaded, and powers and patronage which they had hitherto exercised were otherwise vested, certain of the members of your lordships' house did protest against the course that was at that time entered upon, predicting that the boundless fund of corruption furnished by that bill to the servants of the crown, would efface every idea of honour, public spirit, and independence from every rank of people; consequences which, in the belief of your petitioners, the proposed bill (which is the sequel to that of 1773) renders more imminent than ever.

"9. That, having regard to all these considerations, and seeing that that full inquiry which your petitioners before prayed your right honourable house to institute has become impossible during the present session of parliament, your petitioners do humbly pray your right honourable house not to suffer the bill for the 'better government of India' now before you to become law; and your petitioners do farther pray your right honourable house to allow this Company to be heard by counsel against the said bill, and in defence of the Company's rights and privileges.

"And your petitioners will ever pray."

Notwithstanding this petition, or protest, the bill went through its various stages in the House of Peers with comparatively little discussion, although several amendments were introduced. On the 23rd of July it was declared to have passed the Lords, and was remitted back to the House of Commons, for its consideration of the amendments proposed. The attention of the house was directed to these amendments on the 26th of the month, when Colonel Sykes, on moving that they should be considered "that day three months," entered upon an elaborate vindication of the administration of the East India Company, and complained of the harsh measure that had been dealt out to it by the bill which put an end to its political existence. Some of the Lords' amendments were then considered and allowed; others were objected to; and a committee was appointed to draw up a minute of the reasons on which the House of Commons sustained their objections. The Lords, on the 29th of July, resolved not to insist upon more than one of their amendments, which related to the mode of admission to the scientific branches of the Indian service; and, on the 30th, the clerk of the house reported that the Com-

mons did not intend to further persevere in their objections to the Lords' amendments. The bill then passed; and on Monday, the 2nd of August, the royal assent gave vitality to the measure by which the future destinies of British India were to be guided.

The dropped bill, introduced by Lord Palmerston, has already been recorded in this volume, as essential to show the principle upon which the administration, of which he was chief, was prepared to legislate for the two hundred millions of human beings about to pass under the direct government of the British crown. The bill of Lord Stanley (Bill No. 3), which superseded the proposed measure of Lord Ellenborough (Bill No. 2), has also been given *in extenso*, as exhibiting the points on which, while aiming at the same result, a different school of statesmen thought it expedient to diverge from the scheme of their predecessors in office; and although much space is necessarily occupied by the introduction of the bill as it ultimately passed and received the royal assent, still, as an historical document to which it may be hereafter necessary to refer in connection with the government of India, it has been deemed essential to the completeness of the present work, that the bill should likewise be preserved in these pages. The following are the provisions of the East India Bill, 21 & 22 Victoria, cap. 106.

Whereas by an act of the session holden in the sixteenth and seventeenth years of her majesty, chapter ninety-five, "to provide for the government of India," the territories in the possession and under the government of the East India Company were continued under such government, in trust for her majesty, until parliament should otherwise provide, subject to the provisions of that act and of other acts of parliament, and the property and rights in the said act referred to are held by the said Company in trust for her majesty for the purposes of the said government: and whereas it is expedient that the said territories should be governed by and in the name of her majesty: be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, by the authority of the same, as follows; that is to say—

Transfer of the Government of India to Her Majesty.—I. The government of the territories now in the possession or under the government of the East India Company, and all powers in relation to government vested in or exercised by the said Company in trust for her majesty, shall cease to be vested in or exercised by the said Company, and all territories in the possession or under the government of the said Company, and all rights vested in or which if this act had not been passed might have been exercised by the said Company in relation

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to any territories, shall become vested in her majesty, and be exercised in her name; and for the purposes of this act India shall mean the territories vested in her majesty as aforesaid, and all territories which may become vested in her majesty by virtue of any such rights as aforesaid.

II. India shall be governed by and in the name of her majesty, and all rights in relation to any territories which might have been exercised by the said Company if this act had not been passed, shall and may be exercised by and in the name of her majesty as rights incidental to the government of India; and all the territorial and other revenues of or arising in India, and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this act had not been passed, shall be received for and in the name of her majesty, and shall be applied and disposed of for the purposes of the government of India alone, subject to the provisions of this act.

III. Save as herein otherwise provided, one of her majesty's principal secretaries of state shall have and perform all such or the like powers and duties in anywise relating to the government or revenues of India, and all such or the like powers over all officers appointed or continued under this act as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the commissioners for the affairs of India in relation to such government or revenues, and the officers and servants of the said Company respectively, and also all such powers as might have been exercised by the said commissioners alone; and any warrant or writing under her majesty's royal sign-manual, which by the act of the session holden in the seventeenth and eighteenth years of her majesty, chapter seventy-seven, or otherwise, is required to be countersigned by the president of the commissioners for the affairs of India, shall, in lieu of being so countersigned, be countersigned by one of her majesty's principal secretaries of state.

IV. After the commencement of this act, any four of her majesty's principal secretaries of state for the time being, and any four of the under-secretaries for the time being to her majesty's principal secretaries of state, may sit and vote as members of the House of Commons; but not more than four such principal secretaries, and not more than four such under-secretaries, shall sit as members of the House of Commons at the same time.

V. In case the person who immediately before the commencement of this act is the president of the commissioners for the affairs of India be appointed, upon or within one month after the commencement of this act, one of her majesty's principal secretaries of state, and be at the time of such appointment a member of the House of Commons, he shall not by reason of such appointment vacate his seat in parliament.

VI. In case her majesty be pleased to appoint a fifth principal secretary of state, there shall be paid out of the revenues of India to such principal secretary of state, and to his under-secretaries respectively, the like yearly salaries as may for the time being be paid to any other of such secretaries of state and his under-secretaries respectively.

