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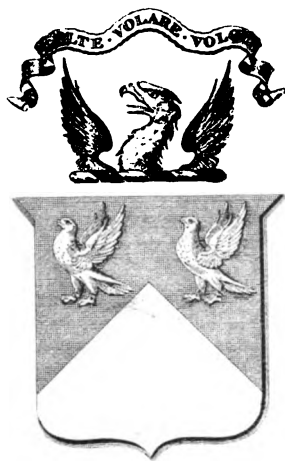
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THE
ADMINISTRATION
OF
THE EAST INDIA COMPANY.

THE
ADMINISTRATION
OF
THE EAST INDIA COMPANY;
A HISTORY OF INDIAN PROGRESS.

5a
BY JOHN WILLIAM KAYE,
" "
AUTHOR OF "THE HISTORY OF THE WAR IN AFGHANISTAN."

SECOND EDITION.

"THERE ARE MANY KINDS OF WAR AND MANY DEGREES OF HEROIC BEHAVIOUR,
BUT THE HIGHEST PRAISE IS DUE TO THOSE WHO, BY THEIR VICTORIOUS ARMS,
HAVE OPENED NEW SCENES FOR THE CIVILISATION OF MANKIND, AND OVER-
COME BARBARISM IN SOME IMPORTANT PORTION OF THE WORLD."

RANKIN'S "Civil Wars and Monarchy in France."

LONDON:
RICHARD BENTLEY, NEW BURLINGTON STREET.
Publisher in Ordinary to Her Majesty.

MDCCCLIII.

1853

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TO THE
CIVIL AND MILITARY SERVICES
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THE EAST INDIA COMPANY
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RIFE WITH RECORDS OF THEIR GOOD DEEDS,
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RESPECTFULLY INSCRIBED.

London, April 25, 1853.

513231

PREFACE.

I OFFER this volume to the public as a contribution to the general stock of information relating to India and her affairs—information which, in the present juncture, it is very desirable to possess. It contains much that is scattered over a great number of printed books, and much besides that is not to be found in any printed books. It will be seen that it is written almost entirely in a narrative form—that there is little of the disquisitional and controversial in it—and that I have not attempted to elucidate the great question of the future Government of India, except by throwing on it such light as is derived from illustrations of the past.

Perhaps, indeed, the volume may best be described as a series of historical illustrations of Indian Government, arranged with some regard to completeness and uniformity of design, but not at all pretending to the dignity either of a perfect history of the internal administration of India, or a finished picture of Indian Institutions. The exigencies of time and space have compelled me to pass hastily over the consideration of many matters, of the interest and importance of which I am fully sensible, and in one or two instances I have been necessitated to throw into an Appendix papers illustrative of certain topics of inquiry of which I had intended to treat in the body of the work. The subject of Indian Administration, indeed, is so vast; it branches out into so many different channels; and the materials at my disposal for its illustration have been so ample, that the

more I have drawn upon them the further off I have seemed from their exhaustion.

In dealing with a subject of such magnitude, the writer has the choice of two courses which lie before him. He may either so compress his materials into a narrow compass as to divest his fasciculus of facts of all living interest and external grace. Or he may select certain prominent topics of discourse, and illustrate them with that copiousness of detail which, by limiting its range of inquiry, necessarily subtracts from the encyclopædic value of the work, but imparts a vitality to it which I cannot help thinking extends its utility by increasing its attractions. I have followed the latter course. I believe that the reading public is less instructed than it should be on Indian subjects, because it has been less interested than it might have been, if writers had taken more pains to appeal to the common sympathies of mankind. I am not insensible of the value of statistics, and, indeed, I have dealt somewhat largely in them; but it is principally by representing men in action that the writer on Indian affairs must hope to fix the attention of the public.

It is mainly to anticipate any objections which may be raised on the score of omissions, that I make these remarks regarding what may be called the machinery of my work. Of the purpose and tendency of the work itself I have spoken elsewhere; and shall now only add the expression of a hope that, in consideration of what I have done, I shall be forgiven for what I have necessarily left undone in such a volume as this.

London, April, 1853. *

PREFACE TO THE SECOND EDITION.

I AM unwilling to suffer the present edition of this volume to pass into circulation without adding a few words to what has already been written under this introductory head.

Since this account of the Administration of the East India Company was presented to the public, a few months ago, the great question of the future Government of India has been discussed, and, for the present, disposed of by the Parliament of Great Britain. No opinion of the merits or demerits of the India Bill of 1853 is called for in this place. But I may, without impropriety perhaps, avail myself of this opportunity of referring to the frequent allusions which, in the course of the Debates, were made to the present work. I may say generally of these allusions, that, as far as they related to myself, they only did me too much honor, and that they would have afforded me more gratification if I had not been painfully conscious, whilst I was cited as a teacher of others, that I had myself so very much to learn. But I wish to observe more particularly, at the same time, that though I wrote not without a hope that such a collection of facts might be an aid to the formation of

sound opinions by others, these chapters of administrative history were not written with the intention of recording any views, or propounding any doctrines, of my own. It was my object, in a word, to accumulate facts, not to express opinions. I endeavoured, as much as was possible, to abstain from argumentation, and to preserve the historical character of the book; and, on carefully reperusing what I have written, it appears to me that, if in this new edition I had expunged every line that is not of this purely historical character, the book would have lost almost as little in bulk as it would lose in permanent interest and value.

There was a time, perhaps, when I might not have hesitated to pronounce the most confident opinions upon the whole question of Indian Government—when I might not have shrunk from accepting the title and the office of the Judge. But I have read too much, and thought too much in later years, not to appreciate the difficulties of that question. India, with all its local peculiarities and ethnological varieties, is so vast and comprehensive a subject, that with increased study and reflection comes increased diffidence. The light of knowledge, the nearer it approaches, throws out into bolder relief the ignorance of the student. There is no subject, indeed, on which it becomes a man to write or to speak with more modesty and reserve. For my own part, though now for nearly twenty years I have been, with little interruption, reading and writing about India—though all this time it has been the business of my life to collect facts and to mature opinions relating to this great subject—though both in the East and the West the companions of

my solitude and my social life, the books and the men with whom I have been familiar have been mainly such as are depositories of Indian information—although I have had access to such stores of unpublished documents—the wealth alike of public and of private archives—as few men have had the good fortune to approach or the patience to examine—I am not ashamed to confess that there are many great questions connected with the administration of our Indian Empire upon which I am competent to express only a qualified, hesitating opinion—or none at all. I know, for my own part, that, after acquiring facts illustrative of such a subject as this, it is very difficult to form opinions; though it would seem, indeed, to be the easiest thing in the world to form these opinions before acquiring the facts.

I am not, however, without a belief that what has been stated in these volumes has had some effect in moderating the opinions of candid and unprejudiced, though imperfectly-informed readers. Nor am I without a hope, now that the subject of Indian Government has ceased to be one of the pressing topics of the day, and the book is divested of the controversial character which was conferred on it rather by this outward pressure of the times than by its own internal attributes, that it will induce many more to believe with me, that a History of the Administration of India, under the Government of the East India Company, truthfully and conscientiously written, is really a History of Indian Progress. That the present system of Indian Government is perfect, or that its agents are faultless, I have nowhere said, and nowhere implied. It is un-

deniable that they are capable of revision and improvement. To this revision and improvement they have continually and unceasingly been subjected. The progressive tendency towards good government has, under each new charter, been more and more strikingly developed; and if the ameliorative changes of the next twenty years only keep pace with those of the last, the historian of 1873 will address himself to his work with the delightful conviction that it is his to chronicle a series of good deeds done for the extension of civilisation and the advancement of human happiness, which, whether we regard the magnitude of the end, or the difficulties to be encountered on the way, may be ranked among the greatest administrative efforts which History has ever recorded, or the World has ever beheld.

September, 1853.

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—Administrative Difficulties in England and India—Crime and Poverty in the
two Countries—Encouragements to Exertion.

WHEN Mr. Barlow, then Secretary to the Indian Government, drew up the elaborate minute, on which the Bengal Regulations of 1793 were based, Sir William Jones, to whom this important document was submitted, struck his pen across the three first words. The correction which he made was a significant one. Barlow had written: "The two principal objects which the Government ought to have in view in all its arrangements, are to insure its political safety, and to render the possession of the country as advantageous as possible to the East India Company and the British Nation." Sir William Jones, I have said, erased the three first words. Instead of "*the two principal* objects," he wrote: "two of the primary objects;" and then he appended this marginal note: "I have presumed to alter the first words. Surely the *principal* object of every Government is the hap-

piness of the governed.”* Sixty years have passed away since that significant correction was made, and it is now a moot question, whether the practice of the British Government in India, throughout that time, has been in accordance with the words of Mr. Barlow, or those of Sir William Jones.

Not, however, that Barlow, who may be supposed, in this case, to represent the general body of the Company’s servants in India, had overlooked the “happiness of the governed.” In the next paragraph he wrote: “It is a source of pleasing reflection to know, that in proportion as we contribute to the happiness of the people and the prosperity of the country, the nearer we approach to the attainment of these objects. If the people are satisfied with our government, we shall be certain that they wish for its continuance; and as the country increases in wealth, the greater will be the advantages which we shall derive from the possession of it.” The “happiness of the governed” was to be considered as a means to an end—not as the end itself. But in those early days of Anglo-Indian rule, it was something to think of the people at all. It was no small matter, indeed, to recognise the great truth, that the prosperity of the governing and the governed are mutually dependent upon each other; that, to secure the former, we must, at all events, promote the latter. The servants of the Company had been for nearly two centuries regarding the natives of India only as so many dark-faced and dark-souled Gentiles, whom it was their mission to over-reach in

* *MS. Records.*—I have copied this from the original note in Sir W. Jones’s handwriting. The draft, which contains the autograph corrections of Lord Cornwallis, as well as the marginal notes of Sir W. Jones, is thus endorsed by Sir George Barlow: “This is the minute which led to the formation of the constitution of the government of our possessions in India, in 1793. It

was drawn up by me, and contained my suggestions to Lord Cornwallis. The notes in the margin are by Sir W. Jones, for whose opinion it was submitted. The corrections in the body are those made by Lord Cornwallis.” I need not say that the document is an extremely interesting one. I purpose to make larger references to it in another work.

business, and to overcome in war. But out of these hucksters and spoliators had now arisen a race of embryo statesmen with dawning perceptions of the duties and responsibilities of governments and the rightful claims of the people. Barlow, who sat at the feet of Cornwallis, was far in advance of his predecessors—far in advance of the great mass of his contemporaries. There may be expressions in his suggestive minute to jar upon the sensitive chords of modern philanthropy; but we must read it, not with the eyes of meridian enlightenment, but with the hazy vision of men just awakening, as it were, from dreams of conquest, and only then ceasing to look upon the inhabitants of India as a race of men to be defrauded and subdued.

“A spirit of industry,” continued Barlow, “has been implanted in man, that in seeking his own good he may contribute to the public prosperity. The husbandman and manufacturer will toil incessantly, if they are permitted to reap the profit of their labours.” But a question arose in practice, and one which has not yet received any very satisfactory solution, as to the extent to which, regard being had to the prosperity of the State, the people might be suffered to “reap the profit of their labours.” If the question had been satisfactorily solved, that would have been achieved by Indian administrators, which, as far as the range of my own knowledge extends, has yet been achieved by no administrators under Heaven. This, humanly speaking, indeed, is the greatest problem in the world. It is nothing, therefore, to say, that in India the rights of labour have not been determined—that its claims have not been acknowledged—in a manner to give entire satisfaction to every benevolent mind. Under the most favourable circumstances, we can only arrive at something of an approximation.

And what ought now properly to be considered is, not whether India has been governed by its European conquerors after any imagined model of abstract perfection, but whether, all circumstances duly considered, all obstacles and hindrances fairly weighed, as much has been done, within a certain time, and with certain appliances and means at our disposal, as reasonable men might rightfully expect.

All government is, more or less, an experiment. In India, it is, especially, an experiment; and it is one on a gigantic scale. We have been compelled to experimentalise upon a foreign people not easy to understand—upon a people whose character and institutions are not only extremely dissimilar to our own, but so fenced in with exclusiveness, so bristling with all kinds of discouragements and denials, that it is difficult, above all things, to acquire that comprehensive knowledge of their feelings and opinions which alone can enable us to adapt our legislation to their moral and physical requirements. It is the great evil of English legislation, that it is based upon an imperfect knowledge of the wants and wishes of the people. But an English legislator may converse with whomsoever he will, on any subject, in his own language. He may walk into the poor man's cottage, and ascertain for himself what are the poor man's wants. He has something in common with the poorest. He was born on the same soil—he speaks the same tongue—he prays to the same God. The two classes, to a certain extent, may be severed by imperfect sympathies; but there is *some* bond of sympathy to unite them. They are not utterly strangers and aliens to each other. They do not regard each other as infidels and blasphemers. They cross the threshold of the same temple together, and they may eat, without contamination, from the same dish. There is a vast difference, I repeat, between St.

James' and St. Giles'. The aristocrat of Belgravia but imperfectly comprehends the feelings of the inhabitants of the clanging rookeries. The great territorial lord has little in common with the wretched labourer who poaches by night on his overgrown estate. And hence the blunders of English legislation. But these privileged classes cannot help knowing more about the natural history of their own countrymen, however wide the distinction of rank, than the privileged classes of British India—the English conquerors—know about the dark-faced inhabitants of the country which they have subdued.

It is little more than sixty years since we began to govern India at all. Lord Cornwallis is the first Indian ruler who can be properly regarded as an administrator. Up to the time of his arrival, the English in India had been engaged in a great struggle for existence. Clive conquered the richest province of Hindostan. Hastings reduced it to something like order. But it was not until Cornwallis carried to India the large-minded liberality of a benevolent English statesman, that our administrative efforts took shape and consistency, and the entire internal management of the country under our rule was regulated by a code of written laws,* intended to confer upon the natives of India the benefits of as much European wisdom and benevolence as was compatible with a due regard for the character of native institutions. During those sixty years, India has never enjoyed any protracted season of rest. We have continually been engaged in wars and contentions, which have resulted in the extension of our empire, until it has reached the confines of the Afghan dominions; and many who

* Barlow, in the minute of which I have spoken above, always used the word "laws;" but Cornwallis invariably erased it, and substituted the word "regulations."

would fain have been peaceful administrators, have been conquerors in spite of themselves. During the sixty years of which I speak, we have been building up our present enormous empire. When, therefore, we come to consider the time at our disposal, and the opportunities at our command, with reference to the ameliorative measures which have emanated from the British Government, we must not take account of the result, as though we had been for sixty years in possession of our present territory, and those sixty years had been years of settled tranquillity; but as though we had all that time to do with an empire inchoate and imperfect, calling for measures—in the first instance, of defence, then of aggression—which have left neither leisure to consider, nor money to provide the means of domestic improvement.

For let us only just glance at the history of India during the last century—at the reigns of our different chief Governors, from Clive to Dalhousie, and see how they have been consecutively engaged, with but two exceptions, in great and engulfing wars. Think of the wars in Madras and Bengal—the Rohilla wars—the Mysore wars—the Mahratta wars—the Nepaul war—the Pindarree war—the Burmese war—the Afghan war—the Sindh war—the Sikh war—with all kinds of minor wars occupying smaller space in the great history of Indian conquest. Of all our Governors-General, either reared in India, or despatched thither from our English bureaux, Shore and Bentinck alone contrived to surround themselves with an atmosphere of peace during the entire period of their administration. And yet all these warriors and statesmen, who were continually pouring their battalions into the field, were not all of them men, “out of measure addicted to fighting”—men of large ambition, greedy of conquest,

unmindful of the blessings of peace and the claim of an industrial people. Cornwallis—Minto—Amherst—Auckland—Hardinge—Dalhousie—were all by nature peace-Governors. Neither Hastings—commoner nor peer—can be justly accused of unscrupulous aggressiveness. And yet, somehow or other, all these rulers have been arrested in their career of internal improvement, or utterly prevented from giving a thought to it, by the necessity of concentrating their efforts on great schemes of military organisation, for the subjection of enemies who have threatened the security of our frontier, and compelled us to possess ourselves of new territory to enable us to retain possession of the old.

It is not for me now to consider in detail, whether this or that war “might have been avoided.” The more thoughtful reader of Indian history will, perhaps, arrive at the general conclusion, that although some of our wars with our immediate neighbours might have been delayed, few, if any, could have been avoided.* It is enough for my present purpose, that the English in India, though not fairly chargeable with that lust of conquest which is often said to have marked our whole career in the East, have been, for a century, engaged in an almost continued struggle, which has paralysed the humane efforts of men, the desire of whose hearts has ever turned towards the domestic improvement of the country. If it had been possible for us to have held possession of a single province—say the rich province of Bengal—never to have gone beyond its limits—never to have been disturbed by fears of invasion—never to have been engaged in warlike operations, offensive or defensive—we might, perad-

* I say “with our immediate neighbours,” for where we have crossed the frontier to attack another country, se-

parated from us by an extensive tract of intervening territory, this necessity is not to be pleaded.

venture, have established a model empire on the banks of the Hooghly. An overflowing treasury, at the command of an enlightened statesman, never arrested by any threatenings from without, in his quiet career of beneficence, never, indeed, looking beyond the limits of his own narrow territory, might, in the course of a century, have enabled us to build up an Eastern principality, so compact in itself, and complete in all its internal arrangements, as to leave little or nothing for the philanthropist to desire. But Providence has not willed that *such* should be our Eastern Empire. If one of the little handful of European officers, who, a century ago, in gaiters and perukes, followed the fortunes of Lawrence in the Carnatic, were now to stand again on Indian soil, and in one of our North-Western cantonments, to spread out before him a map of our Eastern Empire as now established, he would be overwhelmed with astonishment and incredulity. He would declare, that not one of his contemporaries, in the wildest flight of imagination, ever contemplated the possibility of the erection of such an empire as we have now built up in the East. But, in these times, it is equally difficult to imagine the existence of such an empire—limited, unexpansive, compact—as the Anglo-Indian of 1750, regarded as the extreme result of our conquests in the East. Grown wise by experience, we now declare that it is in accordance with a law of nature, universal and immutable, that our empire should have so expanded. Be this as it may, the history of India has been hitherto a history of expansion—of acquisition; and it is only by so considering the fact, that we can rightly estimate the much or the little which the British conquerors of the Indian world have done to promote the happiness of the people who inhabit it.

Many great political problems are yet unsolved—many great social evils are yet unremedied. Much, doubtless, has yet to be done before the voice of complaint can be authoritatively called upon, in the name of reason, to be still. Unqualified commendation in such a case would be as unreasonable as unqualified censure—not because it is unqualified commendation of the Indian Government, but because it is unqualified commendation of a terrestrial government, and, therefore, of one prone to all sorts of short-comings, and liable to all kinds of error. If there were nothing more to be complained of there would be nothing more to be done. Now, in India, it must be acknowledged that there is much to be done. But in England, also, there is much to be done. The Government of England has been, and is, a Government of Progress. We are astonished at the evils which our fathers permitted, and our sons will be astonished at those which we in our turn are permitting. And yet generations of Englishmen have boasted, and will boast, of the blessings of the British Constitution. We have not to consider whether this or that Government has attained perfection, but whether it is making reasonable efforts to approximate to it; we have not to consider whether the mass of the people are positively happy under any particular Government, but whether they are happier than they were fifty or twenty years ago under that Government. Progressive improvement is all that we have a right to expect, or a vocation to consider.

The history of Civilisation is the obituary of Error. We are continually burying defunct fallacies, and making Suttees of huge practical mistakes. I am not an old man. I have seen little more than half of the years allotted to humanity, and yet I have lived in times which, compared with the present, were years

of barbarism and darkness. I have witnessed the cremation of social and political evils, the existence of which, in such recent times, my children will scarcely credit. When I was a boy, the green slopes of Old Sarum were my habitual play-ground. There was a little inn on the white chalk-road which sent two members to Parliament, whilst Manchester and Birmingham sent none. A Roman Catholic could not sit in our Legislative Assemblies, or in our Municipal Corporations, or lead a regiment or command a ship. Slaves were held as property by English gentlemen in the colonies, and bought and sold like sheep. A man might be transported for seven years for knocking down a partridge or a hare. Such was the general effect of the game-laws, that it was said of them that "for every ten pheasants fluttering in a wood, one English peasant was rotting in gaol."* The Court of Chancery, with its agonising delays and its desolating voracity, made playthings of human life and human reason, and wrote its fearful annals on the walls of the lunatic's cell and the grave of the suicide. The state of our prisons was so detestable, that a young and modest girl thrown into gaol for some trifling offence, or perhaps wrongfully accused, came out an abandoned criminal. The gibbet was in such repute, that a man might be hanged for stealing a yard of silk from a shop-counter, for destroying a tree, or breaking down the embankment of a river. And it was no uncommon thing for men to be lured on to the gallows by a detective police, who made it their business to associate in flash houses with thieves and prostitutes, and incite them to the commission of crimes which it should have been their duty to prevent.

* Sydney Smith.

These are a few of the social and political evils which I have lived to see abolished by the intervention of a humane legislature. Perhaps I. may be spared to see many more great changes; for many more great changes are needed, and this is an age of progressive amelioration. But although I see clearly around me many things which I know cannot be right, and I hope earnestly that some day they may be remedied, I know how difficult it is to devise a fit remedial application, and how the best efforts of benevolent statesmen may be baffled by the magnitude and obstinacy of the disease. There are clamorous social evils crying out for redress almost under the walls of the Palace at Westminster. From the windows of the committee-rooms of that great costly senate-house, our legislators may look out upon hundreds of miserable dwellings, overcrowded with squalid and hungry tenants, whose sufferings far surpass any endured by the inhabitants of a village in Bengal. It is not long since it was stated in Parliament by a nobleman, who has made the misery and the crime of the London poor his peculiar study, that "there were 30,000 naked, filthy, deserted, roaming, lawless children, who formed the seed-plot of 19-20ths of the crime which desolates the metropolis;" and again repeated at a public meeting, "that ninety-nine cases of crime out of every hundred were the result of want of honest occupation." I have no wish to dwell upon these things. I would only say that it becomes us, before we indignantly expatiate upon the sufferings of the people of India, to think of the suffering at our own doors; and to consider whether we have yet contrived, with all our Ministerial Cabinets, our Legislative Assemblies, our great corporate bodies, and our gigantic press, to furnish anything like a remedy for

this the greatest of social evils—the physical necessity of crime. The most enthusiastic advocate of the Government of the East India Company would not claim for it the merit of abolishing poverty and wretchedness, and annihilating crime; but the people of India are not driven to crime by want of honest occupation. It is easy to conceive what would be said on the subject if they were.

I would say something, too, regarding material wants. A well-informed practical man, writing in 1822, says, “The fertile plains of [], [], and [], are separated from each other by a deserted country, hitherto nearly an impassable barrier. This large district comprehends upwards of 900 square miles; in many places it is very populous. As might be expected under such circumstances, the people are turbulent, and their houses, being inaccessible for want of roads, it is not surprising that during the disturbances of 1821-22, this district was the asylum for smugglers and robbers, and that stolen cattle were drawn into it as to a safe and impenetrable retreat.” The blank spaces which I have left at the commencement of this extract the reader will, doubtless, feel disposed to fill with the names of some Indian cities or districts. But the fertile plains, separated from each other by a deserted country, the populous places rendered inaccessible, and the people turbulent and lawless by want of roads, are not in any part of the mighty Indian peninsula, but in a little island upon the other side of the Irish Channel. The places whose names I have omitted are Limerick, Cork, and Kerry.* “Notwithstanding,” adds the writer, “its present desolate state,

* The extract is taken from a report by Mr. Griffith, quoted in Mr. Porter's admirable work on the “Progress of the Nation.” I grieve to think that during the passage of this volume

through the press, this esteemed writer and valuable public servant has paid the ordinary penalty of a life of unceasing intellectual labour, and that his career of usefulness is at an end.

this country contains within itself the seeds of future improvement and industry."

It would be easy to multiply instances of tracts of country in Ireland, containing within themselves the seeds of improvement and industry, which, even at the present time, are little better than howling wildernesses. But I have no wish to enlarge upon the failures of our domestic administration. I merely desire to express my conviction that such failures, though deeply to be lamented, furnish no proof of the general incompetency of the Government which has unwillingly permitted them; I would not argue that because Ireland has been and is misgoverned—that, because there are large tracts of desolate country, and thousands of inhabitants in an extreme state of physical and moral destitution, the repeal of the Union is an event to be desired as an act of justice to the Irish people. I would give the British Government credit for the best intentions—I would believe that it has laboured, and not laboured in vain, for the benefit of the people, though it has left much to be done for their amelioration before we can congratulate ourselves on the general result. I willingly believe that it is no easy thing to govern Ireland, although it is a small island within a few hours' journey, by land and sea, from the senate-house of Great Britain, and contains less than eight millions of souls, all speaking the same language, and worshipping the same God.

But believing as I do that it is no easy thing to govern Ireland—no easy thing to govern England—no easy thing in one island or the other, to abolish human misery and eradicate human crime, I would wish it also to be believed that the Government of India, a country whose area it is difficult to compute, and whose population it is difficult to number, whose people present almost as many varieties of cha-

racter and language as the entire continent of Europe, and the whole of which are utterly dissimilar to our own, may be also difficult to govern.

I would wish it to be believed that in the government of such a country some credit is due for what is done well, and some allowance to be made both for what is done amiss and what is not done at all. I am afraid that too many amongst us are prone to make a severe reckoning of the errors and short-comings, and of the good deeds and successful results to take no sort of account.

It is because I believe that, under the Government of the East India Company much has been done for the benefit of the people of India of which little is known in this country, or if known, purposely ignored, that I now desire to throw together, in an historical form, some information, derived from a variety of sources, relative to the administrative results of British connexion with the East. In a word, I desire to show what we have done for India, and what we have attempted to do. The review may not at all points present matter for congratulation, for our efforts in India, as elsewhere, have not always been crowned with success. But I believe that, viewed in a calm, candid, judicial spirit, without passion and without prejudice, the aggregate result reflects no little honor on the Company and their servants, and may be honestly applauded by men jealous of the interests of mankind.

And assuming that there is much yet to be done—that much has been left undone which ought to have been done—that those to whom the administration of India is entrusted, require at times to be roused and stimulated by the consideration that there is a great tribunal at home—the tribunal of the British public, which takes cognizance of all their doings—I cannot help thinking that the great object of securing the zealous activity of

our Indian administrators is best to be attained by recording and commending their good deeds, than by an indiscriminate condemnation of what are presumed to be their bad. I doubt, indeed, whether the effect of all the vague general censure which is lavished upon British administration in the East, has not a tendency rather to cramp and repress than to foster and develop the beneficence of our exiled countrymen who constitute the executive Government of our Indian Empire. But I am certain, on the other hand, that nothing is more likely to develop all their best feelings, and stimulate all their energies and activities, than the knowledge that their exertions are not overlooked by their brethren at home—that their good deeds are duly reported to the British public, and by the British public read with interest, and commented on with applause. If there be full warrant for the belief that the British public will not be left in profound ignorance of all the good that is done in our far-off Indian possessions, nothing is so animating, so invigorating as the reflection, “What will be thought of this at home?” But if the only response that can be given to the stirring question is “Nothing”—if a general conviction is left to impress itself on the minds of Englishmen in India, that, let them do what they may, and suffer what they may for the people, scorning delight and living laborious days, still one general sentence of condemnation will be passed on our Indian administration—still ignorance and malevolence will be obstreperous in their denunciations—it is easy to conceive how all warmth may be chilled, and all activity paralysed; how in time they may be made to conform to the erring judgment. People are very prone to become what the world believes them to be.

Influenced by such considerations as these—rooted in the faith that I shall best subserve the interests of

India and her teeming millions of inhabitants, by encouraging the zealous and stimulating the active, than by writing what can only dishearten and repress, I purpose, in the following chapters, to show what our countrymen have done, and what they have attempted to do, for the better government of India, and the amelioration of the condition of the people—as evidenced in the development of the industrial resources of the country, the purification of justice, the civilisation of savage tribes, the suppression of unholy rites and cruel abominations, and the general diffusion of enlightenment and truth. It will be my privilege, in the course of this attempt, to record some incidents of our Indian rule, little known beyond the area that has been the scene of them, but which are not to be chronicled without the strongest emotions of national pride. And if ever such chronicle of good deeds done by English gentlemen, under the fiery skies of the East, isolated from their kind, far removed from all the ordinary incentives to exertion, amidst dangers and difficulties more than sufficient to repel the brave and deter the resolute, should stimulate one other Indian exile to go and do likewise, I shall not have written in vain, and I shall not be without my reward.

CHAPTER II.

India under the Moguls—The Arab and Tartar Conquests—The House of Toghlaq—Feroz Shah—The first Indian Canal—The House of Timour—The Emperor Akbar—His internal Administration—Shah Jehan—Public Works—Decline of the Mogul Empire—Comparison of Mogul and British Rule—Their General Effects on the Happiness of the People.

I do not know that it is of much real importance to inquire whether the people of India would have been more or less happy and prosperous if they had been left to the government of their old Mahomedan conquerors and rulers. The inquiry must, at best, be unsatisfactory and inconclusive. But, from the days of Burke to the days of Ellenborough, the insatiable benevolence, the magnificent philanthropy, of the old Oriental despots has been so often vaunted, either as a reproach or an encouragement to us, that I cannot persuade myself to pass on without devoting a few pages to the subject.

The rulers whom we supplanted were, like ourselves, aliens and usurpers. We found the Hindoos a conquered people, and, little by little, we substituted one yoke for another. The tide of conquest had hitherto set in from the inland northern counties. It was rolled back by a power whose approaches commenced from the southern sea-board. From the Oxus and the Jaxartes, from the borders of the Aral lake, and from the snowy mountains, had come the overwhelming desolating stream of northern conquest. The Greeks and Arabs, who had preceded the Tartar hordes, scarcely passed the limits of the country which modern history knows as Hindostan. British arms

have now again extended the Indian Empire to the banks of the Indus, and our legions have encamped themselves, permanently and securely, upon the seat of the old Macedonian conquests. But of neither Greeks nor Arabs can it be said that they conquered India. A race of men, in whom the shepherd and the soldier were strangely blended, streamed from the countries watered by the Oxus and Jaxartes, and established themselves in Afghanistan; looking down from which, as from a platform of observation, upon India, they sighed for its legendary treasures, and meditated the invasion of the coveted land.

How at the dawn of the present millenium, before the Norman William, on the southern coast of England, had stricken down the last of the Saxon kings, Mahmoud of Ghuznee, the son of a Toorkhee slave, crossed the waters of the Jumna, and with a multitudinous army, appeared before the stately walls of Canoorj—how he attacked, plundered, and destroyed Muttra; and how he returned to Ghuznee laden with glittering spoil, and attended by a train of five thousand captives;—how, at another time, crossing the great desert, he poured his battalions into Goozrat, and made the walls of the far-famed idol-temple echo with the cry of *Allah Akhbar*—how he desecrated that beloved Pagan shrine and carried off its hoarded wealth; and how, on its backward march to Afghanistan, his army perished miserably on the burning sands;—are great historical events, not less interesting for their remoteness, at which it is scarcely necessary to glance. For although Mahmoud entered India—fought and conquered—he never there established an empire. He coveted the fabulous treasures which, it was believed, were hidden in its gorgeous palaces and rich idol-shrines; and his lust was satisfied with the gold and jewels, which he bore away from this ro-

mantic land. But he was a spoliator, rather than a conqueror; and his victories left upon India little more than the impress of transient calamities.

It was by a prince of less note in the page of history—by Shahab-oo-deen, of the house of Ghor, that India was first really conquered. It is hard to say why the life of one who reduced to subjection almost the entire country from Ajmere to Bengal, and left at his death the conquered provinces under his own officers, or under tributary princes, should stand out with so little individual distinctness from the great level of the Mahomedan chronicles. Little, however, is popularly recorded of his personal history and character. On his death, about the time when the great Charter of English privileges was signed at Runnymede, India became an independent Mahomedan kingdom, under the rule of the conqueror's favorite slave; and the dynasty of the Slave-Kings was commenced. Then the Empire of Delhi was established. Hindostan was nominally subject to one sovereign, the extent of whose real influence was mainly dependent on the energy of his personal character, and the vigor with which he held his satraps in control.* Much of his time was consumed in efforts to suppress the rising power of his provincial governors; and those governors, instead of concerning themselves about the welfare of the people, were continually striving to advance what they believed to be their own. Some splendid architectural remains, conspicuous among which is the *Kootab Minar* of Delhi, still bear pleasing testimony to the

* "All Hindostan, except some insulated portions, now acknowledged the government of Delhi; but the obedience of the different portions was in different degrees, from entire subjection to very imperfect dependence; and in this state, with various fluctuations, it remained till the end of the Mogul Empire. In a succession of strong reigns, the subject country would greatly ex-

ceed the rest, and the princes who retained the internal government of their territories would be quite submissive and obedient in general politics; but two or three weak rulers would again throw all into confusion; new princes would start up, and old ones would become unruly, until the next vigorous monarch had almost to begin the conquest anew."—[*Elphinstone*.]

magnificent tastes of the Slave-Kings; but, as peaceful administrators and guardians of the public weal, they can lay little claim to the approbation of posterity. Indeed, the judgment is not over harsh—which would pronounce them, for the most part, either unscrupulous tyrants or indolent debauchees. Nor were their Ghilji successors of a higher class. Their efforts at internal administration often took the shape of arbitrary interference of the most irritating kind, and they most incensed the people when they interfered most in their domestic affairs.

Of the succeeding dynasty—the house of Toghlaḥ—one of the greatest monarchs was a madman.* His successor—Feroz Shah—left behind him, perhaps, the brightest name of all the early Mahomedan princes. Considering the age in which he lived, and the circumstances by which he was surrounded, he was really an enlightened prince. Greatly in advance of his predecessors, he initiated many important public works; and though the accounts of them which have come down to us are somewhat vague and general, and perhaps fairly open to some suspicion of their accuracy, it is not to be doubted that he did much to promote the prosperity and to advance the civilisation of the country which he governed.† By Feroz Shah was constructed, in the middle of the fourteenth century, the first Indian

* Mahmoud Toghlaḥ.

† “His reign, though not brilliant in other respects, was distinguished for the enlightened spirit of his regulations, and the extent and utility of his public works. He limited the number of capital punishments, and put a stop to the use of torture and the practice of mutilation, which last prohibition was the more meritorious, as it was at variance with the Mahomedan law. He abolished a great number of vexatious taxes and fees, put an end to all fluctuating and precarious imposts, and fixed the revenues in such a manner as to leave as little as possible to the collectors, and to give precision and

publicity to the demands of the state. . . . The following list is given of his public works, for the maintenance of which, lands were assigned:—50 dams across rivers, to promote navigation; 40 mosques; 30 colleges; 100 caravan-serais; 30 reservoirs for irrigation; 100 hospitals; 100 public baths; 150 bridges; besides many other edifices for pleasure or ornament.” Elphinstone, from whom this account is taken, adds—“The round numbers, as well as the amount of some of the items, suggest doubts of the accuracy of the list; but the works of Feroz which still remain, afford sufficient evidence of the magnitude of his undertakings.”

canal. The water seems to have been drawn from the Chetang *nullah*, at the foot of the lower range of Himalayahs, west of the Jumna, and the line extended thence to Hissar, where were the favourite hunting-grounds of the emperor. Whatever may have been the purposes for which it was constructed—and I see no reason to question that it was designed for the irrigation of the country, and the benefit of the people—it was but a little time in full fertilising operation. Not very long after the death of Feroz Shah, it seems to have been dried up; and it is believed that it never drew a permanent flow of water, until, two hundred years afterwards, the Emperor Akbar issued an order for its restoration.*

In 1389, full of years and trouble, Feroz Shah was gathered to his fathers. It was during the reign of his grandson, only a few years later, that India was laid prostrate by that stupendous calamity, the invasion of Tamerlane. Girt with the strange legend of miraculous conception, the lame shepherd-prince, with a frame of iron, and a heart of stone, came with a mighty Tartar army, bristling with pikes and javelins, from the country beyond the Oxus, and over-ran the provinces of Hindostan. Lust of conquest—nothing else—brought him to Delhi. He had no wrongs to redress—no insults to wipe away. But he had conquered the countries of Central Asia lying nearer to his home. Persia, Georgia, Mesopotamia, Syria, had fallen before his arms. He had captured Herat—thus made himself master of Khorassan—and thence crossing the Punjab, moved

* Elphinstone says that it was dis-used, "perhaps, since the death of Feroz" (in 1389); but it seems, from the following passage in a curious document discovered in Khytul, by Lieutenant S. A. Abbott, to have been in operation at a later date. It is an edict of the Emperor Akbar, relative to the restoration of the canal, commencing thus: "The Chetang Nuddi, by which Feroz

Shah Badshah, two hundred and ten years ago, brought water from the nullahs and drains in the vicinity of Sudhourah, at the foot of the hills, to Hansi and Hissar, and by which, for four or five months of the year, water was there available, has in the course of time, and from numerous obstacles, become so choked, that it is scarcely discernible," &c. &c.—[*Calcutta Review*.]

down with irresistible force on the beautiful capital of the Indian Empire. No language can exaggerate the horrors of that invasion—horrors which have rendered the name of “Timour the Tartar” familiar to every school-boy in Western Europe, as the type of an insatiable tyrant and a scourge of the human race.

