HISTORY

OF THE

BRITISH EMPIRE IN INDIA.

CHAPTER XXIX.

It might have been expected that the arrangement of the conflicting claims of the East-India Company and the ministers of the Crown, which took place in 1833, would have been followed by, at least, some brief period of repose; but such was not the fact. Early in 1834, an application on the part of the Crown was made to the Court of King's Bench for a mandamus to compel the Court of Directors, "under the Act of 1793,* to transmit certain despatches to the East Indies, they having been directed to do so by the Board" of Commissioners for the Affairs of India. These despatches related to the claims made upon the King of Oude

* The Act of 1833 (except in a few instances, which did not include the case in question) was not to come into operation till the 22nd April, 1834. That of 1813 was silent on this subject.
on the part of some of those unprincipled plunderers with whom India abounds, and who hover over misgoverned native states with the instinct under which birds of prey follow the march of armies. To those acquainted with the modern history of India, it will be unnecessary to state that Oude, like Arcot and Tanjore, afforded an ample field for the exercise of the arts of these persons. Though nominally subjected to a regular government, its state was actually that of anarchy. Its princes were generally needy, and its people always oppressed. The Vizier, Asoph-ul-Dowlah, like his brethren around him, was frequently in want of money to afford him the continued means of sensual gratification or ostentations display, and, like them, he was beset by hordes of rapacious men, anxious to minister to his necessities, with a view to enriching themselves at the expense alike of the prince and his subjects. The embarrassed Vizier accepted the assistance of the friendly usurers, and dispensed his bonds in acknowledgment of its receipt with truly oriental munificence. Had these securities been satisfied in due course, the Vizier would have set an example altogether new in India. He did not thus violate the principles upon which Eastern rulers ordinarily administer their pecuniary affairs. All experience warrants the assertion that his creditors never could have expected that their claims should have been satisfied punctually, and to their full extent; and it may be regarded as quite certain that, had the Vizier thus agreeably exceeded their expectations,
he would not less have exceeded the measure of justice. Whether or not any of the alleged debts were altogether fabricated (as was certainly the case in the Carnatic and Tanjore claims), it is beyond doubt that demands, which in their origin might have some colour of justice, were, by those processes with which Indian usurers are so well acquainted, swelled to an amount calculated to excite a feeling of astonishment at the vast mass of rank vegetation springing from so inconsiderable a seed. Some of those processes are intimated in the following extract from the letter of the British resident at Lucknow, in the year 1796, a period when these debts were in the course of manufacture.

"The ruinous system of borrowing appears more and more daily to have been the cause of the general decline of this government. The debt has increased annually by uniting principal and interest, at thirty-six per cent., into new bonds, to which have been added new loans at twelve months, and some at shorter periods; bills bearing discount, tendered in place of ready money for tuncahs on the amils, who again charge interest on the State for anticipation on their kists, while the actual appropriation of the revenues has been involved in the mysterious intricacies of false intercourse with the amils' tuncahs debts, and separate allowances for purposes as confused as the general system of government has been."*

The Vizier, after a time, made an attempt to re-

* Letter from resident to the governor-general, 28th September, 1796.
lieve himself from his complicated embarrassments by recourse to a mode not unusual with Eastern princes: he proposed to compound with his creditors, whom he divided into classes. The division, however, appears to have been guided by no principle having reference to the origin of the debts, or to any other point which might be supposed to give reasonable sanction to such an arrangement. The claims were all tainted by extortion. Some of them, perhaps, were fraudulent altogether, and others exaggerated by fraud; but these considerations seem to have had no influence with the Vizier or his advisers, and the distribution which they made regarded not the character of the claims; it was governed by the birth-place of the parties preferring them, and, it may be inferred, was adopted with the intention of paying as little as possible in any case. The claimants were divided into Europeans and natives: to the former class was offered one rate of composition, to the latter another, more favourable to the prince, and consequently less advantageous to the creditor. Among the native claimants were certain bankers, who refused the reduced dividend tendered to them, claiming to be placed on an equality with the European creditors of the Vizier, and adhered to their refusal. The consequence of their pertinacity was, that they obtained nothing, and it was the protracted wrongs of these unhappy usurers that, after the lapse of nearly forty years, appealed so strongly to the sympathy of one branch of the home government, as to induce that authority to resort to the
Court of King’s Bench for the means of coercing the other.

Asoph-ul-Dowlah died in 1797, the year after the composition with his creditors was effected. To the temporary reign of his supposed son, Vizier Ali, succeeded that of Saadut Ali, the brother of Asoph-ul-Dowlah, and, from the definitive treaty concluded with this prince, any recognition of his obligation to discharge the debts of his predecessor was scrupulously excluded. In the preliminary engagement, there was a provision for the liquidation of the “just debts” of the former Vizier, and, if the claims of the usurious bankers could have been regarded as falling within the category, they might have benefited by the stipulation, had it been upheld. But in framing the definitive treaty this provision was omitted, and the following reason was assigned by the governor-general for its disappearance:—“The obligation contracted by the Nabob, for the payment of the just debts of his predecessor, is altogether omitted, not only as contrary to that principle of non-interference in the claims of individuals which this government has invariably adopted, but from the consideration that the stipulation would involve us in the necessity of inquiring into the justice of all claims, and constitute the Company, in some measure, a guarantee for procuring the liquidation of them, which would be attended with very serious embarrassment.”* The bankers, who had rejected the terms of composition accepted by other

* Minute of Sir John Shore, 5th March, 1798.
native creditors, were thus left, and properly left, to their own unassisted means of inducing a prince, whose master-passion was avarice, to pay debts contracted by another. Their success was such as, under the circumstances, might have been expected, and, probably, such as they deserved. The precise particulars of their claims are incapable of being investigated, but it is notorious that the debt, however contracted originally, had been enormously swelled by charges for interest. The precise rate of interest seems in some measure uncertain, but it was not less than twenty-four per cent. per annum, and probably was as high as thirty-six per cent.—and a claim thus made up would admit of very considerable reduction before those who urged it could be subjected to any actual loss. The claimants had rejected a composition which others had accepted—they hoped to obtain something more, and they found themselves unable to obtain anything. They made an experiment, and they suffered the consequences of its failure. They were dissatisfied, naturally, indeed, though not very reasonably, for it has been justly observed, that "loans at such an exorbitant rate of interest cannot justly be considered in any other light than as gambling transactions." 

* Report of Committee of Correspondence of East-India Company, 31st May, 1822.
lar and safe transaction of business, in which great profit was to be realized, while no extraordinary risk was to be incurred nor any extraordinary difficulty encountered.

But the bankers and their representatives were not disposed to relinquish their claim, however slight the chance of enforcing it. In addition to the applications made to the government of Oude, which it may be presumed were sufficiently numerous and urgent, they submitted, through a course of years, a series of appeals to the British authorities, varying in their tone as in the mode in which they were preferred. These were prosecuted through an avowed agent, * who manifested a degree of zeal and pertinacity which, if he were nothing more than an agent, may be regarded as singular, if not unprecedented. He filed a bill in equity against the Company, but, in little more than a month, applied for an order for its dismissal. He transmitted memorials and addressed letters to the Court of Directors, at one time praying that they would appoint an early period for the satisfaction and discharge of the claim of his constituents—principal and interest, the latter accumulated at the rates already mentioned; at another time, more modestly, imploring that the court would transmit instructions to the government of Fort William to compel immediate payment by the Vizier; and, subsequently, asking, with a further advance in moderation, that the court would record a strong opinion in favour of the claims, and direct

* Mr. G. Prendergast.
the local government to enter into negotiation with
the Vizier on the subject. But the court were in-
exorable; they neither paid the alleged debt, nor
interposed to assist the claimants in recovering it.
In Bengal the indefatigable money lenders were
rather more fortunate. During the administration
of the Marquis of Hastings, an application for the
interference of government on their behalf was met
by a declaration that the case was not one which
could receive the formal support of the British
authorities, but that, notwithstanding, the resident
should be instructed to state the claim to the Vizier,
with the opinion of the Bengal government thereon.
The resident accordingly was thus instructed; he
did, thereupon, state the claim and the opinion, and
recommended that the former should be placed in a
train of adjustment; but the recommendation was
not of a character to win the favour of the prince
then reigning, who was the nephew of the man by
whom the debts were alleged to have been con-
tracted. The Vizier’s reply was unacceptable to the
claimants, but it was at least distinct and open: he
declared that he had neither information nor con-
cern in regard to the subject. And this was the
sole result of the interference of the government of
Bengal. On being apprized of the application and the
answer, the Court of Directors forbade any further
attempts of the like nature being made at the
instance or for the benefit of any parties whatever.
During the period which intervened between the
failure of the application to the Vizier, under the
administration of the Marquis of Hastings, and the adoption of the claim by the Board of Commissioners for the Affairs of India, the agent of the claimants made several abortive attempts to advance the cause of his clients, sometimes by applications to parliament,* sometimes to the Court of Directors. These afford the only additional incidents belonging to the public history of the affair. There was, indeed, a succession of private intrigues scattered over nearly twenty years, all directed to abet the designs of the indefatigable usurers upon the finances of Oude. Some of these rest on evidence which history cannot receive, and the precise means by which the claim, after repeated rejections, found favour at the Board cannot be satisfactorily traced. This was, indeed, a period when the good fortune of those who were desirous of preying upon the people of India was in the ascendant. Only two years before, a bill had been successfully passed through parliament to satisfy the ever-memorable claims of the creditor of the zemindar of Noozeed.† The next year was signalized by an application for a mandamus requiring the Court of Directors to send out a despatch to aid the demands of the firm of

* In 1822, a select committee of the House of Commons was appointed to inquire into the claims; but the committee never reported—a fact little to be regretted, as the value of the recommendations of parliamentary committees appointed to inquire into personal matters is too generally known to allow of their having the slightest weight in any question.