Council of India.—VII. For the purposes of this act a council shall be established, to consist of

fifteen members, and to be styled "The Council of India;" and henceforth the council in India now bearing that name shall be styled "The Council of the Governor-general of India."

VIII. Within fourteen days after the passing of this act, the Court of Directors of the East India Company shall, from among the persons then being directors of the said Company, or having been theretofore such directors, elect seven persons to be with the persons to be appointed by her majesty as hereinafter mentioned the first members of the council under this act, and the names of the persons so elected by the Court of Directors shall be forthwith, after such election, certified to the Board of Commissioners for the affairs of India, under the seal of the said Company; and it shall be lawful for her majesty, by warrant under her royal sign-manual, within thirty days after the passing of this act, to appoint to be members of such council eight persons: provided always, that if the Court of Directors of the East India Company shall refuse, or shall for such fourteen days neglect to make such election of such seven persons, and to certify the names of such persons as aforesaid, it shall be lawful for her majesty, by warrant under her royal sign-manual, within thirty days after the expiration of such fourteen days, to appoint from among the said directors seven persons to make up the full number of the said council: provided also, that if any person being or having been such director, and elected or appointed as aforesaid, shall refuse to accept the office, it shall be lawful for her majesty, by warrant under her royal sign-manual, to appoint in the place of every person so refusing some other person to be a member of the council, but so that nine members of the council at the least shall be persons qualified as hereinafter mentioned.

IX. Every vacancy happening from time to time among the members of the council appointed by her majesty, not being members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by her majesty, by warrant under her royal sign-manual, and every other vacancy shall be filled up by the council by election made at a meeting to be held for that purpose.

X. The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by her majesty after the passing of this act to be members of the council, shall be persons who shall have served or resided in India for ten years at the least, and (excepting in the case of late and present directors and officers on the home establishment of the East India Company who shall have so served or resided) shall not have last left India more than ten years next preceding the date of their appointment; and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the council unless at the time of the appointment or election nine at the least of the continuing members of the council be persons qualified as aforesaid.

XI. Every member of the council appointed or elected under this act shall hold his office during good behaviour; provided that it shall be lawful for her majesty to remove any such member from his office upon an address of both houses of parliament.

XII. No member of the council appointed or elected under this act shall be capable of sitting or voting in parliament.

XIII. There shall be paid to each member of the



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council the yearly salary of one thousand two hundred pounds, out of the revenues of India.

XIV. Any member of the council may, by writing under his hand, which shall be recorded in the minutes of the council, resign his office; and it shall be lawful for her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, to grant to any person who, having held the office of member of the council for the period of ten years or upwards, shall so resign by reason of infirmity disabling him from a due execution of the duties of the office, a retiring pension during life of five hundred pounds: provided, that if at any time hereafter it should appear to parliament expedient to reduce the number or otherwise deal with the constitution of the said council, no member of council who has not served in his office for a period of ten years, shall be entitled to claim any compensation for the loss of his office, or for any alteration in the terms and conditions under which the same is held.

XV. The secretaries and other officers and servants on the home establishment of the said Company and on the establishment of the commissioners for the affairs of India, immediately before the commencement of this act, shall on such commencement be and form the establishment of the secretary of state in council; and the secretary of state shall, with all convenient speed, make such arrangement of the said establishments, and such reductions therein, as may seem to him consistent with the due conduct of the public business, and shall within six months after the commencement of this act, submit a scheme for the permanent establishment to her majesty in council; and it shall be lawful for her majesty, by the advice of her privy council, upon the consideration of such scheme, to fix and declare what shall constitute and be the establishment of the secretary of state in council, and what salaries shall be paid to the persons on the establishment, and the order of her majesty in council shall be laid before both houses of parliament within fourteen days after the making thereof, provided parliament be then sitting, or otherwise within fourteen days after the next meeting thereof; and after such establishment has been formed by such order in council, no addition of persons shall be made to such establishment, nor any addition made to the salaries authorised by such order, except by a similar order in council, to be laid in like manner before both houses of parliament.

XVI. After the first formation of the establishment, it shall be lawful for the secretary of state in council to remove any officer or servant belonging thereto, and also to make all appointments and promotions to and in such establishment; provided that the order of her majesty in council of the twenty-first day of May, one thousand eight hundred and fifty-five, or such other regulations as may be from time to time established by her majesty for examinations, certificates, probation, or other tests of fitness, in relation to appointments to junior situations in the civil service, shall apply to such appointments on the said establishment.

XVII. It shall be lawful for her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, to grant to any secretary, officer, or servant on the home establishment of the said Company, or on the establishment of the said commissioners, who, in consequence of such reduction as aforesaid by the secretary of state

or under such order in council, is not retained on the establishment of the secretary of state in council, any compensation, either by way of a gross or annual payment, as, having regard to the circumstances, may seem just.

XVIII. It shall be lawful for her majesty, by warrant, countersigned as aforesaid, to grant to any such secretary, officer, or servant as aforesaid, retained on such last-mentioned establishment, such compensation, superannuation, or retiring allowance on his ceasing to hold office as might have been granted to him if this act had not been passed, and the transfer of any person to the service of the secretary of state in council shall be deemed to be a continuance of his previous appointment or employment, and shall not prejudice any claims which he might have had in respect of length of service if his service under the said Company or commissioners had continued; and it shall be lawful for her majesty, by warrant, countersigned as aforesaid, to grant to any secretary, officer, or servant appointed on the said establishment after the first formation thereof, such compensation, superannuation, or retiring allowance as, under the act of the session holden in the fourth and fifth years of King William the Fourth, chapter twenty-four, or any other act for the time being in force concerning superannuations and other allowances to persons having held civil offices in the public service, may be granted to persons appointed on the establishment of one of her majesty's principal secretaries of state.