It is certain, indeed, that these Mahomedan conquests were achieved at an enormous cost of human life—that the misery which the conquerors diffused in their desolating careers, makes by comparison the victorious progress of British arms in the East a mild and merciful migration. The Arabs and the Tartars were equally remorseless. Each in turn murdered and pillaged with as little pity and compunction as the other. In the first, the spirit of proselytism was the stronger. They went forth as children of the Prophet, and fought and conquered in his name. A genuine religious enthusiasm stirred the hearts of those early Mahomedan invaders. But the Tartar hordes were little better than lukewarm neophytes. They over-ran a new country; they made its treasures their own; but they rather merged themselves into the general population, and took shape from the surrounding mass, than stamped their own conformation upon it. It was in no spirit of toleration and forbearance, however, that they spared the idols of the Hindoos.* Their enthusiasm found vent through other channels than those of religious zeal. They murdered the idolaters, and plundered their temples, only because they delighted in cruelty, and were greedy of spoil.†

* This is only metaphorically and spiritually true. Literally and substantially, it is incorrect. The Mahomedan conquerors often did not spare the Hindoo idols; but their iconoclasm was very different from that of the Spanish conquerors of South America. The latter, when they struck down the idols of the Mexicans, struck at the false gods which the images

represented. When the former broke the graven deities of the Hindoos into pieces, they did so to see what they contained.

† The history of the Mahomedan dynasties in India is full of lamentable instances of the cruelty and rapacity of the early conquerors. Take, as illustrative of Arab cruelty, the following from Elphinstone's account

Tamerlane was proclaimed Emperor of Delhi, but he soon withdrew his army from India, leaving anarchy

of Casim's conquest of Sindh:—"Casim at first contented himself with circumcising all the Brahmins; but incensed at their rejection of this sort of conversion, he ordered all above the age of seventeen to be put to death, and all under it, with the women, to be reduced to slavery." And again, from the same writer—"The women and children were first sacrificed in flames of their own kindling; the men bathed, and with other ceremonies took leave of each other and the world; the gates were then thrown open, the Rajputs rushed out sword in hand, and, throwing themselves on the weapons of their enemies, perished to a man. Those of the garrison who did not share in this act of desperation, gained little by their prudence: the city was carried by assault, and all the men in arms were slaughtered in the storm. Their families were reduced to bondage." Speaking more generally of the character of Arab conquests, he says: "On the first invasion, each city was called on, as the army approached, to embrace the Mahomedan religion or to pay tribute. In case of refusal, the city was attacked, and if it did not capitulate, all the fighting-men were put to death, and their families were sold for slaves. Four cities held out to this extremity; and in two of them the number of soldiers who refused quarter is estimated at 6000 each."

Take the following from the record of the career of Mahmoud of Ghuznee:—"During a halt of twenty days, the city (Muttra) was given up to plunder, the idols were broken, and the temples profaned. The excesses of the troops led to a fire in the city, and the effects of this conflagration were added to its other calamities. . . . This expedition was attended with some circumstances more than usually tragical. At Mahawan, near Muttra, the Rajah had submitted, and had been favorably received; when a quarrel accidentally breaking out between the soldiers of the two parties, the Hindoos were massacred and driven into the river, and the Rajah, conceiving himself betrayed, destroyed his wife and children, and then made away with himself. At Munj, after a desperate resistance, part of the Rajput garrison rushed out through the breaches of the enemy,

whilst the rest dashed themselves to pieces from the works, or burned themselves, with their wives and children, in the houses; so that not one of the whole body survived." In Persia, Mahmoud seems to have been even more remorseless than in India. "He invaded Irak, and, ungenerously, if not perfidiously, seized the person of the prince who had trusted himself in the camp before Rei. He then took possession of the whole territory, and having been opposed at Ispahan and Cazvin, he punished their resistance by putting to death some thousands of the inhabitants of each city." "Perhaps, however," says Elphinstone, "the most odious trait of his religious wars is given incidentally by a Mahomedan author, quoted in Price, who states, that such was the multitude of captives brought from India, that a purchaser could not be found for a slave at four shillings and sevenpence a head."

Again:—"Shahab-u-din was more sanguinary than Mahmoud. When he took Ajmir, he put some thousands of the inhabitants, who opposed him, to the sword, reserving the rest for slavery." But it is in the history of such conquerors as Genghis Khan and Tamerlane that the horrors of these Mahomedan inroads are most clearly revealed. I can afford space only for one more example, taken from Elphinstone's account of the latter. "He (Tamerlane) then proceeded to Batner, and massacred the country people who had taken refuge under the walls. The place afterwards surrendered on terms; but, by one of those mistakes which so constantly accompanied Tamerlane's capitulations, the town was burned, and all the inhabitants put to the sword. He then marched to Samana, where he joined his main body, having slaughtered the inhabitants of every place he passed. From Samana the towns were deserted, and consequently there were no more general massacres. Many prisoners were, however, taken; and on reaching Delhi, Tamerlane put to death all of them above fifteen years of age (to the number, according to the exaggerated accounts of the Musliman historians, of 100,000). . . . Delhi surrendered under a solemn promise of protection, and Tamerlane was publicly proclaimed Emperor of India.

and desolation behind him. The great cities were depopulated. The country was without a government. The empire had been gradually falling to pieces since the early years of the reign of Mahomed Toghlaq, and when now, after the withdrawal of Tamerlane, an attempt was made to re-establish imperial power in Hindostan, it was found that the sceptre of the new dynasty was waved over only a remnant of the extensive kingdom which had owned the sovereignty of the princes of Delhi. Everywhere independent monarchies had risen up, and it was not until a descendant of Tamerlane—known to the present generation by one of the pleasantest autobiographies ever written by sovereign or subject, a memoir as instructive as Xenophon's, and as amusing as Pepys',—came from the countries which had poured forth the teeming multitudes with which his great ancestor had conquered India, followed in his footsteps, and re-conquered Delhi, that any attempt was made to consolidate these distracted provinces. Baber found the empire broken up into a number of small principalities. Rebellion after rebellion in distant provinces had shorn the throne of Delhi of its strength, and reduced it almost to a pageant. In some of the principalities there was a sort of nominal dependence, in others there was not even that. But the successor of Tamerlane, having established himself in the imperial city, had no thought of halting there, or of returning to his royal home. He had not come merely as a conqueror and a spoliator. He had

What follows is so constant a concomitant of Tamerlane's promises of protection, that we are at a loss whether to ascribe it to systematic perfidy, or to the habitual ferocity and insubordination of the troops. On this occasion, the most credible accounts attribute the commencement to the latter cause. Plunder and violence brought on resistance; 'this led to a general massacre; some streets were rendered

impassable by heaps of dead; and the gates being forced, the whole Mogul army gained admittance, and a scene of horror ensued, easier to be imagined than described.' — *Brigg's Ferishta*.
We fear that the insatiable cruelty of the Mahomedan conquerors stands recorded upon more undeniable authority than the insatiable benevolence of the Mahomedan rulers.

come to establish a great empire on the banks of the Hindoo rivers; and he realised, in the fulness of time, the pregnant dreams of his imaginative boyhood.

Baber was sixth in descent from Tamerlane. A space of time, exceeding a century and a quarter, intervened between the invasion of the latter and the accession of the former prince.* And again, after the death of Baber, was the succession interrupted by the revolt of a noble of the house of Ghor, who wrested the sceptre from the hand of the descendant of Tamerlane, and established himself on the throne of Delhi. Shir Shah reigned only nine years; but his reign was a lustrous one. No prince had, up to this time, done so much for the improvement of the conquered country. He devoted himself, when not actually in the field, to the better ordering of the civil administration, and the construction of great public works. He improved both the fiscal and judicial systems of the empire. And the native annalists head the list of great works which he accomplished, with an account of a broad road, which in those days it took four months to traverse, stretching from Bengal to the banks of the Indus at Rhotas, along which noble rows of trees, and wells of good water at short intervals, shaded and refreshed the traveller; and caravanserais, at every stage, supplied with food for the poor, and attendants, alike for Mahomedan and Hindoo, invited the weary and the hungry to enter.†

* India, during that interval (from 1399 to 1526), was governed by the Sayuds and the house of Lodi. It was a period of great intestine commotion, and little appears to have been done for the improvement of the country.

† It is not, however, to be supposed that he was the first monarch who gave his attention to these things. "The roads," says Elphinstone, "may have been improved by Shir Shah; but Ibn Batuta, 200 years before his time,

found the highways shaded by trees, with resting-houses and wells at regular intervals along a great part of the coast of Malabar, then under the Hindus; and in an inscription lately discovered, which there is every reason to think is of the third century *before* Christ, there is an especial order by the king for digging wells and planting trees along the public highways." Ibn Batuta, however, makes no mention of the existence of any such works as these in Northern India, where the greater part

The revolts which interrupted the reigns of Shir Shah's successors paved the way for the restoration of the house of Timour. About the middle of the sixteenth century, the expelled son of Baber recovered a portion of his lost dominions; but only survived by a few months his return to the capital after sixteen years of ignominious exile. An accident deprived him suddenly of life; and history would, in all probability, set down against him that he had done nothing to earn the gratitude of posterity, if he had not begotten the greatest monarch who ever sat on the throne of Hindostan.

Akbar was thirteen years old when he began to reign. Our English Mary was then lighting up the fires of Smithfield in honor of the Pope of Rome. The Portuguese had rounded the Cape of Storms, and established themselves in Southern and Western India; but the British merchant had not yet begun to freight his argosies with the rich silks and fine muslins of the Indian world. India itself was then broken up into many principalities. The empire of the young king, on his accession, extended little beyond the government of the Punjab and the country about Delhi and Agra. A series of revolutions had destroyed, not only the integrity of the empire itself, but the regularity of civil administration and the continuance of social order and prosperity. But the royal pupil, as he entered on

of his time was spent, but says, on the other hand, that the highways were infested by robbers. According to this traveller, the South was in a more advanced state of civilisation, for he says that theft was unknown in Malabar. "Should anything fall from a tree, none except its proper owner would attempt to touch it." This was supposed to be the result of the extreme severity of the laws. The account of the great Malabar road, alluded to by Elphinstone, is worth quoting. "We next came into the country of Malabar, which is the country of black pepper. Its length is

a journey of two months, along the shore from Sindabur to Kawlam. The whole of the way by land lies under the shade of trees, and at the distance of every half mile there is a house made of wood, in which there are chambers fitted up for the reception of comers and goers, whether they be Moslems or infidels. To each of these there is a well, out of which they drink, and each is an infidel appointed to drink."—[*The Travels of I* translated from the Arabic, Samuel Lee.]

manhood, soon began to perceive the true character of the work which then lay before him. He determined to restore the integrity of the old empire of Hindostan, and to place its internal administration upon a secure and permanent basis. Year by year he extended his conquests, until the rich country of Bengal lay at his feet, and Cashmere became a province of the empire. He again reduced to subjection his hereditary kingdom beyond the Indus, and then, turning his eyes towards the southern countries, meditated the conquest of the Deccan. He was, indeed, continually engaged in war, up to the time of his death ; but in spite of these external distractions, he found time to fix his thoughts, as his heart was ever fixed, upon schemes of domestic improvement. He was at once a conqueror and an administrator. He had no delight in conquest. He fought when it was necessary to fight—and he fought with courage and vigor seldom surpassed. But he was happiest when engaged in the work of civil administration ; and history delights to contemplate him rather as a philanthropic statesman, whose internal policy has placed him in the first rank of the great kings of all ages and all countries, than as a warrior whose victories have secured him the applause of more vulgar and unreflecting minds.

I wish briefly and fairly to state what the Emperor Akbar did for the improvement of the country and the people of Hindostan. He improved the system of land-assessment, or rather he improved upon the improvements instituted by Shir Shah. He adopted an uniform and improved system of land-measurement, and computed the average value of the land, by dividing it into three classes, according to the productiveness of each. This computation being made, one-third of the average produce was fixed as the amount of tax to be paid to the state. But as this was ordinarily to be

paid in money, it was necessary to ascertain the value of the produce, and this was done upon an average of the nineteen preceding years, according to local circumstances; and if the estimate was conceived to be too high, the tax-payer was privileged to pay the assessment in kind. These settlements were at first made annually, but afterwards were fixed for a period of ten years. The regulations for the collection of the revenue enforced by Akbar, were well calculated to prevent fraud and oppression, and, on the whole, they worked well for the benefit of the people; but it has been said of them, and with truth, that "they contained no principle of progressive improvement, and held out no hopes to the rural population, by opening paths by which it might spread into other occupations, or rise by individual exertions within its own."*

The judicial regulations of Akbar were liberal and humane. Justice, on the whole, was fairly administered. All unnecessary severity—all cruel personal punishments, as torture and mutilation, were prohibited, except in peculiar cases, and capital punishments were considerably restricted. The police appears to have been well organised, and subject to specific instructions, involving perhaps a little more interference than it was expedient to entrust to such hands, but, on the whole, not ill suited to the temper of the people and the character of the government. His enactments were, on the whole, of a humanising tendency. He prohibited those trials by ordeal, of which it is difficult to say whether they are more cruel or more absurd; he suppressed the barbarous custom of condemning to slavery prisoners taken in war; and he authoritatively forbade the burning of Hindoo widows, except with their own free and uninfluenced consent. He even interfered in person to suppress the

* *Elphinstone.*

horrid rite, when he believed that an unwilling victim was about to proceed to the funeral-pile. It is recorded in the Akbar-Nameh, that when the Rajah of Joudpore was about to force his son's widow into this horrible self-immolation, the Emperor mounted his horse, rode to the scene of the intended sacrifice, and prevented its consummation.*

That something of the historical lustre which surrounds the name of the Emperor Akbar was derived rather from the personal character of the man than from the great things that he accomplished, is, I think, not to be denied. His actual performances, when they come to be computed, fall short of his reputation. But his merits are to be judged not so much by the standard of what he did, as of what he did with the opportunities allowed to him, and under the circumstances by which he was surrounded. Akbar built up the Mogul Empire, and had little leisure allowed him to perfect its internal economy. He was

* No mention is made, by the historians of his reign, of Akbar's efforts to extend the system of canal irrigation initiated by Feroz Shah. But from the edict discovered by Lieut. Abbott some information may be gleaned. It is thus epitomised by the writer already quoted, in the *Calcutta Review*: "The indications given of his canal system are faint and feeble, and may be condensed into few words. A superintendent of canals was nominated, under the title of Mir-ab (chief of the waters), with absolute authority throughout his jurisdiction. In his hands were vested the charge of the works, the distribution of the water, in short, all executive revenue and police details connected with the canal. The works would appear to have been constructed by forced labor, since all local officers are enjoined to furnish laborers, &c., without delay. To those, however, who complied with this requisition, water is promised during the season of cultivation, and for the entire year. How

this water was distributed is but faintly indicated. The Mir-ab was to determine the number of cuts necessary for each pergunnah, and in a spirit of equal justice, he is directed to be careful that all parties, rich or poor, strong or weak, share alike. From other sources of information, it is supposed that the amount of water-rent was rated according to the time the heads of the cuts, probably of fixed dimensions, remained open. While the necessities of the Zemindars were thus ministered to, the comfort of travellers was not forgotten; and it is directed, "that on both sides of the canal, down to Hissar, trees of every description, both for shade and blossom, be planted, so as to make it like the canal under the tree in Paradise, and that the sweet flavor of the rare fruits may reach the mouth of every one, and that from these luxuries a voice may go forth to travellers calling them to rest in the cities, where their every want will be supplied."

so much in the stirrup, that the wonder is his portfolio sent forth what it did. But he was a man of a large and plastic mind, and so readily adapted himself to external circumstances, that the transitions from the camp to the council-chamber but rarely disquieted and unhinged him.

The successor of this great and wise king was a monarch of a very different stamp. Jehanguire inherited the vast possessions of his father, but none of his father's greatness of soul. There was no element of greatness in his character. He was, indeed, a very little man. Inconstant and self-indulgent, easily pleased with trifles so that there was some stamp of novelty upon them, he lived a careless, sensual life; now excited by wine, now stupified by opium, oblivious of the responsibilities of his station, and regardless of the welfare of his people. But he made great progresses to Cashmere, and the way was made pleasant for him. His public works were such only as benefited himself. Around the elegant licentiousness of the voluptuous monarch the genius of the poet may throw a halo of romance, but all that the historian can say of him is, that he was a marvellously poor creature and a singularly bad king. It is true that there was one not unlike him, who wrote letters from "our palace of Westminster," beseeching him to cherish and support our English traders, by the continuance of his favorable assistance and protection; but I am not sure that the character of Jehanguire will gain much by the admission that he was not, either as a monarch or a man, worse than our first James.

The most interesting personage to be met with in all the annals of Mahomedan India is, doubtless, the Emperor Akbar; but it was during the reign of his grandson, Shah Jehan, that the Mogul Empire reached

its highest state of prosperity.* Old travellers, who found their way from Europe to the Empire of the Great Mogul, speak with rapture of the paternal government of Shah Jehan, and of the grandeur of the cities which dotted his vast empire. It was the good fortune of this prince to reap the benefit of his predecessor's conquests. He was not free from the distractions of war, but the wars in which he was engaged were for the most part carried on beyond the limits of his own dominions, so that they were not torn and desolated by the fierce conquests which, both before and after his reign, had rent and convulsed the provinces of Hindostan. If great public works were ever executed in India under the sway of the Moguls, it was whilst Shah Jehan ruled over the country from the Peacock throne of Delhi.

Shah Jehan was the cotemporary of our first Charles. Like that prince, he reigned for more than thirty years, and was then violently deposed. The Company of English merchants, who, under the sanction of his predecessor, had established factories at Surat and on the coast of Coromandel and Malabar, were struggling for a precarious existence against their powerful rivals, the Dutch. It would be difficult to exaggerate the idea which in those days was entertained by our countrymen of the power, wealth, and grandeur of the Great Mogul. Far above all kings and emperors, in the imaginations of men, ranked this mighty Eastern potentate; and two centuries later, the name of the Great Mogul capped, with its traditionary magnificence, those of all the potentates of the earth, in the nursery-sports of English children. Nor did the conception owe much to the prodigality of the imagina-

* "Khañ Khan, the best historian of those times, gives his opinion, that although Akbar was pre-eminent as a conqueror and lawgiver, yet, for the order and arrangement of his territory

and finances, and the good administration of every department of the state, no prince ever reigned in India that could be compared to Shah Jehan."—
[*Elphinstone.*]

tion. The prince who covered acres of land with carpets of silk and gold, who reared above them stately pavilions glittering with emeralds and rubies, whose elephants and horses were lustrous with trappings of jewels and gold, whose crimson tents stretched out over long miles of level country, and whose throne the practised eyes of European lapidaries valued at six millions of English money, might well be regarded as the most magnificent sovereign of the earth. But magnificence is not benevolence. It must be admitted that the most lavish of our English viceroys has never been more than partially *sultanised*.* Our splendor is at best but tinsel and tawdriness beside the radiant magnificence of the Mogul Courts. We have never attempted to compete with them in this direction. Let credit be allowed them for their royal progresses—their stately palaces—their gorgeous tombs. The genius of our country does not display itself in demonstrations of this kind. But we have far greater wonders to show—far grander spectacles to exhibit. When we have got millions to spend, we do not lock them up in peacock-thrones.

Did these royal progresses benefit the people? I am very certain that they did not. The approach, indeed, of the Mogul camp was something like the dreaded descent of a great flight of locusts. The inhabitants of the country through which the Emperor progressed shrunk from the contact of the royal traveller. The honor may have been great, but the injury was greater. Even if the personal character of the monarch himself was such as to cause him to desire the full indemnity of the people, his influence was not sufficient to secure it. If his benevolence dictated

* Sir James Mackintosh spoke of Lord Wellesley as a "*sultanised* Governor-General." Lord Wellesley had as good an idea of vice-regal pomp as any man who ever went out to India, but at best he was only a very little "Great Mogul."

payment to the uttermost *pice* of every one who supplied the royal camp, it may not uncharitably be doubted whether his satraps were equally scrupulous and equally honest. My impression is that the people paid heavily for the honor of these royal visits. There is one legend, at least, which favors the idea that the coming of the Great Mogul was looked upon almost with as much horror as English people, in these days, anticipate the approach of the Cholera. The Emperor had constructed a sort of regal hunting-box, at a place called, in his honor, Badshah-mehal. The waters of the Doab canal ran past it, and supplied its sporting fountains and its marble baths. Thither went Shah Jehan, with his courtiers and his servants, his wives and his concubines. Brief, however, was their rustication. From this pleasant retreat the Court, as tradition asserts, was soon scared away in fluttering confusion. At the foot of the hills, that disfiguring disease so well known among Alpine residents, the *goitre*, happened to be very common. There were some clever people in the neighbourhood of Badshah-mehal, who turned it to good account. Assembling a number of women so afflicted, they sent them into the Zenana with supplies. At the sight of the unseemly facial appendages with which these poor women were decorated, the ladies of the Court, filled with horror and pity, eagerly asked what had produced such cruel deformities. Well-instructed beforehand, the women answered, that the air and water of the place had caused these ailments—that no one ever escaped the affliction who resided long in these parts—and that the ladies would soon discover this unhappy truth for themselves. Such alarming intelligence as this burst like a loaded shell among the inmates of the Zenana. They soon appealed to the Emperor. Would he leave them in such a pestiferous country, to be so afflicted

and disfigured? Their entreaties are said to have prevailed. He sent them away from Badshah-mehal, spent a week or two in the surrounding forests, enjoying the pleasures of the chase, and then followed the ladies into a part of the country more favorable to the retention of their charms.* He never made his appearance in so dangerous a locality again.

Whether, after this mischance, the waters of the canal continued to flow in the direction of the regal hunting-box, does not very clearly appear. The ground upon which we here tread is rough with controversial asperities. They who, desiring to produce strong contrasts unfavorable to the British-Indian Government, greatly extol and exaggerate the beneficence of the Mogul Emperors, are ever pointing to the remains of the great aqueducts and reservoirs, which the traveller in India stumbles upon and pauses over; whilst another party, perhaps, with equal want of candor, declares that the Mogul princes were nothing better than selfish tyrants, and that all the roads which were made, all the trees that were planted, all the wells that were dug, all the caravanserais that were erected, and all the canals that were excavated by them, owed their origin to nothing more ennobling than a desire to render their journeys more agreeable and their residences more habitable to their Imperial Majesties themselves. In all probability, the truth is to be found midway between these two extremes. To a certain extent, both parties are right. The Mogul Emperors may not have been wholly unmindful of the interests of their subjects. They were never unmindful of their own. Fortunately for the former, the claims of the two were not wholly antagonistic. In

* I have borrowed this story from the article on "Canals of Irrigation in the North-West Provinces," in the *Calcutta Review*, No. XXIII. I have never met with it elsewhere; and it is probable that the ingenious and experienced writer derived it from local tradition.

the Emperor had shut himself up in a single palace, it is possible that the fine causeways and the noble aqueducts, over the remains of which we now shed our archæological tears, would not exist to agitate the sources of our regret. But as the Great Mogul was, by nature, of the peripatetic class—as he delighted in change of scene and change of residence—it was necessary that there should be roads over which to move the material mass of his leviathan camp, and it was desirable that the sultriness of his regal halting-places should be mitigated by baths and fountains, supplied with a constant flow of the refreshing element. The roads were made, and they benefited the people. The canals were dug, and they benefited the people. But when the Emperor ordered the construction of a road, or the excavation of a canal, and determined the direction which either should take, it may be doubted whether the line that was taken was always that which most promoted the internal traffic or the agricultural irrigation of the country. The personal convenience of the Emperor himself was of more account than the happiness and prosperity of the people. But the happiness and prosperity of the people were not wholly forgotten. The Mogul Emperors somewhat reversed the sentiment contained in Barlow's initiatory minute on the Regulations of 1793.* “It is a source of pleasing reflection,” they thought, “to know that in proportion as we contribute to the happiness of ourselves and the prosperity of the Court, the nearer we approach to these objects”—*i. e.*, the welfare of the people. The “principal object” of the Mogul Government was certainly not the happiness of the governed.

That Shah Jehan did much which in effect promoted the prosperity of the country, is not to be denied. He was aided by the greatest executive officer

* See *ante*, page 2.

who ever served a Mogul prince. Ali Murdan Khan, an architect and engineer, who would have been conspicuous in any age in any country, was at the Emperor's right hand. The Delhi canal was his work.* The Eastern Jumna, or Doab canal, is also said to be his work. The former appears to have been more or less in operation up to the year 1753. The efficacy of the latter was more short-lived. Indeed, it has been questioned whether it very long survived the panic of the Court ladies at the sight of the disfigured throats of the poor women who entered the Zenana with their

* I give the following account of the direction it took, and the countries it traversed, from an article, already quoted in the *Calcutta Review*, by the best historiographer of our Indian canals:

"Ali Murdan Khan's first line parted from Feroze's canal at a place called Madlonda, and pursuing a southerly course to Korana, it there entered an extensive natural hollow, the head of a great drainage line, and following that, in a highly embanked channel, as far as Gohana, it turned thence to the south-east by Intoula, and, nearly on the existing line, entered Delhi. On the first opening of the new canal, it was found that the embankments near Gohana were inadequate. The water, entering the great hollow there, found no efficient line of escape: it gradually rose over, and ultimately burst, the banks, and committing fearful devastation, destroyed the town of Lalpur, the extensive ruins of which are still to be seen in a hollow near Rohtuk. The inefficiency of the line having been thus fatally demonstrated, an entirely new channel was excavated from Rehr to Intoula, traversing the anticlinal ridge, or natural water-shed of the country, until it reached the vicinity of Bowana. Between this point and the city of Delhi, very low land intervenes; and to carry the canal successfully across this hollow much caution and skill were required. To give command over the supply, an escape or outlet was constructed at the upper extremity of the line of embankment, by opening which the surface-level of the canal could be greatly reduced. Over the lowest part of the hollow the canal was carried by a masonry aqueduct, be-

neath which the drainage-water of the country found escape. Clearing the low land, the canal wound for some distance along the base of the Aravulli hills, and, at a favorable point, boldly crossed this ridge by a channel cut through the solid rock, no less than sixty feet deep at the crest. It then flowed through the city in a masonry bed, throwing off to the right and left innumerable minor streams, by which the residences of the nobles, and the various divisions of the city, were abundantly supplied. Throughout the great halls, and courts, and private apartments of the imperial palace, the plentiful stream was carried in numerous channels, both above ground and below, supplying the graceful fountains, filling the marble baths, watering the rich fruits and flowers of the adjoining gardens, and adorning, throughout its entire extent, that truly regal abode in a manner worthy of the magnificent taste of its great architect.

"The success of Ali Murdan Khan's labors was complete. The immense number of old water-courses along the whole line of the Delhi canal show to how great an extent the agriculture of the country benefited by its existence. Traditions of incredible amounts of revenue having been realised from villages on its banks still linger among the people there; and a proverbialism, current at Delhi, intimates that the clear returns from the canal were sufficient for the maintenance of 12,000 horsemen. The permanent establishment, maintained for purposes of police and repair, consisted of numerous bildars (diggers), 1000 armed peons, and 500 horse, stationed, under their officers, at points three or four miles apart."

supplies. But if the *goitre* had not destroyed it, there were engineering difficulties of too formidable a character to be surmounted even by Ali Murdan Khan; and though an attempt was made long afterwards to re-open it, it seems wholly to have failed.*

The reign of Shah Jehan may be regarded as the golden age of Mogul rule. Soon after his deposition, it was evident that the seeds of decay had been sown in that vast empire. Aurungzebe was a prince of greater energy of character; but it was not permitted to him to enjoy the blessings of repose, and to turn its opportunities to the advantage of the people. His reign was a long and troublous one. He lived in an atmosphere of strife. And what were the effects of these civil wars may be gathered from the letters of our own people. Industry was paralysed; trade was at a standstill. People buried their money in the ground: "It does not a little trouble us," wrote one of the Company's chief servants, "to pay nine per cent. interest for what money we shall be forced to take up for your account towards providing of goods for the next year, and at that rate little to be had, every one rather burying

* The following account of the Eastern Jumna, or Doab canal, is from the same source as the preceding note:

"In common with the Delhi branch, the construction of this canal is ordinarily attributed to Ali Murdan Khan. Its head was established immediately under the sub-Himalayan, or Sowalik hills; possession having been taken of an old bed of the river, bearing at this day the name of the 'Budha Jumna.' Passing by the hunting-palace of Shah Jehan, called Badshah-mehal, it entered the bed of the Raipur-nala, and, carried thence in an excavated channel across the Intunwala and Nowgong mountain torrents, it was thrown into a low ravine near the town of Behut, which it followed until it reached the head of the Muskurra river, near the village of Kulsia. Entering there upon the high land, the canal was carried past Saharunpur, Rampur, Jellalabad, Shamli, and other large towns, until it descended again into the valley of the Jumna, and, passing another imperial

palace at Ranup, fell into the river nearly opposite the city of Delhi. . . .

"The great difficulties at the head of the canal were doubtless beyond the skill of the Mogul engineers: and, as there are no signs of irrigation in the southern part, and no masonry works of any kind, it may be concluded that, after the first opening, which is said to have been followed by great injuries to the towns of Behut and Saharunpur, the attempt to maintain the supply was abandoned.

"About 1780, Zabita Khan, Rohilla, is said to have re-opened the channel, and to have brought a stream of water, through the bed of the Kirsunni river, to the site of the great city projected by him in the neighbourhood of Jellalabad, Thana Bhowan, and Lohari, in the district of Muzuffernuggur. But his canal could have been open only for a few months; and with the first rain-floods, it was doubtless seen that the difficulties were too formidable to be overcome."

their money than adventuring to trust it out in this time of war.”* And with good reason, too, was the treasure buried deep in the ground, for another of the old Company’s servants writes, about the same time, that “upon any occasion of war the king will either have the purses, or else purse and head.”† Nothing was more dangerous, in those days, than to be the possessor of a little available coin. The Mogul princes opened their loans at the edge of the scimitar.

In the eyes of the general body of Mahomedans, Aurungzebe stands upon a higher pinnacle of reputation than any one of his predecessors. He was the most magnificent of potentates, and the most arbitrary of despots. He was every inch a king, according to the Mussulman standard of consummate royalty. No man was more prodigal of money, or more prodigal of life. The gorgeousness of his Court, and the unscrupulousness of his acts, reached a height that had not been attained during the reign of his predecessors. By this time European intercourse with the countries of the East had greatly increased; and we have, therefore, more vivid and more faithful pictures of the splendor of Aurungzebe’s Court, and more detailed accounts of the general state of the empire during his reign, than the Mahomedan historians have handed down to us. And it must be acknowledged that no traveller, before or since, has dazzled the world with such a glitter of words, signifying gorgeous realities, as the pleasant French physician‡ who accompanied the royal camp from Delhi to Cashmere, and has told us in rapturous language, of the stately spectacle of Rowshera Begum, on her Pegue elephant, “glittering with gold and azure, followed by five or six other elephants almost as stately as her own,” and “a troop of Tartarian and

* *Nathaniel Wyche to the Company, Feb. 14, 1658-59. India House Records. MS.*

† *Henry Revington and others to the Company, 1659. India House Records. MS.*

‡ Bernier.

Cashmerian maids of honor around her person, all fantastically dressed."

But the only question to be considered is, what effect had all this upon the happiness of the people? It is certain that regal magnificence is no test of national prosperity. The wealth which was lavished upon all the sumptuous palaces and the panoramic camps of those restless Emperors, must have been primarily extracted from the people. How the imperial coffers were filled it is not difficult to conjecture. Some of the early Mogul conquerors enriched themselves by a series of stupendous burglaries. If we could trace the career of any particular emerald or ruby from the days of Mahmoud of Ghuznee to those of Shah Jehan, there are few who would not rather think of the costly jewel in the blaze of the peacock's tail, than in the deep obscurity of the bowels of a hideous idol. But we have no means, amidst so many broken dynastic chains, of establishing any imperial succession of this kind; and we might fairly assume, even if we had no positive evidence to rest upon, that, directly or indirectly, the people paid the price of all the gorgeous magnificence which rendered the Court of the Great Mogul a type of regal splendor throughout the whole of the civilised world. It is stated that the progresses of Shah Jehan had no perceptible effect upon his coffers—that all his vast undertakings, indeed, were managed with so much economy that he left an overflowing treasury, and a jewel-house groaning with wealth.* We may gather from this significant fact some idea of what it was that caused the people to regard with unmingled horror the approach of the Mogul Court. It would be curious to ascertain what was the amount of

* *Elphinstone*. Bernier computes the amount at something under £,000,000*l*. of our money, Khafi Khan at 24,000,000*l*., "and," says the historian, in a note, "he is not likely to exaggerate, for he makes Shah Jehan's revenue 23,000,000*l*., whilst it is generally reckoned to have been 32,000,000*l*."

forced labor extracted from the people, and to what extent they were paid for their supplies. It is easy to "manage vast undertakings with economy," if little or nothing is to be paid for work or materials. And I hardly think that with such data before us—as costly expeditions undertaken at little cost, and the popular dread of the Emperor's approach—it is very unfair to assume that the rights of the people, inhabiting the country through which the despot dragged the cumbrous length of his gorgeous camp, were very slenderly regarded either by the sovereign himself, or the officers who attended his Court.*

That the Mogul Emperors left behind them some magnificent works, rests not merely on the authority of the Mahomedan historians. There are many picturesque evidences of the fact still patent to the senses of all who journey through the provinces of Hindostan. But only a small portion of these works ever conferred any substantial benefit on the people, and a still smaller portion were intended, primarily, to promote their happiness. If they did, it was more by accident than by design. Many of the works of which traces are still to be seen, were in active operation for any one's benefit but for an extremely short space of time. Many of them had served their purpose when a particular king ceased to migrate in a particular direction. There is nothing more remarkable, indeed, in this florid picture of Mahomedan beneficence, than the fact that there is nothing of a *sustained* character about it. The beneficence of the Mogul Emperors was personal and accidental. It was never the growth of any fixed principle inherent in the Government, and, as such, handed down from one representative of monarchical power to another; but was dependent ntirely on individual character, which was often only

* It is evident from Akbar's Canal in his time, were excavated by forced Act, quoted *ante*, page 29, that canals, labor.

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

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

* I am speaking here of the flower of the Mogul princes. It is almost superfluous to allude to the cruelties of the earlier Mahomedan rulers. Ibn Batuta says that owing to the tyranny of the Emperor, Delhi, when he entered it, was almost a desert. "The greatest city in the world had the fewest inhabitants." The particular instances of the prince's cruelty which are given, are too numerous for citation—one or two instances will suffice: "One of the Emirs of Fargana came to pay him a temporary visit. The Emperor received him very kindly, and bestowed on him some rich presents. After this the Emir had a wish to return, but was afraid the Emperor would not allow him to do so; he began, therefore, to think of flight. Upon this, a whisperer gave intimation of his design, and the Emir was put to death; the whole of his wealth was then given to the informer. For this is the custom, that when any one gives private intimation of the designs of another, and his information turns out to be true,

the person so informed of is put to death, and his property is given to the informer." Again: "Upon a certain day, when I myself was present, some men were brought out who had been *accused* of having attempted the life of the Vizier. They were ordered accordingly to be thrown to the elephants, which had been taught to cut their victims to pieces. Their hoofs were cased with sharp iron instruments, and the extremities of these were like knives. On such occasions the elephant-driver rode upon them; and when a man was thrown to them, they would wrap their trunk about him and toss him up, then take him with the teeth and throw him between their fore feet upon the breast. If the order was to cut him to pieces, the elephant would do so with his irons, and then throws the piece among the assembled multitude; but if the order was to leave him, he would be left lying before the Emperor, until the skin should be taken off and stuffed with hay, and the flesh given to the dogs."