† On this subject, see note on pages 243—246, vol. ii.
Palmer & Co. on the Nizam;* and now a similar measure was taken with regard to claims equally reputable with those which were the objects of parliamentary and ministerial favour in the previous instances. A rule in the Court of King's Bench was obtained by the attorney-general on behalf of the Board, but before the time arrived for shewing cause against it, the views of the Board had, from some motive, undergone a change, and the threatened measure was suffered to drop. The firmness manifested by the Court of Directors, without doubt, led to this result; the utter rottenness of the ground upon which their opponents stood rendering them unwilling to risk further contest with those who had a good cause and the courage to maintain it. Six† directors addressed a letter to the court, avowing their determination not to affix their signature, under any circumstances, to the objectionable despatch. The deputy chairman‡ took the same course. He remarked: "I am quite aware that I am called upon to act ministerially only in signing the despatch of the Board, but there are cases where I cannot act even ministerially. There are obligations superior to that of yielding obedience to a mandamus, and there are acts which cannot be performed without a violation of those principles on

‡ Henry St. George Tucker, Esq.
which all law is founded." The chairman,* though he did not refuse to sign the despatch, stated, with great force and distinctness, his utter disapproval of its object, declaring, "sooner than be responsible for this draft, I would resign my seat." "Every director," he subsequently observed, "is bound to support the Company by his best advice, counsel, and assistance. I acquit myself of that obligation, upon this occasion, by the counsel I have given, and shall continue to give, that the court should use every legal means in their power to prevent the transmission of this most objectionable despatch." Five other directors† recorded their concurrence in the views of the chairman. The patrons of the usurious creditors of the Vizier Asoph-ul-Dowlah found their determination fail at the last moment, and the Court of King's Bench were not moved to make the rule granted absolute. But the attempt to compel the Court of Directors to aid, by their authority, the unrighteous cause was too extraordinary, and had been too public to escape animadversion in parliament. Lord Ellenborough gave notice of a motion in the House of Lords on the subject; and on the 29th of April (the rule in the Court of King's Bench having previously been discharged), he inquired whether the Board intended to persevere. Earl Grey answered, that he believed it was not intended to proceed

* John Loch, Esq.
† W. B. Bayley, Esq.; James Rivett Carnac, Esq. (now Sir James R. Carnac, Bart.); Henry Alexander, Esq.; Richard Jenkins, Esq. (now Sir Richard Jenkins, G. C. B.); Henry Shanks, Esq.
further. Lord Ellenborough, thereupon, put this further question—Upon what ground the determination of the Board had been taken? The premier naively answered, that he did not know. The Lord Chancellor* then interposed, and after a few preliminary remarks, said, "Events have taken place which have quite put an end to the matter in question, and have taken away the whole grounds of the case upon which the proceedings of the Board of Control were founded."† But his lordship did not state what those grounds were, nor what were the events which had taken them away. On the 5th of May, Lord Ellenborough submitted his notice, which was for papers connected with the subject. His lordship, in introducing it, stated his reason to be the desire of preventing a mischievous measure, the attempt to carry which, in one way, had been frustrated from being effected in another. He adverted to the miserable condition of Oude, which he alleged must have been known to the Board, and dwelt on the peculiar inexpediency of selecting such a time for pressing the claims in question. He inquired how the claims were to be pressed—whether by representation only, or whether, if necessary, resort was to be had to force; and he argued that the former course would be vain and fruitless, while the latter was forbidden alike by law and policy. After discussing at some length the origin and history of the claims, he proceeded to speak of the agent‡ of

* Lord Brougham. † Mirror of Parliament. ‡ Mr. Prendergast.
the claimants, whom he represented as more than an agent, it being generally believed—indeed, his lordship said "notorious, that he purchased the whole or part of the private claim of the party in whose name he has appeared." This purchase, he contended, was unlawful by the spirit and letter of the statute* prohibiting British subjects from being concerned in loans to native princes; "therefore," added his lordship, "I say on that ground, as well as the other first mentioned by me, that the letter forwarded by the Board of Control to the Court of Directors was an illegal letter. It was in favour of a claim which was entirely void by the English law—it was in favour of an individual who claimed by virtue of having purchased the bond, which purchase was a misdemeanour, and it directed the doing of that which could not be done without subjecting to the penalties of a misdemeanour the governor-general of India. Under these circumstances, I am not surprised that the rule for the mandamus has been discharged. I am perfectly satisfied that the Court of King's Bench could not have granted the mandamus, upon these facts being made known to the judges of that court. But more than that, I am quite convinced that when all these points should have been brought before the noble earl at the head of his Majesty's government, he would have agreed with me, that to send that letter to India was impossible; that it was most unjust and unfair to the governor-general of India to call upon him, contrary to treaty—contrary

* 37 Geo. 3, cap. 142.
to law—contrary to equity—to use force where force was prohibited by Act of Parliament, and repugnant to the feelings, the honour, and the policy of this nation. Therefore, I do not thank the president of the Board of Control for withdrawing that letter, and not pressing for the mandamus. He could not have sent the letter or obtained the mandamus."*

Lord Ellenborough then, with reference to the possible revival, in another shape, of the abandoned orders on the claim, proceeded to argue the question on grounds of general policy, and concluded by submitting his motion.

The Lord Chancellor, whose withering exposure of the "Noozeed affair," two years before, had commanded the admiration of all but such as were interested in the matter, now appeared as the champion of claims quite as questionable as those which he had formerly denounced. His lordship entered upon a vehement defence of the agent, or alleged agent, of the creditors, denying that he had purchased the claim of those whom he professed to represent, but at the same time maintaining that if he had, the purchase might have been made before the Act referred to by Lord Ellenborough came into operation, in which case it would not have been tainted with illegality. On this point the noble and learned peer was very indignant, observing, in reference to the imputation cast by Lord Ellenborough upon the agent of the claimants, and by imputation upon the president of the Board, "Happily, the venom of this attack

* Mirror of Parliament.
is accompanied by its antidote."* The Lord Chancellor then proceeded, at great length, to examine and defend the character of the claims, and, nearly at equal length, to argue that the intention of sending out the offensive despatch having been abandoned, there was no pretence for Lord Ellenborough's motion. The Duke of Wellington supported the motion, and expressed strong feelings of concern and surprise at the attempt to enforce upon the Court of Directors, by the operation of the law, the measures contemplated by the Board. Lord Plunket, the Lord Chancellor of Ireland, supported the views of the Lord Chancellor of England, and the debate was terminated by a reply from Lord Ellenborough, in the course of which he used language highly laudatory of the Court of Directors.† The motion was

* Mirror of Parliament.
† His lordship said, "There is another body of persons on whose behalf I wish to say a few words. The noble and learned lord on the woolsack did not throw any reflection on the Court of Directors, but the noble and learned lord opposite (Lord Plunket) did do so. My lords, I must say that the conduct of the Court of Directors, in this transaction, reflects great honour on them. It does not matter to them whether the recommendation of Mr. Grant be adopted or not; they are in no respect interested, except as the guardians of the honour and good faith of the administration of India: as such, acting upon their responsibility—acting in the discharge of their duty to those who elected them, and the people of India, they are determined to resist the order of Mr. Grant; in so doing they deserve well of the people of India, and of those who intrusted them with the charge which they hold. I think it a subject of great congratulation to the country that the affairs of the Company are administered by gentlemen of independence." After adverting to the resistance offered by the different members of the court, to the fact that eight members re-
carried; but this was a point of little moment, the object of bringing it forward being to obtain a public discussion of the question.

It was not to be expected that the extraordinary proceedings of the Board of Commissioners for the Affairs of India would pass without notice in that assembly, which has been termed the grand inquest of England. Accordingly, on the 8th of May, Mr. Harries, in the House of Commons, moved for some papers connected with the subject, and the motion was carried without opposition. On the 12th, Mr. Harries put two questions to the ministry—first, whether the proceedings in the Court of King's Bench had been abandoned? and, secondly, whether it was still the determination of the advisers of the Crown to employ the authority of the government of India for procuring the settlement of the claims of the bankers? The Chancellor of the Exchequer, Lord Althorp, in the absence of the president of the Board, answered distinctly to the first, that the legal proceedings had been abandoned; to the second, he declined giving any reply. Some further papers were granted on the 15th of May, on the motion of Mr. Charles Ross, and on the 28th of July, Mr.

fused to sign the despatch, even ministerially, and that six others formally disclaimed all responsibility in regard to it, his lordship passed a high encomium on the character of the chairman, Mr. Loch, founded on official intercourse, and then asked, "Is it possible for any man to say that there can be no doubt as to the correctness of the Board of Control, when fourteen out of twenty-four directors view it in this light, and when twenty-three out of twenty-four refused their assent to it?"
Herries availed himself of an opening which occurred for bringing the matter to the notice of the House more distinctly and prominently, without the necessity of submitting any motion on the subject. After narrating, with some minuteness, the facts of the difference between the Board of Commissioners and the Court of Directors, Mr. Herries thus pointedly placed the nature of the question at issue before his auditors:—"The House will naturally ask, what has been the cause of all this? Is it some great point of Indian policy? Is it some scheme for the better management of that important part of the empire? No. It is neither more nor less than this—the settlement of an old, usurious job of forty years' standing. This it is which has induced the India Board to act as it has done." He then proceeded to examine the history of the claims in detail, and concluded by calling on the president of the Board for explanation. Mr. Grant followed, but his speech, though able and ingenious, afforded no insight into the reasons which had induced him, first to apply for the mandamus, and then to withdraw the application. He maintained the justice of the claims, and defended the demand for interest at thirty-six per cent. upon the ground that it was the market rate in India. To an allegation of Mr. Herries, that he had not met the arguments of the Court of Directors contained in their reply to the communication of the views of the Board, the answer of Mr. Grant appears very insufficient. It was to the effect that the correspondence, of which that
letter formed part, was not between the public and the India Board, but between the Court of Directors and that Board;—that both parties had all the facts before them, and were intimately acquainted with all that had been written on the subject; and that, consequently, it was unnecessary to answer the arguments of the court, more especially as the views of the president had been made known to the chairman and deputy-chairman of the Company by personal communication. This mode of dealing with the matter would seem to justify all the apprehensions expressed by the court during the discussion on the recent renewal of the Company's term of government, as to the effect of refusing a rule of publicity in cases of irreconcilable difference between the two home authorities.∗