Duties and Procedure of the Council.—XIX. The council shall, under the direction of the secretary of state, and subject to the provisions of this act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India, but every order or communication sent to India shall be signed by one of the principal secretaries of state; and, save as expressly provided by this act, every order in the United Kingdom in relation to the government of India under this act, shall be signed by such secretary of state; and all despatches from governments and presidencies in India, and other despatches from India, which if this act had not been passed should have been addressed to the Court of Directors or to their secret committee, shall be addressed to such secretary of state.

XX. It shall be lawful for the secretary of state to divide the council into committees for the more convenient transaction of business, and from time to time to rearrange such committees, and to direct what departments of the business in relation to the government of India under this act shall be under such committees respectively, and generally to direct the manner in which all such business shall be transacted.

XXI. The secretary of state shall be the president of the council, with power to vote, and it shall be lawful for such secretary of state in council to appoint from time to time any member of such council to be vice-president thereof, and any such vice-president may at any time be removed by the secretary of state.

XXII. All powers by this act required to be exercised by the secretary of state in council, and all powers of the council, shall and may be exercised at meetings of such council, at which not less than five members shall be present; and at every meeting, the secretary of state, or, in his absence, the vice-president, if present, shall preside; and in the absence

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of the secretary of state and vice-president, one of the members of the council present shall be chosen by the members present to preside at the meeting; and such council may act notwithstanding any vacancy therein; meetings of the council shall be convened and held when and as the secretary of state shall from time to time direct; provided that one such meeting at least shall be held in every week.

XXIII. At any meeting of the council at which the secretary of state is present, if there be a difference of opinion on any question other than the question of the election of a member of council, or other than any question with regard to which a majority of the votes at a meeting is hereinafter declared to be necessary, the determination of the secretary of state shall be final; and in case of an equality of votes at any meeting of the council, the secretary of state, if present, and in his absence the vice-president or presiding member, shall have a casting vote; and all acts done at any meeting of the council in the absence of the secretary of state, except the election of a member of the council, shall require the sanction or approval in writing of the secretary of state; and in case of difference of opinion on any question decided at any meeting, the secretary of state may require that his opinion, and the reasons for the same, be entered in the minutes of the proceedings, and any member of the council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.

XXIV. Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the secretary of state, under this act, shall, unless the same has been submitted to a meeting of the council, be placed in the council-room for the perusal of all members of the council during seven days before the sending or making thereof, except in the cases hereinafter provided; and it shall be lawful for any member of the council to record in a minute-book, to be kept for that purpose, his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the secretary of state.

XXV. If a majority of the council record as aforesaid their opinions against any act proposed to be done, the secretary of state shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

XXVI. Provided, that where it appears to the secretary of state that the dispatch of any communication, or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the secretary of state, and notice thereof being given to every member of the council, except in the cases hereinafter mentioned.

XXVII. Provided also, that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this act had not been passed, have been sent by the commissioners for the affairs of India through the secret committee of the Court of Directors to governments or presidencies in India, or to the

officers or servants of the said Company, may, after the commencement of this act, be sent to such governments or presidencies, or to any officer or servant in India, by the secretary of state, without having been submitted to a meeting or deposited for the perusal of the members of the council, and without the reasons being recorded or notice thereof given as aforesaid.

XXVIII. Any despatches to Great Britain which might, if this act had not been passed, have been addressed to the secret committee of the Court of Directors, may be marked "Secret" by the authorities sending the same, and such despatches shall not be communicated to the members of the council, unless the secretary of state shall so think fit and direct.

Appointments and Patronage.—XXIX. The appointments of governor-general of India, fourth ordinary member of the council of the governor-general of India, and governors of presidencies in India, now made by the Court of Directors with the approbation of her majesty, and the appointments of advocate-general for the several presidencies, now made with the approbation of the commissioners for the affairs of India, shall be made by her majesty by warrant under her royal sign-manual; the appointments of the ordinary members of the council of the governor-general of India, except the fourth ordinary member, and the appointments of the members of council of the several presidencies, shall be made by the secretary of state in council; the appointments of the lieutenant-governors of provinces or territories shall be made by the governor-general of India, subject to the approbation of her majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

XXX. All appointments to offices, commands, and employments in India, and all promotions, which by law, or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the secretary of state in council shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India as might have been exercised by the said Court of Directors, with the approbation of the commissioners for the affairs of India, if this act had not been passed.

XXXI. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, and forty-two of the act of the sixteenth and seventeenth Victoria, chapter ninety-five, are hereby repealed, so far as the same apply to or provide for the admission or appointment of persons to the civil service of the East India Company.

XXXII. With all convenient speed, after the passing of this act, regulations shall be made by the secretary of state in council, with the advice and assistance of the commissioners for the time being, acting in execution of her majesty's order in council of twenty-first May, one thousand eight hundred and fifty-five, "for regulating the admission of persons to the civil service of the crown," for admitting all persons being natural-born subjects



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of her majesty (and of such age and qualification as may be prescribed in this behalf), who may be desirous of becoming candidates for appointment to the civil service of India, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the last-mentioned commissioners, or of the persons for the time being entrusted with the carrying out of such regulations as may be from time to time established by her majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the civil service of the crown, and the candidates who may be certified by the said commissioners or other persons as aforesaid to be entitled under such regulations, shall be recommended for appointment according to the order of their proficiency as shown by such examinations, and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the civil service of India by the secretary of state in council: provided always, that all regulations to be made by the said secretary of state in council under this act shall be laid before parliament within fourteen days after the making thereof, if parliament be sitting; and, if parliament be not sitting, then within fourteen days after the next meeting thereof.

XXXIII. All appointments to cadetships, naval and military, and all admissions to service not herein otherwise expressly provided for, shall be vested in her majesty; and the names of persons to be from time to time recommended for such cadetships and service shall be submitted to her majesty by the secretary of state.