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

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

tice, it is little likely that the commonalty escaped.

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

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

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

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

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

Of this gorgeous display of imperial wealth our own

* A very experienced and intelligent friend, to whom this work is indebted for some of its most valuable details, writes, with reference to this and the passage at p. 24: "The question here suggested is a very curious one, and one regarding which I once had a talk with James Skinner. Even so late as in the days of his youth, the exhibition of wealth at the great gatherings of

native chiefs, Mahrattas, and others, was dazzling—what has become of it? Has it, I asked—has it not spread among the people, and so raised the general level, though the eminences may have been lowered? Skinner would not admit this—at least, not to the extent I desired—and maintained, with the Shroffs and Bunneahs, that we drain the land."—[*MS. Notes.*]

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

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

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

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

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

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

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

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

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

† A very able writer in the *Calcutta Review* (Article, *The Life and Times of Akbar*) has given some interesting details of the relative amounts of revenue raised from different districts in Akbar's time and in our own:—"We will take at random the revenue of different zillahs in various parts of the kingdom, and the balance-sheet will be struck in our favor. Chittagong or Chatgaon, in Abul Fazl's scheme, paid three lakhs a year. Now, though over-run with jungle, and burdened with an extraordinary revenue and judicial establishment, it yields almost six. Purnea gave barely two: it now yields above twelve. Tirhut gave hardly five lakhs, and it now produces fourteen: Budaon shows us a balance of nine lakhs, and it gave eight in the time of Akbar: Allahabad presents a score of twenty-

two with us, in opposition to seven with the Mogul. We have selected the above almost at a venture, and on the other hand it would be unfair not to mention several districts where the balance seems in favor of the old scheme. These, it may be augured, are mostly in Upper India, nor were the mighty resources of Bengal ever brought into full play by the Mahomedan sovereign or by the ablest of his viceroys. Kermaon, under the great financier of Akbar, paid in ten lakhs at least, and it is now set down as giving only two. Bahar showed twenty-one lakhs, and its actual land-revenue is probably about the same, and Agra, which is now thought rich at fifteen, is set down as giving the almost incredible return of fifty-one lakhs of rupees. [This, however, may be explained away. In the Subah were probably comprehended several smaller *Sircars* or zillahs, as Muttra, Furrukabad, Etawah, &c.] But our present great strength lies in the revenues of Bengal and Behar. Here we surpass the best days of the Mus-sulmans, and to this alone we trust for a *corps de reserve* when war or the expenses of a province unable to pay itself have drained the coffers of the state."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note.—Illustrative of what I have remarked, at page 39, on the subject of forced laboremployed in the construction of the great public works of the native princes of India, I find a passage in Mr. Robertson's very interesting work, "Political Incidents of the First Burmese War," which I should have quoted in the right place had the volume been in existence when I was writing on the subject. Speaking of the remains of a great wall in Arracan, Mr. Robertson says: "It is always to be borne in mind, in drawing conclusions from the great doings of ancient rulers, of whom no other record remains, that the power unscrupulously exercised by the monarchs of those early days, at least in Asia and Africa, of compelling the whole mass of their subjects to devote their labors to the accomplishment of any favorite design, rendered it possible

for a very feeble state to leave very bulky vestiges to excite the admiration and curiosity of succeeding generations. What ancient Egypt suffered that the Pyramids might rise no one can tell ; and who thinks now of the 30,000 men, women, and children, said to have perished, since this century commenced, to accelerate the excavation of the canal connecting the Nile with Alexandria ?" It was observed, too, by Lord Aberdeen, in the House of Lords, with reference to the "humiliating" fact of the "great works of the Mogul Emperors," that we "might as well draw an inference from the Pyramids of Egypt, and conclude that their builders were superior to us in moral qualifications."—[*Parliamentary Proceedings*, March 11, 1853.] See also, on this subject, the chapter on "Public Works," p. 296, and note.

CHAPTER III.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‡ *MS. India House Records.*

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

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

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

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

"Whereas Gregory Lellington had on Sunday, the 16th of February last past, in or near the town of Surat in the dominions of the Mogul, killed Henry Barton, Englishman, and belonging to the company of the good ship the *James*, then riding in or near the Road of Swally, it was concluded by the council aforesaid, that the said Lellington should be called to answer for the said murder; which being effected, the King's Majesty's Commission, under the Great Seal, in point of authority and power to punish and execute by martial law, where need required, was read publicly before the prisoner, and that done it was laid to his charge as fol-

loweth." [Here follow the crimes with which he was charged.] "Wherefore the said Gregory Lellington being convicted by his own confession, it was generally resolved on, that as well in respect of the offence itself as for example and prevention of others in the like, that he should suffer pains of death whereof he received judgment by the mouth of the Chief Commander, which was (according to his own desire), that he should the next day be conveyed ashore, and by the musketeers of the guard be shot to death—and so the Lord have mercy upon his soul.—Signed HENRY PEPWELL (Chief Commander of the fleet)—THOMAS KERRIDGE, Chief of the Factory, &c."—[*MS. India House Records*.] I have given this at length, as the earliest account of our judicial proceedings in India with which I am acquainted.

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

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

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

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

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

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

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

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

* *Bruce.*

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

† In 1672-73 the President and Coun-

cil recommended the establishment of a police force at Bombay.

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

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

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

* The following are the service regulations as contained in the Court's letters:—"For the advancement of our apprentices we direct that, after they have served the first five years, they shall have 10*l.* per annum for the last two years; and having served those two years, to be entertained one year longer as writers, and have writers' salary; and having served that year, to enter into the degree of factors, which otherwise would have been ten

years. And knowing that a distinction of titles is, in many respects, necessary, we do order that when the apprentices have served their times, they be styled *writers*; and when the writers have served their times, they be styled *factors*; and factors, having served their times, to be styled *merchants*; and merchants having served their times, to be styled *senior merchants*."

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

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

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

* For example, in 1678-79, orders went out to reduce the pay of the President of Surat to 300*l.* a year, and to change his title to that of *Agent*. The senior member of Council was to have 80*l.* per annum; and the Deputy-Governor of Bombay 120*l.* The entire

expenses of Bombay, civil and military, were limited to 7000*l.* a year. The result of these measures was a rebellion, headed by the chief military officer, which well-nigh lost Bombay to the Company altogether.

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

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

* The factors at Rajapore—Henry Revington and others—wrote, in 1659, during the war of succession, recommending the Company to take advantage of the weakness engendered by this internecine strife, to coin money and make war on the Mogul. "For your worships may please to know," they said, "that all these artificial mines of money which were made in time of peace, are now exhausted through a civil war; and what better time than now to make them sensible of the benefit they have for many years received from you, and likewise of the injuries, oppressions, and wrongs, that you have received from them, which would be a good time to call them to

account for, when your worships shall think fit to call the Persian to account for his (and both together must be, if ever you call the latter to account)? Will it not be necessary to have a Tankshall in the Deccan, and a coin that will be current to carry on a trade here, as large as you please, during your war with India, which will continue no longer than you please? Then judge if you would not make the Tankshall cry as mournful to the King of India's ears as the liver, the fountain of blood, should complain in a natural body, and then what conditions you may bring him to, is easy to foretel."—[*MS. India House Records.*]

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

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

* "The corporation of Madras, under this charter, were to consist of a mayor and ten aldermen (three to be Company's servants and seven to be natives), who were to be justices of the peace, and to wear thin silk scarlet gowns, and of one hundred and twenty burgesses, to wear black silk gowns; a town clerk and a recorder were to be appointed, and all the subordinate of-

ficers were to be elected by the mayor and aldermen, subject to the approbation of the president. A sword and mace were to be carried before the mayor, and a silver one before the judge-advocate. A record was to be kept of their proceedings, and regularly transmitted to the Court."—[*Bruce's Annals of the East India Company.*]

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

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

* Mr. Mill, quoting this passage, says: "It thus appears at how early a period, when trade and sovereignty were blended, the trade, as was abundantly natural, but no less unfortunate, became an object of contempt, and from an object of contempt by necessary

consequence an object of neglect." But, it appears to me, that it had become not an object of contempt, or an object of neglect, but an object of uncertainty. If the trade had not been in jeopardy, these paragraphs would never have been written.

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

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

* *Bruce’s Annals.*

† They wrote out to their servants in India that “two East India Companies in England could no more subsist

than two kings at the same time regnant in the two kingdoms—that now a civil battle was to be fought between the old and new Company, and that two

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

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

or three years must end this war, as the old or the new must give way—that being veterans, if their servants abroad would do their duty, they did not doubt of the victory — that if the world laughed at the pains the two Companies took to ruin each other, they could not help it, as they were on good ground and had a charter—that when the three years expired, still they had revenues and possessions, and had a share in the new Company's stock, to the amount of

315,000*l.*, and were therefore entitled to trade annually to that amount."—*[The Court of Directors to the Council of Bengal, August 26, 1698. Bruce's Annals.]*

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

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

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

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

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

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

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

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

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

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

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

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

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

* Mr. Verelst says that it was impossible at that time for the Company to have taken the management of the Dewannee into its own hands, for that the number of civil servants was barely adequate to the due performance of the

commercial business; they were quite ignorant of the genius of the people, and totally unfit for the work of administration.—[*View of the English Government in Bengal*, p. 62.]

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

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

* *Forbes' Oriental Memoirs.*

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

* Even Clive shrunk from the idea of a further extension of dominion. "My resolution was, and my hopes will always be," he wrote in 1765, "to confine our assistance, our conquests, and our possessions to Bengal, Behar, and Orissa. To go further is, in my opinion, a scheme so extravagantly

ambitious and absurd, that no governor and council in their senses can ever adopt it, unless the whole scheme of the Company's interest be first entirely new-modelled."

† Messrs. Vansittart, Scrafton, and Forde.

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

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

* The appointment of the supervisors, intended to remedy some of the defects of the system, wrought more harm than good. The Court of Directors, who seem to have been at this time considerably in advance of their servants, wrote to Mr. Hastings, in 1773, "We wish that we could refute the observation that almost every attempt made by us and our administration at your Presidency, for the reforming of abuses, has rather increased them, and added to the miseries of the country we are anxious to protect and cherish. The truth of this observation appears fully in the late appointment of supervisors and chiefs, instructed as they were to

give relief to the industrious tenants, to improve and enlarge our investments, to destroy monopolies, and to retrench expenses, the end has by no means been answerable to the institution. Are not the tenants more than ever oppressed and wretched? Are our investments improved? Have not the raw silk and cocoons been raised upon us 50 per cent. in price? We can hardly say what has not been made a monopoly. And as to the expenses of your Presidency, they are at length settled to a degree we are no longer able to support."—[*Minutes of Evidence on Hastings' Trial, quoted in Mill's History.*]

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

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

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

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

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

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

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

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

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

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

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

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

* See the Charter granted by William III. to the English Company, and subsequently confirmed to the United Company. A subsequent Act was passed, 11 and 12 William III., cap. 12,

"to punish governors of plantations in this kingdom for crimes by them committed in the plantations." It was of general application to governors, &c., of any colony beyond the sea.

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

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

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

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

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

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

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

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

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

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

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

[*Mr. Burroughs to Mr. Barlow*.—*MS. Correspondence*.]

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

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

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

* *Marginal Notes of Sir W. Jones to rough draft of Minute. MS.*—It is curious to observe the different views taken of this particular subject by the most eminent Company's servants. Mr. J. H. Harrington, to whom the Minute had been submitted, wrote: "Even the substitution of the term *Laws* for *Regulations*, though it be but a verbal amendment, will, I am persuaded, tend to substantial advantages. There is an habitual association of ideas

attached to the term *Law*, which involuntarily influences a more serious and deliberate attention as to a solemn act of the legislature, which is not so much excited by the less appropriate and more familiar term *Regulation*."—[*MS. Records.*] The lawyers, however, could not tolerate what they thought an abuse of the sacred word; and Lord Cornwallis erased it.

† *MS. Correspondence.*

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

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

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

* *MS. Correspondence.*

country, affecting the rights of persons and property. It related chiefly to the giving security to those rights, by affording to our native subjects the means of obtaining redress against any infringement of them, either by the Government itself, its officers, or individuals of any character of description.

“Every Government in the world, from the most free to the most despotic, consists of the same elements. In each of these, there must necessarily be a power to make laws, a power to administer these laws, and a power to conduct what is termed the executive branch of public affairs. The difference between the two descriptions of government consists chiefly in the union or separation of these powers in the same or different hands. In the despotic Government, all authority—the making of laws, the administration of them, and all the duties of the executive branch, are lodged in the same hands. In a free Government these powers are lodged in different hands, so as to ensure the enactment of good laws and the just administration of them, and to provide for the due conduct of the executive duties. The despotic Government may be compared to the natural world in a state of chaos—the well-regulated Government to the natural world with all the elements assigned to their proper purposes. In this distinction consists the difference between an Asiatic or Turkish Pashalick and British form of Government, and each is known by its different effects on the lives, properties, and persons of the people.

“Lord Cornwallis made no innovations on the ancient laws and customs of the people. On the contrary, the main object of the constitution which he established was to secure to them the enjoyment of those laws and customs with such improvement as times and circumstances might suggest. When he arrived in the country the Government was, in fact, a pure despotism, with no other check but that which resulted from the character of those by whom the Government was administered. The Governor-General not only was the sole power for making all laws, but he exercised the power of administering the laws in the last resort, and also all the functions of the executive authority. The abuses to which such a system of government is liable from corruption, negligence, and want of information, are too well known to require being particularised. It is, in fact, from the want of a proper distribution of these authorities in different hands that all abuses in government principally proceed.

"His lordship's first step was to make it a fundamental law (see Regulations XLIII., 1793) that all laws framed by the Government should be printed and published in the form prescribed by that Regulation, and that the Courts of Judicature should be guided by the laws so printed and published, and no other. It had before been the practice to carry on the affairs of the Government, and those of individuals, by a correspondence by letter with all the subordinate officers."*

In this Barlow repeated what he had often emphatically insisted upon at the time. It was his wont to declare that improvement was one thing—innovation another; and that he had only improved upon the laws of the Moguls.†

Lord Cornwallis governed India with enlarged powers. The "Regulating Act" had invested the Governor-General with no power independent of his Council; and Pitt's India Bill, which passed into law in 1784, though it had given to the Court of Directors the power of nominating and recalling the Governor-General‡ and Councillors, had introduced no further change into the constitution of the supreme Govern-

* *MS. Memoranda.*

† "By improvement," he wrote, "I understand the gradual correction of defects in the existing Laws or Regulations, and the providing by new regulations for cases which have never before occurred. The new is thus in a manner the offspring of the old, always arising out of it, and preserving a close relation; but innovation proceeds in a different way. It sets out with rejecting all connexion with the past, and adopts principles and measures that can never assimilate with it."—[November 26, 1795.] And in the same letter he says: "The Regulations of 1793-4-5 are filled with injunctions for the observance of the Hindoo and Mahomedan law in all matters to which they have invariably been applied, and contain all the specific rules affecting private rights and property, about which alone the people can be immediately interested, that have passed during the last twenty years, with alterations and amendments to render them better fitted to the intended

purpose. The distribution of the three powers (which constitutes one of the essential differences between the present and past arrangements) is calculated to ensure to our subjects what they never enjoyed before, the full benefit of all laws and regulations; and from the mode in which it operates renders the introduction of any principles or measures, which would afford ground for the objections urged by the favorers of the Mogul system, next to impracticable."—[*MS. Correspondence.*]

‡ The recall clause in Pitt's India Bill runs thus—"And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the Secretary of State, or for the Court of Directors of the United Company, for the time being, by writing under their hands, to remove or recall the present, or any future Governor-General," &c.—[*Act 24 George III., chap. 25.*]

ment than that of the reduction of the number of Councillors from four to three, on the occurrence of the first vacancy. But two years afterwards, a Bill was introduced to "explain and amend certain provisions" of this Act. It enacted that no person (except the Governors or Commanders-in-Chief) should be appointed to the supreme or subordinate Councils who had not "been twelve years at the least, in the whole, resident in India, in the civil line of the Company's service;" and it empowered the Governor-General and minor Governors in extraordinary cases to act without the concurrence of the Council, inasmuch as that such power would tend greatly "to the strength and security of the British possessions in India, and give energy, vigor, and despatch to the measures and proceedings of the executive Government." This was in effect a public recognition of the utter failure of the system under which Francis* and his colleagues had been sent out to India to "regulate," by their ignorance and impetuosity, the proceedings of a really capable Governor-General, who had graduated in the Indian service; and though the restraint of Council has since the passing of this Act been sometimes a little too loosely regarded, the new provision was a salutary one. Under this Act (26th George III., chap. 16) it was decreed that all acts of the supreme or minor Councils should be "expressed to be made" by the Governor-General, or by the Governor or President "*in Council*"—a nomenclature, expressive of the supremacy of the Governor, which has been maintained to the present day.†

It was under this Act that Lord Cornwallis governed our Indian possessions. In 1793 a new Charter Act

* Francis, who had been by this time returned to Parliament, endeavoured to introduce a Bill of his own, intended to upset that which Dundas had framed—but he was unsuccessful.

† A subsequent Act of the same year (1786) decreed or explained that the

Court of Directors should have the power of appointing their Governors and Councillors without the approbation of the Crown.—[26th George III., chap. 25.] This was subsequently confirmed by the Charter Act of 1793.—[33rd George III., chap. 52.]

was passed, continuing the Company's privileges for twenty years; and in this the powers and responsibilities of the Governor-General and minor Governors were more clearly defined. It was then provided that they should have no power to act without the concurrence of their Councils in matters of purely civil government—that is, in the words of the Act, in any matter which shall come under their consideration “in their judicial capacity”—“or to make, repeal, or suspend any general rule, order, or regulation, for the good order and civil government of the United Company's settlements, or to impose of his own authority any tax or duty within the said respective Governments or Presidencies.”* By this Act the Governor-General was empowered, during his absence from the Presidency, to appoint one of the members of his Council Vice-President, and Deputy-Governor of Bengal, with authority coincidental with that exercised, in Council, by the Governor of one of the minor Presidencies.

Those minor Presidencies, under the Act of 1773, had been left very much in the same constitutional state as they were prior to the passing of the Bill. They were at this time three in number—“the Presidencies of Madras, Bombay, and Bencoolen;” their chief officer was designated President; the number of their Councillors was arbitrary, not limited by Act of Parliament; and they were directed and required to pay due obedience to the Governor-General and Council, who had the power of suspending them from office. But the Act of 1784 had decreed that “the Government of the several Presidencies and settlements of Fort St. George and Bombay shall, after the commencement of this Act, consist of a Governor or President, and

* Act 33rd George III., chap. 52, Commissioners, “to suspend all or any clause 51.—By clause 55 of this Act, of the powers hereby given to the Governor-General to act upon his own with the approbation of the Board of sole authority.”

three Councillors only"—of whom the Commander-in-Chief was to be one. And this is the constitution of the minor Governments as established in the present day. At the same time it was enacted that the Governor-General and Council of Fort William should have "power and authority to superintend, control, and direct the several Presidencies and Governments in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces of such Presidencies and settlements in time of war;"* and that this subordination to the Supreme Government might be complete, another change was introduced, which compelled the minor Governments to obey the orders of the supreme authority, notwithstanding any doubts that they might entertain of such instructions coming within the limits assigned by the wording of the statute. By the subsequent Charter Acts of 1793, this subjection to the chief Presidency was confirmed; and the Act of 1833 more distinctly and minutely defined it. The general authority of the Supreme Government is declared in one clause†—and in another it is expressly enacted that "no Governor or Governor in Council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burden of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor-General in Council shall be signified thereon; and provided also that no Governor or Governors in Council shall have the power of creating any new office or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-General of India in Council."‡

The Governments of the minor Presidencies had be-

* *Act 24 Geo. III., chap. 25, clause 31.*

‡ *Act 3 and 4 Will. IV., chap. 85,*

† *Act 3 and 4 Will. IV., chap. 85, clause 59.*
clause 65.

fore this possessed the power of framing laws or regulations for themselves, but this clause of the Charter Act of 1833 deprived them wholly of this power, and rendered their humiliation complete. The passing of this Act is one of the most important events in the whole history of Indian administration. The commercial privileges of the Company were no longer recognised, and the new Bill related, therefore, entirely to matters of government. Under the Acts existing previous to this date, it has been seen that there were three Governments, each similarly constituted, with a Governor (or Governor-General) and three Councillors, of whom the Commander-in-Chief was one. The new Act left the minor Governments with their old constitutions,* but remodelled the Supreme Government, and erected two other subordinate Governments—the Governments of Agra and Bengal.

Under this Act the Supreme Council of India was to consist, and does now consist, of a Governor-General, appointed by the Court of Directors, with the approbation of the Crown, and four ordinary members of Council, three of whom were to be servants of the Company, civil or military, of ten years' service, appointed by the Court of Directors, and the fourth, a member not of the Company's service, to be appointed by the Court with the approbation of his Majesty, and "not to be entitled to sit or vote in Council, except in meetings thereof for making laws and regulations."† The Commander-in-Chief might also be, and always has been, an extraordinary member of this Council—that is, he has always drawn the salary, and sometimes he has taken his seat. The effect of the new law was to constitute the Supreme Council of two members of

* The Act, however, conferred on the Court of Directors authority, with the consent of the Board, to reduce or to abolish the Councils of the minor Governments.

† Known as the legislative member of Council, and selected always from the legal profession at home.

the Bengal civil service—one member of the Indian army, and a member of the legal profession from home. Sometimes the Governor-General presided over it—sometimes the Commander-in-Chief bestowed himself upon it; but these functionaries were more frequently at a frontier station superintending an unhappy war, or refreshing mind and body under the bracing influence of the cool breezes of the northern hills.

Under this Act I have said two new Governments were erected, that is, the old Presidency of Fort William in Bengal was “divided into two distinct Presidencies, one of such Presidencies in which shall be included Fort William, to be styled the Presidency of Fort William, in Bengal, and the other of such Presidencies to be styled the Presidency of Agra.” The administration of the Lower Provinces of the Bengal Presidency was entrusted to what is called the Bengal Government, and its precise limits were to be defined by the Court of Directors. The Governor-General was to be *ex-officio* Governor of Bengal, with power to appoint one of his Councillors to act for him, in the capacity of Deputy-Governor, with three members of Council. The Presidency of Agra was to consist of the Upper Provinces of the old Bengal Presidency; and its affairs were to be administered by a Governor and Council of three.* The Court of Directors, however, had the power of determining, with the sanction of the Board, whether there should or should not be Councils in the subordinate Presidencies;† and the original design of the Bengal and Agra Governments was revised. It was deemed expedient that these new Presidencies should have no separate armies—no separate civil establishments; and therefore it was conceived that Councils were unnecessary. By a subse-

* Clause 56, Act 3 and 4 Will. IV., chap. 85.

† Clause 57, Act 3 and 4 Will. IV., chap. 85.

quent Act,* "to authorise the Court of Directors of the East India Company to suspend the execution of the provisions of the Act of 1833, so far as they relate to the creation of the Government of Agra, the Governor-General was empowered to appoint any member of the Company's service, of ten years' standing, Lieutenant-Governor of the North-Western Provinces of India. And such has been the system pursued up to the present time. The two Governments of Bengal and the North-Western Provinces administer, without a Council, but with a separate Secretariat, the civil affairs, and have the general domestic superintendence of, all that tract of country, which previously constituted, and in respect of military arrangements does still constitute, the Presidency of Bengal. But they have no military or political authority, and no financial control except in subordination to the Supreme Government. In fact, the system is one of extreme centralisation, and the Governor of Bombay or Madras, or the Governor of Bengal, being also Governor-General of India, cannot lawfully entertain an additional Cooley, on a salary of seven shillings a month, without the recorded assent of the Governor-General in Council.

But that which most of all imparted a distinctive character to the new Act, was the earnestness with which it addressed itself to the great matter of Indian legislation. It recognised the necessity of constructing a comprehensive code of laws for the protection and restraint of our Anglo-Indian subjects, of all colors and all creeds;† it vested, as I have shown, the sole

* 5 and 6 Will. IV., chap. 25.

† "It is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in

common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws and customs having the force of law within the same territories should be ascertained and consolidated, and as occasion may require amended."—[*Preamble to clause 53, 3 and 4 of William IV., chapter 85.*]

power of legislating for all parts of India in the Supreme Council, and it not only imparted to that Council a distinctive legislative character and a presumed legislative efficiency such as it had never known before, but it afforded, by the establishment of a body of Law Commissioners, certain external legislative aids which were calculated to contribute largely to the success of its codifications.

This Law Commission, of which the legislative member of Council was generally President,* was to consist of not more than five members, selected by the Court of Directors with the approbation of the Board of Control. It was to be their care "fully to inquire into the jurisdiction, powers, and rules of the existing courts of justice and police establishments, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or military, written or customary, prevailing and in force in any part of our territories;" and "from time to time to make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories." In a word, it was their duty to supply the materials of legislation; and considering the extent of the country, and the diversity of its inhabitants, it would be difficult to over-rate the magnitude of the task.

Excellent as was the intention, and apparently sound in theory as was this provision of the Legislature, there

* This was a matter, I believe, of private arrangement. It is not "so mission was principally composed of the Company's civil servants; and nominated in the bond." The Com- dwindled down at last to one member.

were many grave reasons to doubt, if not to despair, of its practical success. And some of the ablest members of the Court of Directors looked upon the experiment as one from which it would be expedient to abstain. They questioned the wisdom of this centralisation of the legislative power; and contemplating the many varieties of our Indian subjects—of a people with different languages, different creeds, different social institutions, different social usages, different tempers, and different intelligences, they could not bring themselves to think that an uniform code of laws, applicable to all these varieties of mankind, could be framed by any number of men with the head of a Bentham or a Romilly, and the heart of a Wilberforce or a Howard. But, as a body, the Court of Directors, bowing to the behests of the Legislature, accepted the scheme, for better or worse, and wrote out to the Supreme Council, exhorting them to do their best to give it beneficial effect. Nothing could be more liberal than the spirit of their instructions. They exhorted the Legislative Council to legislate for the people; and urged them to spare no pains to obtain for themselves the aid of all the wisdom and experience of the country, to whomsoever it might belong, as the basis of their legislative enactments.*

* The following extracts from this letter will indicate the tenor of their instructions:—"We shall say no more of the necessity of deliberation among yourselves. Another point not less important, is to provide that in the work of legislation you shall, as far as may be practicable, avail yourselves of external aid. Persons who are not members of your body may afford you valuable assistance, either by suggesting laws that are required, or by pointing out what is improvable or objectionable, in the drafts or projects of laws under consideration. With respect to the suggestion of new laws, the Act, by clause 66, expressly requires you to take into consideration the drafts or

projects of laws, or regulations, which any of the subordinate Governments may propose to you; but on this point we shall afterwards have occasion to observe more particularly. The Act also, we need not say, contemplates constant communications from the Law Commissioners, which communications are intended to furnish the grounds or the materials for legislation. Useful intimations may also be derived from the Public Boards, from the Judges of the Supreme Court, from all persons, whether native or European, invested with a judicial character, or holding official stations of eminence; from all colleges and other constituted bodies, perhaps from the native heads of

It is possible that this scheme of uniform codification would soon be forgotten—buried in that “Limbo of Vanity,” where all decayed errors and rotten fallacies are stowed away—but for one circumstance connected with it. It will be remembered by future generations, wherever the English language is spoken or understood, that the great historian of England, whose captivating pages charm the young and fascinate the old with equal power, was sent out to India, in the year 1834, to take his place in the Council to which sixty years before another great writer had imparted an evil reputation. That Macaulay was for some years an Indian legislator will be held in popular remembrance long after the duties of the legislative member of the Supreme Council of India, and the labors of the Law Commissioners, have ceased to be matters known to any but the laborious student of remote Indian chronologies, who perhaps, in those days when the “New Zealander stands on the ruined arch of London Bridge,” and the Anglo-Saxon races of America and Australia are contending for the empires of India, China, and Japan, or are amicably partitioning these vast territories among them, more as missionaries than as conquerors, may be writing, after the manner of Gibbon, a history of the “Decline and Fall of the British Empire in the East.”*

I would speak tenderly of the labors of the Commission. Some able English lawyers, and some of the ablest of the Company’s servants, have been connected with it. They carried to their work as much zeal and

villages, or even private individuals of personal weight and influence. We do not mean that these parties should by law be entitled to call on the Legislature to discuss such suggestions, or to come to any decision respecting them. No such right belongs to those who petition the Houses of Parliament in this country. We mean only that their sugges-

tions should be received, and should even be invited.”—[*The Court of Directors to the Supreme Council of India, December 18, 1834. MS. Records.*]

* It was, I believe, for some time a question whether Robert Grant or Macaulay should be the first legislative member of Council.

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industry, as ability and experience. Such men as Amos and Cameron, Macleod, Elliott, and Millett, were not likely to address themselves carelessly to their new duties, or to toil on without profitable results. They have at least brought together an immense mass of serviceable information—the raw materials of legislation; and what they have done will go far to lighten, as indeed it has already lightened, the labors of those whose duty it is to send out the fabric, full fashioned, from the legislative loom. The mistake that was made, was made by the British Legislature. It prescribed duties, the adequate performance of which, according to the intent signified in the Act of Parliament, was simply an impossibility. The Law Commission were expected to prepare a comprehensive code of laws—to suit men of all denominations living in the territories of the East India Company—Englishmen, Eurasians, Portuguese, Armenians, Parsees, and every variety of Mahomedan and Hindoo. But it was felt after a time that the work entrusted to the Commissioners could not be performed in all the integrity and completeness of the original design. People looked impatiently for results before results were forthcoming. The Court of Directors had written out to the Supreme Government, that with respect to this matter of codification “no time should be lost by delay—none should be worse than lost by precipitation.” Doubtless, there was some precipitation at the outset; and afterwards there were apparent delays, the result of an earnest desire on the part of the Commissioners to sift all subjects of inquiry to the bottom. The Commissioners did their duty, but it was only in the nature of things that the Commission should have disappointed public expectation, and left the design of the Legislature unfulfilled. It was suffered therefore, little by little, to die a natural death; and it must be acknowledged that it has left

behind it only an impression that it was a failure, as costly as it was complete.*

I think that this condemnation is far too sweeping. It is not to be denied that the Act of 1833, under

* I may advantageously give here the substance of the evidence given before the Lords' Committee in 1852, by Mr. C. Hay Cameron, lately legislative member of the Supreme Council of India, and President of the Law Commission, relative to the performances of that body. "Practically, the functions of the Law Commission have ceased. Some years ago the Government discontinued filling up the vacancies as to the now legal members of the Commission, and its existence would have been entirely terminated, but for doubts which began to be entertained whether it was competent for the Government to dispense with its maintenance as directed by the Act. But it not being considered necessary to incur the expense of paid Commissioners, certain members were requested to act as Commissioners without additional salary, simply that the Act might be complied with, and that the only remaining paid Commissioner might be enabled to complete and submit to Government some reports on which he was engaged. Mr. Cameron stated, that when the Law Commission was nearly extinct (consisting only of two members, himself and another), it proceeded, by reference from the Governor-General in Council, to examine the criticisms upon Mr. Macaulay's Penal Code, made by all the judges of the Supreme Court and the judges of the Company's Sudder Courts, which criticisms, it is said, had accumulated to an unmanageable bulk. Upon these the Law Commission reported, recommending that the code, as revised by that Commission, should be passed into law. Permission for the Commissioners to travel into various districts, for the purpose of instituting inquiries into slavery and other subjects, was sought, but not obtained. Plans were proposed for a Model Criminal Court for the trial of offences not of the gravest character; as well as for a Model Civil Court and a plan of civil procedure, under which the administration of law and equity was to be united, and the whole case brought under the cognisance of one judge,

while small-cause judicature was not to be committed to inferior judges, but all causes, whatever their amount, were to be cognisable in the same Courts. In regard to appeals, the scheme of the Law Commission was to have a general Court of Appeal in each Presidency, consisting of the judges of the Supreme Courts and the judges of the Sudder Courts, which should receive appeals both in civil and criminal cases, and from all the Courts in the country. The Mahomedan law was to be codified, the Hindoo law was to be codified, and a third civil code, the *lex loci*, was to be applicable to all but Mahomedans or Hindoos. This was much wanted, as, beyond the jurisdiction of the Supreme Courts, there is difficulty in knowing how to deal with foreigners. The course of the Company's Courts is to inquire what is the law of the country of every man that comes before them. If a Frenchman, they consult French authorities; if a Portuguese, Portuguese authorities; and so with regard to all foreign nations. The condition of the Armenians, who consider themselves a separate nation, is also peculiar, and the position of the East India or half-caste population seems unsettled. Then in cases between persons of different nations, as when one party is a Frenchman and the other not, increased difficulty arises. There was also to be a single penal code, the Mahomedan law, in this respect, being swept away, and that substituted applying to all classes of persons without exception, but varying the penalties according to the diversities of birth, class, and circumstances. The Courts of first instance all over the country were to administer the three codes of civil law, and the new code of criminal law. Subsequently, the Law Commission proposed a Small Cause Court, with jurisdiction extending to 1000 rupees, but it was not adopted. Certain parts of the *lex loci* code, which protected converts from Mahomedanism or Hindooism from loss of ancestral or other property which they previously incurred, have since become law."

which the legislative member of Council was appointed, and the Law Commission established, found the laws of India in a very confused and anomalous state, and that now, after twenty years, it still leaves much anomaly and confusion behind it. But there is little room to doubt that, since the passing of that Act, there has been a great improvement in the character of Indian legislation. The labors of the Law Commission may not have resulted in any very large number of substantial acts, but they have had a sensible effect upon the working of the legislative forge; and much of what the Commissioners have done has been infused into the Acts which, from time to time, have passed the Legislative Council.* And I am certain that all future Indian legislators will derive extensive benefit from the materials which they have amassed. Nor must it be forgotten, when speaking of the general progress of legislation, that since the establishment of the Legislative Council, the people of India, Europeans and natives, have had a larger share in the manipulation of the law. A draft of every new Act is now published; the community are thus invited to comment on its provisions, and often the result of these commentaries is discernible in the modification, or even the withdrawal, of the proposed law, when it has been found to be obnoxious to the people.

Looking now to general results, it would appear that this system of extreme concentration of power in the hands of the Supreme Government has imperfectly fulfilled the intentions of the Legislature. It has

* With regard to the criminal code, Mr. Prinsep, no great admirer of the Law Commission, but a great authority, said in his evidence before the House of Commons, in 1851, "A code of criminal laws has been prepared, but has not been passed. It is, no doubt, frequently

referred to, and extracts are made from it in any cases of importance that arise where a law is required for the purpose; and several of its chapters have so been incorporated, I believe, into the laws that have been passed from time to time."

borne, indeed, the accustomed fruits of centralisation.* It has dispirited and enervated the local Governments. It has thrown upon the central authority an accumulated burden, under which it has not made much progress in the work of provincial improvement. I speak especially with reference to the Governments of Madras and Bombay. The Bengal and Agra Governments are immediately under the eye of the Governor-General. He passes from one to the other, traverses the whole tract of country from Peshawur to Pegu, and has a kindly paternal interest in the welfare of all those provinces, which, in spite of the divided administration, still integrally constitute the one great Presidency of Bengal. The vast progress, therefore, which has been made, under the Government of the North-Western Provinces, can hardly be admitted as an argument in favor of this excessive centralisation. We must look for arguments on the southern and western coasts; and I fear that we shall not gather, from the apparent results, any very satisfactory proofs that the tendency of the system is to kindle much administrative zeal, or to develop much internal improvement.

* I think that Mr. Helps has so fairly stated the advantages and disadvantages of centralisation in the following passage, that I am tempted to quote it. It is written with especial reference to a "free Government," but it equally applies to such a Government as that of India:—"How much depends upon the happy admixture of local and central authority. If there be too much local power, how much time will elapse before the results of collected wisdom and the experience of the shrewdest men in public affairs will be carried into the local administration . . . how

completely the imperial ideas are likely to be sacrificed to petty privileges and near-sighted interests. On the other hand, if the central power prevails too much, the minds and energies of the small communities dependent on it are weakened by disuse; at the centre itself too much influence falls into the hands of faction, so that sullenness becomes the arbitress of national affairs; and, moreover, there is danger of everything being sacrificed to any one idea or fancy prevailing at the seat of Government." —[*Friends in Council, Book II.*]

CHAPTER IV.