∗ The explanation of the president seems to be nothing more than the old "Sic volo sic jubeo" somewhat dilated. To answer a logical array of facts and syllogisms by a mandamus may be very conclusive, but is not very convincing. The letter referred to was thus characterized by Mr. Herries:—"This letter contains one of the most able arguments I ever read in the whole of my life. If honourable members have not read this letter—and, being connected with an Indian subject, I fear that few have done so—I would earnestly recommend them to peruse it, for I consider it the very ablest public document which has come under my observation for many years. It omits no single point of the controversy—there is no historical reference which is not carried to its very source—no authority which has been quoted in the whole course of the dispute that is not elaborately set forth; in short, it does not leave a shred, a patch, or a shadow of an argument in the case untouched. I know not who drew up this paper, but, whoever he may be, he is an honour to the 'Court of Directors.'" The date of the letter referred to was the 1st of March, 1833, and the greater part of it will be found
Sir Robert Peel followed Mr. Grant, and placed the question on its just grounds in the simple form following:—"In point of fact, this question lies in the narrowest compass, and I wish to address myself to those gentlemen who are not conversant with the details of it, and who know nothing of the Dosses or the Asoph-ul-Dowlahs, nor have ever heard their names mentioned until this night. The question is this:—a debt was contracted by the King of Oude, forty years ago, for which he was to pay interest at the rate of thirty-six per cent.; various other debts were also contracted by the same individual. During the lapse of those forty years, different governments in India have made amicable applications to the King of Oude for the payment of this debt; but they never resorted to other measures, conceiving themselves precluded from doing so by their amicable relations with that country; and the question now is, whether, after the lapse of forty years, the peremptory authority of the Court of King's Bench shall be used, to compel a reluctant body, responsible for the government of India, to select one debt out of an indefinite number for the purpose of enforcing its liquidation." In answer to an argument, employed by the president of the Board, that a wrong had been done to a British subject, and that we were at liberty to redress the wrong, Sir Robert Peel said, "The whole force of the argument depends upon the fallacy of confounding the
non-payment of a debt with a wrong. When did ever the United States construe the non-payment of a debt into a wrong? If any subject of the Crown receive an injury from a foreign state, you have a right to apply for redress, and, if refused, to compel it; but it is a perfectly novel doctrine, and, in the present state of the world, most inconvenient, that the non-payment of a debt due to his subjects gives a right to the King of England forcibly to interfere with foreign states. Oh! how delighted will the creditors of Spain be, when they hear this doctrine! Why, the bonds of the Cacique of Poyais even, will be established and raised to a premium, when it is known that the right honourable gentleman has declared that the non-payment of a debt, due to a British subject by a foreign state, is a public wrong, and gives the King the right to interfere with force to compel its payment.”* Mr. Grant had said that he did not intend, or contemplate, the employment of force, and to this Sir Robert Peel answered that the Court of Directors understood that the use of force was intended; that such, indeed, was the only construction that could properly be put upon a particular direction in the meditated despatch; and that the president, though aware that the direction was so understood by the court, made no attempt to shew that it was unwarranted. After many further remarks, illustrating the impolicy of taking up the claim of the bankers, Sir Robert Peel concluded by referring to the possi-

* Mirror of Parliament.
ble assumption of the government of Oude by the British, and solemnly deprecated, in that case, the commencement of the exercise of sovereignty, by appropriating eleven hundred thousand pounds sterling of the property of the territory to the liquidation of a claim, for which it did not appear that the British State had ever made itself in the slightest degree responsible. Only one speaker more addressed the House, Mr. Hume, who defended the claim of the bankers, alleging that it was a peculiar case, inasmuch as theirs was the only debt remaining due to a British subject.* He maintained that the debt was just; that the illustrations adduced by Sir Robert Peel were not apposite; and that it was disgraceful to the British government that the claim should have been permitted to remain so long unsettled. But, while agreeing in the views propounded by the president of the Board, Mr. Hume passed a censure upon that minister. "The right honourable gentleman," he said, "has taken no step to enforce the payment of that which he has this night so ably proved to be a just debt; for if, in his opinion, it be not a just debt, then it was an act of great weakness to have proceeded so far as he has done. But, persuaded as I am that the debt is a just one, I think he ought not to have been pre-

* This does not appear to be correct. It is stated in a report of the Committee of Correspondence of the Court of Directors, dated the 31st May, 1822, and printed in the parliamentary papers, that Mr. Bruce, an European creditor, having rejected the composition accepted by his fellow-claimants, "lost his whole debt, amounting to Rs. 450,000."
vented from following up those proceedings, until
the parties had had full justice done to them.”

Thus ended the debate, and here terminated an
affair in which, happily, moral strength was success-
ful in resisting an undue exercise of legal power.†

The course of the home government of India was
not, however, destined long to run smoothly. In
the month of August, a letter was received by the
chairman of the East-India Company from Lord
William Bentinck, tendering his lordship’s resigna-
tion of the office of governor-general. Sir Charles
Metcalfe,‡ a highly distinguished civil servant of the

* This quotation is made from the report contained in the
“Mirror of Parliament,” on which accurate authority the pre-
ceeding notice of some of the parts of Mr. Hume’s speech also
rests. In another highly trustworthy work, “Hansard’s Par-
liamentary Debates,” the following is given as part of the pro-
ceedings of the House of Commons of the 4th July, 1822, when
Mr. Brougham moved that a petition on this claim should be
referred to a committee.—“Mr. Hume, instead of looking upon
this as a matter fit for public inquiry, thought it a private subject.
Lord Cornwallis had declared that the government ought not to
interfere with matters of private debt in India, and if the Mar-
quess Wellesley considered the present subject fit for public in-
terference, he had had abundant opportunities of promoting
inquiry into the transaction. If the House tolerated an inquiry
into this case, they would, next session, have five thousand appli-
cations of a similar nature.”

† A very able pamphlet on the subject, in the form of a letter
to Mr. Grant, appeared from the pen of Eneas MacDonnel, Esq.
It will repay the perusal of those who take an interest in Indian
affairs, by its clear exposition of facts, and the biting comments
made on them.

‡ It will be recollected, that he was selected to succeed Sir
David Ochterlony in the management of the British relations
with Bhurtpore. See vol. v., p. 134, et seq.
Company, had been appointed to be the provisional successor of Lord William Bentinck; and, on taking into consideration the communication of his lordship's wish to retire, the Court of Directors came to a resolution that, "adverting to the public character and services of Sir Charles Metcalfe, whose knowledge, experience, and talents, eminently qualify him to prosecute successfully the various important measures consequent on the new Charter Act, this Court are of opinion that it would be inexpedient at present to make any other arrangement for supplying the office of governor-general." This resolution having been communicated to Mr. Grant, drew from that gentleman an answer, announcing the decided opinion of the King's ministers, that no time should be lost in appointing a permanent successor to the retiring governor-general; and intimating further, that with respect to the appointment of any servant of the Company, "however eminent his knowledge, talents, and experience" might "confessedly be," the ministry agreed in the sentiments which Mr. Canning had, on a former occasion, expressed, "that the case can hardly be conceived in which it would be expedient that the highest office of the government in India should be filled otherwise than from England; and that that one main link, at least, between the systems of the Indian and British governments ought, for the advantage of both, to be invariably maintained. On this principle," it was added, "it has usually been thought proper to act, and in the various important measures consequent on the new Char-
ter Act, his Majesty's ministers see much to enjoin the continuance of the general practice, but nothing to recommend a deviation from it.”

After this intimation, the Court of Directors abstained from pressing the claims of Sir Charles Metcalfe. As neither the affirmative nor the negative part of the ministerial vision is expounded, it is impossible to argue that peculiar part of the question at issue which relates to the operation of the Act then recently passed, and which is referred to as “the new Charter Act.” The general question having been discussed in vol. iv. pp. 96-117, it is not necessary to re-open it in this place, but it is certainly not easy to understand upon what principles the dictum of Mr. Canning, held fatal to the claims of Sir C. Metcalfe, was based. He held that the highest office in the government of India should invariably be filled from England. As it never was proposed to confer it upon any other than an Englishman born, this declaration must be understood to amount, in fact, to an announcement of the opinion of Mr. Canning, that the office of governor-general should not be filled by a servant of the Company; that elegant rhetorician having, probably from a feeling of courtesy, left this to be inferred in preference to stating it directly. The apparent result, therefore, is this: that if, in addition to the other requisite qualifications for the office of governor-general, a candidate happen to possess local knowledge and experience, these fatal acquisitions shall operate as a bar to his claim. What is said of maintaining one main link at least between the two countries is obviously mere verbiage, for as all the holders of high office are natives of the British islands, and the governor-general would under any circumstances be a native of one of them, there must always be links enough to constitute a tolerably weighty claim. It will be recollected that the chief argument used in 1807 against the Company's servants was, that the governor-general should be a man of rank and family. Mr. Canning, however, who subsequently laid down the broad rule of exclusion quoted by the Board in 1834, himself aspired to the office of governor-general, and his talents and reputation justified him in so aspiring—but it must not be forgotten that he wanted that qualification which, in 1807, was declared to be essential. Mr. Canning was not a man of
Metcalf; but they did not suffer the objection to his appointment to remain unanswered. A letter was addressed by the court to Mr. Grant, in answer to his communication, in which letter, after expressing their concurrence in the opinion of the King's ministers that a permanent appointment was to be preferred to a temporary one, and their conviction rank and family. His father was in the position of a gentleman, but his family was not among those of the nobles of the land; the mother of Mr. Canning was an actress, the wife in succession of three husbands, one of whom was an actor, another a provincial tradesman. Upon what, then, did Mr. Canning's claim rest? Upon a brilliant school and college education, followed by the exhibition of showy literary talent, and of extraordinary powers as a parliamentary speaker. He was a scholar, a wit, an orator, and—for this seems the most important point of all—he had never been in India. At the period of his entrance into public life, Mr. Canning's fortune was extremely small; and if, instead of seeking to improve it by official employment at home, he had pursued the same end in the service of the East-India Company, a ban of prohibition would have stood between him and the first place in the government of India. The moral of the whole appears to be this; that with regard to qualifications for service in India, the reverse of what is held to apply to Europe forms the just rule. An aspirant to the premiership would not be thought the worse qualified for having spent twenty years or more in offices of inferior importance, having passed through gradations involving various and continually increasing measures of responsibility. But with regard to the governor-general of India it is different. A candidate may prepare himself, as he may prefer, either by embarking in the struggles of faction, or by gliding through the enticing circle of enjoyments which fashionable life presents; but he must not have too much knowledge of the country which he is to govern. If he possess the advantage of rank, the latter more calm course, of study, may be sufficient. If, like Mr. Canning, he want this advantage, the display of zeal and ability as a political partizan seems indispensable, but service in India disqualifies utterly, hopelessly, and irrevocably.
that Sir Charles Metcalfe was a fit person to have been permanently appointed, the Court thus dealt with the general question: "The Court of Directors have learnt with deep regret that Sir Charles Metcalfe is considered by his Majesty's government to be ineligible to the station of governor-general,* and upon grounds which would exclude the whole service of India from that high office. The Court of Directors feel little disposed to engage in discussing the merits of an opinion which his Majesty's ministers appear to have adopted upon the authority of Mr. Canning. They will only observe, that the whole course of our transactions in British India may be referred to, as furnishing the most conclusive evidence that the servants of the Company, both civil and military, are eminently qualified for the highest public trust, and that the important office of governor-general has been held by several of them with the utmost advantage to the national interests. The court will not unnecessarily recall to the recollection of his Majesty's ministers those names which have rendered the service of India illustrious—that service to whose merits, to whose talents and high tone of character, the late Mr. Canning has

* It is not the least remarkable of the remarkable circumstances of this case, that Sir Charles Metcalfe, who was deemed ineligible for office in India, was, by the ministry which rejected him, and by their successors who passed him over, deemed eligible for the appointment of governor of two distant colonial possessions, neither of which he had ever seen till he went to administer the government. For India, where he had many years of experience, he was ineligible—for Jamaica and Canada, where he had none, he was eligible.
himself borne the most unqualified testimony. But the court cannot refrain from observing, that, independently of the impolicy of putting forth any general declaration of ineligibility, his Majesty's ministers appear to them to be scarcely justified in proposing to narrow the choice of the court, by excluding any class of men, possessing the necessary qualifications, from the office of governor-general."