XXXIV. With all convenient speed after the commencement of this act, regulations shall be made for admitting any persons being natural-born subjects of her majesty (and of such age and qualifications as may be prescribed in this behalf), who may be desirous of becoming candidates for cadetships in the engineers and in the artillery, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations.

XXXV. Not less than one-tenth of the whole number of persons to be recommended in any year for military cadetships (other than cadetships in the engineers and artillery) shall be selected according to such regulations as the secretary of state in council may from time to time make in this behalf from among the sons of persons who have served in India in the military or civil services of her majesty, or of the East India Company.

XXXVI. Except as aforesaid, all persons to be recommended for military cadetships shall be nominated by the secretary of state and members of council, so that out of seventeen nominations the secretary of state shall have two, and each member of the council shall have one; but no person so nominated shall be recommended unless the nomination be approved of by the secretary of state in council.

XXXVII. Save as hereinbefore provided, all powers of making regulations in relation to appointments and admissions to service and other matters connected therewith, and of altering or revoking such regulations, which if this act had not been passed might have been exercised by the Court

of Directors or commissioners for the affairs of India, may be exercised by the secretary of state in council, and all regulations in force at the time of the commencement of this act in relation to the matters aforesaid shall remain in force, subject nevertheless to alteration or revocation by the secretary of state in council as aforesaid.

XXXVIII. Any writing under the royal sign-manual, removing or dismissing any person holding any office, employment, or commission, civil or military, in India, of which, if this act had not been passed, a copy would have been required to be transmitted or delivered within eight days after being signed by her majesty to the chairman or deputy-chairman of the Court of Directors, shall, in lieu thereof, be communicated within the time aforesaid to the secretary of state in council.

Transfer of Property.—XXXIX. All lands and hereditaments, monies, stores, goods, chattels, and other real and personal estate of the said Company, subject to the debts and liabilities affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and all other emoluments which the said Company shall be seized or possessed of, or entitled to at the time of the commencement of this act, except the capital stock of the said Company and the dividend thereon, shall become vested in her majesty, to be applied and disposed of, subject to the provisions of this act, for the purposes of the government of India.

XL. The secretary of state in council, with the concurrence of a majority of votes at a meeting, shall have full power to sell and dispose of all real and personal estate whatsoever for the time being vested in her majesty under this act, as may be thought fit, or to raise money on any such real estate by way of mortgage, and make the proper assurances for that purpose, and to purchase and acquire any land or hereditaments, or any interests therein, stores, goods, chattels, and other property, and to enter into any contracts whatsoever, as may be thought fit, for the purposes of this act; and all property so acquired shall vest in her majesty for the service of the government of India; and any conveyance or assurance of or concerning any real estate to be made by the authority of the secretary of state in council, may be made under the hands and seals of three members of the council.

Revenues.—XLI. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the secretary of state in council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the secretary of state in council by virtue of this act, shall be made without the concurrence of a majority of votes at a meeting of the council.

XLII. The dividend on the capital stock of the said Company, secured by the act of the third and fourth years of King William the Fourth, chapter eighty-five, until the redemption thereof, and all the bond, debenture, and other debt of the said Company in Great Britain, and all the territorial debt and all other debts of the said Company, and all sums of money, costs, charges, and expenses, which if this act had not been passed would after the time appointed for the commencement thereof have been payable by the said Company out of the revenues of India, in respect, or by reason of any treaties, covenants, contracts, grants, or liabilities then existing,



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and all expenses, debts, and liabilities, which, after the commencement of this act shall be lawfully contracted and incurred on account of the government of India, and all payments under this act, shall be charged and chargeable upon the revenues of India alone, as the same would have been if this act had not been passed, and such expenses, debts, liabilities, and payments as last aforesaid had been expenses, debts, and liabilities lawfully contracted and incurred by the said Company, and such revenues shall not be applied to any other purpose whatsoever; and all other monies vested in or arising or accruing from property or rights vested in her majesty under this act, or to be received or disposed of by the council under this act, shall be applied in aid of such revenues: provided always, that nothing herein contained shall lessen or prejudicially affect any security to which the said Company, or any proprietor or creditor thereof, now is or may be entitled upon the fund called "The Security Fund of the India Company," and mentioned in the act of the third and fourth years of his late majesty King William the Fourth, chapter eighty-five, section fourteen.

XLIII. Such part of the revenues of India as shall be from time to time remitted to Great Britain, and all monies of the said Company in their treasury or under the care of their cashier, and all other monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this act had not been passed, and all monies arising or accruing in Great Britain from any property or rights vested in her majesty by this act, or from the sale or disposition thereof, shall be paid to the secretary of state in council, to be applied for the purposes of this act; and all such monies, except as hereinafter otherwise provided, shall be paid into the Bank of England, to the credit of an account to be opened by the governor and company of the Bank of England, to be intitled "The Account of the Secretary of State in Council of India;" and all monies to be placed to the credit of such account under this act shall be paid out upon drafts or orders signed by three members of the council, and countersigned by the secretary of state or one of his under-secretaries, and such account shall be a public account: provided always, that the secretary of state in council may cause to be kept, from time to time, under the care of their cashier, in an account to be kept at the Bank of England, such sum or sums of money as they may deem necessary for the payments now made out of money under the care of the cashier of the said Company.

XLIV. Such amount of money as at the time of the commencement of this act may be standing to the credit of the East India Company at the Bank of England shall be transferred by the governor and company of the Bank of England to the credit of the account to be opened in the name of the secretary of state in council as aforesaid.

XLV. There shall be raised in the books of the governor and company of the Bank of England such accounts as may be necessary in respect of any stock or stocks of government annuities, and all such accounts respectively shall be intitled "The Stock Account of the Secretary of State in Council of India," and every such account shall be a public account.