Establishment of the East India Company—Early Management of its Affairs—
Becomes a Joint Stock Company—Its successive Charters—Progress of the
Interlopers—The English Company—Union of the two Companies—Territorial
Rights—The Regulating Act—Pitt's India Bill—The Charter Acts of 1793,
1813, and 1833—Present State of the Company.

HAVING rudely traced in the preceding chapter the progress of British administration in India up to the present time, I proceed to give some account of the Home Government—of the authorities and agencies which direct the movements of the local Governments, and to which the whole body of Indian administrators are responsible—the Authorities and Agencies which are now known as the Court of Directors of the East India Company and the Board of Control, but which for more than a century and three-quarters were all included in the former.

The bells which rang out the year 1600 rang in the first East India Company. It was incorporated, by a charter from Queen Elizabeth, under the name of “the Governor and Company of Merchants of London trading into the East Indies.” It was a very small beginning. A few English traders—ironmongers, clothiers, and other substantial people of that kind—headed by the Lord Mayor, subscribed 30,000*l.*,* and, as soon as they obtained their charter, began to or-

* The precise amount was 30,133*l.* set down opposite to the name of
—subscribed by 101 different parties. Messrs. Corkain and Co.—[*India House*
The highest subscription was 3000*l.*, *Records.*]

ganise their system of management, and to adopt measures for the equipment of their fleets. First seventeen—then twenty-four—Directors, or, as they were called, “Committees,” were chosen, and from among them a Governor was elected—the first being Sir Thomas Smith, Alderman of London—to serve for a single year. The Company in the first instance had not even the dignity of a Joint-Stock. The adventures were promoted by private subscription, and the profits divided in the proportions of the sums subscribed by individual shareholders.

The business of the Committees at this time consisted mainly in the equipment of their ships, the purchase of goods likely to have a ready “vent” among the Indians, and the supply of bullion wherewith to procure the rich produce of the Eastern world. Occasionally, at long intervals, came in a letter from the commander, or “general” of one of their expeditions, setting forth the doubts which perplexed his mind, and the difficulties which beset his career—how their efforts, in one quarter, to establish a factory had proved fruitless, and that there was “no way but to remove and go;” how, in another direction, “the bloodthirsty Turks” had come down upon them, “murdered their distrustless naked men, and seized their goods;” how the Portugals had obstructed their trade until they had turned round and “checked their insufferable saucy insolence by taking one of their bragging frigates;” how the drunken Flemings had hindered them less openly in another place, and how our own people had been drinking with the said Flemings, and trusting them over-much; how their goods would not vent among the Gentiles; how the Gentiles, in their dealings, contrived to overreach them, and how they were compelled to submit to heavy losses, or else to carry back their damaged goods.* The

* *India House Records. MS.*

record of these things still survives in quaint homely English, and in spite of some obscurities of style and penmanship, render the Indian correspondence of the beginning of the seventeenth century as patent to the historian as the effusions of "our Governor-General in Council" at the beginning of last month.

There were other anxieties than these to disturb the Committees in the infancy of the Company's existence— anxieties generated by popular complaints at the very doors of their council-chamber. The trade went on briskly enough in one department of commerce, but very flatly in another. It was nearly all buying—little or no selling. English produce did not "vent" among the Gentiles. It was necessary, therefore, to export large quantities of bullion. This was nearly proving fatal to the Company at the very outset of their career.* There arose a cry in London that the India Company was draining the country of its wealth. Men spoke loudly against the system in places of public resort, and wrote wordy pamphlets against it. It is curious, now that the English traders have well-nigh absorbed the whole of India, whilst the prescient exclusiveness of Japan has preserved its integrity inviolate, to read that, two centuries and a half ago, the Company were seriously meditating the abandonment of their trade with the former country, and confining their efforts to the establishment of commercial intercourse with the latter.

For nearly a century this London Company continued nominally to enjoy the exclusive privilege of trading with all parts of Asia, Africa, and America, beyond the Cape of Good Hope eastward of the Straits of Magellan. During that century eight successive charters were granted by different monarchs to the London Com-

* "The Honorable Company, as they write to us, make doubt of continuing their East India Trade, being daily murmured at and scandalised for shipping away so much money yearly for

India, Bantam, &c., and their large and hopeful intimations now lately given them of the Japan trade."—[*Factory Correspondence. India House Records.*]

pany.* The second of these charters, granted under the reign of the first James, conferred upon them exclusive privileges in perpetuity—or at least as long as they could be continued without prejudice to the interests of the nation. Under this second charter, in the year 1612, the Company became, by a resolution of its members, a joint-stock; money was no longer subscribed arbitrarily for the promotion of a particular adventure, but was thrown into a general fund, to be managed according to the discretion of the Governor and the Committees. In 1617-18 there were nearly a thousand proprietors of India Stock, who in that year had subscribed 1,600,000*l.* towards a new fund. There was hopeful assurance in this. But increase of trade did not bring increase of profit; and in 1626-27 they had a debt of 200,000*l.*, and their shares were selling at a discount of 20 per cent.

The charter of 1609 continued in force for more than half a century. But those were not days when kingly faith stood on a very lofty eminence. The needy Stuarts and their profligate courtiers made what they could out of the Indian trade, and many were the injuries inflicted upon the Corporation by the hands of the denizens of Whitehall. Just at the close of the first James's reign that dissolute "Steenie," the Duke of Buckingham, in his capacity of Lord High Admiral, extorted 10,000*l.* from the Company, as a *douceur*, to obtain his sanction to the despatch of a fleet. Some years afterwards, Charles, in one of those pecuniary straits which always drove all sense of justice out of him, bought up all the Company's pepper on credit, sold it for cash, and never paid for it after all.

These, however, were mere temporary, accidental hindrances. A heavier blow was aimed at the Com-

* That is, under date December 31, April 12, 1686; October 7, 1693; and 1599 1600; May 31, 1609; April 3, 1661; April 13, 1698.
October 5, 1677; August 9, 1683;

pany, when back-stairs influence induced the needy Stuart to strike at the monopoly which had been granted by his predecessors, and to issue a license authorising a private association to embark on those fields of commercial enterprise which had hitherto been deemed, in their relations to English trade, the exclusive domains of the Company.

It has been observed, in the preceding chapter, with no love of paradox, that the enmity of the Portuguese, and the treachery of the Dutch, were long the defences of the London Company. If any further proof of this be needed, it may be found in the fact that, when the English and Portuguese patched up a sort of covenant, which promised to shield the former against the outrages of their unscrupulous rivals, and gave them, moreover, access to their ports, competitors for a share of the Indian trade rose up in London, and haunted the back lobbies of Whitehall. The Indian trade was now likely to become more profitable, and less dangerous. So it seemed to the gentlemen of London that a share of it was worth grasping. They had left the Company to breast the storm alone; but now that there was a glimpse of fine weather and smooth seas, the West-end people began to sound the depths of Charles's fidelity, and to bait their hooks with the promise of a share of the contemplated spoil. A convenient gentleman of the bed-chamber, named Endymion Porter, acted as the go-between. Sir William Courten and others obtained a license for a new Association, and the King received a share in the venture.

For this violation of the charter, granted to the London Company, it was necessary to find an excuse. It was alleged, therefore, and duly set forth in the preamble to the grant, that "the East India Company had neglected to establish fortified factories, or seats of trade to which the King's subjects could resort with safety—

that they had consulted their own interests only, without any regard to the King's revenue—and, in general, that they had broken the conditions upon which their charter and exclusive privileges had been granted to them."

It has always been the fate of the Company to be subjected to charges of the most opposite and inconsistent character. One day they are charged with doing too little—another, with doing too much. The "Lord Ambassador," whom King James had sent out to the Court of the Mogul, had recommended the Company to establish as few factories as possible, and not to fortify them at all; and now, in a public document, presumed to express the sentiments of the King, the Company were charged with the offence of "neglecting to establish fortified factories." The Company, indeed, were in no hurry to fortify. Sir Thomas Roe had told them that the Portuguese had "never made advantage of the Indies since they defended them;" and that "the Dutch, who had sought plantations by the sword," had found that "their dead pays consumed all their gain." Profiting by these cogent hints, the Company had never forgotten that their position in India was that of traders, and not of princes. Territorial acquisition and military defence formed no part of their policy. And as it was at the outset of their career, so has it been from generation to generation. It is nothing to say that no such empire as the British Empire in the East has ever been built up by the exercise of so little deliberate aggression, but that nothing even remotely resembling it is to be found in the history of the world.

But although the sun of royal favor brought Courten's Association into life, that great chartered party of Interlopers achieved no very brilliant success. They endeavoured to carry everything before them—*more Lusitanorum*—by a series of rapid *coups de main*.

But the aggressive hostility of the Dutch, who treated them as pirates, cramped their energies, and contracted their efforts. They encountered many difficulties, and were assailed by many disasters. But more than all the malice of their enemies, did their own unscrupulous conduct hasten their undoing; and when an arrangement was made by which they were swamped into the legitimate body of the London Company, they were nearly at their last gasp. A failure such as this had a natural tendency to discourage private adventure in the Indian seas. Domestic dissensions, too, which filled men's minds, and evoked their bodily activities, shut out all thought of foreign speculation; and when new homes beyond the seas were dreamt of by men weary of intestine strife and oppression, their imaginations turned to the gentle clime and the green savannahs of the western world, where, with their wives and little ones around them, they might live and pray in quietude and peace.

The civil wars did not promote the Company's trade,* but their tendency was to keep down competition, and so far they benefited the Company. But when the King's head had been brought to the block, and the

* Mr. Bruce, a staunch Royalist, says, under the year 1644-45, that the King of Persia refused the usual *firmān* to the Company because our agents did not take off the wonted quantity of silk. "It is a memorable proof," he adds, "of the effects of the political distractions in England at this period, that the agent was compelled to explain to the King of Persia the reason of this change to be, the distracted state of the Government in England, in which the rigid and austere manners of the Republicans had rendered silks (an article of former luxury) less an article in demand than under the polished manners of a Court—a melancholy example of the effect of political anarchy on commercial prosperity." It is not very clear from this whether, in Mr. Bruce's estimation, the "political anarchy" of

the times, or the "austere manners of the Republicans," had this disastrous effect upon the commercial prosperity of the country. The passage is not very logical as it stands. It would seem, however, that Mr. Bruce intended to build up an argument in favor of absolutism, for he goes on to say, "If the convulsed and austere manners of England thus struck at the prosperity of the Company's trade in Persia, it is a remarkable contrast to find, at the same juncture, that the settled, though absolute Government of Turkey, was favorable to the introduction of the Company's trade; because, under such a Government, articles of foreign import found a ready sale for the luxuries of the great, whilst this luxury facilitated the exports of Turkish produce."

monarchy for a time suspended, it was natural that the general vindication of liberty should embrace liberty of trade, and that the Company's monopoly should be in danger. During the first years of the Commonwealth, however, the war with the Dutch kept this experiment in abeyance, and it was not until the peace had been completed that the Company found that their exclusive privileges were again threatened. It was not even then that their charter was endangered by a general demand for license to trade with the continent and islands of India, but that some of the members of their own proprietary body urged their right to be emancipated from the trammels of the Joint-Stock, and under the name of Merchant-Adventurers, set forth their grounds for desiring to substitute for the existing system "a free regulated trade." An eager controversy then ensued; argumentative petitions from both sides were laid at the feet of the Protector, and for a time it seemed that the chances of the contending parties were pretty equally balanced. Certainly, as we regard with the eyes of modern enlightenment the arguments which were thus paraded by the two disputants, the Merchant-Adventurers have the best of the controversy. But the Free-trade arguments of 1813-33, which are here foreshadowed, do not apply with equal force to the great commercial question raised in 1654-55. The reasoning of the Company in favor of the United Joint-Stock was not unsound in its application to the existing state of things, and when the question at issue was referred in 1656 to a committee of the Council of State, that body, after hearing evidence, delivered a private opinion in favor of the Joint-Stock, but left it to the Council to pronounce an authoritative decision.* The Council

* Mr. Mill says: "These contending pretensions were referred to a committee of the Council of State, and they, without coming to a decision, remitted the subject to the Protector and

Council, as too difficult and important for the judgment of any inferior tribunal." There is here discernible something of the *suppressio veri*. The historian ought to have stated that the

declared in favor of the "United Joint-Stock, exclusive of all others," and Cromwell ratified the decision.

But in the mean while—*pendente lite*—the Merchant-Adventurers had subscribed 46,000*l.*, fitted out a fleet of three ships, appointed a committee of management, and obtained a commission from Cromwell to trade with the East Indies. Courten's Association had been broken up, but it had left a trail of piratical spawn behind it. The troubles of the Company and their servants had been great ever since the evil "Khutput" of Mr. Endymion Porter had covered the Indian seas with these reckless corsairs, and now a new tribe of chartered Interlopers were pouring in, seemingly with a fair chance of superseding the Company altogether. But the decision of the Council of State brought the Merchant-Adventurers back to their old allegiance; they fused themselves again into the general Joint-Stock, and the only interlopers left on the seas were pirates without charter or commission.

But the days of the Commonwealth, adverse, doubtless, to corporations and monopolies, were numbered. The people of England, though erring and straying, for a little space, from their monarchical ways, like lost sheep, were eager to return to their old allegiance to a royal master; and the Restoration was at hand. They were willing to try another of the false Stuarts, and Charles the Second was proclaimed.

To the Company this seemed a propitious event. It was natural that the restored monarch should have looked with a benignant eye on all kinds of legitimacies, real or supposed—upon all vested interests and corporate privileges, and especially those which had

committee reported that they had heard evidence on both sides, and that their private opinion was, that the trade ought to be conducted on an United Joint-Stock, but that, as the subject was one of so much difficulty and importance,

they deemed it expedient to refer it, with the papers, to the Council of State, for their formal decision. This is duly stated in "Bruce's Annals," to which Mill refers in the margin.

been violated by the sacrilegious hand of the lawless Protectorate. The opportunity was a good one—not to be neglected by the Company; and they sought renewed protection from the Crown. They sought for such a recognition and confirmation of their privileges as would secure them against all intrusion, chartered or unchartered; and they obtained for themselves a new charter, which promised at least all that they desired.

It promised them “for ever, hereafter,” “the whole entire and only trade and traffic to and from the East Indies.” It established them as a body politic and corporate in perpetual succession. It gave them the power to change and alter whatever might be for the common interest and weal of the Company; to hold general courts, to make by-laws, and to establish a constituency, each adventurer voting according to his stock. It gave them full control over all their plantations, forts, factories, and colonies in the East Indies. It empowered them to make peace and war with any prince or people not being Christians, to build fortifications, and to send out soldiers and military stores. It further gave them the power to seize and ship off to England all unlicensed persons invading the Company’s privileges; in fact, it conferred upon the Company a strict monopoly with very large powers; and it acknowledged what in the time of the new King’s sainted father had been authoritatively denied, that the Company had for a long series of years been enjoying the liberties and exercising the privileges granted to them by Elizabeth and James “for the honor and profit of the nation.”*

This was the Company’s third charter. It continued without alteration or infringement until October, 1677.

* Letters patent from King Charles to the East India Company, April 3, 1661, in what, by a pleasant consti-

tutional fiction, was called “the thirteenth year of his reign.”

It had been granted, as I have said, under letters patent from the second Charles; but about this time the legality of such charters began to be questioned, and people openly declared that nothing but an Act of Parliament could legalise the monopoly which the Company sought to enjoy. It was urged, moreover, that they had forfeited their privileges, by divers acts of omission and commission; but the popular clamor seems to have had little effect either on the fortunes of the Company, or the favor of the King; for letters patent were again issued, under date October 5, 1667, confirming to the Company "all rights, liberties, and franchises" granted by former charters. It gave them also the further power of establishing mints in any of the Company's settlements, and to issue money of any kind, so long as it was not called by the name of the current coin in other parts of his Majesty's dominions.

In 1683, the Company received their fifth charter from the Crown.* The "Interlopers" had, by this time, risen to a height of daring which the Company's powers were insufficient to repress. They applied, therefore, for additional powers to seize on the ships and the merchandise of these lawless intruders, to try them, as pirates, by martial law, and to execute them upon conviction. The charter was granted. It empowered them to seize the ships and goods of Interlopers, within the limits of their exclusive trade—to hold forts, factories, and plantations—to make war—to

* Mr. Wissett, in his "Compendium of East Indian Affairs, collected and arranged for the use of the Court of Directors," says, under this year (1683): "The Company's trade having been materially injured by the proceedings of the Interlopers, Charles II. granted the Company a new charter (the fifth in his reign)," &c., &c. It is fortunate that there is much more trustworthy information than this in Mr. Wissett's

volume. The Charter of 1683 was the fifth charter granted to the Company since its first establishment in the reign of Queen Elizabeth. There were three charters granted by Charles II., the last of which was little more than an act for the suppression of the Interlopers. There were besides these the grants of the Islands of Bombay and St. Helena; but they are not properly to be described as charters.

muster forces—to execute martial law—to erect Courts of Judicature, and to appoint Judges thereof, who were “to determine according to equity and good conscience and the Laws and Customs of Merchants.” But this charter was not sufficient; and three years afterwards another was granted to the Company, giving them further power “to make war on such Indian princes as may hurt the Company,” if satisfaction for injuries should not be obtained in a peaceable way, and authorising to use their ships in a martial manner, to appoint Admirals, Vice-Admirals, Rear-Admirals, Captains, &c., who may raise and muster seamen and soldiers on board their ships. All the wrongs which the Company had sustained at the hands of the native princes were attributed to the Interlopers, who were recited to have instigated the Mogul’s people to make war upon the lawful traders.

These charters granted by the Stuarts related almost entirely to the foreign management of the Company’s affairs, but the next, which was conferred on them in 1693 (3rd and 4th of William and Mary, chapter 15), related to their domestic arrangements. Various rules and orders for the Company’s observance were prescribed by the Crown. Every subscriber to the Joint-Stock was to be a member of the Company. A proprietor of 1000*l.* stock was to have one vote in the General Court. No proprietor was to hold more than 10,000*l.*, or to have more than ten votes. Each Director or Committee-man was to be possessed of 1000*l.* stock, and the Governor and Deputy-Governor of the Company were to possess 4000*l.* stock. The Governor (and in his absence the Deputy-Governor) was to have a casting vote in all Courts. And the Company were to be required to export to India goods “the growth and produce of England,” every year, of the minimum value of 100,000*l.*

But these regulations were not altogether pleasing to the Company, so they besought the King to modify them. Letters patent were accordingly issued, on the 13th of April, 1698 (this was the eighth charter), by which the qualification of voters, in General Courts, was materially altered. The possession of 500*l.* stock was to confer one vote—1000*l.* was to give two votes—3000*l.* four votes—4000*l.* five votes—a much lower qualification than exists at the present time—and it became necessary for a Director to possess 2000*l.* stock at the lowest.

This was the last charter granted to the old London Company, which, for the space of nearly a century, amidst all sorts of difficulties and discouragements, had maintained itself, with singular courage and constancy; but whose existence was now threatened by the promise of a charter to a new Company, made up, in no small measure, of the Interlopers whom the old corporation had resisted and assailed with so much vigorous severity, and against whom, it has been seen, the principal provisions of more than one of their recent charters had been directed. The London Company were at the mercy of the King. In 1693 they had subjected themselves, by the non-fulfilment of their engagement to pay a 5 per cent. duty on their capital stock, to the entire loss of their charter; and though it had been confirmed to them by an act of grace, a condition had been attached to its renewal, that the Company's privileges should be terminable at any time, after three years' notice. The King wanted money. The Government, indeed, of that period was in a chronic state of financial embarrassment; and some instructive chapters of English history might be written from existing materials, in the shape of the correspondence of those whose chief business it was to provide money for the requirements of the State and the exi-

gencies of the Court. It is no strange thing, therefore, that now the temptation offered by the project of a new India Company, willing to bid high for its commercial privileges, should have been unresisted by the King. The new Company offered to lend 2,000,000*l.*, at 8 per cent. interest, to the Government—and the old Company's charter was terminable upon three years' notice. The time seemed now to have arrived, therefore, for the suppression of the London Company, and the elevation of the new English Company upon the ruins of its venerable predecessor.

Brief mention has been made in the preceding chapter of the struggle which then ensued. The reader is acquainted with the result. The United Company of Merchants trading to the East Indies then entered on an existence which endured for a century and a quarter. The charter of 1698, under letters patent of William III., granted to the English Company, and subsequently transferred to the "United Company," supplies some of the materials of the present constitution of the Courts of Directors and Proprietors.* Twenty-four Directors were to be chosen, between the 25th of March and the 25th of April, every year, by the members of the Company—or, as they are now denominated, Proprietors of East India Stock. The qualification for the Direction was the possession of 2000*l.* Every proprietor of 500*l.* stock was entitled to one vote, and no proprietor had more than one. The Directors were chosen only for one year. Thirteen were sufficient to constitute a Court. It was incumbent upon them to convene a General Court of Proprietors four times in the year, and these Courts were empowered to make by-laws, for the better regulation of the Company.

* The charter decreed that the Company should "for ever hereafter freely trade unto and from the East Indies, &c."

The Directors of the United Company, as it has been shown, were, at first, elected every year. Every week, on proceeding to discuss the business before them, they appointed a new chairman. In 1714, this practice passed into desuetude. A resolution was adopted, to the effect that a chairman and a deputy-chairman should be elected annually, and sit throughout the entire year. And on the 14th of April, being the first Court-day after the election of Directors, Chairs were appointed by ballot. This arrangement has remained unchanged up to the present time. The chairman and deputy-chairman are elected every year; but the general body of Directors are no longer subject to annual election. In 1773, an Act was passed (13th of George III., chapter 63) for the better management of the Affairs of the East India Company, which contained some important provisions affecting the constitution both of the Court of Directors and the Court of Proprietors. It was enacted that, at the next general election, instead of twenty-four Directors being chosen for one year, six should be elected for one year; six for two years; six for three years; and six for four; and that at the expiration of every year, six new Directors, and no more, should be chosen. The effect of this provision has been to constitute a body of thirty Directors, of whom six, forming a sort of non-effective list, go out every year by rotation. For although it is competent upon the proprietors, at such annual elections, to choose six new members, the power is never exercised. The Court of Directors, as thus established by the Act of 1773,* the well-known "Regulating Act," of which some mention has been made in the preceding chapter, has survived to the present day.

* The Act recited the reason of the change—viz., that the annual election of Directors "had not answered the good purposes intended thereby, but on the contrary, by limiting the duration

of their office to so short a time, evidently tended to weaken the authority of the Court of Directors, and to produce instability in the councils and measures of the said Company."

The last eighty years have seen no change in its constitution.

By the same Act, the qualification of proprietors underwent a revision, which has seen no subsequent change. The possession of 500*l.* stock had qualified a proprietor to vote; but this system, as the Act recited, had "been productive of much inconvenience," as tending "to promote the mischievous practice of making collusive transfers," and was, therefore, to be amended. No member was to be thenceforth qualified to vote, unless the proprietor of 1000*l.* stock. Two votes were conferred by the possession of 3000*l.* stock; three votes by 6000*l.*; and four votes by 10,000*l.* These, as I have said, are the qualifications in force at the present time.

At this time, the East India Company continued to enjoy the privilege of exclusive traffic with the East Indies, under the charter of 1698, which conferred these privileges upon them in perpetuity—or for as much as perpetuity is worth in letters patent. But, in 1781, when Indian affairs were pressing impetuously upon the attention of the Legislature, an Act (21st of George III., chapter 65) was passed, confirming these privileges for a fixed period of ten years, at the end of which the Company were entitled to three years' notice of an intention to resume them.

Up to this date, it has been seen that the Home Government of India was vested entirely in the East India Company. The control which Parliament had hitherto sought to establish was a control over the Indian Governments. They had sent out from England new men—men without Indian antecedents, and unconnected with Indian interests—to regulate the proceedings of the local administration, by a fusion of the English or Parliamentary element into the authorities and agencies in operation at the seat of the

Supreme Government. But the experiment was a failure. The control was at once too great and too little—too great in evil, too little in good. It clogged the wheels of Government; it threw the affairs of the administration into confusion; and really regulated nothing except the continual supply of internal strife. It was evident that this was not the kind of check to be advantageously interposed between India and bad government. So Parliament began seriously to think of some new scheme for the better ordering—not so much of our Indian possessions, as of the Home Government to which the welfare of those Indian possessions was entrusted.

The idea of the Board of Control took shape slowly and gradually in the minds of our English legislators. In this year, however, the small end of the wedge was introduced by Parliament. In the Charter-Act of 1781 a clause was inserted which gave one of the Secretaries of State a controlling authority over the Company's affairs. It was enacted "that the Court of Directors should deliver to the Lords of the Treasury copies of all letters and orders relating to the Revenues of the Company, and to one of his Majesty's Secretaries of State copies of all letters and orders relating to the civil and military government and affairs of the Company, or of their servants in India; and that the Court should be bound by such instructions as they might receive from his Majesty, through one of the Secretaries of State, so far as related to the conduct and transactions of the Company and their servants with the country powers in India, as well to the levying war as to making peace."*

The following year was a year of inquiry. A Select Committee of the House of Commons was appointed to

* *Auber's Analysis of the Constitution of Charters and Statutes relating to the East the East India Company.—Collection of India Company, 1817.*

investigate the subject of Indian administration, and to consider how the British possessions in the East could be governed with most advantage to Great Britain and to the native population. And in the succeeding year (1783) leave was given to bring in a bill, by which the Company's affairs were vested in the hands of Commissioners, for the better government of our Indian possessions.

I should like to dwell upon the events that ensued, but I can only speak of the actual results. Charles James Fox was then one of the chiefs of the Coalition Ministry. The Bill which was then introduced is known in history as Fox's India Bill.* It was very adverse to the Company. It proceeded on the assumption that they had betrayed their trust—mismanaged their affairs—oppressed the natives of the country, and brought themselves to the verge of bankruptcy. It proposed to place the entire territorial government of India, for four years, in the hands of seven Directors, to be nominated by Parliament, whilst its commercial affairs were to be left in the hands of nine Assistant Directors, to be elected by the Proprietors, but to act under the instructions of the Directors nominated in the Act, and removable by them.† It entirely degraded the old Directors of the Company to the character and condition of mercantile clerks. The humiliating proposal threw the Company into a ferment of indignation. The Court of Directors appealed against it. The Court of Proprietors appealed against it. Pitt, with the old head on the young shoulders, then only a youth of five-and-twenty, earnestly and eloquently denounced it. He declared that the promoters of the Bill were "proceeding to the protection of the oppressed abroad by an act

* Originally there were two Bills, one relating to domestic, the other to foreign administration—one for vesting the government of India in the hands of Commissioners or Parliamentary Directors, and the other for the revision of the local authorities, and the better

government generally of the country. The two Bills were subsequently merged into one.

† That is, vacancies subsequently occurring were to be filled by the Proprietors.

of unparalleled oppression at home." But the House of Commons were with the Minister; and on the 8th of December his Bill was carried by a majority of two to one.

But the Company in the hour of their need had one friend; and that friend lived in a palace, and his likeness was stamped on the coin of the realm. The India Bill was obnoxious in the extreme to George; he conceived it to be an unconstitutional and dangerous movement, and it was soon noised abroad how the King had declared that no friend of his would support so oppressive a measure. The Bill was carried up to the Lords, and thrown out on the second reading. The Ministry was dissolved. The country, now about to subside into a chronic state of Pittism, received the youngest of her statesmen as the chief of her councils. Early in the following year, 1784, the new Minister moved for leave to bring in a Bill for the better government and management of the affairs of the East India Company. But the new Minister and the old Parliament could not carry on the business of the country together. Pitt was outvoted in his attempt to bring in an Indian Bill, and Parliament was dissolved. The new Parliament brought with it a new temper; and the young Minister carried the House with him. On the 6th of July, 1784, he introduced his India Bill. It did not seek to destroy the East India Company, but to control them. It neither stripped them of their commercial privileges, nor divested them of their territorial rights. It left the constitution of the Court of Directors untouched, but decreed that a Board of Commissioners, composed of six Privy Councillors, of whom one of the Secretaries of State and the Chancellor of the Exchequer were to be members, should be appointed by the Crown, with authority to scrutinise and to control the proceedings of the Company. They were to have

access to all the Company's papers. Drafts of all despatches to be sent out to India were to be submitted for their inspection and revision. They were empowered to call upon the Court of Directors to prepare despatches on any subject, and on their failure within fourteen days, to do the required work themselves. The Directors were at the same time required to nominate from among the members of their own body a Committee of Secrecy, not exceeding three in number; and it was enacted, that if the Board of Commissioners should be of opinion "that the subject-matter of any of their deliberations concerning the levying of war, or making of peace, or treating or negotiating with any of the native princes or states in India, should require secrecy, instructions should be sent to the said Secret Committee, who should thereupon, without disclosing the same, transmit their orders and despatches." Thus was the constitution of the Secret Committee established. Two years afterwards, it was enacted that the members of the Secret Committee should be sworn, and the words of the oath were prescribed.*

The famous Bill embodying these provisions—(Act 24th George III., chapter 25)—was carried triumphantly through both Houses, and the *imperium in imperio* was established. These provisions remain substantially in force up to the present time; but the personal composition of the Board of Commissioners has been materially changed. By the Charter Act of 1793† (33rd George III. cap. 52), which confirmed the Company in their privileges for twenty years, the

* Act 26th Geo. III., cap. 16.

† The Charter of 1793 repeats the important clauses prohibitory of war-making, contained in the Act of 1784—"Forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honor, and the policy of this nation; be it further enacted, that it

shall not be lawful for the Governor-General in Council, without the express commands and authority of the Court of Directors, or of the Secret Committee, by the authority of the Board of Commissioners for the affairs of India (except where hostilities have actually been commenced, &c., &c.), either to declare war, or commence hostilities, &c."

Board was made to consist of certain members of the Privy Council (of whom the two principal Secretaries of State and the Chancellor of the Exchequer were to be three) and two other members. The first named in the letters patent constituting the Board, was to be its President. The Commissioners were authorised to appoint secretaries, and enjoined to "enter their proceedings in proper books." Under this Act the Secret Committee was constituted, as under the Act of 1784, with the further power of receiving, as well as forwarding, certain despatches in the Secret Department.

Such is the constitution of the Home Government, as it is represented by Acts of Parliament. But how, in its infancy, the conjoint authorities worked together, and to what extent the Board of Commissioners was a really living operative power, is nowhere represented. Something, however, of the secret history of the working of the Board may be gathered from the following extract of a letter, written by Mr. Beaufoy, one of its first secretaries in 1795 :

" Having mentioned that the Revenue despatch of the 30th of April, 1794, was written by myself, you may, perhaps, be desirous of knowing in what manner the correspondence to India is conducted. In general, the business of preparing all despatches, those in the commercial department excepted, is assigned by the Directors to Mr. Johnson, a gentleman of very considerable talents, and of great experience in their service. Two assistants are allowed him, whose principal duty, when a letter is to be answered, consists in examining the consultations of Government, together with the proceedings of the subordinate Boards, and in marking all such passages as furnish in detail the information which that letter professes to convey. These passages are afterwards extracted by the numerous writers at the India House, and enable Mr. Johnson to form his own opinion on the facts related and the sentiments expressed, in the letter to which he replies.

" The process is laborious, but, on the whole, is the easiest and the best. As soon as the Directors have read and approved the intended despatch, their secretary sends it to the office of the Com-

missioners for India affairs, and care is taken that the private copy for my own use shall be accompanied by the volume of extracts (often amounting to many thousand pages) on the authority of which the despatch was formed. If doubts arise upon any point as to the fairness of the extract, recourse is had to the original record; but no instance in my time of intentional omission has ever yet occurred. The labor of reading these extracts falls, of course, upon the secretary, but this is the lightest of his employments; for as Mr. Dundas is seldom present at the Board, and afterwards requires at very uncertain times, and often at the shortest notice, complete information on such points in the despatch as engage his particular attention, it becomes necessary to form a written abridgment of these bulky materials. This the custom of writing short-hand enables me to do.

“Before the Act of 1793, the Board of Commissioners for India affairs was little more than nominal, except as the term applies to the principal Commissioner; for as the papers, which required their signature, were usually sent in circulation, they seldom were convened, and I, who had been invited to the office, as to a situation in which my services were particularly wanted, was surprised to find that it not only had been a sinecure in the hands of my predecessors, but that no active duties (the labor of writing reports on points of extensive discussion excepted) appeared to belong to the appointment.

“Fortunately, however, the Act of 1793 relieved me from the embarrassment by declaring that the sentiments of the Board of Commissioners for India affairs, upon any proposed despatch transmitted to them by the Directors, shall be certified under the hand of their chief Secretary by order of the Board. The consequence of the Regulation is, that no public despatch can be transmitted to India without a previous meeting of the Commissioners; that information is expected from the secretary on all the principal points of every such letter; and that his office has become efficient and important.”*

The Charter Act of 1813 introduced no material change into the constitution of the India Board. The alterations were merely those of detail management; but the Act of 1833 determined that in addition to the principal Secretaries of State and the Chancellor of the

* *MS. Correspondence.*

Exchequer, the Lord President of the Council, the Lord Privy Seal, and the First Lord of the Treasury, should be *ex-officio* Commissioners, and that such other Commissioners as the Crown might please to appoint should also be members of the Board—the first named being its President. The Act of 1793 had specified that there should be two Commissioners—not of the Privy Council; and these two junior Commissioners had received salaries, but had attended the meetings of the Board or not, according to their conscience or convenience. Under the Act of 1833, no junior salaried member has been appointed. But an alteration has been introduced into the constitution of the Secretariat; for instead of a chief secretary and an assistant secretary, as in Mr. Beaufoy's time, two joint secretaries are appointed—"each of the said secretaries to have the same powers, rights, and privileges, as by any Act or Acts, now in force, are vested in the chief secretary of the Commissioners for the affairs of India." The President and the Secretaries are the paid working members of the Board. All the rest is a mere fiction.

In fact, the Board of Commissioners for the affairs of India is now one man—a fourth Secretary of State. He may, or may not, have any knowledge of India, acquired from actual experience or the study of books; but his power to control the proceedings of the Court of Directors is absolute and complete. He has constitutionally, in respect of all matters of internal administration, only a controlling power; that is, he is empowered to correct the despatches of the Court on all subjects that come under their consideration. But this unlimited power of correction is in effect co-extensive with the power of initiation, and it would be easy to name cases in which despatches, relating to matters of internal administration, have lost under the hands of the Minister all traces of their original

significance, and have been made to convey sentiments the very opposite to those entertained by the members of the Court.

In respect of all transactions with foreign powers—all matters bearing upon questions of Peace and War—the President of the Board of Control has authority to originate such measures as he and his colleagues in the Ministry may consider expedient. In such cases, he acts, presumedly, in concert with the Secret Committee of the Court of Directors—a body composed of the Chairman, Deputy-Chairman, and the Senior Member of the Court. The Secret Committee sign the despatches which emanate from the Board—but they have no power to withhold or to alter them. They have not even the power to record their dissents. In fact, the functions of the Committee are only those which, to use the words of a distinguished member of the Court,* who deplored the mystery and the mockery of a system which obscures responsibility and deludes public opinion, could as well be performed “by a Secretary or a seal.”†

It should ever, therefore, be uppermost in the minds of those who, considering the constitution of the Indian Government, and its effects upon the happiness of the people, would judge rightly of the responsibility of its different Agencies and Authorities, that the whole

* The late Mr. Tucker.

† How little, until very recently, the real constitution of the Indian Government had become known even to intelligent men, living immediately under it, may be gathered from an anecdote told by Lord Hardinge, in his evidence before the House of Commons (1852). After stating that the constitution of the Secret Committee was “a mystery not understood by the public,” he went on to illustrate his position. “I recollect,” he said, “an instance, in which an officer of very high position and ability in India, had written a letter to the President of the Board of Control, in which he had, in somewhat indignant

terms, complained of the Secret Committee: the letter which had come out to him being signed by the Chairman and Deputy Chairman; this officer felt amazed, and wrote his letter to the President of the Board of Control. When I heard of it, I wrote to him: ‘I hope you have not sent the letter, for, though the order was signed by the Chairman and Deputy-Chairman, it in fact came from the President of the Board of Control,’ with whom this officer was on friendly terms. This officer did not understand the mystery of the President of the Board of Control being in fact the Secret Committee; it is, however, a convenient arrangement.’

foreign policy of the East India Company is regulated by the Board of Control—that in the solution of the most vital questions—questions of peace and war—affecting the finances of the country, and, therefore, the means of internal improvement, the Court of Directors have no more power than the Mayor and Aldermen of any Corporation Town. The happiness of the people of India is dependent less upon the will of a deliberative body of four-and-twenty English gentlemen, a large majority of whom have studied India under an Indian sky—who are experienced in the languages and the usages of the people, and to whom the system of administration in all its details is as familiar as household words—who have, as a body, no connexion with Party, no dependence on the fate of ministries, whose official lives do not hang upon an adverse vote, and who can, therefore, pursue from year's end to year's end a consistent course of administrative conduct—than upon the caprice of a single man, who may be gone to-morrow, who may preside over the India Board and govern India for a fortnight, and then be suddenly deposed by some gust of Parliamentary caprice, by the mistaken tactics of an inexperienced Party leader, or the neglect of an inefficient “Whipper-in.”