After expressing the desire of the court to act in concurrence with the advisers of the Crown, it was intimated that the expediency of making an arrangement for filling up the office of governor-general would be taken into consideration at the proper time—for it is to be observed, that, though Lord William Bentinck had tendered his resignation, such tender did not, in the eye of the law, amount to an actual resignation of office. The president of the Board, however, appears to have taken a different view, and to have informed the chairman and deputy-chairman that, in consequence of the proposal of the court to continue Sir Charles Metcalfe, the ministry did not hold themselves bound to refrain from making an appointment under the provisions of the law; according to which, the right lapsed to the Crown after a delay of two months from the notification of a vacancy. The opinion of counsel was taken on the question, and that opinion being

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* Departure from India with intent to return to Europe is tantamount to a resignation. Resignation in India must be by a declaration in writing under hand and seal, delivered to the secretary in the public department, for the purpose of being recorded.
favourable to the court, the president of the Board intimated that the power of the Crown would not be exercised to appoint, without giving a month's notice to the Court of Directors. This was certainly no great or generous concession, seeing that by law they were entitled to two months.

The intimation was given in October, 1834, and thus the matter rested till January, 1835,* by which time, the ministerial revolution, occasioned by the death of Earl Spencer, and the consequent elevation of his son, Lord Althorpe, to the House of Peers, had introduced a new cabinet and new counsels. The former was framed from the party who had been excluded by the accession of the Whigs, and Sir

* The ministers being anxious for the appointment of a successor to Lord William Bentinck, it may seem inexplicable that the subject should have been suffered to sleep; but it is understood that they were desirous of the appointment of Mr. Grant to the office, and that the authorities of the Company were opposed thereto. This does not appear in any authorized shape, but the fact was publicly stated at a general court, on the 15th of July, 1835, and not denied. Here is a fresh illustration of the extraordinary operation of the principle maintained by Mr. Canning and his followers. Mr. Grant was a man of talent, and he possessed much information relating to India: thus far, upon the principles of common sense, he was eligible for the office of governor-general; but further, he had never been in India, and, upon the principle of Mr. Canning, this made him more eligible. The father of Mr. Grant, like his son, was a man of talent—this is well—his knowledge of India was greater, more minute, and more accurate than could be that of his son: this would seem to add to his qualifications, but not so—the very circumstance which, more than any other, conduced to the extent, accuracy, and precision of his knowledge, put him out of the pale of appointment; he had acquired his information in India, and he would, therefore, have been ineligible.
Robert Peel, for the first time, held the chief place in it. The difficulty which had previously impeded the choice of a governor-general no longer existing, the Court of Directors proceeded to exercise the power of appointment. Their choice fell upon Lord Heytesbury, whose appointment was immediately approved by the Crown. Sir Charles Metcalfe was again selected provisionally to succeed on any vacancy that might occur by the death, resignation, or departure of the new governor-general. Lord Heytesbury was sworn into office, and, to all appearance, the duty of appointing a successor was not likely again to be called into exercise until the completion by his lordship of the ordinary period of service. But so far from completing that period, Lord Heytesbury never commenced it. He took the oath of office, and this was the last, as well as the first, of his official acts. The ministry, under which his appointment had been sanctioned, possessed the confidence of the Crown, but failed in obtaining that of the House of Commons. A dissolution had been resorted to, but the first division which took place in the new parliament left the ministers in a minority, and, after a brief endeavour to stem the tide of opposition, they retired, making way for the return of those whom they had but a few months before displaced. Mr. Grant did not return to the office of president of the Board of Commissioners for the Affairs of India, but became Secretary of State for the Colonial Department, his place at the Board being assigned to Sir John Hobhouse. The prepara-
tions of Lord Heytesbury for his departure were complete; but no sooner was the Whig ministry again in office, than he received an intimation of the wish of government that he should postpone it. This, after the expiration of three days, was followed by a communication to his lordship of the intention of ministers to advise his Majesty to revoke the appointment. A confidential communication of this intention had been previously made by the president of the Board to the chairman and deputy-chairman of the Company, and on its being carried into effect, it was formally announced in a letter from the president, in which he further stated that ministers did not intend to recommend the approval of any successor to Lord William Bentinck till that nobleman should have arrived in England, but that no advantage would be taken of the delay to exercise the prerogative of the Crown, to the prejudice of the right of the Court of Directors. The court, however, were by no means satisfied with the course that had been adopted, the effect of which was, to render the office of governor-general one of the prizes of party conflict; to connect the government of India with the parliamentary struggles of the United Kingdom, and to sacrifice the interests of the former country to the alternate gratification of rival factions in the latter. They consequently remonstrated against the step which had been taken. After adverting to the circumstances of Lord Heytesbury's appointment, they pointed out the difference between the mode in
which the royal prerogative had in this case been exercised, and that followed on the only previous occasion in which the like course had been resorted to—that of the supersession of Sir George Barlow in 1806. In that case, it was observed, there was a previous interchange of sentiments between the King’s ministers and the court; and the act of revocation was accompanied by an explanation of the grounds upon which it had been advised, and would be justified; while in the instance under examination, no previous communication had been made to the court, no opportunity was afforded them to state their objections to the measure, nor had a single reason been assigned in its justification.* The discrepancy of the views of the ministry, as to the expediency of postponing a permanent appointment, with those which they entertained a few months before, when they deemed an immediate appointment indispensable, was pointed out, and, in the last place, the court thus dwelt upon the danger with which the act of the ministry was fraught to India, and the independence of its government:—“The court do not forget that the nomination of Lord Heytesbury was made and his appointment completed during the late administration. But this fact, connected with his removal by the present ministers, fills the court with apprehension and

* Sir John Hobhouse had intimated the course about to be taken to the chairman and deputy-chairman; but the communication was, as already observed, confidential, and moreover, it was made only the day preceding that on which the president wrote to Lord Heytesbury, requesting him to defer his departure.
alarm, as respects both India and themselves. It has always been the court's endeavour in their public acts, and especially in their nominations to office, to divest themselves of political bias; and in the same spirit they now consider it to be their duty frankly and firmly to express their decided conviction that the vital interests of India will be sacrificed if the appointments of governors are made subservient to political objects in this country; and if the local authorities, and, through them, all public servants, are led to feel that tenure of office abroad is dependent upon the duration of an administration at home; and, further, that the revocation of an appointment, such as that of Lord Heytesbury, for no other reason, so far as the court can judge, than that the ministry has changed, must have the effect of lessening the authority of the court, and consequently impairing its usefulness and efficiency as a body intrusted with the government of India.”* It is scarcely necessary to observe, that the remonstrance produced no effect, and certainly none was expected. It was not in the hope of shaking the decision of the ministry that the remonstrance was transmitted by the court; it was designed to vindicate their own conduct and position, and to place on record a protest against an act which, though undoubtedly within the letter of the law, was not less undoubtedly at variance with its spirit and intention.

To ascertain, beyond the possibility of dispute, the

* Letter of chairman and deputy-chairman, 6th May, 1835.
precise extent of the pledge given to refrain from
the exercise of the royal prerogative to appoint a
governor-general, should the right lapse by the delay
of the court—which delay was not their own act,
but was virtually imposed on them—another letter
was addressed to the president, in which it was
assumed to be the intention of the ministry to con-
sider the two months allowed to the directors by
law for making an appointment as commencing
from the arrival of Lord William Bentinck in Eng-
land. The answer of the president disclaimed this
interpretation, but, at the same time, intimated that
he was ready to give to the pledge the more ex-
tended sense, and to construe it in the way most
agreeable to the Court of Directors. Indeed, if
the conduct and language of Sir John Hobhouse
throughout this transaction be considered apart from
the act of which he was either the mover or the
instrument of carrying into effect, it must in jus-
tice be regarded as courteous, conciliatory, and
liberal.

The arrangement by which the choice of a go-
vernor-general was to be postponed till the arrival
of Lord William Bentinck was discussed by some
directors, and a dissent from it was recorded by Mr.
Lyllall. The chief ground of his objection was, that
before the arrival of his lordship, the period during
which the court could claim of right to fill up the
vacancy would have expired; that, consequently,
they would forfeit not only the right of appointment,
but the far more important power of recall.* He admitted that the pledge of the president of the Board was satisfactory, so far as himself and his colleagues were concerned, but he apprehended that it would not be obligatory on a succeeding administration, should another change take place before the vacancy were supplied. But, independently of this danger, he objected to the principle of permitting so valuable and important a trust as that of appointing the governor-general of India to pass from the keeping of the court voluntarily, without corresponding advantage, and upon grounds slight and inadequate. "If," he continued, "his Majesty's ministers are impressed with an idea that any party or political feelings would prevent the court's acquiescence in the appointment of a fit and proper person for that high station, I sincerely believe such an impression to be quite unfounded. I feel assured that the court, without regard to any party, are only desirous that a person should be selected, whose character and qualifications shall fit him for an office which may be considered, perhaps, the most important in the empire, not only in regard to British interests, but more particularly as affecting the well-being and prosperity of a hundred millions of our fellow-creatures, whom the inscrutable wisdom of a Divine Providence has, in regions so remote, placed under our protection, and subjected to our rule.

* The court are precluded by law from recalling an officer appointed by the Crown.
Deeply sensible, therefore, of the important trust committed to our charge, I feel it to be our bounden duty to maintain inviolate those powers which are conferred upon the court for public objects, and of which, if we silently suffer the efficiency to be impaired, we shall be lending ourselves to measures of which our constituents, parliament, and the public at large may justly complain.”* Sir Richard Jenkins recorded his general concurrence in the views of Mr. Lyall. Mr. Tucker, who had held the office of chairman at the time of Lord Heytesbury’s appointment, subsequently addressed a letter to the court, in which he defended the character of Lord Heytesbury, and justified his own conduct, with regard to the choice of that nobleman for office. He referred to the diplomatic services of his lordship, and to the sense entertained of them, not only by those agreeing with him in political sentiments, but also by some of the leading members of the party of the Whigs. He shewed that Lord Heytesbury had been continued in the office of ambassador in Russia by his political opponents; that it was at his own express desire, made in consequence of the failure of his health, that he was permitted to retire; and that he then received from Lord Palmerston, the Secretary for the Foreign Department in the ministry by whom his lordship was now displaced, a most flattering testimony to his merits and services. But the case of the individual, Mr. Tucker observed, was of minor consideration; the public principle involved

* Dissent of George Lyall, Esq., 17th June, 1835.
was the chief point at issue. "An open attempt," he remarked, "has been made to cancel an unobjectionable appointment, for mere party purposes. By rendering the governors of India the mere dependent nominees of the ministry holding office during pleasure, the administration of the day will acquire a power and influence which will enable it to assume and dispense the local patronage of India clandestinely, without responsibility, and (when bad men bear sway) for corrupt purposes, for the purpose of obtaining political power in this country, in utter contempt of the provisions of the legislature, both as they relate to Indian patronage, and to the objects of those more recent enactments which profess to secure purity of parliament.