XLVI. Such government stock or stocks as at the time of the commencement of this act may be standing in the name of the East India Company

in the books of the said governor and company, shall be transferred by the chief cashier or the chief accountant of the said governor and company to the proper account or accounts to be raised as aforesaid.

XLVII. The secretary of state in council, by letter of attorney, executed by three members of the council, and countersigned by the secretary of state, or one of his under-secretaries, may authorise all or any of the cashiers of the Bank of England to sell and transfer all or any part of the stock or stocks standing, or that may thereafter stand in the books of the said bank to the several accounts of the secretary of state in council, and to purchase and accept stock on the said accounts, and to receive the dividends due and to become due on the several stocks standing, or that may thereafter stand on the said accounts, and by any writing signed by three members of the council, and countersigned as aforesaid, may direct the application of the monies to be received in respect of such sales and dividends; but no stock shall be purchased or sold and transferred by any of the said cashiers under the authority of such general letter of attorney, except upon an order in writing directed to the said chief cashier and chief accountant from time to time, and duly signed and countersigned as aforesaid.

XLVIII. All exchequer bills, exchequer bonds, or other government securities, or other securities, of whatsoever kind, not hereinbefore referred to, which shall be held by the governor and company of the Bank of England in trust for or on account of the East India Company at the time of the commencement of this act, shall thenceforward be held by the said governor and company in trust for and on account of the secretary of state in council; and all such securities as aforesaid, and all such securities as may thereafter be lodged with the said governor and company by or on behalf of the secretary of state in council, shall and may be disposed of, and the proceeds thereof applied, as may be authorised by order in writing signed by three members of the council, and countersigned by the secretary of state, or one of his under-secretaries, and directed to the said chief cashier and chief accountant.

XLIX. All powers of issuing bonds, debentures, and other securities for money in Great Britain which, if this act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the direction and control of the commissioners for the affairs of India, or otherwise, shall and may be exercised by the secretary of state in council, with the concurrence of a majority of votes at a meeting; and such securities as might have been issued under the seal of the said Company shall be issued under the hands of three members of the council, and countersigned by the secretary of state or one of his under-secretaries.

L. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any bond, debenture, or security issued by the secretary of state in council of India under the authority of this act.

LI. The regulations and practice now acted on by the Court of Directors on the issue of warrants or authorities for the payment of money, shall be maintained and acted on by the secretary of state in council of India under this act until the same be



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altered by the authority of her majesty in council: provided, that where a warrant or authority for the payment of money passes through the audit department at the East India House before payment, it shall be countersigned by such officer or officers of that audit department as the secretary of state in council may direct before payment shall be made; and that warrants or authorities which have heretofore been signed by two directors of the East India Company, shall, after the commencement of this act, be signed by three members of the council of India.

LII. It shall be lawful for her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, to appoint from time to time a fit person to be auditor of the accounts of the secretary of state in council, and to authorise such auditor to appoint and remove from time to time such assistants as may be specified in such warrant; and every such auditor shall hold office during good behaviour; and there shall be paid to such auditor and assistants, out of the revenues of India, such respective salaries as her majesty, by warrant as aforesaid countersigned as aforesaid, may direct; and such auditor shall examine and audit the accounts of the receipt, expenditure, and disposal in Great Britain of all moneys, stores, and property applicable for the purposes of this act; and the secretary of state in council shall, by the officers and servants of the establishment, produce and lay before such auditor from time to time all such accounts, accompanied by proper vouchers for the support of the same, and shall submit to his inspection all books, papers, and writings having relation thereto; and such auditor shall have power to examine all such officers and servants in Great Britain of the establishment as he may see fit in relation to such accounts, and the receipt, expenditure, or disposal of such moneys, stores, and property, and for that purpose, by writing under his hand, to summon before him any such officer or servant; and such auditor shall report from time to time to the secretary of state in council his approval or disapproval of such accounts, with such remarks and observations in relation thereto as he may think fit, specially noting any case, if such there shall be, in which it shall appear to him that any money arising out of the revenues of India has been appropriated to other purposes than those of the government of India, to which alone they are declared to be applicable; and shall specify in detail in his reports all sums of money, stores, and property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the provisions of this act, or have been expended or disposed of without due authority, and shall also specify any defects, inaccuracies, or irregularities which may appear in such accounts, or in the authorities, vouchers, or documents having relation thereto; and all such reports shall be laid before both houses of parliament by such auditor, together with the accounts of the year to which the same may relate.

LIII. The secretary of state in council shall, within the first fourteen days during which parliament may be sitting next after the first day of May in every year, lay before both houses of parliament an account for the financial year preceeding that last completed, of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, at each of the several presidencies or gov-

ernments, and of all the annual receipts and disbursements at home and abroad on account of the government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each presidency or government, and in England or elsewhere, applicable to the purposes of the government of India, according to the latest advices which have been received thereof, and also a list of the establishment of the secretary of state in council, and the salaries and allowances payable in respect thereof; and if any new or increased salaries or pensions of fifty pounds a-year or upwards have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of such year; and such account shall be accompanied by a statement prepared from detailed reports from each presidency and district in India, in such form as shall best exhibit the moral and material progress and condition of India in each such presidency.

LIV. When any order is sent to India directing the actual commencement of hostilities by her majesty's forces in India, the fact of such order having been sent shall be communicated to both houses of parliament within three months after the sending of such order, if parliament be sitting, unless such order shall have been in the meantime revoked or suspended, and if parliament be not sitting at the end of such three months, then within one month after the next meeting of parliament.

LV. Except for preventing or repelling actual invasion of her majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both houses of parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by her majesty's forces charged upon such revenues.