The Acts of 1813 and 1833 affected, in a very important manner, the character of the Board of Control, and rendered its controlling powers more absolute and entire. The authority of the Board had not extended to the trade of the Company. But now the Company were about to be deprived of their trade, and so of nearly all their remaining independence. The “United Company of Merchants trading to the East Indies” were fast ceasing to be a Merchant Company at all. Ever since the British flag had first waved over the Soubahdarry of Bengal, it had been said that a trading Company and a fighting Company were antagonistic one

with the other, and that in course of time the greater would swallow up the less.* But it took nearly half a century of increasing empire to absorb even the first moiety of the Company's trading privileges. And then, I fear it must be said of them, that they had lived their time. At all events, they had outlived the patience and forbearance of the people. The temper of the age was growing less and less attuned to the conservation of exclusive rights and corporate monopolies; and now, in 1813, the gigantic preserve, the legal boundaries of which had been maintained for more than two centuries, was about to be thrown open to the incursions of all the vulgar traders of the land. I do not know what I might have thought of the matter had I been alive at that time. I have great respect for the Company's trade. I believe that, under Providence, to the preservation of the Company's monopoly we owe our Empire in the East. But long before 1813, it had fulfilled its mission; and I can not look back upon its extinction with regret.

For this much at least is certain—that when the Company began to think less of trade, they began to think more of government. Under the Charter Act of 1813, which deprived them of the monopoly of the Indian trade, their administrative efficiency considerably increased. But it was under the Act of 1833, which left them without the compromise of the China monopoly—which deprived them of the last remnant of their trading privileges, and took from them even the name of a Merchant Company, that greater progress

* Old Zephaniah Holwell wrote, in 1765, "A trading and a fighting company is a two-headed monster in nature that cannot exist long, as the expense and inexperience of the latter must exceed, confound, and destroy every profit or advantage gained by the former—new temporary victories stimulate and push us on to grasp at new acquisitions of territory; these call for a large increase of military force to

defend them, and thus we shall go on grasping and expending, until we cram our hands so full that they become cramped and numbed, and we shall be obliged to quit and relinquish even that part, which we might have held fast, if bounds had been set to our progress, which, upon the present system, we now see is utterly impossible, therefore a total change in our politics becomes indispensably necessary."

has been made towards good government, than throughout all the long years—the long centuries—when trade was uppermost in their thoughts. I believe that the Directors of the East India Company, since they ceased to be the managers of a leviathan mercantile firm, have taken more serious and enlarged views of their duties and responsibilities as guardians of a country inhabited by a hundred millions of fellow-men. I believe that there has been more wisdom in their councils—more nobility in their aims—more beneficence in their measures. They have now become a purely administrative body; and it is impossible for any one, tracing, step by step, as I have done, the growth of that close connexion which now exists between them and the people of India, not to mark a progressive enlargement in the scope of their views, and a progressive improvement in the character of their measures. There have been more good things done for India—there has been more earnest, serious, enlightened legislation for the benefit of the people, under the Act of 1833, than during the previous two centuries and a quarter of British connexion with the East. And yet never has a benevolent Government, recognising the great truth that Peace is the mother of Improvement, ever been confronted, in its career of internal amelioration, by so many impediments to success.

That Act was a most important one in other respects than in the total abolition of the Company's commercial privileges. Of some of its provisions I have already spoken. Indeed, the changes which it introduced affected principally the local Governments. I speak of it here mainly because I date from it the dawn of a brighter era—because I believe that under that Act the administrative machinery of the Home Government, divested of all commercial clogs and incumbrances, began to perform its appointed functions as it

had never performed them before. It would have been difficult for any Government, invested, by an Act of the supreme Legislature, with new powers and responsibilities, to have taken a more enlarged statesman-like view of its position, or to have recorded its sentiments in a more humane and enlightened spirit, than did the East India Company in this great conjuncture. Reviewing the whole question of Indian Government, as affected by the provisions of the new Act, they wrote out to the supreme Government of India a comprehensive letter,* in which they earnestly exhorted the local authorities to give, in all respects, the most liberal interpretation to its enactments, and to make it the instrument of conferring the greatest possible benefit upon the people under their rule. It can never, with truth, be said that they had not a due sense of the mighty responsibility entailed upon them as the rulers of a hundred millions of their fellow-creatures, when it is seen how reverently they bethought themselves of their own obligations, and how earnestly they exhorted the Indian Government to the due performance of theirs. Speaking of their extended powers of legislation, they wrote in December, 1834 :

“ In contemplating the extent of legislative power
“ thus conferred immediately on our supreme Govern-
“ ment, and in the second instance on ourselves, in
“ considering that on the use of this power the differ-
“ ence between the worst and the best of Governments
“ mainly depends—in reflecting how many millions of
“ men may, by the manner in which it shall in the
“ present instance be exercised, be rendered happy or
“ miserable—in adverting to the countless variety of
“ interests to be studied and of difficulties to be over-
“ come, in the execution of this mighty trust, we own

* I have already quoted this letter with reference to the subject of legislation in the preceding chapter.

“ that we feel oppressed by the weight of responsibility
 “ under which we are conjointly laid. Whatever
 “ means or efforts can be employed on the occasion—
 “ whatever can be effected by free and active discussion,
 “ or by profound and conscientious deliberation—what-
 “ ever aids can be derived from extrinsic counsel or
 “ intelligence, all at the utmost will be barely com-
 “ mensurate with the magnitude of the sphere to be
 “ occupied and of the service to be performed. We
 “ feel confident that to this undertaking your best
 “ thoughts and care will be immediately and persever-
 “ ingly applied; and we invite the full, the constant,
 “ and the early communication of your sentiments in
 “ relation to it. On our part, we can venture to affirm
 “ that no endeavour shall be wanting in promoting your
 “ views and perfecting your plans. Others, also, who
 “ are in a situation, by advice or exertion, to assist in
 “ the work, will contribute to it, we hope, to the extent
 “ of their power. And we trust that by the blessing of
 “ Divine Providence on our united labors, the just and
 “ beneficent intentions of this country, in delegating
 “ to our hands the legislative as well as the executive
 “ administration of the mightiest, the most important,
 “ and the most interesting of its transmarine posses-
 “ sions, will be happily accomplished.”*

Since this admirable letter was written, the general
 principles which it enunciated have been repeatedly
 illustrated, from time to time, in the correspondence
 of the Court of Directors; and I believe that nothing
 would so much redound to their honor—nothing would
 so clearly exhibit the progressive improvement in the
 administrative earnestness and efficiency of the East

* *MS. Records.* Mr. Tucker was
 chairman at this time, and his is,
 therefore, the first name appended to
 the letter. It breathes much of his
 spirit. I believe that the original draft

was written by Mr. James Mill, the
 historian of India, then at the head
 of the Examiner's Department in the
 India House, and that Mr. Robert Grant
 was concerned in its revision.

India Company, as a selection from their own despatches. Shackled by debt—embarrassed by exhausting and distracting wars, of which they have been not the authors, but the victims—they have not been able to give full effect to those measures of internal amelioration which demand the material support of an overflowing treasury. But there is no good reason to suppose that, under such circumstances, any other administrative body would have done more; and, if it can be shown by a recital of what they have done, that the progress of good government, all obstacles and impediments fairly weighed and considered, has been relatively commensurate with that in our own country, I think that it would be more just and more reasonable to commend them for their good deeds than to censure them for their omissions. The good deeds are assuredly theirs. The omissions may be the growth of Circumstance.

P A R T II.

CHAPTER I.

The Revenue System of the East India Company—English and Indian Systems of Taxation—The Land Revenue—The Salt-tax—The Opium Revenue—The Customs—The Abkarree—State of the East India Company's Finances—Evils of War-making.

It has been seen how, in time, with sore reluctance the merchants of London trading to the East Indies came to be great territorial lords. It has been seen, in brief outline, how they came to establish revenue and judicial systems, and to turn their ledger-keepers and investment-makers into tax-collectors and judges. From that time the welfare of millions of Hindoos and Mahomedans became dependent upon the wisdom and integrity of a little handful of European strangers.

The Revenue and Judicial Systems of the East India Company are two extensive and important subjects. An author cannot hope, in such a work as this, to do more than render an unsatisfactory account of them. In giving precedence to the former, he only follows, wisely or unwisely, the prevailing custom. It is too much a characteristic of modern Indian administration to exalt the Revenue branch of the public

service at the expense of the Judicial. And this opinion is shared by many of our ablest Indian administrators.

The Revenue System maintained by the English conquerors in India differs but little in its main features from that which was before enforced by the Moguls. The people of India being, for the most part, a people wanting little and consuming little, the taxes were necessarily few and comprehensive. They were fitted to a state of society simple and primitive, and were little affected by the mutations of time or the advances of civilisation. It was, doubtless, an uncomfortable necessity that presented itself to us, but it *was* necessary to raise revenue for purposes of government. And it was necessary that in so doing we should subtract from the scanty means of subsistence enjoyed by the great mass of the people. It was, doubtless, a painful and deplorable fact; but benevolence could suggest no remedy for the evil—wisdom could find no substitute for the thing so grievously deplored.

Taxation is an evil, in all countries, and at all times. It is difficult to hit upon a good tax—a tax that is not open to some very grave objection. It may be admitted, therefore, that all the taxes which feed the treasury of the Anglo-Indian Empire, are inherently bad; that something reasonably is to be said against them; that solid arguments may be adduced in demonstration of the fact that they are loaded with pernicious results. I do not know any tax of general application in this country of which the same may not truthfully be said. But there is this difference between the fiscal histories of the two countries—that whereas in England we are continually throwing out new expedients and fashioning new modes of taxation, in India we go on from generation to generation without introducing

any substantial changes. In England, every new Chancellor of the Exchequer has some new financial scheme to propound. The taxation of the country is the battle-field of party. We are continually being taxed or untaxed in one direction or another. It seems sufficiently easy and reasonable, if one scheme of taxation is not found to answer, to try another. The Finance Minister of the day stakes his reputation and his place upon some pet project of his own which is publicly enunciated in Parliament, and in the course of twenty-four hours disseminated by the Press throughout all the remote places of the empire. If the project be unpopular, it is abandoned. The scheme falls to the ground, and perhaps the Minister falls with it. There is a little excitement for a few weeks, but the popular indignation is soon appeased, and the triumph is not that of the people over the Government, as the representative of constitutional authority, but over Government as the representative of a party. Constitutional authority is not weakened by these miscarriages. A new phalanx of administrators take their place on the Government benches, and a new experiment is made. The people of England have no horror of change. Indeed, they do not think that justice is done them if financial novelties of one kind or another are not from time to time presented to the country. They must have something for their money, even though it be a change for the worse.

But nothing of this is applicable to India. In every single respect the case is precisely the reverse. The people of India will bear a great deal so long as they are used to it. They are very intolerant of change. They do not understand it. They are timid and suspicious. Benevolence and wisdom may go hand and hand in our measures, but the people are not easily persuaded that what we are doing is for their good.

There is for them no Parliament and no Press. They have the vaguest possible idea of the intentions of their rulers. They do not think—they do not inquire—but with child-like haste and impetuosity resent the innovations which are intended to confer benefits upon them. Fiscal changes are especially dangerous. We cannot experimentalise without peril on such a people. We may relieve them of old burdens, and impose lighter ones upon them; but the probability is, that the open disaffection of the ignorant masses would compel us to abandon our benevolent projects, with a loss of dignity and an injury to the *prestige* of our authority not easily to be computed. The failure in such a case is not the failure of a party or the failure of a man, but the failure of the paramount governing power in its abstract constitutional integrity.

It is necessary, to a right understanding of the subject of Indian taxation, that these considerations should have reasonable weight. If the Government could be administered without money, or if money could be raised without taxation—one or both of which beatitudes some writers would seem to consider attainable—we might leave the land unassessed, the salt untaxed, and cease to cultivate the poppy. But we must assume in this case not only the necessity of taxation, but the necessity of maintaining such taxes as will embrace in their network the largest possible area of population. In such a country, and with such a people, there is little choice left to the financier. Where the millions live almost entirely on the produce of their rice-fields, with only a rag about their middle, and a few brass pots for their household goods, there is no very extensive field for the display of financial ingenuity. There are fifty different ways in which the English tax-gatherer may get at the poor man. But in India the approaches to the mud hut of the laborer are few;

and the tax-gatherer must advance by them or keep away altogether. He has been going for a long time along the same beaten roads. The people have learnt to look for him in certain directions, and even if better paths to their domiciles could be found, they would resent his approach by them. A tax on cultivation is not a good thing—a tax on salt is not a good thing. But the people cultivate the lands, and they eat salt; it would be difficult to find a substitute for these imposts, and if a substitute were found, it is probable that the people would reject it.

The taxes of which I have spoken—the Land-tax and the Salt-tax—are those which most immediately affect the bulk of the people, and they are those which yield the largest revenue.* Next in importance are the Customs, the Opium sales, and the Abkarree, or tax on spirituous liquors. Besides these, there are the Post-office, the Stamp-duties, the Mint, the Tobacco-monopoly, and other smaller sources of income entered in the Government returns.

Of the entire revenue of our Indian possessions the Land-tax yields considerably more than half. It is raised in different ways, and from different classes of men, but in all cases it is in effect a rent paid to Government for the use of the land. On the disputed question of the rightful ownership of the soil I do not intend to enter. A vast amount of learning has been brought to bear upon its elucidation, but it has been left in all its original obscurity, and I cannot hope to throw light upon it. It is sufficient that when the East India Company, as stewards of the Crown, became, by right of conquest or cession, the disposers first of one tract of country, then of another, they

* In saying this, I include also the duty on imported salt, which is entered in the Government returns under the head of Customs.

began to lease it out to different tenants, upon no uniform system, but according to local circumstances and personal convictions. Upon the different modes of land assessment, which we have recognised in practice, I shall presently come to speak in detail. It need here only generally be set down that there are three principal systems now in force, besides other modes, of limited extent and partial application, which do not belong either to one system or another. These three principal systems are known as the Zemindarry, or great landlord system, the chief seat of which is in the lower provinces of Bengal; the Ryotwar, or petty cultivator system, which is enthroned in certain parts of Madras; and a mixed system, which aims at a less partial recognition of rights, and is neither as permanent as the one nor as fluctuating as the other—a system which is principally represented by the “Settlement of the North-Western Provinces.”

The Zemindarry settlement of Bengal is a fixed assessment, made with a certain class of landholders, whom the Government of 1793 recognised, rightly or wrongly, as the legitimate owners of the soil. The amount payable to Government on each estate is fixed in perpetuity. The productiveness of the land may increase a hundred per cent., but still the Zemindar carries the same amount of revenue to the office of the collector. He may lease it out as he pleases, in large or in small holdings; may make what amount of money he can, directly or indirectly, from the immediate cultivators—but so long as he pays the fixed amount of assessment punctually to the Company, he and his descendants remain, at this fixed rate, continually in possession. The chief seat of this Permanent Settlement is the lower part of what is known as the Bengal Presidency—embracing the provinces of Bengal,

Behar, Orissa, and Benares. There are also some tracts of land settled in perpetuity in some parts of the Madras and Bombay presidencies.

The Ryotwar system recognises the proprietary right of the sovereign to the lordship of the soil, and brings him into immediate communication with the actual cultivator. No intermediate agency is employed. The Government let the land to the cultivator* generally on an annual lease. The amount of rent is increased or diminished each year according to the ascertained value of the holding. The assessor fixes the amount to be paid, and the Ryot takes it or not, as suits his convenience.

The third system, now in force, in the North-Western Provinces of India, is neither that of a permanent settlement nor of a fluctuating annual assessment. It is a system of long settlements, or leases—settlements made for twenty or thirty years, with different descriptions of tenants. The village communities have been recognised wherever they existed in a perfect state, and each village, whether the proprietary right was claimed by an individual or by a community, was made the limit of a separate settlement.

Such, described in a few words, are the principal arrangements entered into with different classes of native tenants, for the supply of the territorial revenue of India. The amount levied varies considerably, but on the aggregate the assessment cannot be said to be heavy. In the North-Western Provinces, of which detailed statistics have been supplied by Government, it is set down at 1 rupee 12 annas, or 3s. 6d. the acre. This average refers to the land actually under cultivation; and, perhaps, does not differ greatly from the general average of the whole country.

* In some parts of Bombay there are Ryotwar settlements made for thirty years.

The next source of Revenue which I have set down is Salt. The article is one of universal consumption, and contributes to the Revenue in three different ways. Firstly, there are the profits on the home-manufacture, which is retained in the hands of Government. Secondly, there is the inland duty, levied in that part of the country where the manufacture is not restricted; and thirdly, there is the Customs duty on imported salt. The salt manufactured by Government, principally at the mouths of the Ganges, is sold for between three and four rupees the maund (or 82lbs.). The prices, generally "wholesale on account of Government, are fixed with reference to the principle that they shall not fall short of the cost of production, plus the duty on imported salt." The tax, whatever form it may take, may be estimated at about $2\frac{1}{2}$ rupees, or 5s. for the 82lbs., being less than a penny a pound. It is calculated that each consumer pays on an average about 12 annas, or 1s. 6d. a year, to the Treasury on account of the article.*

The next item of Revenue is the Customs duties, regarding which little need be said in this place. The amount is principally derived from import duties, of which the duty on imported salt constitutes a considerable portion. With this exception, there is no local peculiarity worthy of especial mention.

The next source of income, however, is one of a peculiar and exceptional character. It is known as the Opium-monopoly.† The Government reserves to itself the right of cultivating the poppy, or rather the right of purchasing, at fixed rates, the produce of such cultivation. Opium is manufactured under the auspices of the Company's servants, and sold by auction to traders, who export it for the consumption of the Chinese. It is, to a very limited extent, a tax

* See Appendix A.

† See Appendix B.

upon our own subjects, and the objections which may be raised against it have little bearing upon the question of the happiness of the people of India. Humanity cannot allege against it that we sell opium, as we sell salt, at a high price, but that we sell it at all. The two "monopolies," to use the current word, are in almost every respect the very reverse of each other.

It only remains that particular notice should be bestowed upon one other source of Revenue—the Abkarry, or spirit-tax. It is, in fact, a tax levied upon spirit-licenses. Government farms out a particular district to the highest bidder, who under certain restrictions sells the privilege of spirit-vending, at a profitable rate, to a number of small dealers.

It is now expedient to give some account of the productiveness of these several taxes. The gross receipts from the Land-assessment of the several presidencies now amounts to about fourteen millions and a quarter of our money. It is thus derived, according to the latest detailed statements yet published :*

	Rupees.
Bengal	3,56,25,000
North-Western Provinces . .	4,97,50,000
Madras	3,52,89,200
Bombay	2,21,65,480
Total	14,28,29,680

The estimated receipts under the head of CUSTOMS for the same financial year amount to nearly two millions sterling, in the following divisions :

	Rupees.
Bengal	1,02,73,500
North-Western Provinces . .	52,22,000
Madras	11,36,460
Bombay	31,13,600
Total	1,97,45,560

Both in Bengal and the North-Western Provinces the principal item in the Customs receipts is the duty

* *Finance Letter of the Court of Directors to the Governor-General of India in Council, June 3, 1852. Appendix to Com-
mons' Report on Indian Territories.*

on salt. In the former alone, it amounts to more than 61 lakhs of rupees.

This it will be understood is the duty on imported salt. The gross receipts from the sale of the SALT manufactured by Government, amounts to nearly a million and three-quarters of English money. It is thus derived :

	Rupees.
Bengal	1,02,89,300
Madras	46,76,120
Bombay	22,79,560
Total	1,72,44,980

But from this is to be deducted for "advances and charges" 48,31,139 rupees, leaving a balance of 1,24,13,841 rupees, or a million and a quarter.

The last estimate of the amount realisable for the OPIUM sales — that for the year 1851-52 — is between three and four millions sterling; thus divided between Bengal and Bombay :

	Rupees.
Bengal	2,99,71,184
Bombay	72,70,600
Total	3,72,41,784

From this, however, a deduction of something more than a million sterling is to be made for "advances and charges," and the net-receipts are thus reduced to a sum little exceeding two millions and a half of our money, or 2,68,78,184 rupees.*

Thus it will be seen that these four principal items of Revenue yield, in round numbers, twenty millions of money :

	Millions.
Land	14½
Customs	2
Salt	1½
Opium	2½
Total	20

* In calculating the Indian Revenue, I carry to account only the net-receipts of salt and opium, because under the gross receipts are calculated actual money advances, which when recovered cannot properly be called Revenue.

There then remain six millions to be accounted for. Of these the SAYER and ABKARREE yield one million ; thus :

	Rupees.
Bengal	31,52,100
North-Western Provinces	29,50,000
Madras	33,44,430
Bombay	10,23,310
Total	1,04,69,840

Then come the following various items of receipt :

	Rupees.
Stamps	46,37,490
Post Office	20,44,170
Marine	18,00,000
Subsidies from Native Princes	65,10,181
Tobacco monopoly	6,04,980
Calcutta—Mint (net receipts)	1,14,162
Total	1,57,10,983

To these net receipts, now swollen by these last additions to more than twenty-two millions and a half, are to be added the revenues of Lahore, Sindh, the Eastern Settlements, and the territories acquired from the Burmese, Arracan, and the Tenasserim Provinces :

	Rupees.
Lahore	1,30,00,000
Sindh	28,00,000
Eastern Settlements	13,00,000
Burmese Territory	20,00,000
Total	1,91,00,000

This amount added to the preceding, raises the net receipts to about twenty-four millions and a half,* which according to the last published accounts may be set down, in round numbers, as the correct amount.

Having thus briefly given an account, in a rough general manner, of the Revenues of India, I proceed to make some statements relative to the expenditure of the country. The principal heads under which this expenditure may be ranged, are Revenue Charges, Judicial Charges, Customs Charges, Marine Charges,

* Or twenty-six millions with the addition of the million and a half, which I have subtracted for advances, &c., when calculating the receipts for the salt and opium.

Military Charges, Home Charges, and interest on the Company's Debt.

The **REVENUE CHARGES**, according to the estimate for the financial year 1850-51, amount to two millions sterling. The distribution, in the several presidencies is this :

	Rupees.
Bengal	40,37,376
North-Western Provinces	75,85,000
Madras	55,16,230
Bombay	28,74,460
Total	2,00,13,066

In these charges are included the expenditure on account of the revenue surveys; of canal irrigation in the North-Western Provinces, and on the repair of tanks in the Madras Presidency. The first item is estimated at an amount somewhat exceeding 8 lakhs of rupees (80,000*l.*) ; the second at 30 lakhs of rupees (300,000*l.*) ; and the last, at 9 lakhs (90,000*l.*)—thus reducing the cost of actual revenue collection to a million and a half of English money.

The **JUDICIAL CHARGES** are estimated at a sum equal to about two millions sterling :

	Rupees.
Bengal	74,98,732
North-Western Provinces	59,88,000
Madras	34,74,155
Bombay	26,21,717
Total	1,95,82,604

The **CUSTOMS CHARGES** do not much exceed 200,000*l.*

	Rupees.
Bengal	5,17,759
North-Western Provinces	8,80,000
Madras	2,14,010
Bombay	4,15,970
Total	20,27,739

It will be gathered from these statements that the purely civil charges of the Indian Government do not exceed four millions and a quarter annually—less than one-sixth of the Indian revenue.

The **MARINE CHARGES**—belonging both to the War and the Peace department—including, as they do, the expenses of the Indian navy, the pilot establishment, harbor duties, lighthouses, &c., are estimated at less than half a million :

	Rupees.
Bengal	19,41,200
Madras	1,36,613
Bombay	26,35,660
Total	47,13,473

To this amount is to be added, however, the cost of Europe stores and coals, supplied to the Marine department and the Indian navy, amounting to upwards of nine lakhs of rupees, and raising the entire amount of Marine expenditure for the last estimated year to 56,32,853 rupees.

Thus we see that the ordinary expenses of the Civil establishments, including the Marine, do not amount to five millions of money :

	Rupees.
Revenue charges, including Canals, Tanks, and Surveys	2,00,13,066
Judicial charges	1,95,82,604
Customs charges	20,27,739
Marine charges	56,32,853
Total	4,72,56,262

The ordinary **MILITARY** charges exceed *ten* millions a year :

	Rupees.
Bengal	5,57,57,700
Madras	2,72,60,540
Bombay	1,79,37,800
Total	10,09,56,040

This is exclusive of the cost of Europe stores sent out from England, and charged to the Home accounts. Under the head of military expenditure, also, are to be accounted the “extraordinary military charges,” including the cost of “additional commissariat supplies, extra allowances to the troops, donation batta, compensation for loss of baggage, &c., &c.” In the last twelve years, the aggregate amount of these extra-

ordinary military charges (a deduction being made for extraordinary military receipts) has reached a sum of seven millions, making an average of nearly sixty lakhs, or 600,000*l.* a year.

These heavy military charges could not be met without increasing the Indian debt. The treasury being exhausted, the Government were compelled to borrow money where they could. This will be spoken of presently more in detail. It is sufficient to mention here that the interest on the debt charged in the Bengal accounts, reaches nearly to two millions and a quarter sterling—that is, in Indian currency :

	Rupees.
To which is to be added the Interest on the Home Bond Debt	2,22,38,918
	<u>47,45,685</u>
Total	2,69,84,603

Thus far I have accounted for about eighteen millions sterling :

	Rupees.
Civil charges (including Revenue, Judicial, Customs, and Marine)	4,72,56,262
Ordinary Military charges	10,09,56,040
Extraordinary Military charges, on an average of 12 years	58,81,372
Interest on Debt	<u>2,69,84,603</u>
Total	18,10,78,277

The next considerable items of expenditure are those which are comprehended under the head of General Charges, and which include the stipends and allowances made to the native princes and chiefs who have suffered by the assertion of our supremacy, the expenditure upon public works, upon education, upon the ecclesiastical establishments, and other component parts of the great administrative machine. These general charges amounted, according to estimate, in the year under review, to nearly four millions and a half :

	Rupees.
Bengal	1,28,52,640
North-Western Provinces	72,44,000
Madras	93,18,008
Bombay	<u>1,54,37,440</u>
Total	4,48,52,088

The charges, as we have seen, have now reached the amount of twenty-two and a half millions. To these are to be added the Home charges, amounting to two millions and a half more, raising the total charges to twenty-five millions, and leaving a deficit of half a million.*

These statements are extracted from the last general review of the Company's finances, taken by the Court of Directors. But they are intended here rather to convey a general idea of the revenues of India, and the charges incurred in the government of the country, than to determine the financial results of a particular year with any degree of precision. Indeed, nothing is more difficult than to secure, in any such statement, an amount of accuracy that will satisfy all financiers. The accounts are made up, by different authorities so differently, that the inquirer is often staggered by the discrepancies which look him in the face, and bewilder the understanding. As a general rule, it may, I think, be laid down that the Indian financiers make out a more favorable balance-sheet for the Company than those who make their calculations in Leadenhall-street. It has been shown, for example, that the estimated *deficit* for the year 1850-51, according to the Company's last general financial letter, was about half a million of money. But since the body of this chapter was written, the Government of India have announced in their Finance Letter of December 16, 1852, that the actual ultimate result in 1850-51 was a surplus of half a million.† Estimates are generally more favorable than actual results. But here we see that the actual results of the Indian Government are better by a million

* The amount of deficit, according to estimate in the Home calculations for 1850-51 (the last year in the Company's Finance Letter of June last), is 678,709/.
Wishing to make the balance-sheet as

clear as possible to the general reader, I have dealt principally with round numbers.

† Or 50,85,107 rupees.

of money than the estimates of the Court of Directors.

The estimate of the last financial year 1852-53, is almost equally favorable. The surplus is again set down at half a million. I give the statement as contained in the Finance Letter of the Indian Government. It will be understood that it represents the gross revenues of the country.

Sketch Estimates of the Revenues and Charges of India, for 1852-53.

The results are as follow :

	Revenues.	Charges.
	Rupees.	Rupees.
Bengal	11,44,71,845	12,93,81,137
North-Western Provinces, including Punjab and Trans-Indus Territory	7,66,51,000	3,18,25,300
Madras	5,26,22,820	4,97,68,660
Bombay	4,85,36,860	5,22,00,164
	<u>29,22,82,525</u>	<u>26,31,75,261</u>
		Rupees.
Probable Indian Surplus		2,91,07,264
Home Charges Estimated		2,41,57,854
Estimated Ultimate Surplus in 1852-53		<u>49,49,410</u>
		Rupees.
The Debt estimated to be increased in 1852-53 aggregates		8,35,96,021
Ditto to be paid off in ditto		8,64,24,364
Net amount to be paid off		<u>28,28,343</u>
		Rupees.
The Cash Balances on 30th April, 1851, amounted to		12,98,21,744
On 30th April, 1852		14,85,88,750
On 30th April, 1853, they are estimated at		15,23,96,044

These results are regarded as in every respect most highly satisfactory, and indicative of a very favorable condition of the finances of India. It is hoped that the improvement now gradually developing itself in the resources of India, may not only

prove to be permanent, but progressive hereafter, as general tranquillity is restored to the country,

(Signed) DALHOUSIE.
F. CURRIE.
J. LOWIS.

December 16, 1852.

These assurances are most cheering at a time when people were beginning almost to fear that the deficit had become chronic.

It is easy to trace the causes of this continued deficit. In the financial year 1835-36 the Indian revenues yielded a surplus of nearly a million and a half. In the following year, the surplus was a million and a quarter; in the next, three-quarters of a million. In the next year (1838-39) the surplus had altogether disappeared, and the awkward word "deficit" appeared in the accounts. Then came the Afghan war. A British army was pushed across the Indus; and the deficit for the year 1839-40 reached the alarming amount of more than two millions sterling. From this time to the year 1848-49 there has been an average deficiency of a million and a half a year.

How these extraordinary expenses swelled the Indian debt may easily be seen. In 1836, the debt amounted to less than thirty millions; in 1850, it had nearly reached forty-seven millions. The debt had been reduced in the former year by the application to that purpose of a portion of the Company's commercial assets, realised on the cessation of their commercial privileges. At the outset of the war in Afghanistan there was an abundance of money flushing the public Treasury. There was the happy surplus of three good years to indent upon. It was not, therefore, until the beginning of the year 1841, that the financial embarrassments of the Indian Government gathered so oppressively around them, that they could only look

for extrication to the opening of a new loan. Then they began to borrow money at five per cent. interest; and as affairs beyond the frontier grew worse and worse, and a new war was undertaken to repair the disasters of the old, it was not until the commencement of 1843 that the subscription was closed. During that interval five millions of money had been received into the Treasury of India. The debt then in 1843 amounted to thirty-six millions sterling. A new four per cent. loan was then opened; but money came in slowly at this rate of interest, and from February, 1843, to October, 1846, only two millions and a half were attracted to the hands of the Government financiers. By this time the Sikh war had commenced, and more money was required. It was necessary, therefore, to stimulate the cupidity of the money-holders by the offer of a higher rate of interest. The five per cent. loan was therefore re-opened in October, 1846, and from that time to April, 1851, during a portion of which the second Sikh war was in full operation, eight millions and a half were subscribed. The debt had then been swollen by these additions to nearly forty-seven millions. The increase of interest, since 1839, payable on this debt, is ninety lakhs of rupees, or nearly a million sterling per annum.*

But the full extent of the evil is not here adequately represented. But for these exhausting wars we should have had a continued surplus, and been able to reduce the original debt. The cost of our military operations far exceeded the amount subscribed to the loan. The aggregate excess of ordinary military charges from the year 1838-39 to 1850-51 amounts to more than twenty millions and a half; and the excess of extraordinary military charges to upwards of seven millions. The

	Rupees.
* Interest on debt in 1839-40	1,31,99,549
Ditto in 1850-51	2,22,38,918

Company's financiers, indeed, estimate the cost of these wars at thirty millions. "We have already," they write, "explained the grounds on which we have come to the conclusion that 30 *crores* had been expended in increased military charges since 1838-39, and we have now shown that 5½ *crores* more have been paid for interest on the money borrowed in India."* And when these wars, beyond our north-western frontier, commenced, the country was only beginning to recover from the exhausting effects of another great war beyond our south eastern boundary. The Burmese war in 1824-26 cost fifteen millions of money.

Having briefly shown the present state of the Indian Revenue, I must say something about its antecedents. Under the administration of Lord Cornwallis in 1792-93, the Indian Revenue amounted to *eight* millions of English money. Under Lord Wellesley's administration in 1804-05, it had risen to nearly *fourteen* millions. At the close of Lord Minto's period of government in 1813-14, it was set down at *seventeen* millions. Under his successor, Lord Hastings, in 1821-22, it exceeded *twenty-one* millions.† And now, at the present time, the gross Revenue is estimated at twenty-nine millions.

But with all this increase of territory, and increase of Revenue, we are poorer than we were. In the year 1792-93, when our gross Revenue was only eight millions, we had a surplus of a million and a half. In 1804-05, the drainings of the Mahratta war had brought about a deficit of more than two millions and a half. During Lord Minto's peaceful reign, our financial position continued steadily to improve, and at the close of it, there was a surplus of a million and

* *Company's Finance Letter*, June 3, *Situation of the East India Company in 1852.*

† *Tucker's Review of the Financial*

a half. In the course of Lord Hastings' long administration, there were two bad years; but at the close of it, in 1821-22, there was again a surplus of more than a million and a half.* In 1835-36, at the close of Lord William Bentinck's administration, the disturbance in the Exchequer occasioned by the Burmese war had been allayed, and there was again a surplus of a million and a half; but in 1839-40 the Afghan war having been commenced, there was a deficit of two millions.† Since that time the deficit, with some slight fluctuations, has diminished; and it has now been seen that the Indian financiers are gratifying us by the unaccustomed exhibition of a surplus.

These facts are worthy to be held in remembrance, briefly indicating as they do the effect of all our great Indian wars upon the finances of the country. But although in India we would seem to live in a chronic state of warfare, there is nothing discouraging in them. They are, as it were, the accidents of our position — external hindrances and encumbrances — but there is real vitality within. All our principal sources of revenue have been continually increasing. In 1834-35 the Land-assessment, Sayer, and Abkarree, &c., yielded *thirteen* millions gross revenue; in 1850-51 they yielded nearly *seventeen* millions. In 1834-35 the Customs yielded a million and a half; in 1850-51 they yielded more than a million and a half,‡ although in the interval the transit-duties had been abolished in all the three presidencies. The Bengal Customs receipts, principally owing to the large importations of salt, have increased nearly a hundred per cent. since 1842-43. In 1834-35 the Salt revenue yielded *two* millions; in 1849-50 *two and a half* millions; in 1850-51 *two* millions, besides 610,000*l.* derived from

* *Tucker's Review.*

† *India House Returns.*

‡ The increase is 41,000*l.*, upon the years mentioned.

the duty on imported salt. In 1834-35 the Opium revenue reached only to a million and a quarter; in 1850-51 it exceeded three millions and a half.* In 1834-35 the Stamp-duties produced 350,000*l.*; in 1850-51 they had risen to 443,000*l.* In fact, every branch of the Revenue has considerably increased.

Lord Hastings, in 1822, declared that he saw no reason why in time of peace the Revenues of India should not yield an annual surplus of four millions. Mr. Tucker, one of the ablest financiers who has ever addressed himself to the illustration of Indian affairs, wrote, in 1826, that a surplus of two millions might be fairly looked for, but that from this sum must be deducted a million and a half for Home charges. There is no reason why, after a few years of peace, we should not have a clear surplus of a million.