"And what will be the situation of the governor who holds under this precarious tenure? Will he command the same authority and influence abroad? Certainly not. Will he be able to govern and keep in order that large and mixed community, among whom are found so many elements of discord? I fear not. Will he not be regarded as the mere pageant of the administration at home? as the servile instrument of dispensing its patronage? Will any man of honour, of high spirit, of independent principles and independent fortune, be found to accept the office, and to embark for a distant country, when liable to be superseded, upon considerations of political conveniency, on any of those changes of administration which have been so frequent of late years? No doubt the station will still
be the object of desire to the mercenary and ambitious; but not to those eminent and disinterested men, who alone ought to be selected for so great a national trust. And what will be the consequence of this attempt to introduce the distinctions of party into India? What will be its effect upon the public servants, the European community, and the native population, which is rapidly acquiring European notions and habits? Our servants, much to their honour, have hitherto looked to distinction and promotion as the reward of merit and useful service. They have known no party. They were actuated by an ardent desire to promote the public interests, well assured that their political opinions would never be questioned or thought of. They acted together with perfect cordiality, to promote one great end, the public good, without reference to political principles or party connections in this country. India was of no party, and the Court of Directors were considered to be perfectly independent of all political influence.

"But we are now to introduce the badges of party into India! The European community is to be broken into those factions which so often agitate the public mind in this country, which so often breed discord and disturbance, and cause public principle, the public interests, and the feelings of patriotism to be sacrificed to party objects. That union which has hitherto constituted our main strength and superiority in India will be at an end; and our native subjects will learn to place
confidence in their own numbers and resources, as they perceive the foundations of our power to be shaken. Promotion in the service will be sought as the reward of political subserviency, and distinction and office will be bestowed to purchase the base and sordid services of political partisans in England. That high and independent tone of character which has hitherto distinguished our service will degenerate into selfishness; while the business of managing adverse parties will be superadded to the multitudinous and arduous duties which already bear so heavily on our governors, and which seem almost to transcend the ordinary powers of man. Greatly must the difficulties of the situation be aggravated by the want of permanency in the tenure—by the want of confidence on the part of the public—by the diminution of that influence which independence usually bestows; and serious will be the injury to the public service if the high functionaries of India, feeling that their situations are held only from day to day, should be discouraged from undertaking those extended works of improvement which require time and persevering labour to bring them to maturity.”* In conclusion, Mr. Tucker defended himself from what he regarded as a charge of having compromised the rights of the Court of Directors as to the appointment to the office of governor-general, by permitting the prescribed period of two months to elapse.

* Letter from H. St. G. Tucker, Esq., to the Court of Directors, 9th July, 1835.
On the 29th June, the attention of the House of Commons was called to the question by Mr. Praed, who, on the motion of the Chancellor of the Exchequer, that the order of the day for the committee of supply be read, moved an amendment calling for the production of any communications that had passed between the Board and the court on the subject of the revocation of the appointment of Lord Heytesbury. After narrating the circumstances of the case, the mover of the amendment inquired, whether there were any reasons for the objection made to Lord Heytesbury—whether the president of the Board would say that he did not consider the government of India would be safe in the hands of Lord Heytesbury—whether he thought that the commands of the government, here, would not be obeyed by the noble lord in India. He adverted to his lordship’s diplomatic services, and to the approbation which they had received from the government; he argued that the power by which the appointment had been annulled was not a matter of pure prerogative, but was given by statute, and that the obvious purpose of the law under which it was exercised, and the avowed intentions of its framers, proved that it was not designed to apply to such a case as that under consideration. He referred to the famous contest, on Indian affairs, between the two great political parties, which terminated in the triumph of Mr. Pitt and the passing of the Act of 1784. "The House," he observed, "is familiar with the cir-
cumstances under which that Act was passed. The great difference between the bill of Mr. Pitt and that which had been previously introduced by Mr. Fox was this—that the latter went to vest the whole patronage of India directly in commissioners, while the former placed it in the hands of the directors, subject, however, to the control of the Crown exercised by the Board of Control, in cases where any abuse might exist. If a mere change of ministers in this country were to justify a change in the government of India, how absurd was it to leave to the Court of Directors, a body separate from and independent of ministers, a concurrent share in the choice of the person by whom the government of India should be administered. The Act of Mr. Pitt, which gave to the Company a concurrent share in the choice, could not possibly contemplate a change of the person chosen for reasons in which the Company had no concern.” In illustration of the spirit and object of the arrangement of 1784, Mr. Praed quoted the following explanation, by Mr. Pitt, of the powers of the Board. “The principal powers of the Board would consist in directing what political objects the Company’s servants were to pursue, and in recalling such as did not pay obedience to such directions, or give satisfactory reasons to shew that circumstances rendered disobedience a virtue.” “This, then,” continued Mr. Praed, “was the power of revocation possessed by the Crown. It was to be exercised only in case of disobedience of orders, or for gross abuse; and this power was continued to
the Crown, as was also the patronage of the directors continued to them, by the Act of 1833. If it were desirable that the extraordinary power thus vested in the Crown should be sparingly exercised under the Act of 1784, much more desirable was it under the Act of 1833; for under the Act of 1784 the Company existed as a trading company; under that of 1833, as a political body only. How unwise is it to interfere thus arbitrarily with the government of India by the Company, just when we have determined to maintain the existence of the Company solely for the sake of its utility in the government of India.” Mr. Praed then referred to the supposed precedent afforded by the case of Sir George Barlow, which he maintained was in fact no precedent, the circumstances being different. He pointed out that when the appointment of Sir George Barlow had been approved, it was upon the understanding that it was to be temporary, and, further, that it was the same government which had sanctioned the appointment which caused it to be revoked. “The appointment,” said the honourable member, “might have been judicious or hasty—the revocation might have been proper or unwise; but, at all events, since the appointment and the revocation proceeded from the same ministers, there was in that case no such attempt as has been made in this, to make the continuance of a governor-general in his station dependent upon the continuance in power of the political party by which he was placed there.” An irregular suggestion having been offered
across the House, to the effect that Lord Heytesbury, not having actually assumed the government, was not "in his station," Mr. Praed proceeded thus to combat it:—"The appointment was complete by the Company—the approval was complete by the Crown—the forms had all been gone through—the expense had all been incurred.* If the mere want of political sympathy with Lord Heytesbury makes him unfit to hold the government of India during your administration, it would have warranted you in recalling him from Calcutta; if it do not make him so unfit, it does not warrant you in preventing him from proceeding thither." He then reminded the House that the power of revocation by the Crown was not limited to the office of governor-general—that it extended to all subordinate officers; and that while it was exercised with regard to the occupant of the highest office under the Company to-day, it might to-morrow be employed for the removal of the most humble of their servants. After referring to the injury likely to result from the course taken by ministers, to the just influence of the Company in India, and its efficiency as an instrument for governing that country, he quoted the remarks of various members of both Houses of Parliament, all belonging to the political party opposed to Lord Heytesbury, but all maintaining the impor-

* A sum proportioned to the high station of the office is paid to an outgoing governor-general for outfit. This had been received and expended—the purpose of its expenditure being frustrated, the money was consequently lost.
tance of upholding the Company on the ground of its freedom from party feeling.

After some personal remarks, to which it is unnecessary more particularly to refer, Mr. Praed thus

* The first quotation was from a speech of Mr. Charles Grant, during the discussion of 1833, in which he said, "But there is another most important consideration in connection with the renewal of the charter. By the interposition of the Company between the government and the people of India, the latter are prevented from being exposed to all those continued vicissitudes of political feelings and parties to which they must have been subject had they been under the direct dominion of the Crown of England. Had this been the case, I cannot help feeling that the state of political excitement which would be occasioned would have led to disastrous consequences, that mischiefs of all kinds would have ensued, and would have formed an insurmountable barrier to the advance and improvement of the people. I cannot conceive any thing more disadvantageous to the people than their being made the sport of party passions and political feelings which take place in this country."

Mr. Praed's second quotation was from a speech made also in the year 1833, by the Marquis of Lansdowne, who acknowledged the advantages that had "resulted from the administration of the Company in keeping the interests of India excluded in a greater degree than they otherwise could have been from the several chances and changes of party in this country, and as an intervening body in the possession of patronage which would otherwise be scrambled for by the gladiators of parliament."

The third and last quotation was from a speech of Mr. Macaulay, delivered in the same year with those previously quoted. It was as follows:—"Sir, what we want is a body independent of the Crown, and no more than independent; which shall be neither the tool of the ministry nor of the Opposition. It is not easy in a country like this to constitute such a body; none I have heard suggested would be such a body; the East-India Company, strange as its constitution may appear, is such a body. Whatever charges may be brought against it, whether it does act rightly or wrongly, it does not act from political considerations."
concluded:—"When public servants are sent to India, it is next to impossible, from the nature of their education and their habits, for them to judge of questions concerning the Indian government except upon local information. It is, therefore, the duty of a government to send out the most unprejudiced men, and not to add to the ignorance of the stranger the zeal of the partisan. On the same principle ought the House of Commons to act in passing their judgment upon official appointments to the government of India, or otherwise it will adopt a course which by general admission must be most detrimental to the public interests."