Existing Establishments.—LVI. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of her majesty, and shall be under the same obligations to serve her majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company: such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all acts of parliament, laws of the governor-general of India in council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively, as if her majesty's Indian military and naval forces respectively had throughout such acts, laws, articles, regulations, and provisions been mentioned or referred to, instead of such forces of the said Company; and the pay and expenses of and incident to her majesty's Indian military and naval forces shall be defrayed out of the revenues of India.

LVII. Provided, that it shall be lawful for her majesty from time to time by order in council to alter or regulate the terms and conditions of service



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under which persons hereafter entering her majesty's Indian forces shall be commissioned, enlisted, or entered to serve; and the forms of attestation and of the oath or declaration to be used and taken or made respectively on attesting persons to serve in her majesty's Indian forces, shall be such as her majesty with regard to the European forces, and the governor-general of India in council with regard to the native forces, shall from time to time direct: provided, that every such order in council shall be laid before both houses of parliament within fourteen days after the making thereof, if parliament be sitting, and if parliament be not sitting, then within fourteen days after the next meeting thereof.

LXVIII. All persons who at the time of the commencement of this act shall hold any offices, employments, or commissions whatever under the said Company in India shall thenceforth be deemed to hold such offices, employments, and commissions under her majesty as if they had been appointed under this act, and shall be paid out of the revenues of India; and the transfer of any person to the service of her majesty shall be deemed to be a continuance of his previous service, and shall not prejudice any claims to pension, or any claims on the various annuity funds of the several presidencies in India, which he might have had if this act had not been passed.

LIX. All orders, regulations, and directions lawfully given or made before the commencement of this act by the Court of Directors or by the commissioners for the affairs of India shall remain in force; but the same shall, from and after the commencement of this act, be deemed to be the orders, regulations, and directions under this act, and take effect and be construed and be subject to alteration or revocation accordingly.

LX. All functions and powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the government of India, and all appointments of such of the directors of the said Company as have been appointed by her majesty, shall cease, and the yearly sums payable to the chairman, deputy-chairman, and other directors of the said Company shall cease to be payable, and all powers vested in her majesty of appointing directors of the said Company shall cease and determine.

LXI. The appointments and powers of appointment of commissioners for the affairs of India shall cease and determine.

LXII. All books, records, and archives of the said Company, except such books and documents as concern the ownership of shares in the capital stock of the said Company, and the payments to the proprietors of such capital stock of their respective shares of the dividend thereon, shall be delivered into the care and custody of the secretary of state in council as they may direct.

LXIII. In case the person who shall be entitled under any provisional appointment to succeed to the office of governor-general of India upon a vacancy therein, or who shall be appointed absolutely to assume that office, shall be in India (upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require), but shall be absent from Fort William, in Bengal, or from the place where the council of the governor-general of India may then be, and it shall appear to him necessary to exercise the powers of governor-general before he shall have taken his seat in council, it shall be lawful for him to make known

by proclamation his appointment, and his intention to assume the said office of governor-general; and after such proclamation, and thenceforth until he shall repair to Fort William, or the place where the council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the governor-general in council, except the power of making laws and regulations; and all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the governor-general in council; provided that all acts done in the said council after the date of such proclamation, but before the communication thereof to such council, shall be valid, subject, nevertheless, to revocation or alteration by the person who shall have so assumed the said office of governor-general; and when the office of governor-general is assumed under the foregoing provision, if there be at any time before the governor-general takes his seat in council no vice-president of the council authorised to preside at meetings for making laws and regulations (as provided by section twenty-two of the act of the sixteenth and seventeenth years of her majesty), the senior ordinary member of council then present shall preside therein, with the same powers as if a vice-president had been appointed and were absent.

Continuance of Existing Enactments.—LXIV. All acts and provisions now in force, under charter or otherwise, concerning India, shall, subject to the provisions of this act, continue in force, and be construed as referring to the secretary of state in council, in the place of the said Company and the Court of Directors and Court of Proprietors thereof, and all enactments applicable to the officers and servants of the said Company in India, and to appointments to office or admissions to service by the said Court of Directors, shall, subject to the provisions of this act, remain applicable to the officers and servants continued and to the officers and servants appointed or employed in India, and to appointments to office and admissions to service under the authority of this act.

Actions and Contracts.—LXV. The secretary of state in council shall and may sue and be sued as well in India as in England by the name of the secretary of state in council as a body corporate; and all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the secretary of state in council of India as they could have done against the said Company; and the property and effects hereby vested in her majesty for the purposes of the government of India, or acquired for the said purposes, shall be subject and liable to the same judgments and executions as they would while vested in the said Company have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said Company.

LXVI. The secretary of state in council shall, with respect to all actions, suits, and all proceedings by or against the said Company pending at the time of the commencement of this act, come in the place of the said Company, and that without the necessity of substituting the name of the secretary of state in council for that of the said Company.

LXVII. All treaties made by the said Company shall be binding on her majesty, and all contracts, covenants, liabilities and engagements of the said Company made, incurred, or entered into before the commencement of this act, may be enforced by and



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against the secretary of state in council in like manner and in the same courts as they might have been by and against the said Company if this act had not been passed.

LXVIII. Neither the secretary of state nor any member of the council shall be personally liable in respect of any such contract, covenant, or engagement of the said Company as aforesaid, or in respect of any contract entered into under the authority of this act, or other liability of the said secretary of state or secretary of state in council in their official capacity; but all such liabilities, and all costs and damages in respect thereof, shall be satisfied and paid out of the revenues of India.