This subject of Indian finance is not an attractive one, and it is not wise to dwell wearisomely upon it. But it is absolutely necessary to the right understanding of our position in India that the financial status of the Company should be clearly ascertained. What I wish to be gathered from these statements is this—that the welfare of the people of India mainly depends upon the preservation of peace. The finances of India have continually been in an embarrassed condition, because the Company have continually been, in spite of themselves, engaged in great and engulfing wars. The policy which they have avowed and honestly endeavoured to maintain has been pacific to the very core. But they have seldom been permitted to see the disturbance of their Exchequer more than readjusted before they have been again called upon to find money to prosecute a new war. Under these repeated pressures they have been compelled from time to time to borrow

* Some may say that this is a bad rather than a good sign, inasmuch as that this source of income is precarious.

money at a high rate of interest, and by so doing have created a permanent embarrassment which has kept them, and still keeps them, poor. So circumstanced, so impoverished, they cannot be generous—they can barely afford to be just. They are compelled to take a financial view of almost every question that is presented to them. They are compelled to repress humane instincts and kindly impulses—to narrow enlarged schemes of policy, and to give themselves up to petty shifts and temporary expedients. They are condemned on the one hand for exacting so much from the Revenue-payers, though they exact barely enough to keep themselves from bankruptcy. And they are condemned, on the other, for not spending more of the Revenue which it is said to be shameful to collect. Indeed, as far as I understood it, the whole drift of the popular clamor which in some quarters is raised against the existing Government of India, is that they ought to have less money, and ought to spend more.

There are many things in the Government of India which I would fain see amended—there are many things to be done, and many things to be left undone before any man of enlarged views and humane desires can look on with complacency and content. But it were well that it should be clearly understood how, at the bottom of all our misdoings and our short-comings, is this miserable want of money. With an overflowing treasury impure taxes might be remitted, and great public works might be completed. The interest alone of the increased debt, which has accumulated since 1839, would have sufficed for the construction of some great material work, which at the same time would have increased our revenue and benefited millions of people, or for the extensive diffusion among them of the blessings of intellectual enlightenment and practical education.

The past history of India is a history of revenue wasted, and domestic improvement obstructed by War. But there is no reason why we should not be hopeful of the future. Already, as has been shown, is there a marked improvement in the financial returns; and there is every reason to believe that the Company will soon be enabled to reduce their outstanding obligations. The reduction of the debt will release year by year, for purposes of national improvement, sums of money hitherto disappearing, under the name of "interest," without a sign. The good or bad government of India is mainly a question of money, and, therefore, a question of War or Peace.

It has been shown in this chapter what the Revenues of India are—what the moneyed resources of the Indian Government. I purpose now to write more in detail of these revenues and resources, and especially of the great tax, which, in different parts of India, under different systems, is levied upon the Land. It has been briefly stated what these systems are. It will next be shown how they took shape under our rule, and what have been their effects upon the happiness of the people.

CHAPTER II.

First Possession of the Dewanee—Primal Efforts at Revenue Collection—Instructions to the Supervisors—Quinquennial Settlements—Hastings, Francis, and Shore—Arrival of Lord Cornwallis—The Decennial Settlement—The Permanent Zemindaree Settlement—Its Results.

THE land-revenue of India is a very large subject. A man of more than ordinary intelligence may confess, without discredit, that after thirty years' study he but imperfectly comprehends it, in all its bearings and relations. I know very few men who have attained to anything beyond this imperfect comprehension. It is a subject on which volumes might be written without exhausting it, and on which volumes, indeed, have been written, only to leave it as obscure as before. As for myself, I purpose only in this volume to give a very slight account of the systems of land-assessment introduced into different parts of India under the British Government, and the influence which they seem to have had upon the happiness of the people.

It was in the year 1765 that this great question of land-revenue first opened out before us. Up to this time the English in India had been buyers and sellers of produce—compelled at last to buy and sell under the protection of ships of war and battalions of Sepoys, but still no more than traders, trading with military escorts at their backs. With the taxation of the people for purposes of government we had had little to do; for we had owned no territory, and lorded it over no subjects.

But in 1765 the reigning prince conferred on the East India Company a grant in perpetuity of the provinces of Bengal, Behar, and Orissa; and the whole civil and military government of this fine tract of country fell under our sovereign control. The country became our own, and with it the revenue. So the matter of taxation from that time became one in which we were vitally concerned.

But it appeared at this time, no less to Clive and his associates in the local Government than to the Directors at home, that it would not be expedient to interfere, hastily and ignorantly, in the collection of the revenue. The Company's servants at this time were dead hands at investments; but they knew nothing of landed tenures. How could they be expected to know anything of them? They had other things to do than to study either the patriarchalities of the Hindoos, the oligarchisms of the Mussulman supplanters, or the bastardising effects of Mahratta intrusion. The philosophy of the question of right-in-the-soil was quite out of their reach, and its practicalities were equally beyond them. It was enough that somehow or other the revenue had been collected by the native officers of the Newab, from whom we received the territory, and it was thought expedient that the collection should remain, for a while at least, in their hands.

But it was soon found that these native officers required vigilant supervision and active control. So, in 1769, supervisors were appointed from among the covenanted servants of the Company to every district or province in the new territory.* What these European officers were

* "Agreed unanimously, that in every province or district, a gentleman in the service be appointed, with or without assistance, in proportion to the extent of the district, whose office or department is to be subordinate to the Resi-

dent of the Durbar, and managed as is expressly set forth and defined in the following letter of instructions," &c.—
[*Proceedings of the President and Select Committee, Aug. 16, 1769.*]

now instructed to do was no slight thing, considering that they had had little or no training for business of this description. They were ordered to collect and to report information regarding "the form of the ancient constitution of the province compared with the present;" to give "an account of its possessors or rulers, the order of their succession, the revolutions in their families, and their connexions; the peculiar customs and privileges which they or their people have established and enjoyed; and, in short, every transaction which can serve to trace their origin and progress, or has produced any material change in the affairs of the province." They were to report on the state, produce, and capacity of the lands; on "the amount of revenues, the cesses, or arbitrary taxes, and all demands whatsoever which are made on the Ryots, either by Government, Zemindar, or collector, with the manner of collecting them; and the gradual rise of every new impost." These might have been considered duties sufficiently onerous for men not much accustomed to the work of drawing up elaborate reports of this kind. But their studies were not to be limited to the nature of landed tenures and the system of territorial assessment. They were instructed also to report on the best means of regulating the commerce of the country, with especial reference to the development of its internal resources, and the best means of removing all internal obstructions, in the shape of unauthorised exactions between the producer and the market, foreign or domestic. And having dismissed the great agricultural and commercial questions, they were required to report on the judicial system, or no system, of the ceded country. I do not know whether any of the reports so elicited are extant; but the paper of instructions is a very curious and important one, for they are the first which assume a real administrative character, and in them the foundation of the Indian civil

service seems to be laid, broad and deep, to future generations.

But I have spoken of this more generally in another place. My immediate concern now is with the land-revenue. And, in connexion with the question of assessment and collection, under British administration, this paper of instructions to the supervisors of 1769 is very interesting and suggestive. It clearly sets forth the difficulties with which we had to contend at the outset, and shows that the revenue administration, which we found in force on first assuming the Government of Bengal, was vicious and corrupt in the extreme. In fact, we had then, as we still have, to surmount the great stumbling-block of native corruption. "It will require the greatest care," so ran the paper of instructions, "to enable you to form a general and particular 'hustabood,' or rent-roll, of the districts; you may perhaps find what is called a 'hustabood' in the suddur or principal cutcherry, but this, instead of satisfying must stimulate your curiosity; for the contents of it are merely adapted to the private interests of the Zemindars (or landholders), filled with representations designedly disguised to square with their offers and accounts to Government, loosely, unfaithfully, and partially formed in every instance. In fact, they can supply you with little more than a progressive history of the present dismemberments, and only suggest to you the degree of oppression which the multiplication of collectors and changes has, on that account, from time to time brought on the Ryots" (or cultivators of the soil). Nothing, indeed, is more certain than that when first we began to dabble in revenue matters, we found that, whatever may have been the system of land-assessment in force, it was bearing only the bitter fruits of extortion and oppression. Every man tried in his turn to pay as little to, and exact as much from, his neighbour

as fraud and falsehood could compass. The revenue-collector over-reached the landholders, and the landholders over-reached the cultivators. Cruelty and chicanery had full sway.

All this was plain enough. But the Indian revenue system, or systems, so varied and unstable, were not very readily intelligible to our merchants and factors. This much, however, was clear—that, although the cultivation of the soil was the main source of revenue, the cultivators were one class of people, and the revenue-payers were another. The Company's servants may have heard something of village communities, which had once, perhaps, existed in the very districts over which they had obtained a delegated sovereignty, and were still flourishing inviolate in other parts of the country; but they found that the actual payment of the revenue to the collecting officers of Government was in the hands of a few responsible parties, known as “Zemindars,” or landholders, who looked to the actual cultivators for the means of meeting the Government demands.* The titles of these landholders were often extremely doubtful. In many cases they had been fraudulently obtained. In all it seemed that the landowners were a class who had very little claim upon the sympathy and forbearance of the governing body, whether native or foreign. The good old rule, the simple plan was theirs, to take what they could from the cultivators, and to keep all that they could from Government. Often this was best accomplished by means of collusion between the payers and the collectors of the revenue. The strong tyrannised over the weak, and authority was on the side of the former.

This was a state of things not to be upheld; and it is pleasant to see, that in the very first revenue-paper of

* I do not mean to say that the Zemindarry system was exclusively, but that it was principally, in operation throughout the Dewanee.

any importance emanating from the British-Indian Government, on record, the claims of the cultivators to our sympathy and protection were distinctly enunciated. "The Ryot," it said, "should be impressed in the most forcible and convincing manner, that the tendency of your measures is to his ease and relief; that every opposition to them is riveting his own chains, and confirming his servitude and dependence on his oppressors; that our object is not increase of rents, or the accumulation of demands, but solely by fixing such as are legal, explaining and abolishing such as are fraudulent and unauthorised, not only to redress his present grievances, but to secure him from all further invasions of his property." And the supervisors were, in conclusion, earnestly exhorted to do everything that could conduce "to the improvement of the lands, the content of the Ryot, the extension and relief of trade, the increase and encouragement of any useful manufacture or production of the soil, and the general benefit and happiness of the province in every consideration and point of view."*

But enlightened as were the instructions thus issued to the supervisors, the supervision was wholly inadequate to the requirements of the case. The double Government, as I have shown, did not work well.† It was altogether a sham, and an imposture. It was soon to be demolished at a blow; and on the 11th of May, 1772, a proclamation was issued, setting forth that the Honorable the Court of Directors had been pleased to divest the Nabob Mahomed Reza Khan of his station of Naib Dewan, and had determined to stand forth publicly themselves in the character of Dewan. Three days afterwards certain "regulations for the settlement and collection of the revenue" were passed; and from that time the collection of the revenue became one of the most

* Proceedings of the President and Select Committee, 16th August, 1769.—
[*Colebrooke's Digest—Supplement.*]

† See ante, page 83.

important duties of the civil servants of the Company, and the European "collector" started into life.*

The management of the revenue having now passed into our own hands, a new system of landed tenures was to be introduced. The Court of Directors had instructed the local Government not to introduce any very violent changes into the existing system—not suddenly "to deprive the Zemindars, &c., of their ancient privileges and immunities." What those ancient privileges and immunities were was not very clearly understood. Indeed, it had puzzled the servants of the Company from the first to satisfy themselves regarding the rightful ownership of the land. There it was, so many square miles of noble country, yielding all sorts of produce, and a revenue of two millions; but, in whom the rightful ownership of all these broad *beegahs* were vested, we knew no more than we did of the landed proprietorship of the moon. Whether we have yet arrived at any very satisfactory solution of the great question, may yet admit of a doubt; but in those early days, even the information, on which the profound discussions of the present enlightened period are based, was wanting to our English officials. Whatever they did in those days could be regarded only as an experiment. The first experiment was not a successful one. The land was let to the highest bidder, for a fixed term of five years. The country was at this time in an impoverished condition, for there had been a mighty famine in the land, and the farmers not sufficiently considering the results of this great calamity, and eager to obtain the benefits of the five years' proprietorship, were too liberal in their offers, and they failed. A large number of defaulters appeared.† The machinery of

* One of the regulations was, that "as the Company have determined to stand forth as Dewan, the servants employed in the management of the collections shall be henceforth styled

"collectors," instead of the present appellation of "supervisors."

† The remissions, on the five years' leases, amounted to more than 118 lakhs, and the balances, mostly, irrecoverable

collection, too, was not found to work as well as had been anticipated. The European collectors were inexperienced in business of this kind; and it was found necessary to replace them by a staff of native revenue-officers, known as *aumils*, to be controlled by a permanent Committee of Revenue, meeting daily at the Presidency, and by occasional Commissioners, selected from the Company's covenanted servants, and "deputed to visit such of the districts as may require a local investigation." At the same time, other subsidiary regulations were passed tending to facilitate the collections by a new distribution of the collectorates, and a better system of subordination to central control.

The settlement had been made for five years, commencing on the 10th of April, 1772. As the period of its expiration approached, the future arrangements for the management of the land-revenue became a subject of warm discussion in the Council-chamber. It was a period of sharp intestine strife. The Governor-General, in those days, had no absolute power. He had merely a vote in council, like his colleagues, and was not seldom out-voted. It is not to be denied that, on all questions of internal administration, Hastings knew more than all the other counsellors together. But Francis was in hot and heady opposition. He was a man of energy and ability, with an uncommon opinion of his own importance, a weak judgment, and a bad heart. On the great question of landed tenures in India, he knew little or nothing. What could a clerk fresh from the War-office be expected to know on such a subject? But he knew how to avail himself of other men's experience, and John Shore was at his elbow. In the unhappy dissensions which then agitated the settlement, Shore had taken part against the Governor-General, and was not

at the end of the time, had reached the nearly two millions and a half of our still larger figure of 129 lakhs—in all, money.

unwilling to supply his enemies with information which might be turned to profitable account. He was one of the best authorities on questions of revenue in the country, and he wrote with fluency and precision. Francis' revenue minutes were mainly the work of Shore. The counsellor seasoned them when necessary with the due amount of acrimony, and then served them up as his own. When Shore fell sick, Francis, it is said, was silent, and Hastings smiled grimly at the ludicrous discomfiture of his foe.

There were two points to which Hastings had especially directed his attention, two objects which he was eager to carry out in furtherance of his plans for an improved system of revenue collection. He desired to get together the largest possible amount of information on the subject of landed tenures, and the actual capabilities of the lands, before committing himself to a settlement with any class of men, or fixing the rates of assessment for any protracted period of time.* And he was anxious, in any future arrangement, fairly to recognise and protect the claims of the actual cultivators of the soil.† The Ryots under the existing system, not having their contracts with the landholders clearly defined, were subject to all kinds of arbitrary exactions. "It is the Zemindar's interest," wrote Hastings, in his minute of November 1, 1776, "to exact the greatest rent he can

* "In whatever manner it may be hereafter determined to form the new settlement of the provinces after the expiration of the present leases, it will be equally necessary to be previously furnished with the accurate states of the real value of the lands, as the grounds on which it is constructed."—[*Minute of Mr. Hastings' Revenue Consultations*, Nov. 1, 1776. — *Colebrooke's Digest*.]

† "Many other points of inquiry will also be useful, to secure to the Ryots the perpetual and undisturbed possession of their lands, and to guard

them against arbitrary exactions. This is not to be done by proclamations or edicts, nor by indulgences to the Zemindars and farmers. The former will not be obeyed, unless enforced by regulations so framed as to produce their own effect without requiring the hand of Government to interpose its support; and the latter, though it may feel the luxury of the Zemindars, or the rapacity of the farmers, will prove no relief to the cultivator, whose welfare ought to be the immediate and primary care of Government."—[*Ibid.*]

from the Ryots; and it is as much against his interest to fix the deeds by which the Ryots hold their lands and pay their rents, to certain bounds and defences against his own authority. The foundation of such a work must be laid by Government itself; all that I would propose is to collect materials for it." Nothing could have been more reasonable than this; but the office which he proposed to establish for the collection of this information was to be under his immediate control, and this was in itself sufficient to secure the opposition of the imported counsellors to any measure, wise and beneficent in itself, though signed by a Prophet, and sealed by an Angel of light.*

But the ink with which this important minute was written was hardly dry, before Colonel Monson fell a victim to the climate of Bengal. Hastings was now Governor, indeed. Barwell was by his side, to preserve the balance of numbers, and the Governor-General had the casting vote. The proposed office was therefore established. Three experienced covenanted servants of the Company, Anderson, Croftes, and Bogle, were appointed to superintend it, and a bevy of native officers were sent into the country, "for the sole and express purpose of collecting such accounts and information as have reference to the business of the office."

The establishment was formed at the end of 1776. In the April of the following year the old leases expired; but the expected instructions from the Court of Directors relative to the new settlement had not, at that time, arrived. When they came at last, in July, it was found that they extended no further than to a temporary arrangement for the collection of the current revenue.

* Francis fell upon the plan, in detail, opposing it with a string of frivolous objections. Clavering denounced it in sweeping language as an attempt to wrest from the Council the ordering, management, and government of the territorial acquisitions.

The lands were to be let for a year on the best terms procurable from the Zemindars, or others, the preference being given to the Zemindars; if on the terms of the old contract so much the better, if not, at any rent "judged adequate to their real worth."* An important change was introduced at this time into the mode of obtaining security for the payment of the Government dues. The security was henceforth to consist in the right of selling the estates of defaulting holders, for the realisation of the arrears. "In case of their falling in arrears," said the terms of the settlement, "they shall be liable to be dispossessed, and their Zemindarees, or portions of them, shall be sold to make up the deficiency."† Here we have the germ of the Sale law, which has since been productive of such mighty results.

The same plan of annual settlements was adopted for the three following years. It was a season merely of experiment and preparation. The system was declaredly instituted "for the temporary purpose of introducing another more permanent mode by an easy and gradual change, by which the effects of too sudden an innovation might be evaded."‡ It was now determined to place the revenue administration of the provinces upon a more permanent footing. So, at the commencement of 1781, certain "regulations," relating to the machinery of collection, were proposed in the Supreme Council. By these regulations the provisional councils were abolished, and a metropolitan Board of Revenue was appointed. The Board was to consist of four members, all experienced revenue-officers, Anderson, Shore, Charters, and Croftes.

* They were let eventually, on an average of the collections of the three preceding years. It was not to be doubted that the assessment, under the quinquennial settlement, had been too high. Indeed, at the end of it there was scarcely an estate paying

the amount agreed upon in the original lease.

† *Plan of Settlement, in Revenue Consultations*, July 16, 1777.

‡ *Introduction to Resolutions for the Revenue Administration*, &c., &c., February 20, 1781.

It was left to them to propose a new plan for the settlement of the revenue. In little more than a month after their appointment they made their report.* "The two principal objects," it stated, "for consideration are, the amount of the settlement, and the form of it." "The amount of the assessment," it continued, "must depend on the capacity of the different districts. In some, the assessment will be found already too great; others again, and the greatest part, will admit of an increase." The country had by this time recovered from the effects of the great famine of 1770; and the natural fertility of the soil had begun to proclaim itself. The four experimental years of annual assessment had sufficed to restore the balance which had been disturbed by the great drought. And the measures, of which I have spoken, seem to have brought together a sufficiency of accurate information to enable the Board to fix the amounts of assessment, without any very signal violation of justice in subordinate cases. Having thus sufficient materials for the ascertainment of the proper amount of settlement, they proceeded "to consider the mode of it." "The mode," they said, "which appears to the Committee the most convenient and secure for the Government, and the best for the Ryots and country, is, in general, to leave the lands with the Zemindars, making the settlement with them." The preference was, as in former instances, to be given to the Zemindars, and only in the event of their unwillingness, or disability, were the contracts to be concluded with others. "The considerations," it was added, "which ought to preclude the Zemindars, are their gross mismanagement, oppression, or incapacity." The leases were to be for one year, renewable by all who had punctually paid their rents. The proposed plan was adopted by the supreme Government, with some slight modification not affecting the principles upon which it was based,

* March 29, 1781.

and it was duly carried into effect, and remained in force, but with no very brilliant results, until the arrival of Lord Cornwallis. The Zemindars proved to be no better paymasters than the Adventurers under the settlement of 1772; the revenue fell off, and the home Government were alarmed and discouraged by the unfavorable out-turn of events.

That full success did not crown our initial efforts in the department of Land-Revenue, must be truthfully admitted. But the work was altogether new to the Company's servants at this time, and they may be forgiven if they only carried to it the amount of experience which, in the ordinary course of events, had gathered round such barren antecedents. It would seem, however, that they addressed themselves to their new labors with a sincere desire to respect the rights both of the Zemindar and the Ryot, and to develop the industrial energies of the country. What their efforts seemed to want at this time, was a sustained and systematic character; and this was now to be imparted to them, and in such a manner as to excite a controversy which sixty years of continued discussion have not sufficed to allay.

Lord Cornwallis arrived in India in the autumn of 1786. Mr. Shore, then appointed—in no small measure through the instrumentality of Warren Hastings—a member of the Supreme Council,* sailed from England in the same vessel with the new Governor-General, and soon cemented a close friendship with him. Hitherto India had been governed by men who had entered the country in early youth, and risen to high place, through all the gradations of service, military or civil. Cornwallis was an English nobleman, who had commanded armies in America, and sat in English Parliaments, but who

* Shore had originally been a partisan of Francis, but he lived to repent of this, to acknowledge that he had been mistaken in the man, and to cement a close friendship with Hastings.

knew little or nothing of India, the nature of its institutions, and the character of its people. But he was neither a hasty, nor a self-willed man. Equally willing to obey the instructions of his superiors and to profit by the advice of his inferiors, he formed no visionary projects of his own. He did not rush into authoritative execution of ill-digested measures, in defiance of the remonstrances of the experienced men by whom he was surrounded. Judged by the remarks which have been passed upon his civil administration by very opposite writers, he would appear to have been a presumptuous and self-opinionated man ; but he was the very reverse of this. He adopted a measure only when it was his deliberate conviction that the balance of evidence was in its favor, and that it was his duty to carry it into effect.

As far as all predilections or prejudices for or against any particular system of revenue administration are concerned, it may be safely said, that when Cornwallis quitted England, (his mind was a blank.) It is not to his discredit to affirm, that he knew nothing about the land-revenue of Bengal and Behar. But the best revenue-officer in India was his fellow-passenger on board the *Swallow* ; and it may be presumed that, from his conversation with Shore, he derived at least some general ideas of a subject of such pressing importance. His first lessons in Indian revenue were, doubtless, learnt during his passage to Bengal. But specific instructions had been sent to him by the Court of Directors, and he was not a man to toss them aside with haughty unconcern.

The Court of Directors had regarded with disapprobation the recent proceedings of the Indian Government in the Revenue department. They had seen that the measures adopted had not been successful ; that the annual settlement had left the contractors, whether Zemindars or farmers, heavily in arrears, and that whilst the Government had been great losers by the system, it had bene-

fited no class of the community. They therefore laid down as a fixed principle, for the future guidance of their executive, that a moderate permanent assessment would be more beneficial, both to the State and to the people, than a heavy fluctuating one. "A moderate assessment, regularly and punctually collected," they wrote, "unites the considerations of our interests with the happiness of the natives, and security of the landholders, more rationally than any imperfect collection of an exaggerated *jumma* (assessment), to be enforced with severity and vexation." The amount of the assessment was to be determined by the experience of the four preceding years, but not to be fixed without reference to the home Government; and, although it was intended by the Directors that the assessment so determined should be fixed in perpetuity, it was deemed expedient, at this time, for special reasons, to introduce it by a settlement instituted, in the first instance, for ten years. They expressly declared their intentions, that the contract should be made with the Zemindar—that "the humane intention of the Legislature towards the native landholder should be strictly fulfilled."

Such was the tenor of the instructions written to the Governor-General in Council, in April, 1786. Neither the Zemindaree settlement, simply as such, nor the *perpetual* Zemindaree settlement, was the growth of his own imagination. He found that the idea had taken root in Leadenhall-street, and when he arrived in India he found that some of the most intelligent and experienced revenue-officers in the country were in favor of the latter—nearly all in favor of the former. All men seemed to have made up their minds that the claims of the Zemindars, as proprietors of the soil, should be amply recognised; and many were of opinion that no effectual settlement—a settlement advantageous to the State, to the landholder, and to the actual cultivator—could be

completed without embracing a permanency of tenure. But so little disposed was Lord Cornwallis to complete such a settlement "at once," that he hesitated even to enter upon the decennial settlement recommended by the Court as an initial measure. He did not think that the information before the Government warranted such a measure; and he began his career as a civil administrator with a recurrence to the system of annual leases. And whilst these annual leases were in operation, no effort to increase the store of available information was spared by the Governor-General and his colleagues. All the most experienced revenue-officers were encouraged to give their opinions, and other sources of information were resorted to without stint.

A vast body of information was thus collected—"information" declared in the celebrated "Fifth Report" to be "too voluminous to lay before the House." Foremost amongst those who advocated a perpetual settlement to be made with the Zemindars, was Mr. Thomas Law,* Collector of Behar, and afterwards a member of the Council of Revenue. He had the strongest possible faith in the virtue of a permanent Zemindarree settlement, and he did not hesitate to lay his plans before the Government, through the ordinary channel of the Board of Revenue, with an overwhelming array of argument in their support. Vigorously contrasting, in a series of juxta-posed paragraphs, the farming and the permanent system, he made out a strong case in favor of the latter. "Every year (under the permanent system)," he wrote, "increases confidence by length of possession. Every man will lay out money in permanent structures, as such works enhance the value of his estate, and promise future benefit. If a scarcity happens, the landholders will forego demands, and encourage cultivation to preserve

* Mr. Law was a brother of the late, and uncle of the present Lord Ellenborough.

their tenants, who become a part of their necessary property. The increasing independence will raise a class of native gentlemen proprietors, who will gradually have established themselves in good houses, with the various comforts of life." In short, he wrote, after a long array of detailed blessings, "The mocrerry (permanent) system founds on a permanent basis the future security, prosperity, and happiness of the natives, and ensures stability. A long and painful observation," he added, "of the evils of the farming system, which have dwindled great families into the commonalty, diminished rich cultivation, and exhausted the country; and a subsequent war, which has not only drained the resources of public credit, but the hoards of individuals, have induced me to reflect upon the subject."*

Nor was it only the expression of speculative opinions which Mr. Law forwarded to Government. He declared that already, in the districts of which he had the fiscal management, the expectation of the permanent settlement had produced the happiest results. He declared that these results were developing themselves in an increase of general confidence, and a corresponding increase of revenue. Men of ancient family, who had been ruined by our assumption of the Dewanee, who had mortgaged all their available property, and were pining under the aggravating contrast of their present penury with their past splendor, now began again to breathe an atmosphere of hope.† Other classes of the community, de-

* *Mr. Law to the President and Members of the Revenue Board, Oct. 4, 1778.*

† "I cannot refrain," said Mr. Law, in a letter to the Board of Revenue, "from communicating the pathetic expressions of the descendant of a great family. 'Our fathers,' said he, 'for adhering to the Company's arms, obtained pensions and jagheers; and they fondly imagined they had benefited their posterity, by introducing a mild administration in lieu of feudal anarchy; they foresaw not that offices of state and

command of troops would naturally be excluded from us by conquerors. Under adventuring farmers they could not submit to extortion and insult, or expose themselves to caprice for temporary tenures. Look, sir, into our houses; our widowed mothers, reduced to penury, in vain call upon us who have mortgaged almost every valuable in their support; our sisters pine in celibacy for want of portions, and men of property equal to their rank; when we look forward, future misery adds

pressed and impoverished by our previous operations, were, he represented, eager for the introduction of the permanent system, which was to restore them to their lost property. The bankers were petitioning for it. Under the old system, they said, they had no security for the recovery of their advances to the agriculturists, but that if the permanent system were introduced, they "would be greatly encouraged, and could confidently advance loans of money to the under-renters and Ryots," and "by this means," they added, "two advantages are apparent ; first, the Ryots will daily exert themselves in improving the cultivation, and will become more capable and responsible, while the bankers will have an eye to the produce ; and secondly, if any moccureydar (permanent landholder) should happen to die, the accounts may be kept open with his successor, and the debts will be recovered without any risk whatever." All these things were duly pressed upon the Revenue Board by Mr. Law, until at last, overwhelmed by the formidable array of facts and arguments poured forth by the worthy collector of Behar, the President of the Board (Mr. Shore) requested him to afford certain specific information required at the time, "without reverting to the comparative advantages of the plan over any other system, *as I see no reason to doubt them.*"*

But although Thomas Law was of all the servants of the Company at this time the stoutest advocate of the permanent system, he was by no means the only one.

poignancy to present want, and the retrospect of past splendor aggravates all. But we have now a hope upon the moccurey (permanent) plan, that some may be favored with grants, and those who have jewels or plate remaining from the wrecks of their family may purchase villages and at length settle, by degrees to become affluent—our gratitude daily increasing to the British Government, who at once grant us places of tranquillity, and secure us

from invasion, thus making the superior policy and discipline which subdued us the sources of our happiness.' The look, the manner of the speaker," added Mr. Law, "cannot be conveyed; much, therefore, is lost; yet I trust that even this faint participation will be grateful to sensibility and reason."—[*Mr. Law to the Board of Revenue, Nov. 26, 1788.*]

* *Mr. Shore to Mr. Law, Jan. 23, 1789.*

Among others, Mr. Brook, collector of Shahabad, came forward, with his unsought testimony, earnest and emphatic, in support of the proposed measure. "My earnest desire," he wrote to the Board of Revenue, "to see so beneficial a measure as a permanent quit-rent carried into execution, has induced me to trouble you with this public expression of my sentiments of Mr. Law's benevolent plan—a plan which, with a few subsidiary emendations, will ensure the relief of anxious millions, diffuse universal satisfaction through every denomination of landholders, and extend the fame of our justice through the remotest kingdoms of the East."

Of all the information which flowed in from the provincial revenue-officers, John Shore was the recipient. He was in immediate communication with the Governor-General, as member of the Supreme Council and chief of the Revenue Board, and to him had been entrusted the work of preparing the details of the new settlement. He labored at it, in his own words, "like a galley-slave." And in the summer of 1789 he was enabled to report that the arduous task which had been assigned to him, was complete. A masterly minute, dated the 18th of June, recorded his views on the subject of the proprietary rights of the Zemindars, and took a comprehensive survey of the whole civil administration of the Company's territories in Bengal. The plan now to be carried into effect was a decennial Zemindarree settlement. This had been suggested to the Governor-General, on his departure from England, three years before. But the measure had, as has been seen, been delayed for want of sufficient information to enable the Government to give it detailed effect. During the interval, information had been diligently sought and carefully collected. The home authorities had rebuked Hastings nearly ten years before for hesitating to mature a system of land-revenue on the ground of insufficient information. And

now the ablest revenue-officer in the country reported that the subject was exhausted, and that it was useless further to discuss a matter which had been removed beyond the regions of doubt. From all quarters came assurances that the interests of the country could only be promoted by a Zemindarree settlement. A remarkable unanimity prevailed, upon this point, among all the civil servants of the Company ; and the opinion which was so generally expressed in India was shared by the Directors at home.

I have never been able to understand how, in the knowledge of such simple facts as these, it could ever be asserted that the Zemindarree settlement was an idea hastily conceived by Lord Cornwallis—the aristocratic plan of an aristocratic statesman*—an ignorant *Englishism*, in short, utterly unsuited to the country in which it was designed to make it strike root. The measure, whether good or bad, was not one of aristocratic conception, English importation, or precipitate execution. It was emphatically the work of the Company's civil servants—members of the middle classes, who had come out to India in their boyhood—and they had been incubating it for a quarter of a century. It had nothing whatever to do with the personal character of Lord Cornwallis. If Mr. Macpherson, who had been a ship's husband, had remained at the head of the Government, the settlement would still have been completed with the aristocratic Zemindars.

The terms of the decennial settlement were announced at the close of 1789 ; and it was then notified to the proprietors, with whom the settlement had been made, that at the expiration of the ten years the assessment would be continued, and “ remain unalterable for

* Mr. Mill says: “ Full of the aristocratical ideas of modern Europe, the aristocratical person now at the head of the Government avowed his intention of establishing an aristocracy upon the European model.”

ever," provided that such continuance should meet with the approbation of the Court of Directors. It is contended that this was a mistake. Shore, who had been the framer of the Zemindarree settlement, protested against its hasty perpetuation. He did not urge that it might not be rendered permanent; but that, such a measure would be premature under the circumstances then existing. Law, on the other hand, had from the first declared in favor of its permanency, arguing that, under a perpetual settlement, every year increased the interest of the holder in the prosperity of his estate, whereas, under an arrangement for a term of years, as every year brought him nearer to the close of it, and therefore nearer to a chance of being dispossessed, his interest naturally declined, and his efforts diminished. Cornwallis recognised the force of this argument. But other motives than these impelled him to recommend the perpetuation of the settlement. He would have yielded to Shore's weighty reasoning, but he feared that such a concession would be fatal to the entire project. If he or his colleague could have continued to watch the operation of the settlement during the ten years of probation, and been supreme at their close, he would have been contented to give a merely experimental character to the new settlement. But he had no guarantee that the prejudices of his successor might not reverse the entire scheme. He was thoroughly in earnest about it himself. He believed that a great boon had been conferred on the people of Bengal, and that every year would see an increase in the prosperity of the country and the happiness of the people. Anxious to secure to them what he regarded as so mighty a blessing, he recommended to the Court of Directors that the settlement should be fixed beyond the reach of reversal. And it was so fixed.

But if, in the month of September, 1789, Cornwallis hastily announced his intention, with the permission of

the Court of Directors, to render the settlement irreversible, that permission was not hastily accorded. It was not until September, 1792, three years after the first promulgation of the terms of the decennial settlement, with the conditional promise of its perpetual continuance, that the Court of Directors completed their reply to the reference of the Governor-General. The answer, when it came, was one of concurrence and approbation. It had been drawn up, after long consideration and much discussion, and was mainly, I believe, the work of the King's Ministers—Pitt and Dundas, aided by Mr. Charles Grant.*

In the spring of the following year these instructions reached Bengal, and on the 22nd of March a proclamation was issued, setting forth that "the Marquis Cornwallis, Knight of the most Noble Order of the Garter, Governor-General in Council, now notifies to all Zemindars, independent Talookdars, and other actual proprietors of land in the provinces of Bengal, Behar, and Orissa, that he has been empowered by the Honorable Court of Directors for the affairs of the East India Company, to declare the jumma, which has been or may be assessed upon their lands under the regulations above mentioned, fixed for ever. The Governor-General in Council accordingly declares to the Zemindars, independent Talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been completed, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they and their heirs and lawful successors will be allowed to hold their estates at such assessment for ever."

* I gather this from a letter written by Mr. Beaufoy, secretary to the Board of Control, to Sir G. Barlow. "The revenue letter of the last year," he writes, "was considered as the sequel of that which confirmed the decennial settlement, and which was written (principally, I believe, by Mr. Pitt) on

the plan of a report, prepared by the secretary, from the original records." And he adds in a marginal note: "Particular parts of the letter are said to have been written by Mr. Dundas, and some by Mr. C. Grant."—[*MS. Correspondence.*]

Such is the history of the permanent Zemindarree settlement. It passed into law nearly seven years after Lord Cornwallis descended from the quarter-deck of the *Swallow*. It was sanctioned by the Court of Directors and the Board of Control after at least two years of consideration. It was approved, as a Zemindarree settlement, by all the first revenue-officers in the country, and as a permanent settlement by many of them. It was based upon information acquired during twenty-eight years of diligent inquiry. And yet it has been said that Lord Cornwallis, an aristocratic personage, saturated with aristocratic English ideas, hastily and unadvisedly completed in perpetuity a settlement with the wrong people.