Sir John Hobhouse, as might be expected from his official position, took the lead in defending the conduct of the ministry in superseding Lord Heytesbury: and after declaring his intention to refuse the papers moved for, making some remarks, according to the practice of all ministers on such occasions, on the inconvenience of producing papers, and quoting the authority of Lord Grenville on the subject, proceeded to state the ground on which the cabinet had acted; that ground being, that Lord Heytesbury did not possess their confidence. "The King's government," said the right honourable baronet, "had to consider whether it would be answerable for Lord Heytesbury's government in India or not; and, not wishing to be answerable for it, the course it had to take was simple and obvious. I repeat then, that not only were we justified in vacating his appointment, but we were called upon by the constitution
to do so; for it is one of the first principles of the constitution, that there shall in all cases be responsible advisers for every act done. This is the real cause of Lord Heytesbury's not going to India." Proceeding to assert the right of the Crown to recall, or cancel an appointment, he again referred to the authority of Lord Grenville, and quoting a declaration of that nobleman, that it was always intended by the Act of 1784, that his Majesty's ministers should have the power of recall at discretion, he asked, "Now, if the honourable member admits this—if he do not mean to dispute that his Majesty's ministers have the power to recall at their own discretion—what just cause of complaint has he to make, because they now, at their discretion, have ventured upon the exercise of it?" Sir John Hobhouse noticed, as an unpropitious sign for the mover of the amendment, that he met with no sympathy from those connected with India and interested in its welfare; more especially, the proprietors of East-India stock.* He admitted that what had been done might operate inconveniently with regard to the authority of the Company; but he maintained that it would be a far worse result that the feeling of cordiality, so necessary to be supported, between the head of the Indian government and the cabinet at home should be destroyed. He

* The subject had not at that time been brought before the proprietors; but at a general court held a short time afterwards, a motion was made, and ultimately carried by the ballot, for the production of the papers which had been refused by ministers in parliament.
quoted an opinion of one of the directors of the East-India Company, to the effect that the governor-general of India had always been a political character of distinction connected with the government at home, and that he must possess the confidence of the national government.* After some remarks on the personal topics introduced by Mr. Praed, Sir John Hobhouse passed to the allegation that no correspondence had taken place between the Board and the court on this occasion, in which respect the case varied from that of Sir George Barlow. The answer of the president of the Board was, that such correspondence was unnecessary, inasmuch as it was indisputable that Lord Heytesbury had not the confidence of his Majesty's ministers, and it was quite impossible for the court to convince them that he possessed it, and he added: "To delegate high and important duties to men not politically or personally attached to us would be on the part of ministers a feebleness, not only foolish, but fatal. For after having yielded in the outset of the contest to a difficulty of our own creating, and which a due regard

The director alluded to was Henry St. George Tucker, Esq., who, in a letter which he subsequently addressed to the Court of Directors (part of which is quoted in pp. 36—38), vindicated himself from what he conceived an injurious charge. The passage in Sir John Hobhouse's speech was quoted by Mr. Tucker from the report of a daily newspaper, and does not precisely correspond with what is stated in the text, which is founded on the report in the "Mirror of Parliament." The words of Mr. Tucker, as quoted by himself from papers recorded by him, vary slightly from the report of the "Mirror of Parliament," but very materially from that of the newspaper.
to our honour and interest told us that we ought, at whatever risk, to incur, we should have dropped from concession to concession, till at last losing every remnant, not only of power, but of character, we should have fallen, and deservedly fallen, covered with the bitter scorn of our enemies and the contemptuous pity of our friends." In conclusion, the president repeated the expression of his determination to withhold the papers.

Mr. Hogg* replied to the arguments of Sir John Hobhouse, and referred to the circumstances under which, in 1784, the power of vacating the office of governor-general had been vested in the Crown, as proving that this power was never meant to be exercised but in cases of gross misconduct; that it was never designed to be employed for party purposes. He referred to the case of Lord Minto, appointed under a Whig administration, and permitted by a Tory one to retain his office unmolested; and to the still stronger case of Lord William Bentinck, who, having been appointed under the administration of Mr. Canning, was allowed to retain his appointment by two successive premiers—Lord Goderich and the Duke of Wellington—although, like Lord Heytesbury, he had not embarked for India, and although, with regard to the latter of the two administrations, that of the Duke of Wellington, Lord William Bentinck enjoyed its confidence.

* It may be proper to notice that Mr. Hogg, now a director of the East-India Company, was not so at the time of this debate.
to no greater extent than did Lord Heytesbury that of the cabinet of Lord Melbourne. He concluded with an emphatic warning, well deserving of being quoted and remembered. He said, “I shall beg the attention of the House for a few minutes to the consequences in India of making the governor-general a political appointment. Having resided in Calcutta for seventeen years in a situation wholly unconnected with the service,* I may be permitted to bear testimony to the merits of that service; and I will venture to assert, that in no country was there ever a body of public servants more distinguished for talent, intelligence, integrity, and a high sense of honour, than the civil and military servants of the East-India Company. To what, Sir, do I attribute the great efficiency of that service? mainly to this—that in India patronage has hitherto been purely and justly distributed, free from all personal and political influence. Men have been appointed to public offices from their standing, experience, and fitness, without reference to politics; and you have, therefore, had able and distinguished public servants in India. What, Sir, must be the consequence, if the appointment be considered a political one; if a Whig government must have a Whig governor-general, and a Tory government a Tory governor-general? The person so named will carry with him to India his political

* Mr. Hogg held an office of high trust in the Supreme Court, an establishment with which neither the Court of Directors nor the local government have any connection.
feelings and bias, and will there distribute his patronage for electioneering and political purposes, without reference to the merits of the individuals; and the public interests will thus be sacrificed and ruined."

Sir Robert Peel took the same side, and with reference to the admission that, if Lord Heytesbury had been in India, the new administration would not have recalled him, he justly inquired, "Why not? If a want of confidence in Lord Heytesbury, grounded on differences of political opinion, justifies the revocation of the noble lord's appointment, would it not also justify his removal from the government of India, supposing he had assumed it?" The material for debate had, however, been so completely exhausted by preceding speakers, that neither Sir Robert Peel nor the ministerial leader, Lord John Russell, by whom he was followed, could do more than pass again over the trodden ground, and endeavour, by some additional illustration, to give an appearance of novelty to old views and arguments. Besides the members already mentioned, Mr. Sydney Herbert and Mr. Cressett Pelham spoke against the ministers; and Mr. Cutlar Fergusson (who had just relinquished the office of an East-India director for a ministerial appointment), Mr. Silk Buckingham, and Mr. Vernon Smith, in their favour. On a division, the motion for the production of the papers was lost.

The question which formed the subject of debate
has been so fully discussed in a former place,* that it must be unnecessary to add any thing here to the ample references which have been made to the arguments employed by the controversialists, both in and out of parliament. The revocation of the appointment of Lord Heytesbury was an act of similar character to that by which the appointment of Sir George Barlow was annulled, but the impropriety was of a more aggravated nature. It was one of the strongest instances on record, in which a power was exercised within the strict limits of the law, but in a manner altogether at variance with its spirit. It was one of those acts by which a political party loses far more in character than it can possibly gain in any other way.

Lord William Bentinck, whose approaching retirement had led to the disputes and discussions which have been narrated, quitted India, as already notified, early in 1835, and Sir Charles Metcalfe succeeded, by virtue of his provisional appointment, to the chief seat in council. His administration was short, and was distinguished by little deserving of especial record. It will chiefly be remembered by one act, which can scarcely fail to have a powerful effect, either for good or for evil, upon the interests of India, and of the British government in that country. This act was the removal of the restrictions to which the public press in India was previously subjected. For a long period preceding the

year 1818, the press had been subject to a censorship, a measure first resorted to during the war with France, with a view of preventing the emissaries of the enemy in India conveying intelligence derived from the newspapers published there to the French cruisers in the Indian seas. The Marquis of Hastings was induced to introduce a different system—partly, it may be presumed, by the influence of one of his ruling passions, the love of popularity, but partly, also, by another motive. The editors of newspapers were generally Europeans, and disobedience to the orders of the censurate was liable to be visited with deportation—the Company's government having at that period the power of removing, from all parts of India, any person, not native born, whose residence there was considered dangerous. An Anglo-Indian* editor, at length, recollecting that this punishment could not be applied to him, set the government at defiance, and refused to be restrained by the directions of the censor. The government then made a merit of necessity, and removed the censorship, but substituted a set of rules to which they required the conductors of the periodical press to conform.† This was regarded as equivalent to the establishment of a free press, or at least it was professed to be so regarded by those who wished to commit the governor-general to such a measure, as well as by the governor-general himself,

* A man of European descent, but born in India.
† Evidence of C. Lushington, Esq., before select committee of House of Commons, 1832.
who luxuriated in the public congratulations poured in upon him with reference to this extraordinary exercise of liberality. The press, indeed, was relieved from the censurate, but editors were enjoined to comply with the rules introduced in the place of that more direct check upon publication—they were rebuked by the government, of which the Marquis of Hastings was the head, when the rules were disregarded, and reproof, on these occasions, was not unmingled with reference to the power of inflicting summary punishment upon European offenders. The governor-general, indeed, who had eulogized a free press, and taken credit for bestowing this boon upon India, could not with decency be a party to the infliction of such punishment for using the privilege which he had professed to grant. His immediate successor, Mr. Adam, was not so shackled; and an editor who persevered, after many warnings, in passing the bounds prescribed by the rules, was ordered to quit the country. The authority of the Supreme Court was subsequently obtained to the passing of more stringent rules, and under these rules one or two newspapers were suppressed. The above were the changes to which the press was subjected in Bengal. At Madras, the censorship had never been abolished. At Bombay, the regulations of the Marquis of Hastings were introduced by Mr. Elphinstone, and the censorship abandoned. The more severe regulations, established in Bengal under the government of Mr. Adam, were subsequently adopted at Bombay; but, as the Supreme
Court refused to register them, their effect was limited. Such was the state of the press when Lord William Bentinck arrived in India, and his lordship, though an ostentatious upholder of liberal measures, made no change. During his administration, indeed, little or no interference with the press took place; either none was needed, or Lord William Bentinck was from principle averse to interference, or it might be that the press was, for the most part, laudatory of the governor-general and his measures. Some attempts were made to induce him to take a more decided course, and his lordship answered, that the subject was under consideration. Consideration, however, was all it received, and it was left to Sir Charles Metcalfe to reap the harvest of popular applause consequent upon removing all restraint upon the publication of opinion. Under his brief and temporary administration, an Act was passed repealing the existing regulations, and giving to the press, in regard to the publication of political periodicals, a greater degree of freedom than is enjoyed in England.

On this measure, as may be supposed, opinions, both in India and at home, widely differed. By some it was eulogized for its liberality—by others condemned for its imprudence. Of this latter quality it seems impossible altogether to acquit it. Whether the repeal of all restrictions on the press were or were not good in itself, serious objections lay against the time chosen for effecting it, and the circumstances under which it was accomplished. Sir Charles Metcalfe held the reins of government but
as the substitute for another. He was aware, not only that his administration was temporary, but that its term would be short. He had reason to believe that his successor was on the sea, and he knew that with the arrival of that successor his authority ended. He might readily imagine that the expected governor-general would be in possession of the views of the home authorities on so important a subject, which Sir Charles Metcalfe certainly was not; and this adds greatly to the amount of his imprudence. He knew that, in setting free the press, he was binding the government to an Act which could not be recalled without multifold inconvenience. The home authorities had indeed the legal power of rescinding the law, but such a step would have been attended by consequences which, to a mind so acute as that of Sir Charles Metcalfe, could not fail to present themselves. He ought not, therefore, to have placed them in a situation which virtually deprived them of the power with which the law invested them. A governor-general permanently appointed ought not to have thus acted—still less should such a course have been taken by a governor-general acting only provisionally. If he thought the press ought to be free, it was his duty to represent his opinion to the home authorities, and to ask their sanction to the passing of an Act to give to that opinion effect. The great danger with regard to governments at a distance from the supreme power at home is, that they should become in practice, if not in theory, absolute and independent. The
evidence of history strikingly illustrates this principle, and every advance, in such a direction, should be carefully restrained.