LXIX. After the commencement of this act such of the directors as have been elected by the general court of the said Company, or who shall from time to time be so elected, shall be the directors of the said Company, and the major part of such directors for the time being shall form a Court of Directors; and where the presence, signature, consent, or concurrence of ten directors is now requisite, the presence, signature, consent, or concurrence of the major part of the directors for the time being shall be sufficient; and to the intent that the number of directors may be reduced to six, two directors only shall be elected by the general court of the said Company at each biennial election to fill the vacancies occasioned by the expiration of the term of office of directors; and so much of the said act of the sixteenth and seventeenth years of her majesty as requires any of the directors to be persons who have resided ten years in India shall be repealed, and in the oath to be taken by a director of the said Company, under section thirteen of the said act, the words "in the administration of the government of India in trust for the crown" shall be omitted.

LXX. It shall no longer be obligatory on the directors to summon four general quarterly courts in every year as heretofore.

LXXI. Except claims of mortgages of the security fund hereinbefore mentioned, the said Company shall not, after the passing of this act, be liable in respect of any claim, demand, or liability which has arisen or may hereafter arise out of any treaty, covenant, contract, grant, engagement, or fiduciary obligation made, incurred, or entered into by the said Company before the passing of this act, whether the said Company would, but for this act, have been bound to satisfy such claim, demand, or liability out of the revenues of India, or in any other manner whatsoever.

Saving of certain Rights of the Company.—LXXII. It shall be lawful for the secretary of state in council to pay to the said Company out of the revenues of India such annual sum as her majesty, by warrant under her royal sign-manual, countersigned by the chancellor of the exchequer, may direct for defraying the expenses of and incident to the payment to the proprietors of the capital stock of the said Company of their respective shares of the dividend on such stock, and of keeping the books of the said Company for transfers, and otherwise in relation to such stock.

LXXIII. Nothing herein contained shall affect the preference secured by the said act of the third and fourth years of King William the Fourth to the dividend on the capital stock of the said Company or the right of the said Company to demand the redemption of the said dividend secured by such act; and all the provisions of the said act concerning the security fund thereby created shall remain in force,

save that when the approbation of the commissioners for the affairs of India is required in relation to the disposal of the said security fund, the approbation of the secretary of state in council shall be required.

Commencement of the Act.—LXXIV. Save as herein otherwise provided, this act shall commence and take effect on the expiration of thirty days after the day of the passing thereof.

LXXV. This act shall be proclaimed in the several presidencies and governments of India as soon as conveniently may be after such act has been received by the governor-general of India; and until such proclamation be made, all acts, matters, and things done, ordered, directed, or authorised in India in the name of the East India Company, or otherwise in relation to the government of India, shall be as valid and effectual as if this act had not been passed.

Such, then, was the legislative and royal act by which, on the 2nd day of August, 1858, one of the great powers of the civilised world became extinguished. An important chapter in the annals of human existence, and perhaps the most romantic of the whole, had been closed by the fiat of an earthly sovereign, upon whom the mantle of victory had descended, and whose sceptre extended to the confines of the habitable globe. The great ruler before whom Eastern potentates had been taught to bend as tributaries, and to serve as vassals—the mighty Company, whose mere name and shadow had been a spell on the imagination of two hundred millions of men for long generations—was now deposed, powerless and extinct. Its lust of power, and pride of place, had suddenly, by stronger hands, been wrested from its grasp; and henceforth the political and territorial acquisitions of nearly two centuries became the patrimony of strange rulers; and the destinies of the teeming millions that had grown up in subjection to the merchant princes of Leadenhall-street, passed, like household chattels, into the hands of a more powerful owner. Such, in effect, was the result of the sepoy mutiny of 1857, as connected with the domination of "The Company of Merchant Adventurers trading to the East Indies."

"So falls, so languishes, grows dim and dies
All that this world is proud of. From their spheres
The stars of human glory are cast down:
Faded the pageantry, and pomp of kings,
Princes, and chiefs; the dazzling crowns and palms
Of all these mighty, prostrate and bedimmed."

For the sake of chronological accuracy, it is proper here to observe, that during the discussions which ensued in the early stages of the India Bill in the House of Peers, it was



incidentally mentioned by the premier (the Earl of Derby), that her majesty had signified her intention to record her appreciation of the meritorious services of Sir Colin Campbell, as commander-in-chief in India, by elevating that officer to the dignity of the peerage; and that the official announcement of the royal pleasure was only retarded by the necessity that had arisen for communicating with Sir Colin upon the subject of the title to be conferred upon him. His lordship also stated, that as soon as the reply of the gallant veteran was received, an *Extraordinary Gazette* would make known the distinction he had so richly earned. Accordingly, on the 6th of August, the following announcement appeared in the *London Gazette*:—

“Whitehall, August 3rd.

“The Queen has been pleased to direct letters-patent to be passed under the great seal, granting the dignity of a baron of the United Kingdom of Great Britain and Ireland unto General Sir Colin Campbell, G.C.B., commander-in-chief in the East Indies, and the heirs male of his body lawfully begotten, by the name, style, and title of Baron Clyde, of Clydesdale, in that part of the said United Kingdom called Scotland.”

The same *Gazette* also notified that the dignity of a baronet of the United Kingdom had been conferred upon Sir John Laird Muir Lawrence, G.C.B., chief commissioner, and agent to the governor-general of India for the affairs of the Punjab, and his heirs male, in recognition of his distinguished services. A pension of £2,000 was conferred upon him by the East India Company, at a special court, held on the 24th of August.