I come now to speak of the results of this Bengal settlement. It is a large subject fearfully overloaded with controversy, and it is my desire in this work rather to state facts than to deliver opinions. No measure that ever emanated from the Anglo-Indian Government has been so warmly extolled on the one side, and so fiercely assailed on the other. Clouds of witnesses to be gathered from among the ablest revenue-officers of the Company, may be cited on either side of the controversy; and there is nothing in history which a one-sided writer, not unwilling to make foul use of the materials within his reach, may so easily color according to the complexion of his own mind. Thus it has been asserted that the utter failure of the experiment was palpable within ten years of its initiation. But it was in the cold weather of 1801-1802 that Sir John (then Captain) Malcolm, who, in the capacity of Private Secretary, was in attendance upon Lord Wellesley, then travelling through Bengal, wrote to Mr. Barlow: "We have, since you left us, passed through one of the finest and most highly cultivated tracts of country in the world. What adds to my pleasure in contemplating these scenes,

is to hear every man I ask tell how jungles have been cleared, and waste lands brought under cultivation. I cannot but envy your feelings on this subject. I confess, before I travelled through these provinces, I was not perfectly reconciled to your system. I have now observed its effects, and must ever think it one of the most wise and benevolent plans that ever was conceived by a Government to render its subjects rich and comfortable. We can only hope that a sense of gratitude will be the primary feeling in the breasts of those who benefit by this admirable system, and that they will repay the State for the care it takes of their interests by a firm and lasting attachment."*

It was one of the main objects of the Permanent Settlement to give the landholder such a beneficial interest in the improvements of the land as would induce him to venture upon this reclamation of the jungle. The theory was excellent, and so, up to a certain point, was the result. But there were errors of detail which threatened to vitiate the broad and beneficent principle. The Government reserved to itself the right of selling the estates of defaulting Zemindars for arrears of revenue, and it is not to be doubted that, in the first instance, whilst the authority of the Zemindar over the Ryot was insufficient to enable him to obtain his dues, the power of the State over him was exercised in too summary a manner. The period of grace allowed to the landholders was too brief. The revenue-officers were empowered at any time in the course of the year to bring the lands of defaulting Zemindars to auction if the monthly instalment were not paid. And under the operation of this law a large number of estates were put up to sale. Some of the oldest and most respectable families in Bengal were, it is said, to be found in the list of defaulters. It seemed,

* *MS. Correspondence, quoted by me in the Calcutta Review.*

indeed, that the old aristocracy of the country was about to be speedily extinguished.*

The grievance was a palpable one, and Government was not unwilling to redress it. Accordingly, in 1799, a regulation† was passed, decreeing that sales of land for arrears of revenue should not take place until the end of each year. As the Zemindar was invested, at the same time, with the power of summary distraint over the goods of the defaulting Ryot, he was thus enabled to realise his own dues before he was called upon to give strict account to the Government; and it was the opinion of the larger number of experienced revenue-officers that he was now sufficiently protected. The Zemindars had alleged that the dilatory payments, or the actual non-payments of the cultivators, had been the occasion of their default; but under the new regulation they could not any longer put forward this extenuating plea. The whole question ✓ was sifted by Government. A series of interrogatories was circulated among the collectors, and their collective answers exhibit the result of the Zemindarree settlement during the first ten years of its operation. Among the most important questions submitted to the revenue-officers was this: "Are the existing regulations calculated to enable Zemindars to obtain payments from the Ryots without affording them ready means of oppression?"‡ Several collectors stated in reply, without qualification, that the regulations answered every purpose—

* I give this as the received version of the story; but it is my belief that "the old aristocracy" had nearly disappeared before 1793.

† Act VII., 1799.

‡ A few of these answers may be briefly given. Mr. Ricketts of Tirhoot replies, that "the regulations are well adapted for the purposes intended." Mr. Elphinstone of Sarun says: "The regulations are perfectly well calculated for the purposes intended." Mr. Cowell

of Bírghúm makes answer, that "the existing regulations are most favorable for realising the rents from the under-farmers and Ryots, and in general are acknowledged to be so by the Zemindars, and other description of landholders." Mr. Smith of Dinagore curtly answers: "I conceive that they are." Mr. Wright of Rungpore says: "The regulations which have been issued for the benefit of the landholders have answered the purposes intended."

that the Zemindar had the power of obtaining punctual payment of his rents, and had not the power of oppressing the Ryots. Several stated that the Zemindar had the power of obtaining his rents, but that the system did tend to the oppression of the Ryots. A few stated, on the other hand, that the Regulations enabled the Ryot to cheat the Zemindar; and Sir Henry Strachey stated outright that there was not a Zemindar left in Bengal.

[Now, the truth appears to have been this. Immaculate Ryots do not grow in Bengal any more than immaculate Zemindars. As there was tyranny on the one hand, there was fraud on the other. But the balance of wrongdoing must have been greatly on the side of the Zemindar. The ignorant husbandman was no match for the landed proprietor—still less was he a match for the middle-man or agent.] Cunning he may have been—dishonest he may have been; but he was weak and cowardly too, and had little heart to systematise fraud, and to fight it out boldly with his superiors. He paid his rents when he could. He generally paid them, indeed, when there was no attempt to overreach him;

Mr. Seton of Kishnaghur replies: "The powers vested by the regulations in the Zemindars, and other proprietors and farmers, holding lands immediately of Government, are fully adequate to enable them to collect their rents from their under-farmers and Ryots." Mr. Le Gros of Mymensing answers in almost the same words: "The existing regulations are perfectly well calculated for enabling Zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realise their rents from their under-farmers and Ryots." Mr. Hayes of Mûrshedabad emphatically declares that the "Zemindars, and other descriptions of landholders, are unanimous in acknowledging that the existing regulations, for enabling them to realise their rents from the under-farmers and Ryots, are well calculated for the purposes intended;" and the Collector of Midnapore commences a long able minute with the words: "I

am of opinion that, since the Regulation VII. of 1799 has been generally known and enforced in the Mofussil, the Zemindars have been very well able to realise their rents." "Lands," says Mr. Grant, collector of Midnapore, "being now exempted from sale for the recovery of arrears of revenue till the end of the year, it appears to me much less necessary to expedite the sale of distrained property than it was before Regulation VII. of 1799 was issued, when they were liable to be sold every month. . . . I have frequently had occasion to state to the Board that, as far as my experience goes, I have found that the common Ryots, or the lowest tenants, who are the cultivators of the soil, pay their revenues with great punctuality. . . . They are much more apt to submit tamely to exaction, than to hazard a contest with a Zemindar; and they pay a kist or two in advance much oftener than they fall in arrear."

but when he fell into arrears, and the war began, he did all that he could, in his weakness, with fraud and lying and the collusion of his friends, to outwit his antagonist. He got the start, when he could, of his enemy, carried off all his moveables to a neighbour's house, cut his standing crops in the night time, concealed them by the connivance of his friends, and met the distraining party with no worldly goods in his possession, but the rag about his middle, and a few earthenware pots in his house. The Zemindars certainly did complain that in this way the weapon of distraint became a *telum imbelles* in their hands; that they had great difficulty in obtaining the assistance of the police—that, if a small party went to distrain, they were beaten; and that, if a large party went, the expense was so heavy, that it was better not to distrain at all; and that, as to suing the defaulter in our law courts, the process was so tedious, and the cost of maintaining the defendant in prison so onerous, that they seldom gained anything but a heavy loss by the proceeding.

✓ [Such was the complaint of the Zemindars. I do not doubt that such things happened. But the power of the Zemindar to oppress the Ryot must have been far greater than that of the Ryot to outwit the Zemindar.] The husbandman was generally better disposed to submit to imposition than to battle it out with the proprietor, or the agent, who was sure to be a greater tyrant than his master. The Ryot had not much to lose, it is true; and it is argued that the constitutional indolence of the native character made him look upon mere loss of liberty as no evil, and that he was content to exist in gaol at the expense of his oppressor. But indolent and debased as he may have been, he was not utterly hardened and reckless. He could not meet with indifference a calamity that severed all family ties, and left wife and children at the mercy of the spoiler, and exposed to all the accidents

of life. He had, too, whatever he may have thought of the immunities of gaol-life, a horror of the police—a horror of the long journey to the justice-seat—and of a thousand vaguely apprehended evils, to which even the natural litigiousness of his character could not fortify him to look forward with complacency. [The balance, indeed, was greatly against him, and he had sense enough to know it. He seldom invited a contest, which he knew must end in his ruin. It was better, he thought, to compromise with fate, and bear the lesser evil of the two.] So he acceded in patience to the extortionate demands made upon him, when he could; when he could not, the Regulations took their course. And how destructive that course was, may be gathered from the evidence of Mr. Rees, the collector of Purneah, who speaks of “repeated instances of families, nay whole villages, reduced to penury and distress by their (the middle-men’s and agents’) oppressive use of that power of distraint, which is vested in them with equal authority as in the actual proprietor of the soil.” It was not till ten years afterwards that the Zemindar was prohibited from seizing even the agricultural implements and farm cattle of the Ryot: it was not till ten years afterwards that he was compelled to give due notice of his intention to distrain before coming down, with one fell swoop, upon all the property of his debtor.*

If, then, the large estates, under the Permanent Settlement, continued to fall to pieces, and the wealthy Zemindars were still stripped of their lands, it would hardly appear that the cause of this decadence of the old aristocracy is to be found in the fact that “Government had given to themselves the benefit of summary process with regard to the Zemindars, but had left the Zemindars to the tedious progress through all the technical forms of the courts in extracting payment from the

* *Author in the Calcutta Review.* .

Ryots."* Nor was it that the assessment itself was excessive. Under able and economical management the estates yielded readily the required revenue. [But the management, in most instances, was neither able nor economical. The Zemindars were often indolent and extravagant; they mismanaged their estates, left them to the superintendence of underlings; and were fatally given to ruinous litigation. These causes combined to stimulate the Sale Act into unhealthy excited action; and many of the families (old or new) whom we found in possession of the land, were doubtless brought to ruin by them.† Property has undergone a great revolution, since the Regulations of 1793 brought the Zemindars of Bengal directly into the hands of the English collector. Mr. Law was of opinion that the Permanent Settlement would "raise a class of native gentlemen proprietors, who would establish themselves in good houses, wish the various comforts of life;"‡ and it certainly did raise a class of native proprietors—of mushroom gentlemen—who built up their prosperity upon the ruins of others more unfortunate or improvident than themselves.

The Bengal officials admitted this—but they doubted whether the change was to be greatly deplored. I think that they treated the matter of this great revolution in a very cool and off-hand manner, and I by no means share in the satisfaction expressed by some of them at the

* *Mil's History of India.*

† A very able writer on Indian affairs, speaking of the revolution of property in India, states the causes very truthfully and forcibly, in the following passage: "A minute inquiry into the causes which had transferred landed property from the older families to the traders and merchants, who owe their rise to the Company, might in a very few instances certainly prove that the transfer had been occasioned by causes beyond the control of the proprietor; by famine, by drought, by inundation, by the over-assessment of a zealous revenue-officer, by the absence or the

delay of an adequate remedy to hastiness. [But, in a far greater number of instances, the change of circumstances would be owing to the culpable indifference, or the reckless extortion of the landlords; to the rack-rent of evil advisers or agents; to a spirit of litigation which is unrivalled in the forensic annals of Europe, and to a forgetfulness of the memorable aphorism that the immutable laws of Providence have decreed vexation to violence, and poverty to rapine.]—[*Letters on the Government of India.*—*Morning Chronicle*, March, 1853.]

‡ See *ante*, page 178.

thought that the extinction of the large Zemindarries, however much to be regretted as affecting the individual proprietor, would probably be beneficial to the country at large, from the estate falling into the possession of more able and economic managers. But I am inclined to believe that the evils of this revolution have been considerably over-stated.] Indeed, it is remarkable that the Permanent Settlement is charged with two offences of an antagonistic and wholly irreconcilable character. It is said, on the one hand, that the settlement was completed with men who had no title to the privileges it accorded to them; and on the other, that it has stripped the ancient gentry of Bengal of privileges inherited from remote ancestral generations. One of these may be the rule; the other, the exception. They cannot both be the rule.

It is not, however, to be denied, even by those who recognise nothing but evil in the Regulations of 1793, that the cruel operation of the Sale Law is rather an accident of the Past than of the Present.* In spite of the publicity given to the new Regulations, the Zemindars were at first but imperfectly acquainted with them. They had been accustomed to personal coercion, but not to the sale of their lands; and they may, in the first instance, have believed that the threat would not be car-

* Mr. Campbell, one of the most strenuous as he is one of the ablest opponents of the Permanent Settlement, makes candid admission of this. "The general view," he says, "of the present working of the Permanent Settlement, shown by the last reports, proves that the Bengalees now understanding our system, and the bad estates having fallen to Government, the revenue is realised with considerable punctuality. A good many sales for arrears still take place, but they are principally of small estates. Some, probably, are permitted to go to the hammer by those wishing to dispose of them, and to give a good title to the purchasers. Re-

missions are occasionally made on the ground of natural calamities, but they are small in amount. The regularly settled estates of 1848-49 bore a rent of 3,45,98,603 rupees, of which upwards of 90 per cent. was realised within the year, along with 87 per cent. of the last year's balance, showing that the greater portion of the 10 per cent. current balance is the portion due at the end of the year, and collected in the next year. A little more than 1 per cent. was remitted or transferred to defaulters' register. . . . Of the total demand on account of land-revenue, the whole is eventually realised within 1 to 1½ per cent."—[*Campbell's Modern India*, 1852.]

ried into effect. It was often the interest of the agent to keep the Zemindar himself in ignorance of the danger which threatened his estate, and he awoke perhaps, from the false security in which he had been lulled, only to find himself stripped of his lands, and his agent, under cover of some man of straw, in actual possession of a large portion of the dismembered estate. But when the proceedings of the collector's office became better understood, and the larger and more unmanageable estates fell to pieces, the operation of the Sale Law lost all its severity. The assessment, originally light, has become lighter by the improvement of the land, and the cases of default are few. The unrealised balance every year does not exceed one and a half per cent. on the entire revenue of the land under assessment.

But there are still more important considerations than the transfer of these proprietary rights. It is time that I should say something of the effect of the measure on the general happiness of the people. When, in 1802, Malcolm wrote that the visible results of the settlement were of the most satisfactory description, he only wrote what now, fifty years afterwards, every traveller through Bengal would cheerfully endorse. [The aspect of the country, under the operation of the Perpetual Settlement, seems to give the lie to the assertion that the people are ground down and depressed. There is hardly a rood of land not under cultivation. The jungle has entirely disappeared. "A man," says a recent writer, "may go for miles in any direction, east and north of the metropolis, and see plains succeeding to plains, where there is not one *bigah* of unproductive soil, and where many thousands of *bigahs* give their return of two crops in the year, without irrigation, and without that careful labor which seems indispensable, in the Upper Provinces, to successful agriculture. More new bazaars will be found to have been established within the last

thirty years than old bazaars to have decayed. The circulation of money in the interior of such districts is very considerable. The number of men who derive competence and consequence from the soil, is large. Is it fair to say that all these results are independent of the Perpetual Settlement?"*

It would seem then, that if the old aristocracy have been ruined, the country has not been ruined with them. The provinces under the Perpetual Settlement are the most thriving provinces in India. It is a great thing I know that they have enjoyed, under British rule, nearly a century of unbroken peace. Nature, doubtless, too, has done much for them. Their natural fertility is great. They are independent of artificial irrigation. But it is only since the Permanent Settlement was introduced that the country has been exempted from the curse of periodical famine; and some of the ablest men who have ever given themselves to the study of Indian affairs, foremost among whom were Edmonstone and Tucker,† have

* *Calcutta Review*.

† Sir Henry Russell says in his published Letters:

"In one of my last conversations on the subject with Mr. Edmonstone, to whose guidance and instruction I owe anything that I may have learned in India, and whom I have looked up to all my life with reverence and affection, he ascribed the present exemption of Bengal from those periodical famines, to which it was formerly subject, and by which other tracts are occasionally visited, to the influence of the permanent system. [In this I cannot concur, without depreciating the value of good government, uniform protection, and shelter behind a wide and secure boundary.] Unquestionably many able men, besides Mr. Edmonstone, have been from the first, and still are, the advocates of the *Zemindarry* system. The fact is, that we all of us lean to the doctrine of the school we have been brought up in. Independently of the force of habit, we cannot easily bring ourselves to think that that, which we have spent our lives in learning, is of no substance or effect. The advocates

of this system have all been brought up in Bengal, where they have seen no other in action. Among the eminent authorities on this subject, Mr. Hodgson is the only one I remember, who, having made himself conversant with both systems, gives the preference to that of Bengal. With this single exception, as far as I am aware, the whole of those, who have witnessed the working of the two, are in favor of the native machinery of the *Ryotwar* system."

The testimony of Mr. Tucker may be added: "I never," he wrote to a brother Director, "can be persuaded that the Regulations of 1793 were not framed on sound and just principles—but no person will contend that the Permanent Settlement was not concluded with undue haste, and upon defective materials; but if the measure had not been prosecuted at the time, it would probable never have been undertaken, and thy country and the people would have remained in the wretched condition to which they had been reduced under short and corrupt settlements. If this great measure had no other merit, I would say that (under Providence) the

declared their opinion that it mainly is to the settlement that this exemption (under Providence) is to be attributed. This in itself is no small thing. It is no small thing to know that the peasantry of Bengal are never starving. "As to the poverty and misery of the actual Ryot," says the writer I have quoted above—one of the ablest men now in India—"so much insisted on by several writers at the present day, we deny that matters are as bad as represented. What strikes the eye most in any village, or set of villages, in a Bengal district, is the exuberant fertility of the soil, the sluttish plenty surrounding the Grihasta's (cultivator's) abode, the rich foliage, the fruit and timber-trees, and the palpable evidence against anything like penury. Did any man ever go through a Bengallee village and find himself assailed by the cry of want or famine? Was he ever told that the Ryot and his family did not know where to turn for a meal; that they had no shade to shelter them, no tank to bathe in, no employment for their active limbs? That villages are not neatly laid out like a model village in an English county, that things seem to go on, year by year, in the same slovenly fashion, that there are no local improvements, and no advances in civilisation, is all very true. But considering the wretched condition of some of the Irish peasantry, or even the Scotch, and the misery experienced by hundreds in the purlieus of our great cities at home, compared with the condition of the Ryots, who know neither cold nor hunger, it is high time that the outcry about the extreme unhappiness of the Bengal Ryot should cease."

I quote this, instead of putting forward the same truths on my own authority, because it was written in Bengal, only a few months ago, by one whose opinions are supported by the evidence of his own senses, and

absence of that frightful scourge, famine, with which the country had been periodically visited, is mainly to be attributed to it."—[*MS. Correspondence.*]

who speaks of what he sees around him. I know that the Bengal Ryot lives in an enviable state of *sans-culotteism*. I know that he enjoys the inestimable privilege of living with only a rag about his middle—

O fortunati agricolæ! sua si bona norint!

I know that the abode in which he dwells is one of very primitive construction. I know that he does not drink beer, or eat beef, or read the newspaper by a sea-coal fire.* I know that he does not trouble himself much about Government paper, or other public securities, and that he lives from hand to mouth, in a rude, simple manner, well content if he can feed himself and the other inmates of his clay-built cottage. But all that I gather from my knowledge of these facts is, that Bengal is very much unlike England, and that what is a hardship in England is not a hardship in Bengal.

The peasantry of Bengal are unquestionably poor. I do not know any peasantry who are rich. "Riches," however, is, after all, only a comparative term, and the question is whether, according to their wants and requirements, the peasantry of Bengal are poorer than the peasantry of any other part of the world. I do not think that they are. Doubtless, there are some evils inherent in the system under which they live. In some parts of the Lower Provinces there is a system of underletting which is very injurious to the cultivator. There is a middle-man, or more than one middle-man, between him and the Zemindar, and a profit must be made by

* This may appear to be trifling, but I can assure the most solemn of my readers that it is not. It is a fact that many people who have never visited India look upon the condition of the Bengal peasantry with English eyes, and bring all their ideas of English poverty and destitution to bear upon the subject. Thus it is related that Sir Elijah Impey, on his first arrival off Calcutta, told "brother Hyde" to look at the nakedness of the people, and as-

sured him that it would not be long before the beneficial action of the Crown Courts would clothe them all in shoes and stockings. This is an old story in India—but it may not be equally well known in England. I may add to it, that Lord George Bentinck was reported by the London papers to have alluded, in a famous speech on the Sugar Question, to the necessity of the hundred millions of the people of India having to go without *sugar in their tea*.

each. But is this peculiar to Bengal—is it peculiar to India?*

It is the commonest thing possible in England. A tradesman in a country village, or a little townlet, will take a lease of a stack of cottages, each with a little garden behind it. He will let these cottages severally, without the gardens—realise from his tenants collectively much more than the entire rent of the estate—then throw all the gardens into one and let them, at a high rent, to some well-to-do person whose grounds are contiguous to them, and who is anxious to increase his domain. In this manner the middle-man will, perhaps, double the rent that he pays to the actual landlord; and all at the expense of the peasants who are compelled to submit to his terms. In the towns, too, this system of under-letting is carried to a still more abominable extent. Think what are the profits derived by the middle-man from a London lodging-house, and what those lodging-houses are. The tenants pay from 200 to 400 per cent. above the actual value of the accommodation as estimated by the real owner of the house, which is parcelled out among a number of families, or let to a promiscuous crowd of nightly occupants reeking with fever and filth.

There is nothing in any part of India, except in famine-times—and famine-times have ceased in Bengal—to indicate the misery and degradation of which these London lodging-houses are the visible signs. I am speaking now of them, however, only in connexion with the subject of middle-men, simply as respects the matter of rent. It

* Mr. Shore (Lord Teignmouth), in his famous minute of June 18, 1789, thus described the intermediate agency: "The Ryots who cultivate the soil pay their rent to a Mundel (head Ryot) or Gomastah (agent), of which each village has one or more, according to its extent. 2nd. The Mundel pays his rent to a renter of two or three villages. 3rd. The renter pays to the farmer of a division comprehending many villages. 4th.

The farmer of a division pays to the farmer of a Pergunnah. 5th. The farmer of a Pergunnah pays to the Zemindar. And 6th. The Zemindar carries his rent to the office of the Government." This classification, in all its details, only applies to the very large estates, but with more or less modification it may be said to represent the general system.

may be said that with the Indian cultivator rent means something more than house accommodation. The land which is let to him by the middle-man is the arena of his industry—the source of his subsistence—in fact, that the middle-man stands between him and the very well-spring of life. But this, too, is the commonest thing possible in England. We have heard a great deal lately about the “sweating system,” and other vile systems, which intercept and diminish the rightful earnings of the working-man, and enrich the intermediate agent. These are great evils. It were well that we should think about them sometimes, when we are volubly discoursing of the sufferings endured by the unhappy Bengal Ryot. It were well that we should think, too, whether we may not lay them at the door of Free-trade, or the Income-tax, or the new Police, or the Great Exhibition, as reasonably as we may attribute the poverty and misery of the Bengal Ryot to the Permanent Zemindarry Settlement.

Again, it is unquestionable that the Ryot suffers much under the burden of that great calamity, debt. He borrows money at an exorbitant rate of interest, and the “Mahajun,” who lends it to him, compels him to purchase everything he requires from people in whom the usurer is interested, and in whose gains he participates. But is not this a system again well understood in England? It little matters in what manner this payment of interest diminishes the daily comforts of the poor man—whether it reduces the profits of his own little cultivation or the wages paid to him as the cultivator of other men’s lands. There is nothing from which our own people suffer more than from this slavery of debt. I do not believe that the Ryots in any part of India suffer as much from the avarice of the Mahajuns as our own workmen have suffered, and do suffer, from the “truck” and the “tally” systems, and other schemes by which advantage is taken of the im-

providence of the poor. Our tradesmen prey as greedily upon the peasantry who once get on their books, and intercept their earnings with as ruinous a gripe, as the most wily Mahajun in Jessore.

It may be alleged that the Ryot is driven into debt by the exactions of the Zemindar, and that the great inherent vice of the Permanent Settlement is, that whilst the amount leviable from the landed proprietor is definitely and permanently fixed, there is no definition of the claim to be made by him upon the under-tenant. It has been said, indeed, that "in the permanently settled districts of Bengal, nothing is settled, and little is known, except the Government assessment."* And there is no doubt that this is the great blot of the Permanent Settlement. The Zemindars, except in a few special cases, exact from the Ryots as much as they can be made to pay; and there is no doubt that what is left to the actual cultivator, after all these exactions, is little more than suffices to keep the souls and bodies of the peasantry together. Hastings, it has been seen, was especially anxious to "secure to the Ryots the perpetual and undisturbed possession of their lands, and to guard them against arbitrary exactions,"† and he maintained that it was the duty of Government "to fix the deeds by which they hold their lands and pay their rents, to certain bounds and defences against the authority of the Zemindar." But the ablest revenue-officers in the country admitted that it was difficult, if not impossible, to reduce such a fixation to anything like system; and the attempt was abandoned in despair. It was decreed, indeed, that the Ryot had no rights, and he was left to fight it out with the Zemindar. The result is, that the assessment levied upon the actual cultivator is extremely variable, but that it seldom falls far short of the amount which, with extreme diffi-

* *Report of the Calcutta Finance Committee, July 12, 1830.*

† See *ante*, pp. 155, 156.

culty, he can contrive to pay.* He is, in fact, left with what is sufficient only to supply the bare necessities of life. But there is nothing in this peculiar to the state of the rural population of Bengal. "In every country," says Sismondi, "the share assigned to the laborer is most frequently only just what is sufficient to support his existence." Existence is easily supported in Bengal; and I believe that, in proportion to his wants, the peasant is as well supplied in that flourishing province as in any part of the world.†

It is readily admitted that, if the advantages derivable from the increased productiveness of the settled districts could have been shared between the Zemindar and the Ryot, instead of passing entirely into the exchequer of the former, the arrangement would have afforded greater matter for congratulation. Under the existing system, the increased value of the land directly benefits neither the Government nor the people. But the men, who stand between the Government and the people, are greatly the gainers by it. The residuary produce is theirs. The effect has been to raise up a body of moderate capitalists, whose existence is decidedly advantageous to the State;† and, though I fear much cannot be said in favor of their enlightenment and liberality—of their practical recognition of the duties and responsibilities which property entails, it may be hoped that they will learn in time the great truth that, by serving others,

* "The standard," said Mr. Shore, "was so indeterminate, that the Ryots neither knew what they had to pay, nor could the officers of Government, without the most difficult investigation, ascertain whether the Ryots had been imposed on, or not;" and again the same authority declared, that "of all subjects relating to the Revenue, this, though the most important, was, at the same time, the most difficult to explain," and that "he distrusted his own knowledge, and still more his ability, to render it intelligible."

† Mr. Tucker, in his very able "Re-

view of the Financial Situation of the East India Company in 1824," says: "There are persons who, witnessing the flourishing condition of the Bengal provinces, and knowing that the rents and income of the Zemindars have, in many instances, been immoderately increased, seem disposed to impute to Lord Cornwallis an improvident sacrifice of the public revenue. The inference is as gratuitous as the imputation is unjust. The prosperity of the country and the growing opulence of the Zemindars are the happy effects of the Permanent Settlement."

they serve themselves—that nothing contributes so largely to the wealth of the landlord as the prosperity of his tenantry, and that nothing so surely hastens his ruin as grinding the faces of the poor.

I cannot afford to pursue the subject further in this place. Indeed, I had intended to confine myself entirely to the record of events ; and having briefly given the history of the incubation of the Permanent Settlement, to speak of its present results only so far as they are exemplified by ascertained facts. What I have shown, or proposed to show, is this :

1. That the Revenue System, which we found in operation on the assumption of the Dewanee, was not conducive to the happiness of the people.

2. That our initial experiments of brief leases and fluctuating assessments were advantageous neither to the Government nor to the people.

3. That all the ablest revenue-officers in the country were in favor of a Zemindaree Settlement, and that the Court of Directors and the ablest statesmen in England held the same opinion.

4. That these officers had been for a great number of years collecting information whereupon to base this settlement—and that the Court of Directors were of opinion that sufficient information had been collected.

5. That Lord Cornwallis came out to India instructed to complete this settlement—that he was not, in any way, the author or originator of it—and that he sought for further information before carrying it into effect.

6. That three years after his arrival in India he promulgated the terms of the settlement—a decennial Zemindaree settlement—with an intimation, that with the consent of the Court of Directors, it would be rendered a permanent one.

7. That three years after this promulgation the Court of Directors and the King's Ministers consented to the

perpetuation of the settlement ; and that nearly seven years after his arrival in India Lord Cornwallis made the Permanent Zemindaree Settlement of Bengal the law of the land.

8. That the first effect of the regulations was to bring, under the operation of the Sale Law, a large number of estates to the hammer, and greatly to impoverish several influential Zemindars.

9. That a new Act—Act VII. of 1799, which relaxed the extreme strictness of the Sale Law, and gave the Zemindar increased power over the defaulting Ryot, greatly improved the condition of the former, and diminished the number of sales.

10. That by successive enactments the relations of the Zemindar and Ryot were further improved ; and that at the present time the quantity of land sold for arrears of revenue is very small in proportion to the area under assessment.

11. That the assessment is in itself a moderate assessment, and does not press severely upon the industrial energies of the people.

12. That from the very first the provinces have prospered under the Permanent Settlement—that large tracts of waste land have been reclaimed—that capital has accumulated—and that the country has been exempted from the periodical famines which had so grievously afflicted them before.

Lastly, that the peasantry of Bengal, in so far as their happiness is affected by the Revenue Regulations, cannot be said to be more miserable than the peasantry of other parts of the world.*

* Since this chapter was originally printed, I have read in the *Morning Chronicle* a very able and interesting letter on "The Laboring Classes in

India and the United Kingdom," which I have inserted, among other papers, at the end of the present edition.

CHAPTER III.

Our First Territory in Madras—The Northern Circars—Old Revenue System—The Committee of Circuit Permanent Assessment—The Baramahl—Read and Munro—The Ceded Districts—The Ryotwar System—Village Settlements—Their Discontinuance—Return to the Ryotwar System—Its Results.

WHILST in the latter years of the last century the servants of the Company in Bengal were endeavoring to frame a system of land-revenue advantageous alike to the Government and the people, a similar experiment was being carried on under the Presidency of Madras. We had possessed ourselves of territory in that part of the Mogul Empire at about the same period that first saw us assuming, on the banks of the Hooghly, the new dignity of territorial lords. A portion of the country known as the "Northern Circars"* was granted to the British by the Mogul, at the request of Lord Clive, in 1765. This is the country which lies on the northern extremity of the present Madras Presidency between the seaboard and the Orissan hills.

On our first acquisition of these territories the Company's servants did very much what they were doing in Bengal. They knew nothing about landed tenures and

* The Northern Circars formed part of the ancient kingdom of Ooria and Telinga. The territory which passed into our hands, and which consisted of Chicacole, Rajahmundry, Ellore, and Condapelly, had been granted by Salabut Jung to the French East India

Company; but on the capture of Masulapatam by the British in 1759, they reverted to the government of the Nizam. They were made over to us in 1765, and in 1788 Guntoor, upon which we had a *post obit*, was added to our possessions.

revenue settlements. They could carry the revenue to account, when it was collected; but they did not know how to collect it. So they let the native administration take its course—they entered into engagements with one or two large capitalists, for the payment of a certain amount of annual revenue or rent, and left them to collect it from farmers and under-tenants and others, and did not much concern themselves about the manner of its collection.

This arrangement, however, was but of brief continuance. In 1769, the native administration was abolished, and the management of the Circars was placed in the hands of the Company's servants—of certain provincial chiefs and councils, who had no administrative knowledge or experience of any kind, and could not talk the native languages with more fluency or correctness than a cadet in the first year of his inexperience, or a Chief Justice at the end of his career. But the condition of affairs before their interference had been so irredeemably bad, that they could not introduce greater disorder into the administration, or greater misery among the people. There were two kinds of landed tenures then recognised. There were Zemindarry lands—lands held by certain chiefs as their hereditary estates, paying tribute to the Government of the day; and there were "Havelly" lands, or "portions of territory not in the hands of Zemindars, but in those of the Government, and in which it was, therefore, optional to adopt any system of management for collecting the land-revenue from the Ryots."* The land was for the most part leased out to speculators, grasping Dubashes and others, who had as little regard for the welfare of the cultivators as the worst of the Zemindars. On both descriptions of lands the Ryots were defrauded and oppressed. The Zemindars, or contrac-

* *Fifth Report.*

tors sub-rented the lands. The middle-man had to make his profits, and so it happened that little more than a fifth or sixth of the produce could be retained by the actual cultivator.

On the Circars passing into our hands, the Company's servants were glad to make any arrangement which would save them the necessity of a detailed management of unfamiliar business, so they allowed the Zemindars and large renters to appropriate the revenues on condition of their paying certain stipulated amounts to Government. The provincial chiefs, ignorant of the language, and inexperienced as revenue-collectors, were obliged to conduct all inquiries through their native underlings, or rather to leave them to do all the business for themselves. Little or no progress was made towards good government, and, probably, none for some time would have been made, but that the state of affairs in the Northern Circars fixed the attention of the home authorities; and in those days the Court of Directors greatly surpassed their Indian servants in enlightenment and benevolence. They were eager to see a better system of administration introduced into their Madras territories, and they ordered that a Special Commission, or, as it was denominated, a Committee of Circuit—to be composed of certain members of the Madras Council—should proceed into the districts and institute rigid inquiries into their general condition, with a view to the definition of the rights and the protection of the interests of all classes. The instructions of the Court of Directors were conceived in a liberal and enlightened spirit, and clearly and emphatically expressed. But the Committee of Circuit was a failure. The Provincial Courts thwarted its operations. The Zemindars would render the Commissioners no assistance, but rather endeavoured to throw dust in their eyes. They could not speak the native lan-

guages, and all their information reached them through the lying medium of men who were interested in concealing or distorting the truth.

So it happened that though the Committee of Circuit continued its operations from year's end to year's end, no fixed system was introduced. Annual leases were granted in the first instance—then settlements for three or five years. The "Havelly" lands were let, in most cases, on the system of Village Settlements, but they were very imperfectly made. And altogether the humane intentions of the Home Government were most inadequately fulfilled. But the tendency of all our administrative efforts at this time was towards gradual improvement. In 1786, a Board of Revenue, after the Bengal fashion, was established at Madras; but it was in continual collision with the Provincial Councils, which obstructed the working of its machinery, whilst they did no good by themselves. So Lord Hobart, who was then Governor of Madras, abolished the Provincial Councils, and appointed collectors in their stead. But the collectors, like the other functionaries of whom I have spoken, had small acquaintance with the native languages, and were compelled to leave the minutiae of revenue detail to their Dewans and Dubashes, and other native underlings, who thrived upon the ignorance of their masters.

But the Permanent Zemindaree Settlement had been by this time introduced into Bengal; and it had many advocates in high places both at home and abroad. The Madras Board of Revenue had been studying the minutes of Shore and Cornwallis; and the Court of Directors had written out, that "being thoroughly sensible of the propriety and expediency of the late revenue and judicial regulations established in Bengal, they directed the Madras Government to consider the expediency of adopting similar plans for the Northern

Circars, including the Jaghire and the Ceded Districts." This was written in 1795, but at this time the Board were hardly prepared to recommend the perpetuation of the settlement; they required time for the collection of further information; and it was not until 1799 that they reported to the Supreme Government that they were possessed of materials for a permanent Zemindarry settlement. Lord Wellesley, who had by this time succeeded to the Governor-Generalship of India, earnestly supported the plan of his predecessor, and recommended its extension to Madras. The Court of Directors supported the recommendation, and early in 1801 wrote to the Government of Madras that "they had determined to concur in the instructions of the Governor-General for proceeding at once to the permanent assessment of the lands on the coast." A special Commission was accordingly appointed to carry out these instructions, and between the years 1802 and 1804 the northern districts of Madras were permanently assessed.*

Thus were the principles of the Permanent Zemindarry Settlement applied to that tract of country, under the Madras Presidency, which first passed into our hands. The country, too, around Madras, known as "the Jagheer," which had been obtained from the Newab of Arcot, partly in 1750, and partly in 1763, in return for services rendered to that state, was at the same time subjected to the same process.† But whilst all these measures for the settlement of the ancient territories of

* The manner of the assessment, in respect of the division of estates, is thus indicated in the Fifth Report. "The lands already in the hands of Zemindars were confirmed to them in perpetuity on the prescribed conditions. The assessment on each Zemindarry necessarily varied according to the local extent. In some it considerably exceeded a lakh of star pagodas; in others it was under 1000 star pagodas. The Havelly lands having been parcelled out into estates of a convenient size,

yielding from 1000 to 5000 star pagodas annual rent, but in some instances more, were sold at public auction, subject to the terms of the Permanent Zemindarry tenure." A pagoda is about 3½ rupees, or 7 shillings.