These remarks apply especially to the position of Sir Charles Metcalfe. The question, whether or not the press, in a country situated as is India, should be free is not perhaps so easily answered. It may readily be conceded that in England, and in every country similarly situated, the press should enjoy perfect liberty—that every individual should have the right of publishing, without control, whatever may please him; and that, after publication, he should be liable to no legal penalties, except in cases where he may have offended against the laws of morality, or given utterance to that which is false as well as scandalous. This much may be granted, but then follow the questions—Is India in the same situation with England? and, if not, can the same degree of liberty which may be safely enjoyed in England be safely conceded to India? No one will answer the former question in the affirmative, and before replying to the latter it would be well to bear in mind the many peculiarities of our position in India. A handful of foreigners exercise rule over millions of natives—some of them of warlike habits—many of excitable temperament. We hold our dominion by a native army composed of men such as have just been described. The people of India too, it should be remembered, have never been accustomed to the use of a free press, nor to any free communication of opinion—they have no experience
of free institutions at all—such institutions have not, as with the great Saxon communities, grown with their progress as a people and gathered strength from their gradual development—they are in India exotics, and, like other exotics, are in danger either of perishing from neglect, or, from injudicious culture, of running into wild and rank exuberance. If there be one institution of which Englishmen are justly proud, it is that of trial by jury; but trial by jury cannot exist, to any beneficial purpose, excepting in countries where a sense of justice and a spirit of independence are generally diffused. All enlightened men are sensible of the advantages of representative government; but no man, whose opinion is worth taking, would say that representative government could be introduced with benefit, or even with safety, into India in its present condition. As, therefore, exceptions exist with regard to institutions unquestionably beneficial in countries prepared to use them, why should it be thought that there can be no exception to the liberty of the press? Yet it appears that there are those who thus think, for the advocates of an unrestricted press in India seldom attempt to defend it by argument; they content themselves with declamation on the natural right of man to publish his thoughts, on the advantages of knowledge, the tyranny of restraining the free communication of opinion, and topics of the like description. Among the more distinguished champions of the freedom of the press in India, is to be reckoned the author
of the measure by which it was established, Sir Charles Metcalfe himself. The inhabitants of Calcutta addressed him in terms of congratulation on the occasion, and he replied in a manner which, if not perfectly suited to his station as governor-general of India, was distinguished by the talent and energy of an able and sanguine advocate. Such an advocate, more especially when speaking in his own case, is entitled to be heard, and justice requires that the chief arguments of the liberal governor-general should be presented. The following may be considered to be the foremost in importance:—

"To all who doubt the expediency of the liberty of the press, I would say, that they have to shew that it must necessarily cause imminent peril to the public safety, such as would not exist without it, and cannot be averted by salutary laws; for otherwise there can be no doubt that freedom of public discussion, which is nothing more than the freedom of speaking aloud, is a right belonging to the people, which no government has a right to withhold. It also rests with them to shew, that the communication of knowledge is a curse, and not a benefit, and that the essence of good government is to cover the land with darkness; for otherwise, it must be admitted to be one of the most imperative duties of a government to confer the incalculable blessings of knowledge on the people; and by what means can this be done more effectually than by the unrestrained liberty of publication, and by the stimulus which it gives to the powers of the mind?
If their argument be, that the spread of knowledge may eventually be fatal to our rule in India, I close with them on that point, and maintain that, whatever may be the consequence, it is our duty to communicate the benefits of knowledge. If India could only be preserved as a part of the British empire by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country, and ought to cease.

"But I see more ground for just apprehension in ignorance itself. I look to the increase of knowledge with a hope that it may strengthen our empire; that it may remove prejudices, soften asperities, and substitute a rational conviction of the benefits of our government; that it may unite the people and their rulers in sympathy; and that the differences which separate them may be gradually lessened, and ultimately annihilated. Whatever, however, be the will of Almighty Providence respecting the future government of India, it is clearly our duty, as long as the charge be confided to our hands, to execute the trust to the best of our ability for the good of the people. The promotion of knowledge—of which the liberty of the press is one of the most efficient instruments—is manifestly an essential part of that duty. It cannot be, that we are permitted by divine authority to be here merely to collect the revenues of the country, pay the establishment necessary to keep possession, and get into debt to supply the deficiency. We are doubtless here for higher purposes; one of which is, to pour the enlightened knowledge and civilization,
the arts and sciences of Europe, over the land, and thereby improve the condition of the people. Nothing, surely, is more likely to conduce to these ends than the liberty of the press.

"Those who object to it are further bound to shew that it is not salutary for the government and its functionaries to have the check of a free press on their conduct, and that the exercise of arbitrary power over a restricted press is preferable to the control of the laws over a free one—assumptions which cannot be maintained."

After diverging, to pass a lofty panegyric on Mr. Adam, by whom the severer restraints upon the press were introduced in the year 1823, and conjecturing—on what ground does not appear—that, had that gentleman been alive, and at the head of the government in 1835, he would have been the foremost to propose the abolition of his own law, Sir Charles Metcalfe thus adverted to the difficulty of legislating on the subject of the press:

"You have alluded most justly to the difficulties that beset the framing of a law to restrain all excesses and injuries which may be committed by means of the press. On this point, I fear, legislation is set at defiance. We cannot apparently enjoy the liberty of the press without being exposed to its licentiousness. We must submit to the attendant evil for the sake of the predominant good. Although the boundary between liberty and licentiousness is perceptible enough in practice, it can hardly be defined
by law without the danger of encroaching on useful liberty. The laws of England have utterly failed to prevent the licentiousness of the press, and yet, perhaps, could hardly be made more efficient without endangering its freedom. Much, therefore, necessarily depends on the good sense and good taste of those who wield the power which the press confers. The worst enemies of the press are such of its conductors as destroy its influence by prostituting its use, for the gratification of base passions. When public measures are fully and freely discussed, and censured or approved, as may be, in a spirit of candour and justice, the influence of the press must be great and beneficial. But when men find themselves the object of gross personal secrility, without any reference to public measures, or real character and conduct, they may at first feel pain; because sensitive men, with benevolent dispositions towards all their fellow-creatures, grieve to perceive that they have rancorous foes, busily employed against them, but lurking in concealment, the cause of whose enmity they know not, and whose wrath they have no power to appease. But they cannot respect the instrument of unjust virulence; they must know that such attacks proceed from personal hatred or wanton malignity; and they must learn to despise calumny, which cannot be guarded against by any goodness of measures or any correctness of conduct. The proper influence of the press is thus destroyed; and ultimately, just censure, which would otherwise be
respected and dreaded, is disregarded and discredited, and being confounded with the mass of indiscriminate abuse, loses its due effect.”

The remarks of Sir Charles Metcalfe have been quoted more freely than might have appeared necessary, in order that his own defence of his own case might be exhibited with some degree of fulness and completemess. On first reading, it is not ill calculated to impose on the ear of all, and to carry away the judgment of those who are not accustomed to subject argument, or that which is intended to pass for argument, to any rigorous examination. To readers of a different class, it will appear little more than a string of plausible fallacies, enforced with a degree of pomp and an ostentatious show of conviction which may partially conceal the utter want of precise views manifest throughout, but which cannot supply their place. The first fallacy to be noticed is, that of confounding knowledge—the word being used without qualification or explanation—with political discussion, political declamation, and political inventive or abuse. It was against newspapers that the restrictions on the press were mainly operative, and against them only, inasmuch as they entered into political questions in which the government might be interested. Now, that which was forbidden to be published was not knowledge but opinion, the only exception being afforded by the prohibition, during the war, of publishing nautical intelligence which might have been available to the use of the enemy. It was the publication of opinion
that was in ordinary cases restricted, and that alone. Where, it may be confidently asked, are the instances of government interfering to check, in any degree, the diffusion of that which may be properly called knowledge, whether historical, physical, or abstract? The rulers of British India have done much to aid the spread of knowledge*—nothing to impede it. The warmest advocates for the diffusion of knowledge, in India, may doubt the expediency of exposing the minds of its people to the influence of political agitators, and they are not, therefore, bound to shew that the "essence of good government is to cover the land with darkness," though even darkness is preferable to the false and dangerous meteor which shines only to betray. The assertion that, "if India could only be preserved as a part of the British empire by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country, and ought to cease," is a striking instance of the looseness and vagueness which pervade the entire composition. If England could only maintain her Indian empire by keeping the people in ignorance, and were disposed so to maintain it, how does it follow that her domination would be a curse, and ought to cease? To make this apparent, it must be

* The East-India Company and their government have not obtained the degree of credit, in this respect, which they deserve. Their efforts to diffuse a knowledge of science, and more especially of those departments, as medicine and surgery, which are most closely connected with the well-being of mankind, have been great, though from the simple and unostentatious manner in which they have been made, they have attracted little notice.
shewn that, but for the domination of England, knowledge would be advanced and extended. Could this be hoped for from those into whose hands the government would fall, were the power transferred from the hands which now hold it? Have the Native powers of India been generally distinguished as encouragers of knowledge, or is there any rational ground of hope that they will soon become such? It is, indeed, our duty to give to the people, in the measure that they are prepared to receive them, the advantages which we ourselves enjoy; but if we fail of the just performance of this duty—if we render the condition of its people no better than it would be under their Native rulers—it cannot justly be said (if we make it no worse) that our domination is a curse, and ought, therefore, to cease.

So again, the assertion that, if we deny knowledge to be an evil, we must admit it to be one of the most imperative duties of government to confer its blessings on the people—this is one of those sweeping assumptions which require to be considerably qualified before they be either admitted or denied. In a country, like India, requiring an external impulse, it is desirable that the government should actively encourage the extension of knowledge. There, a maxim which has been laid down for the government of kingdoms, but which is most unsuited to the state of England, is strictly applicable—to do everything for the people—little or nothing by them. In England, and countries in the like situation, where a portion of the people have attained a very high
state of mental cultivation, an active interference on the part of government is to be deprecated, as tending rather to embarrass than to aid the progress of knowledge. But it is remarkable that the position laid down is not consistent with that which follows, and which is, professedly, intended to point out the means by which governments are to "confer the blessings of knowledge" on the governed. One only is suggested, and that is, the permission of an "unrestrained liberty of publication;" in effect, a total abstinence from interference of any kind. The communication of knowledge to the people is stated to be one of the most imperative duties of government; and if an inquirer demanded how is this duty to be performed, the answer is, by doing nothing. Let this mode of dealing with knowledge be applied to that which is unquestionably one of the duties of government. It is the duty of government to protect life and property by laws, wisely made, and justly and efficiently administered. What would be thought of the statesman or legislator, who, in answer to the question, in what manner may this duty be best discharged, should say, by abstaining from all interference with the people, and allowing them to settle their disputes in their own way?