The close of the proceedings in the House of Lords, in connection with the India Bill, was marked by some incidents of peculiar interest, well deserving remark. Before the bill left the house, certain lords and prelates embraced the occasion to deliver themselves of opinions which, taken either as warnings or protests, were not without importance. The Earls of Ellenborough and Shaftesbury, the Archbishop of Canterbury, and the Bishops of London and Oxford, successively addressed themselves with much earnestness to points intimately affecting the future practical administration of the Eastern empire. By those speakers it was solemnly urged, that the policy till then pursued by the Indian government in matters of religion should be essentially modified, and that the sentiments of animosity entertained towards the native population, should

be succeeded, as speedily as possible, by feelings of a more conciliatory and Christian spirit. The solicitude expressed on these points, it was contended, was exceedingly natural; as, upon the future policy of the British government and its representatives in those two respects, the success or failure of the new Indian administration would mainly depend. To this source, opened up by misconception on the score of religious intolerance, it was alleged the origin and motive for the revolt might be correctly ascribed; as, whatever other elements of evil might have entered accidentally into the spirit of the rebellious movement, it was beyond all doubt that the religious policy of the European government had created, and also fed, the antagonism of the native mind; while its administrative system rendered the appeal to physical force practicable. The sepoys, it was said, were exposed to delusions on the subject of Christianity, because they had never been permitted to understand what Christianity really was; and they were enabled to take the field in arms against their rulers, because the latter, in their boundless confidence, had invested them with every attribute and appliance of military power.

As regarded the religious branch of the question, it was contended that the policy of the government admitted of a double interpretation, according to the spirit in which it was practised, or the light in which it was viewed. The “perfect neutrality” professed by the Company, often took the form of positive injustice to their own faith. In their excessive anxiety to keep the native mind at ease, the Indian authorities went any lengths that the credulity or fanaticism of their Hindoo or Mohammedan subjects might think fit to require. Thus anything at which a Hindoo took fright, or might be expected to take fright, was at once forbidden; and it was not merely that the prejudices of those people were inordinately studied, but they were also actually suffered to prescribe terms to their masters, lest the religion of the latter should become offensively demonstrative. They had invested Christianity with a false character, and believed that Christians could make others such, by devices that involved loss of caste. To enlighten them on this subject, the Archbishop of Canterbury proposed that, in future, the Bible should be read in all the schools of India to which government aid was contributed—the Bible being the



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best proclamation which the Indian government could issue to the people; since all who read it would learn at once that the religion it inculcated could never be propagated by artifice or by violence.

Upon the other point—namely, the revival of confidence between the European and native populations, there were, however, good reasons for doubting the expediency, or even the possibility, of its restoration to the extent that had formerly prevailed. Lord Shaftesbury complained that a strong antipathy had, for some time past, been growing up in India between Europeans and natives. "I fear," observed his lordship, "that it will be long before the confidence which formerly prevailed between them will be again restored. Perhaps half a century may elapse before an Englishman may be able to settle down in security in the interior provinces of India." In those apprehensions there was much reason, but not upon the grounds assumed by the noble lord, who appeared to lay the blame chiefly upon European shoulders; for, in truth, all confidence had been reposed in the people of India, without reserve, qualification, or drawback; the trust in them had been so implicit, that it might justly have been described as resembling infatuation, rather than an exercise of sober reason. To the very last minute the officers who, with their wives and little ones, had been marked out for destruction, believed in the loyalty and attachment of men who thirsted for their blood. In the hands of those treacherous assassins everything was unsuspectingly lodged—everything; even their very lives: and how was this confidence rewarded? Without a particle of justification—with a ferocity only to be compared to that of the untamed brutes of the jungle—those petted, pampered, and trusted servants rose upon their confiding masters, and foully murdered every creature of European lineage within their reach! To say that they were bereft of reason when they so acted, may possibly, to some extent, be correct; but though maniacs and tigers might be exculpated on such a plea, it could scarcely be supposed to justify "confidence" in our future dealings with a people capable of such atrocities. After their most unprovoked revolt, directed against the very existence of European society and government in India—a revolt characterised by unspeakable barbarity; and while it was still, as it were, smouldering under the feet of the survivors of their treachery, it was surely

somewhat unreasonable, on the part of any one, to complain that confidence no longer existed between the native and European races, or to ascribe the natural and justifiable distrust that succeeded to it, to the mere influence of a retributive spirit.

Much time necessarily elapsed before any communication could be received in this country from the governor-general (who was still holding his seat of government temporarily at Allahabad), in reference to the secret despatch of Lord Ellenborough, dated April 19th, 1858;* and, in fact, the reply of Lord Canning did not reach this country until the supreme power so long held by the Court of Directors had passed from their hands. The document transmitted, embraced a lucid exposition of the whole policy of Lord Canning's administration in reference to the war in India; and its introduction to these pages, as a state paper of historical importance, is indispensable. The first despatch, it will be observed, was written previous to the arrival in India of the vote of confidence adopted by the Court of Directors on the 18th of May,† which was intended, if practicable, to have reached the governor-general simultaneously with the Ellenborough despatch; and was as follows:—

To the Hon. the Secret Committee of the Hon. the Court of Directors.

*"Foreign Department, Secret, Allahabad,
17th of June, 1858.*

"Hon. Sirs,—I have the honour to reply to your despatch, No. 1,954, of the 19th of April.

"That despatch condemns in the strongest terms the proclamation which, on the 3rd of March, I directed the chief commissioner of Oude to issue from Lucknow.

"2. Although written in the secret committee, the despatch was made public in England three weeks before it reached my hands. It will in a few days be read in every station in Hindostan.

"3. Before the despatch was published in England, it had been announced to parliament by a minister of the crown as conveying disapproval in every sense of the policy indicated by the governor-general's proclamation. Whether this description was an accurate one or not I do not inquire. The telegraph has already carried it over the length and breadth of India.

"4. I need scarcely tell your honourable committee that the existence of such a despatch, even had it never passed out of the records of the secret department, would be deeply mortifying to me, however confident I might feel that your honourable committee would, upon reconsideration, relieve me of the censure which it casts upon me. Still less necessary is it for me to point out that the publication of the document, preceded as it has been by an authoritative declaration of its meaning and spirit,

* See ante, p. 479.

† Ibid., p. 484.