† "The Permanent Settlement of the Jaghire took place in 1802, the lands having been divided into sixty-one estates, bearing an assessment of from 2000 to 5000 star pagodas, and sold to individuals in the same manner as the 'Havellys' of the Northern Circars.

the Company at Fort St. George were in progress, we were adding new territories to that Presidency, and the question of land-assessment came up again for discussion and decision, in connexion with new countries ceded to us far down in the Southern Peninsula. In 1792, the first war with Tippoo placed a considerable tract of country, which had before owned the Sultan of Mysore for its master, in the hands of the Company. A treaty was signed, which delivered over to the British the Baramahl (or Salem) and the provinces of Din-dighal and Malabar. The second war with Tippoo, which overthrew the only power in Southern India which dared to resist or molest us, added to our territories Canara and Soondah; and in 1801 all the possessions of the Newab of Arcot in the Carnatic were made over to us by that prince. We had now new problems of revenue to solve, new districts to settle.

The Court of Directors, when unfolding their opinions regarding the application of the permanent system to the Madras territories, had pointed out the peculiarities of our new acquisitions in the Carnatic, and had suggested that, as they were not so far advanced in civilisation as the Bengal provinces, they might not be ripe for the reception of the benefits and blessings intended for them—that indeed “any attempt to introduce a regular system of order or just sentiments respecting the value of permanent rights, would be idle and nugatory till their minds were to a certain extent prepared to feel the importance of these benefits.” The success which had attended our efforts to establish a fixed system in the Northern Circars had not been sufficient to encourage us to extend the experiment to the new lands obtained by cession and conquest in the Southern Peninsula. We

The data on which the land-tax, payable by the Zemindars to Government, was calculated and determined, were the actual state of the resources and

certain accounts of the produce and gross collections in preceding years.”—
[*Fifth Report.*]

found, too, that a different description of landed tenures had existed under the native governments; and we had always endeavoured to assimilate our system of revenue collection to that which had presumedly obtained before our assumption of the fiscal management of the country. Moreover, on the cession of these tracts of Tippoo's old country, the duty of settling the ceded districts had been entrusted to a class of men very different from those who had carried out the settlement of Bengal and the Northern Circars. It was entrusted—not to the Company's civil servants, but to a little band of soldiers, who brought to this new work more zeal than knowledge, more honesty than experience, and who, whatever may be the opinion entertained of the result of their labors—whether it be determined that they carried out “a system which ensures, at the same time, the just dues of the Government and the just rights, not of a new-made Zemindar, but of an industrious peasantry,”* or one which has “resulted in the impoverishment of the country, the people, and the Government itself”†—still deserve all honor for the benevolence of their intentions, the singleness of their aims, and the unwearying perseverance with which they prosecuted their labors.

At the head of the Commission first appointed in 1792 was Captain Read, an officer who had been for some time employed on the staff of the Madras army, and who had exhibited great aptitude for business as well as an intimate acquaintance with the language and manners of the people.‡ With him were associated three junior

* *Calcutta Review*, vol. xvii. Article: “The Land Revenue of Madras”—a very valuable and interesting paper, compiled principally from manuscript records. I am indebted to it for many of the details contained in this chapter.

† *H. St.G. Tucker*.

‡ The following is Munro's account of the man at whose feet he sat as a revenue student: “Read is no ordinary character. He might, in Mysore, have amassed as much money as he chose,

and by fair means too; but he was so far from taking advantage of his situation for this purpose, that he even gave up his bazaar and many other perquisites of his military command, and received nothing but his prize-money and commission, which altogether, I believe, amounted to about 6000*l*. Whatever I might have done, had I been left to myself, I could get no pickings under such a master, whose conduct is invariably regulated by private honor and the

officers, Macleod, Graham, and Munro—a name which has become inextricably associated with all our ideas of the land-revenue of Madras. “Our only system,” said Munro, “is plain hard labor.” “We have only to guard the Ryots from oppression, and they will create the revenue for us.” But in these days, when so much has been written about different systems of Land-revenue, the working of all of which involves no inconsiderable amount of “plain hard labor,” it is necessary to adopt a more specific style of description. The system was that which is now (under fuller development) known as the “Ryotwar system.” It recognised the Government as proprietor of the soil, and undertook to determine the rights of every man who paid a single rupee to the Sircar. It was a settlement to be made directly with the Ryots themselves; and its object was to protect the interests of the actual cultivators of the soil.

It was, however, in the first instance only an experiment. What Read and his associates did, at this time, was not to determine a system, or to settle the future mode of assessment, but to collect information and to ascertain rights, with a view to ulterior measures. How they proceeded has been detailed by Munro himself. “Captain Read,” he wrote in 1794, “in order to be enabled to turn his attention to general arrangements, has divided the ceded countries, among his assistants,

public interest. These, and unwearied zeal in whatever he undertakes, constitute the great features of his character. The enthusiasm in the pursuit of national objects, which seizes others by fits and starts, is in him constant and uniform. These qualities, joined to an intimate knowledge of the language and manners of the people, and a happy talent for the investigation of everything connected with revenue, eminently qualify him for the station which he now fills with so much credit to himself and benefit to the people.”—[*Gleij's Life of Sir Thomas Munro.*] The writer in the *Calcutta Review*, quoted above,

says: “If any further testimony were necessary to the indefatigable zeal and pure unaffected philanthropy of this excellent man, the whole of the public records and the traditions of the district afford it in ample abundance; and there is something peculiarly interesting in comparing in these local records, the speculative views, the imperfect sentences, and even the imperfect spelling of this pioneer in Indian Revenue, with the clear and decisive views, the transparent style, and the strong practical decision of the pupil then rising into fame.”

“into three divisions.* These are again subdivided into ‘Tehsildarrees,’ few of which are under ten or above thirty thousand pagodas.† The Tehsildars, who have charge of them, are mere receivers of the Revenue, for they cannot either raise or lower the rent of a single individual. They are not permitted to give any decision, unless on matters of the most trifling nature—to refer all disputes respecting property to a Court of Arbitration, to order the members of such Courts to assemble, to receive the kists (instalments) from the head farmers of the villages, and the accounts from the village accountants, and to transmit them to the collector of the division, is the whole of their duty. Every Tehsildarree is farmed out in villages to the ‘gours,’ or head farmers, who, having the management of the details of cultivation, may be considered as renters of the country, though they are in fact answerable only for the amount of their own particular lands, for the whole inhabitants are jointly answerable for the Revenue of the village, which is seldom less than ten pagodas, or more than one thousand. Every man, who pays a single rupee to Government, has the rent of his land fixed by the division collector, for which he has a roll, signed by him, specifying the nature and quantity of it, and the periods of payment. As the gour can demand no more than the stipulated rent, he can, of course, gain nothing by the Ryots, and as every man enjoys the profits of his own lands, it is for these reasons that the whole are made jointly responsible for the deficiency.”‡

Such, as described by Munro, were some of the main features of the system as our Government found it,§

* Munro, Macleod, and Graham.

† That is to say, the amount of the revenue raised from each was seldom under 10, or above 30,000 pagodas.

‡ *Captain Munro to Captain Allen, June 8, 1794.—Gleig's Life of Munro.*

§ “Hyder's system of finance was much the same as under all other native

and as it was now to be experimentally continued. But the young officer clearly saw that there was a vital defect in it, which it was incumbent on the new Government to remedy. "The exertions of industry," he wrote, "have always been restrained by the demands of Government keeping pace with their profits, and often outrunning them."* It was in obviolation of this very evil that the Bengal administrators had introduced the Permanent System into the Soubahdarry; and Munro gave his evidence, indirectly but emphatically, in favor of that system, when he wrote: "The ceded countries have, however, many natural advantages, and are capable of great improvements. The first step for the attainment of this object must be the settlement of the lease at a moderate rent, for all attempts to better their situation will be in vain as long as the land-tax is not only high, but arbitrary." It would have been well if, a few years afterwards, this truth had been held more distinctly in remembrance.

This, indeed, was the principle that Read enunciated, and on which he desired that the settlement should be based. "Correspondent with my original design," he wrote, "you will find my grand objects are these: The securing the Revenue its dues, to the industrious their fair advantages, and to all the inhabitants every accommodation consistent with good policy." There was obviously at that time some leaning in his mind towards the Permanent System so much favored in

governments; he rented the country in large districts to Amildars, who were pretty regular in their payments, because the terms were favorable; but, besides collecting the public revenues, they amassed large sums for themselves. . . . Tippoo began his reign with changing every civil and military arrangement of his father, and he changed his almost every year, and always on these occasions framed new codes of Regulations to send to different pro-

vinces. His last was much the same as we have now in the Ceded Provinces."—[*Capt. Munro to Capt. Allen, June 8, 1794.*—*Gleig's Life of Munro.*]

* "The tanks are few," he added, "and having been neglected ever since Hyder made himself master of Mysore, are in so ruinous a condition, that it will require a considerable sum to save the present produce of the land beneath them from being lost altogether."—[*Ibid.*]

high places, both in India and in England; but he was a man much given to speculation, and he was little disposed to pronounce a decisive judgment in emphatic support of one kind of assessment or another. He called upon his assistants to expound their views, and they all responded to the call. Munro sent in a lengthy and elaborate paper, which has never yet been given to the world, reviewing the whole question of Ryotwaree Settlement, and pronouncing a strong opinion in its favor. The plan—he wrote in conclusion, summing up the practical suggestion, each one of which is powerfully elaborated in the body of the letter—“The plan,” he wrote, “which it appears to me would be best calculated to secure to the people the fruits of their industry, and to Government a permanent Revenue, is comprised under the following heads :—1. A reduction of 15 per cent. to be made on the lease settlement. 2. The country to be rented immediately of Government by small farms as at present, every one receiving just as much land as he demands. 3. Settlements to be annual; that is to say, every man to be permitted to give up or take whatever land he pleases every year. 4. Every man to have a part, or the whole of his lands on lease who wishes it : and in order to encourage the application for leases, all lands held under annual tenures to be taken from the occupants and given to such other farmers as may demand them in lease, or their paying to Government, as purchase-money, one year's rent for any particular field, or one half year's for the whole farm. 5. Villages and districts to be responsible for all individual failures. 6. All lands included in the lease should remain invariably at the rent then fixed after the proposed reduction of 15 per cent. 7. All lands, not included in the lease, should be rented at the average of the village to

“ which they belong. 8. Lands included in the lease, “ being given up and allowed to lay waste, for any “ number of years, should, when again occupied, pay, “ the very first year, the full rent as before. 9. All “ castes, whether natives or aliens, to pay the same “ rent for the land. 10. No additional rent ever to be “ demanded for improvements—the farmer, who by “ digging a well, or building a tank, converts dry land “ into garden or rice-fields, to pay no more than the “ original rent of the ground. 11. No reduction of “ the established rent ever to be allowed, except “ where the cochineal plant, mulberry, &c., are cultivated.”*

This was the plan conceived by Munro, when an assistant to Colonel Read, in the Baramahl—but although, in those days as now, there was a good deal of lengthy writing, there was no lack of working too; and the materials for the settlement were being collected apace. “The Baramahl has now been completely surveyed, and the rents of it fixed,” wrote Munro, in September, 1798. “They are on an average nearly what they were under Tippoo. The inhabitants paid the same then as now; but the deficiency of his receipts arose from the peculations of a host of revenue-officers. The rent here, as I believe in every other part of India, is too high.”† The rent was certainly too high in Madras, for Colonel Read ascertained and reported, that whilst in Bengal the rent paid to Government amounted to forty-seven pagodas the square mile, in Madras it was not less than *seventy*. “The increase to the public revenues,” wrote Graham to his chief, “has been obtained in consequence of Government having added thereto that portion of the

* *MS. Records, quoted in the Calcutta Review*. It is to be regretted that the author of this able and interesting paper has not, in all instances, given

the dates of the original documents which he quotes.

† *Gleig's Life of Sir Thomas Munro*.

produce which is the life of future exertions in husbandry, and, as a compensation for a variety of disasters peculiar to the country, ought undoubtedly to go to the former. Upon this view of the subject, although it may be deemed unusual official language, yet I hesitate not to regret every pagoda that has been thus added to the jumma, because I am sensible of its evil tendency, and because I have ever been taught to believe that the affairs of Government flourish in proportion to the prosperity of its servants."* The assessment, too, varied greatly in the different divisions. The average assessment per acre was, on the dry lands, in the Southern Division, two rupees; in the Centre, one and a half; and in the Northern, one. On the wet lands, it was in the Southern Division, eleven; in the Centre, six and a half; and in the Northern, five and a half rupees.† The average rent may be set down at little more than three shillings an acre on the common soils; and the average contribution of each farmer was about seventy shillings a year.‡

Whilst the revenue settlement of the lands ceded to the British, after the war of 1792, was still in an experimental state, the field of investigation was greatly enlarged by the results of the second war with Tippoo. Our possessions in Southern India were extended by the conquest of Mysore in 1799. Read and Munro both joined the grand army. After the fall of Seringapatam, the former resigned his office, as chief collector of the Baramahl; and Munro, who ought to have succeeded him, was sent to settle the revenue of

* *Records quoted in Calcutta Review.*

† *Calcutta Review.*

‡ "The average rent of cultivated land in this country is not more than three shillings an acre. Waste lands pay nothing. . . . The average rent of the whole body of farmers is not more than ten pagodas each. . . . This extreme poverty is the principal cause

of the lowness of the rent, and not any fault of the soil; for at least three-fourths of the lands in cultivation are capable of producing cotton, sugar, and indigo; but though the Ryots have little money, I imagine that they suffer less real distress than the peasantry of Europe."—[*Munro to his Father, May, 1796.*—*Gleig's Life.*]

Canara. The appointment was unwelcome—the duties were irksome to him—but he was soon removed to another and more extended sphere of action. In 1800, the country, which on the partition of Tippoo's domains had been made over to the Nizam, was ceded by him to the British; and on the districts passing into our hands, Munro was made chief collector, or superintendent, with a staff of civil assistants to conduct the detail duties under his eye.*

It was during the seven years that followed the cession of these districts that Munro perfected himself in the science, in which he had graduated under Read. And whatever may be thought of the theories which he advocated, all men will admit that, in practice, he was the model of an Indian administrator. He was one of the first who, in that part of the country, carried to the work of revenue-settlement a thorough acquaintance with the language and manners of the people. He was, in the happy language of Mr. Webbe, an *undubashed* officer—one who moved about familiarly among the rude villagers without an interpreter at his elbow, and who not only knew and understood all classes, but had a heart to sympathise with them. They looked up to him with veneration; called him their father; and whatever might be their condition, knew that he would respect their rights. From year's end to year's end he toiled on unremittingly, scorning delight and living laborious days, but, in the weariness and waste of a life of continued labor and isolation, in an unhealthy climate, preserved in all his early freshness and warmth, by the good home

* That excellent man, Mr. Webbe, the chief secretary of Madras, of whom Wellington said that he was one of the ablest men he ever knew, wrote to Munro, "The assistants may be Mr. Cochrane, Clive's head-assistant, who is master of Persian and Hindostanee;

Mr. Thackeray, who has received the reward for the Gentoo language; Mr. Stodart, who has been for a long time assistant to one of our northern collectors; and some other *undubashed* Persian if I can find him."

feeling which was perpetually bubbling up within him. His strong natural sagacity was remarkable. He read character at a glance. But he had more valuable qualities even than these. It was the conscientiousness of the man which raised him to high station. No man—not even the great captain, who was the friend and correspondent of “dear Munro,” and who wrote him pleasant letters about his first victory at Assye—had a stronger sense of the paramount claims of duty. The character and career of such a man should be held in affectionate remembrance by every young soldier in the Indian army. There is not one of them whose unaided talent, industry, and integrity, may not raise him to the same high eminence as was attained by the young Scot, who began his career without a pagoda in his pocket, a blanket to cover him at night, or a pillow whereon to lay his head. His schoolfellows said of him that, as a boy, he carried everything before him, by “his coolness, his courage, and his unequalled endurance.” The same characteristics, in the moral, no less than in the physical signification of the words, made the fortune of the man. And there is not a cadet who joins in the general salute, on the examination day at Addiscombe, for whom the due exercise of the same high qualities may not win the same high reward.

For seven years Munro labored diligently and unceasingly in the Ceded Districts. He has given us, in his own clear, forcible words, an account of the labors of a collector, and of the general system of collection in the Ryotwaree country, which sparkles up, fresh and bright, amidst a somewhat dreary waste of “Revenue Selections,” and makes the whole process of assessment intelligible to the dullest understanding. “The collector,” he wrote, “sets out on his circuit in “September or October, when the early crops begin to be

“ reaped, and the late ones to be down. On arriving in a
“ district he assembles all the Ryots of the four or five
“ nearest villages. The first business is, to learn how
“ far the cultivation of the present year is more or less
“ than that of the last. This is soon done, by the help
“ of the Tehsildars’ and Curnums’ accounts, compared
“ with the reports of the Potails and Ryots. Where
“ there is a decrease it is commonly owing to deaths,
“ emigrations, or loss of cattle. Where there is an
“ increase, it is usually derived from new settlers, or
“ additional lands being occupied by the old ones. In
“ the case of decrease, the rent of the lands thrown up
“ is deducted from the settlement of last year; in that
“ of increase, the rent of the land newly occupied is
“ added; and in both cases the rent of the remaining
“ lands remains the same as before. The rent of the
“ land newly occupied is determined by the accounts
“ of what it was in former times; or, if such accounts
“ cannot be procured, by the opinions of the most in-
“ telligent Ryots: but the full rent of waste land is
“ not exacted until it has been in cultivation from two
“ to seven years. The number of years, and the gra-
“ dational rise in each year, depend upon the nature
“ of the land and the custom of the village. They are
“ known to all parties; and all doubts are removed by
“ their being detailed in a proclamation, or cowle
“ namah, under the collector’s seal, circulated to every
“ village.

“ If the cultivation is the same as last year’s, and
“ no failures occur among the Ryots, the rents remain
“ unaltered. If the crops are bad, and it appears that
“ some of the poor Ryots must have a remission, the
“ loss, or a part of it, is assessed upon the lands of the
“ rest, where it can be done without causing any ma-
“ terial inconvenience. This assessment never exceeds
“ ten or twelve per cent., and is much oftener relin-

“quished than carried into effect. In cases where it can be easily borne, it is frequently agreed to without difficulty; and if opposition is made, it is generally soon got over, by the mediation of the Ryots of the neighbouring villages present. These discuss the point in question with the Ryots of the objecting village, tell them that it is the custom of the country, use such other arguments as may be applicable to the subject, and never fail in persuading them to accede to the demand, unless it is really too high, in which event it is lowered.

“Wherever individuals or villages object to their rent, it is always the most expeditious and satisfactory way of settling the dispute, to refer it to the Ryots of other villages, who do more on such occasions in half an hour than a collector and his cutcherry in a whole year.”

All this, however, was merely experimental. The question of the eventual settlement of these districts remained still in abeyance. But experience had strengthened Munro's convictions; and the plan which he had recommended, as the disciple of Read, in the Baramahl, was now, with some modifications, more authoritatively enunciated by the chief collector of the Ceded Districts. Writing, in August, 1807, to the Board of Revenue, Munro thus particularised the terms of his proposed Ryotwaree Settlement—“The following articles contain the principles on which the settlement should be formed:—1st. The settlement should be Ryotwaree. 2nd. The amount of the settlement shall increase and decrease annually, according to the extent of the land in cultivation. 3rd. A reduction of 25 per cent. on all land shall be made in the survey rate of assessment. 4th. An additional reduction in the assessment of 8 per cent., or 33 per cent. in all, shall be allowed on all lands

“ watered by wells, or by water raised by machinery
“ from rivers and nullahs, provided the cultivators
“ keep the wells or embankments (dirroas) in repair
“ at their own expense. A similar reduction shall
“ be allowed on the lands watered by small tanks,
“ wherever the cultivators agree to bear the expense
“ of repairs. 5th. Every Ryot shall be at liberty, at
“ the end of every year, either to throw up a part
“ of his land, or to occupy more, according to his
“ circumstances; but whether he throw up or occupy,
“ shall not be permitted to select, but shall take or
“ reject proportional shares of the good and bad together. 6th. Every Ryot, as long as he pays the rent
“ of his land, shall be considered as the complete
“ owner of the soil, and shall be at liberty to let it to
“ a tenant, without any hesitation as to rent, and to
“ sell it as he pleases. 7th. No remission shall be
“ made, on ordinary occasions, for bad crops or other
“ accidents. Should failures occur, which cannot be
“ made good from the property or land of the defaulters, the village in which they happen shall be
“ liable for them, to the extent of 10 per cent. additional on the rent of the remaining Ryots, but no
“ further. 8th. All unoccupied land shall remain in
“ the hands of Government, and the rent of whatever
“ part of it may be hereafter cultivated, shall be added
“ to the public revenue. 9th. All taxes on houses,
“ shops, and professions, all duties, licences, &c., shall
“ belong exclusively to Government. The Ryot on
“ whose land houses or shops may be built, shall not
“ be entitled to receive a higher rent from them than
“ the equivalent of the survey rent of the ground
“ which they occupy. 10th. The repairs of all tanks,
“ which are not rendered private property by an extra
“ remission, or *duswundum enam*, shall be made at the
“ expense of Government. 11th. Tuckavy (advances)

“ shall be gradually discontinued. 12th. Potails, Cur-
“ nums, and all other village servants, shall remain as
“ heretofore, under the collector. 13th. Private credi-
“ tors, who may distrain the property of Ryots, shall
“ discharge the rent which may be due from such Ryots
“ to Government, and shall give security for it before
“ they begin the distraint.”

But this Ryotwaree system, to which Munro clung with the tenacity of a man of strong convictions, was doomed to see many remarkable vicissitudes before it achieved an ultimate triumph. In the first instance, he who had graduated as a revenue-officer in the Baramahl, and there first propounded his scheme of assessment, was condemned to see that tract of country given up to the Permanent Zemindarry system. Imperative orders were forwarded from the higher authorities to carry out the Bengal plan of perpetual assessment. In the years 1803-4-5 these lands were divided into Zemindarries, or allotments, of different sizes, and sold upon terms fixed in accordance with the original settlement. “ The extent of the available resources of each Zemindaree was shown from the original surveys, under the heads of cultivated, fallow, and cultivable lands.”* But these surveys had been somewhat loosely conducted. There was an entire want of uniformity in them, except in one particular—that all the lands were more or less over-assessed. Upon the introduction of the Permanent Zemindarry system this became miserably apparent. The new settlement, of course, was a failure—not because the system was bad in itself, but because it was applied to districts not prepared for its reception. It failed, indeed, because the early Ryotwaree men had greatly over-assessed the lands, and no system could have borne up against such an exorbitant valuation.

* *Calcutta Review.*

In 1807, Munro returned to England. Whatever may be thought of Ryotwaree or Zemindaree settlement, it is certain that during his long residence in the Ceded Districts he conferred substantial advantages on the people. It was said of him by the head of the Madras Government, that "under his administration the inhabitants, from disunited hordes of lawless freebooters, had become as far advanced in civilisation, submission to the laws, and obedience to the magistrates, as any of the subjects under the Madras Government; that every one seem satisfied with his situation, and that the regret of the people was universal on the departure of the principal collector."* He had been thinking of Cleveland, who had "established the Company's Raj in the hearts of the hill-people of Bhaugulpore"†—whose name, after the lapse of half a century, is still held in affectionate remembrance by the people of that country, and to whom even now the Court of Directors often refer, with approbation, in encouragement of others of their servants whom they desire "to do likewise."‡

Of the general results of Munro's Ryotwaree settlement two or three years after his departure from India, the Committee of the House of Commons, in their Fifth Report, expressed a most favorable opinion.§ But he had scarcely turned his back upon

* *Minute of President of Fort St. George, Oct. 26, 1807.*

† Writing from Canara of the distrust of the villagers, he said: "Perseverance on my part, however, brought over some deserters, and by talking to them as your friend Cleveland would probably have done, they brought over more, and I am now getting on as well as I can expect."—[*Munro to Cockburn. — Gleig's Life.*]

‡ See letters of the Court, quoted in subsequent chapters, on the Civilisation of the Bheels and the Hill Tribes of Orissa—Part IV.

§ "It appears to the Committee, from

the examinations which they have made into the effects of the Ryotwar principle of settlement, throughout the modern possessions of the Company under the Madras Presidency, that it has greatly improved the situation of the cultivator by limiting the bounds of the public assessment and adjusting the actual demand on each person according to his ability to satisfy it. . . . So favorable a change in their condition has necessarily excited a confidence among the Ryots in the equity and justice of the Company's government," &c., &c.—[*Fifth Report of the House of Commons, 1810.*]

Madras, when instructions were received by the Government of that presidency, which compelled them to abandon the principle for which Munro had contended. The system of individual responsibility, which brought each separate cultivator into immediate communication with Government, was now to be given up; and the old system of joint responsibility, or the assessment of villages, was, under certain modified rules, to be restored.

This was a system of leases granted, for a certain number of years,* to the chief cultivator of each village, who was to farm the revenue, or wherever it was practicable to the whole body of the Ryots collectively. "It differed from the Ryotwar chiefly in the assessment being fixed on the entire aggregate lands of the village, not on each distinct and separate field; in its being concluded with all the Ryots collectively, not with each individually; and in its giving up to the Ryots not only the revenue to be derived from the arable lands, but that also to be obtained by after exertion from the waste also. In fact, in leaving, in consideration of a contract to pay a given sum as public revenue, the entire internal administration of affairs to the village community."†

"The object in view," continue the same high authorities, "was to adapt the revenue administration to the ancient institutions and ancient usages of the country, to which the Hindoos are proverbially attached; to suit the system to the people, and not to attempt to bend the people to the system." And there were practically many advantages in such an arrangement, not the least of which was that stated by Mr. Place, that "no difficulty occurs in fixing the value of all the lands together of one village, but it would be

* First for three, then for ten years. *January 5, 1818. — Madras Revenue*

† *Minute of Madras Board of Revenue, Selections.*

nearly impossible to assign to every small allotment its portion so exactly, and with such due regard to fertility of soil, and other circumstances, that some should not benefit and others suffer." At all events, it did not to the same degree, if at all, place the people bound hand and foot at the mercy of unscrupulous Tehsildars.

I cannot afford to dwell, as I could wish, upon the discussions which arose respecting the advantages and disadvantages of this village system. I am greatly disposed to think that the Madras Board of Revenue, who contended strongly in its favor, had the best of the argument. But they had not the best of the struggle which then ensued. The higher authorities were against them. Munro's visit to England had probably not been without its effect upon the opinions of the Court of Directors and the Board of Control; and towards the close of 1817 instructions were received at Madras for the abolition of the village system, and the confirmation in all practicable cases of the plan of Ryotwar Settlement, with individual holders. It was alleged that the village system had been tried and had failed. The highest revenue authorities declared that it had not been subjected to a fair trial, and that it had not failed. They alleged, too, that the home authorities had decided hastily on insufficient evidence. "The judgment," they wrote, "which has been pronounced in England against the village system, is founded on a very partial and unfavorable view of its results; for it does not appear that the authorities at home had, at the time when that judgment was passed, any information before them respecting any other portion of it than its commencement, the triennial settlement."* And they urged

* *Minute of Madras Board of Revenue, January 5, 1818.*

that the result of that settlement was no test of the success or failure of the system, inasmuch as that the lands had been subjected to an over-assessment, "founded upon the fallacious data of the Ryotwar collections." "In fact, it was nearly everywhere," they said, "a mere rack-rent."

But the Ryotwar system was in favor at home, and orders were sent out for its re-introduction, in all possible cases, under certain modifications prescribed by the Court. At this period, the different districts of the Madras Presidency were subject to three different systems. In Ganjam, Vizigapatam, Rajahmundry, Masulapatam, Gunttoor, Salem, Chingleput, the Cuddalore district, and the Western, Southern, and Chittoor Pollams, the Permanent Zemindarry system prevailed. In Malabar, Canara, Coimbatore, Madura, and Dindigul, the Ryotwar system was in force. Into the Ceded Districts, Nellore, the two divisions of Arcot, Palnaud, Trichinopoly, Tinively, and Tanjore, the village system had been introduced. For a quarter of a century now under the Madras Government a series of experiments in land-revenue had been going on. One system had been displaced to make way for another ; each had been tried in turn, and it was alleged that in turn each system had failed. They had all failed, more or less, because the lands had been over-assessed. They had none of them been fairly tried under a light assessment.

But there were evils peculiar to the old Ryotwar system, which its own advocates acknowledged, and which now, from the new modified system, were to be erased. Indeed, under the force of circumstance and the mutations of time, they had pretty well erased themselves. The introduction, in 1802, to the Madras Presidency, of the Cornwallis regulations, which "en-

grafted on the Indian codes the principles of British justice," rendered the arbitrary and illegal acts* which were perpetrated for the enforcement of the Ryotwar system no longer practicable. "The new Regulations," it was well said, "declared revenue to be subordinate to justice, while the Ryotwar system had rendered justice entirely subordinate to revenue." "The new laws," it was added, "by their general principles, and not by any specific enactment, took from the native revenue-officers the power to 'punish and confine,' which they had exercised to coerce the Ryot to cultivate, and annually to take from him all that he was able to pay."† Under the improved

* What these arbitrary and illegal acts were, may be gathered from the following, which the Madras Board declare to be "no exaggerated description:"—"Ignorant of the true resources of the newly-acquired countries as of the precise nature of their landed tenures, we find a small band of foreign conquerors no sooner obtaining possession of a vast extent of territory, peopled by various nations, differing from each other in language, customs, and habits, than they attempt what would be deemed a herculean task, or rather a visionary project, even in the most civilised countries of Europe, of which every statistical information is possessed, and of which the Government are one with the people—viz., to fix a land-rent, not on each province, district, or country, not on each estate or farm, but on every separate field within their dominions. In pursuit of this supposed improvement, we find them unintentionally dissolving the ancient ties, "the ancient usages" which united the republic of each Hindoo village, and by a kind of agrarian law, newly assessing and parcelling out the lands which from time immemorial had belonged to the village community collectively, not only among the individual members of the privileged order (the Meerassidars and Cadeems), but even among their inferior tenantry (the Pyacarries); we observe them ignorantly denying, and by their denial abolishing private property in the land; resuming what belonged to a public

body (the Grama manium), and conferring in lieu of it a stipend in money on one individual; professing to limit their demand on each field, but in fact, by establishing for such limit an unattainable maximum, assessing the Ryot at discretion; and, like the Mussulman Government which preceded them, binding the Ryot by force to the plough, compelling him to till land acknowledged to be over-assessed, dragging him back to it if he absconded, deferring their demand upon him until his crop came to maturity, then taking from him all that could be obtained, and leaving to him nothing but his bullocks and his seed grain—nay, perhaps obliged to supply him even with these in order to renew his melancholy task of cultivating, not for himself, but for them."

† *Madras Board of Revenue.*—And how this was done may be gathered from the continuation of the passage describing the good effects of the Cornwallis Regulations:—"The Tehsildar was stripped of the *hetticole* or hand torture, the stone placed on the head under a burning sun, the stocks, and other of his former insignia of office, by the display and occasional use of which he had been enabled to saddle the Ryots with the rents of such lands as he deemed proper. The lictor deprived of his fasces was no longer terrible to the people." This is a worthy illustration of the progress of British justice. We wonder now how anything of the kind could ever have existed.

Ryotwar system this mighty oppression was now to be formally repudiated and renounced. All compulsion or restraint on the free labor of the Ryot was to cease under the new system, and the native revenue-officers were to be especially warned against the assumption and exercise of improper power. Freedom of labor was declared by the Court of Directors to be the basis of the new settlement, and the Madras Board of Revenue enforced upon the collectors the paramount duty of restraining their native underlings, and protecting the liberties of the people. Under the new system, too, proprietary rights were to be recognised, which had not been recognised before; and, above all, the heavy assessment, which had pressed so severely on the industrial energies of the Ryots, was to be considerably reduced. The orders of Government were "to fix such a rate of assessment" as was calculated to "give encouragement to agricultural industry, and thereby promote the general prosperity of the country."

All the necessary preliminaries having been gone through—the village leases having expired—many of the new Zemindarries, or "Mootahs,"* having lapsed, or been bought in, the improved Ryotwar system was declared to be established in Madras; and Munro himself, who had been appointed to the chief place in the Government, took his seat just in time to give the finishing stroke to the act of final restoration. In the spring of 1820, the Ryotwar system was formally enthroned at Madras.

It would appear, on an impartial review of all the circumstances I have here briefly recited, that many of the defects of the original Ryotwar system, as founded at the close of the last century by Colonel

* That is, the allotments into which introduction of the Permanent Settlement.—See *ante*, page 220.

Read, and since developed and maintained by Sir Thomas Munro, have been to a great extent remedied or removed under the system which is now in force. The old system was generally better than that which we found on assuming the government of the ceded districts. Read and his assistants may have made many mistakes, and the subordinate revenue-officers, doubtless, committed many excesses. But, compared with the oppression to which the people had been subjected under the Mysore princes, the defective administration which resulted from our infant experiments must have sat lightly on the people. That these experiments, though carried on in good faith, and with the most benevolent intentions, by very honest and very able men, were extremely faulty in principle and unsuccessful in result, is not to be denied. It was wholly impossible, not merely for a little knot of soldiers, fresh from their military duties, but for thrice the number of experienced revenue-officers—the “crack collectors” of the present day—to have adequately superintended the assessment of the immense number of small holdings into which each village was parcelled. Every field was to be assessed; and these multiplied assessments were necessarily left to the “Tehsildars,” or native revenue-officers—an extremely corrupt and licentious set of men, who plundered the people without stint, and oppressed them without remorse. The assessments made, under the circumstances, were extremely unequal; but excessiveness was their general character. These excessive assessments were the curse of the country. They brought everything to ruin. First one system was tried—then another. But over-assessment brought them all to the ground. It can not be said, that under the Permanent Zemindarry settlement, Bengal is over-assessed.

Such would seem to have been the causes of the failure of all our initial efforts during the first quarter of a century of experiment. But it is only just that we should separate what may be called accidental circumstances of this kind from the inherent defects of the system. Over-assessment, it may be said, is one thing—the Ryotwar system is another. But I am not sure that it may not be fairly answered, that although over-assessment is not an inherent defect of the system, it is the result of one of its defects. If the land is not fairly assessed, it is pretty certain to be over-assessed. There is little fear of the valuation falling short of the mark. Now, the principal feature of the Ryotwar system is the multiplication of holdings; and the greater the number of rights to be adjusted, the greater the chance of their not being fairly adjusted. In this point of view, the over-assessment, from which so much evil arose, was a result of the system. But it was so far accidental, that it was remediable. It was not necessarily inseparable from the system. It might be eradicated by an equitable revision. The assessments may be rendered less burdensome, and it is to be hoped that the people will soon reap the benefit of the change.

The grievance of enforced tenancy—of the compulsory occupation of undesired lands—under which the Ryots were for some time compelled to suffer, was a pure abomination. The practice was never openly recognised, and it is to be hoped that the European officers were never cognisant of it. It arose out of a state of things peculiar to the Ryotwar settlement; for the great division of responsibilities—the minute parcelling of the territory—necessarily caused a run upon the good lands, and exposed Government to the risk of having all the indifferent soil thrown upon their hands. When it was resolved that this cruel, most

outrageous system should be openly suppressed, the chief revenue authorities, though eager for its suppression, could not help admitting this practical evil, and acknowledging that the result of the reform would be injurious to our finances. But they declared that it was thenceforth "to be clearly understood that the revenue is to continue, as at present, subordinate to justice." It needed that nothing more should be said to give the death-blow to every argument in favor of the old Ryotwar settlement, than that it could not exist coterminously with an improved system of justice.

Another inherent defect in the system of annual settlements was, that it gave the tenant no proprietary interest in his improvements—that under such an arrangement every man, who by his own industry or enterprise had increased the productiveness of the soil under his cultivation, was liable at the end of the year to pay the penalty of his exertions in the increased assessment of his lands. But an evil, at once so unjust to the cultivator, and so disadvantageous to the great Government landlord, was not likely to be perpetuated by administrators who, as time advanced, took progressively more sound and more liberal views alike of their interests and their duties. I believe that under the modified Ryotwar system of 1820, some efforts have been made to remedy this evil, and to give the cultivator a proper interest in his improvements. In 1834, a series of questions was proposed by Lord William Bentinck to some of the principal revenue-officers of Madras, relative to the working of the Ryotwar system. Among these questions was the following: "If a Ryot improves a field that has always been in his occupancy, by making a well, or by other extraordinary application of capital, is his assessment increased, and if increased, is the increase either not immediately taken, or so moderate as to give him an