Sir Charles Metcalfe, it will be observed, expressed great apprehension of the effects of ignorance, and great hopes of the good effects of diffusing knowledge in India. His apprehensions will, to many persons of sound and sober judgment, appear
chimerical; but his hopes are those which all good men would desire to cherish. He had, however, previously taken much higher and stronger ground as the champion of knowledge, by declaring that, though its diffusion might, eventually, prove fatal to our dominion in India, our duty was the same as though no such results were to be looked for—and this is the just mode of regarding the matter. We are not, from selfish motives, to withhold from India that which its people have, as good a right to enjoy as our own. We are to confer on India all the good in our power. We are to allow truth free course, without regard to personal or national consequences. This is plainly our duty; and it is to be lamented that it should be obscured, or rendered doubtful, by being maintained in language and upon principles borrowed from a bad school. The sneer in which Sir Charles Metcalfe indulged, in reminding his auditors that we were in India for other purposes than merely to collect the revenues, pay the establishments, and get into debt to supply the deficiency, might have been spared; for no one knew better than himself that those other purposes had been kept in view, and great sacrifices made to promote them. And never, perhaps, did there occur a more striking instance of begging the question, than in the assumption, that nothing was more likely to conduce to the spread of "the enlightened knowledge and civilization, the arts and sciences of Europe, over India," than a licentious and unbridled political press.
Those who object to the acting governor-general's views are required by him "to shew that it is not salutary for the government and its functionaries to have the check of a free press on their conduct, and that the exercise of arbitrary power over a restricted press is preferable to the control of the laws over a free one—assumptions which," he says, "cannot be maintained." This last assertion is remarkable, seeing that, in some sense and to some extent, they must have been maintained by those who established the restrictions which Sir Charles Metcalf swept away. But passing over this strange instance of oblivion, it is evident that the well-sounding sentence just quoted involves a fallacy not less gross than that previously detected. It is the fallacy of assuming that which is good in particular cases, to be good in all—of broadly laying down principles as universally just and true, which, with certain conditions and under certain circumstances, are just and true; but which, under other conditions and other circumstances, are erroneous. It is most salutary that government and its functionaries should have the check of a free press on their conduct, in a country like England, where all existing institutions are free—where a large portion of power has been for centuries vested in the people—where the people are daily called upon to take part in the administration of the laws—where the public, though comprising the advocates of antagonist principles, and of various modifications of those principles, are yet one nation, governed by rulers of their own race and country, defended by
soldiers and seamen who are their fellow-countrymen, and held together by the bonds of a community of origin, of language, of political rights, and, to a great extent, of religious belief. It would be worse than idle to ask whether the situation of India bears any resemblance to this; and, where everything else is different, why should there be uniformity upon one point, and one only? Would Sir Charles Metcalfe, or any other advocate of the unlimited freedom of the press in India, be willing to commit the interests of that country to a House of Commons chosen by and from its people in the same manner as is that of the United Kingdom? Would it be advisable to issue writs, calling upon the classes of persons who, in India, may appear to possess some degree of resemblance to the forty-shilling freeholders of our counties, and the burgesses of our towns, to elect the members of a House of Parliament to be assembled in Calcutta for the exercise, with regard to India, of the powers possessed by the body thus elected at home? Such a form of government may, at some future time, become safe, and when safe, it will be expedient; but ages must elapse before India is prepared for institutions as free as those of Britain. None will say that India is as yet prepared for them; and while it is necessary—avowedly necessary by the common consent of all—to withhold from the people of India some of the more solid and valuable privileges of our more advanced state, how does it happen that it should be absolutely unpardonable to deny them the plea-
sure of reading unlicensed newspapers? Those who object to a free press in India are not bound, as Sir Charles Metcalfe would contend, to shew that it is not salutary generally: it is enough that, like many other privileges of the like kind, it is not fitted for India in its present state. "The freedom of public discussion," it is said, "is nothing more than the freedom of speaking aloud," which, it is added, "is a right belonging to the people which no government has a right to withhold." Here, again, is great looseness in the use of words, and a consequent confusion of things widely different. To say that the freedom of public discussion is nothing more than the freedom of speaking aloud, is true, so long as oral discussion is meant; but it is not in the sense in which the writer must have intended to use the words; for by public discussion he must have meant discussion by means of the press. This differs from oral discussion in more than one point. It is unimportant whether a government has the right of withholding from an individual the right of speaking aloud, because, whether it have or not, it has not the ability, without depriving the man of the power of speech; so long as he retain that, he may give utterance to whatever he may please. You may punish, but you cannot prevent. This is not the case with the press. You may interdict or limit its use, and you have the power of carrying your restraints into effect. Again, the influence of the press is much wider than that of speech. A man can influence but a comparatively small circle, when restricted to the
personal communication of his opinions. By the introduction of the press, his power of diffusing them is rendered almost unlimited.

It appears that Sir Charles Metcalfe was aware of the dangers attending his favourite measure, and that he knowingly risked those dangers in carrying it out. Alluding to the difficulties of framing a law to restrain the excesses of the press, he expressed his belief that, on such a point, legislation was set at defiance—that the enjoyment of the liberty of the press involved the necessity of being exposed to its licentiousness. The laws in England, he remarked, had failed in preventing the licentiousness of the press, and he intimated, though with some appearance of doubt, that they could not be made more efficient without endangering its freedom. The expression of doubt was superfluous. Any attempt to give to the law additional means of curbing the licentiousness of the press would, certainly, destroy its liberty, and, in England, we must, in the language of Sir Charles Metcalfe, "submit to the attendant evil for the sake of the predominant good." But here the good is predominant. A man in robust health may indulge in exercises which would be injurious to an invalid, and may derive benefit from them. A man of mature age and competent knowledge may direct, to his own benefit and that of society, those powerful elements of nature which, judiciously employed, become useful ministers to the wants of man, but which, in the hands of a child or of one unacquainted with their manage-
ment would produce nothing but mischief. The child, in time, may become qualified to guide them aright, and India may, in time, be prepared for an extent of freedom not inferior to that enjoyed by the nations most favoured in this respect. But time is wanting. The freedom of Englishmen is the growth of centuries. Why should it be thought that in India the same results can be suddenly attained by inscribing words on a piece of paper or parchment?

In all colonial communities—or communities which, though not strictly colonial in their origin, are in the position of dependencies—the character of the press is far inferior to that of the parent, or protecting country—inferior in talent, knowledge, and high principle. Local squabbles—for it would be wrong to give to such disputes a more dignified name—furnish a large proportion of their material, and local libels supply the place of better sources of excitement.* This difference of character Sir

* In India, perhaps, this is not so much the case as in some other places. But instances might readily be adduced to shew that the remark is not inapplicable even there. For example—the recent disputes about the mode and circumstances—for it was only the mode and circumstances—of carrying on steam communication between India and England—not only called forth a degree of heat disproportioned to the occasion, and a display of magniloquence unsuited to any occasion, but were conducted with a spirit of personality offensive to good taste, and, altogether, in a manner as deficient in dignity, as were some of the questions disputed about in importance.

The character of part of the Indian press, soon after the period when it was thought expedient to set it free, is thus described by
Charles Metcalfe seems to have passed over, for he could not have been ignorant of it. With him, a free press was a blessing not only whatever might be the circumstances of the country, but, apparently, whatever might be the character of the press. It is true that, in the course of his address, he did advert to the possibility of freedom being abused, and that he read the editorial world a lecture, by which, it is charitably to be hoped, they were edified. It is true, he warned them, that by the abuse of the freedom of the press "its proper influence" was destroyed; but it does not seem to have occurred to him that it still might have an influence which, though not "proper," would be wide and powerful—powerful for evil, though feeble for good. He opened the flood-gates, and then conjured the water to flow softly.*

one of the most respectable of the Indian journals:—"The Delhi Gazette announces the retirement of the editor of that paper in consequence of the violent and personal nature of the attack of the Agra Ukbar. We think the tone of the Mofussil journals towards each other is very discreditable to the press, and highly prejudicial to its best interests. Nobody unwilling to 'run a muck' should undertake the office of editor beyond the Maratha ditch; within it we do now and then indulge in a gentle, sometimes a rather brisk passage of arms; but our brethren of the Mofussil seem to think it the great object of their editorial life to bespatter each other with mud in every number of their respective journals."—Bengal Hurkaru, March 19th, 1836.

These editors seem to have been little benefited by Sir Charles Metcalfe's good advice.

* In comparing the colonial press with that of the mother country, the few foul and filthy prints which exist in the latter, to the disgrace alike of their conductors and their readers, are of course excluded from consideration. The character assigned
The celebrated Press Law was passed on the 3rd of August, and on the 5th of March following, the authority of Sir Charles Metcalfe was superseded to the press of the United Kingdom is based on that of the daily morning and evening papers of the metropolis, and the more respectable of the weekly papers, together with the great mass of provincial prints, which, for the most part, contribute to maintain the reputation of the press by following the honourable example set by their metropolitan leaders.

The opinion of a very high authority—perhaps, the very highest living authority on Indian affairs—upon the freedom of the Indian press, cannot fail to be both instructive and interesting. In his answer to a series of questions circulated by the Board of Commissioners in 1832, one of which related to the press, the Honourable Mountstuart Elphinstone, after advertting to the restrictions then existing, thus declared his views:—"It may be taken for granted that if the European press be free, the native one cannot long be otherwise. If all be free, we shall be in a predicament such as no state has yet experienced. In other countries the use of the press has gradually extended along with the improvements of the government and the intelligence of the people; but we shall have to contend at once with the most refined theories of Europe and with the prejudices and fanaticism of Asia, both rendered doubly formidable by the imperfect education of those to whom every appeal will be addressed." These, it should be remembered, are the sentiments, not of a bigoted opponent of improvement, but of a statesman of large and enlightened views, whose name is inseparably associated with the cause of education in India—a cause of which he was the earnest advocate and zealous patron.

It is remarkable that Sir Charles Metcalfe, who took advantage of his temporary occupation of the office of governor-general to relieve the press from all restraint, not many years before expressed himself with some sharpness on the inconvenience arising from the proceedings of government finding their way into the newspapers. This was in a minute recorded by him on the 18th of October, 1830. In less than five years afterwards he deprived the government of all power of preventing the evil of which he complained.
by the arrival of his successor, Lord Auckland, who had some months before been nominated to the office by the Court of Directors, and confirmed in it by the approbation of the Crown.*

* His lordship was the son of one of the most steady adherents of the administration of Mr. Pitt, under which his services were rewarded by a peerage. He acquired distinction as a diplomatist, and also as a statistical and economical writer. His son forsook the politics of his family and attached himself to the Whig party.