

*with copy.*

IOR: HM.909: East India Company to Lord Weymouth: 14-11-1769.

We beg leave further to acquaint your Lordship that, the rates of exchange for cash supplied for His Majesty's use during the late war by the Company, then estimating the weighty dollar at 6 shillings 6 pence were as follows:-

At Fort Saint George, the Pagoda	at 9 s 7 d.
At Bengal, the Current Rupee	at 2 s 10½ d.
At Bombay, the Bombay Rupee	at 3 s ¼ d.

And that the Court of Directors desirous of contributing as far as possible to the public service, have now established that exchange at the following rates:-

At Fort Saint George, the Pagoda	at 8 s.
At Bengal, the Current Rupee	at 2 s. 2½ d.
At Bombay, the Bombay Rupee	at 2 s. 5 d.

B-VIII/1

Co/Gmt 1773-4

VI

Public Record Office: PRO/SP/44/142:  
(pp.440): Secretary Letter Book 1766-75  
(No index).

no. 373

St. James  
April 30, 1773

B-VIII/2

To

The Chairman and Deputy Chairman  
of the East India Company.

Gentlemen

I have the Earl of Rochfords  
directions to transmit to you the enclosed  
copy of a letter from the Nabab of Arcot  
to Sir Robert Harland, and to acquaint  
you that his Lordship will be glad to  
receive your sentiments thereon and be  
enabled thereby to give an answer to  
Sir Robert Harland on the several points  
contained in it.

I am etc.  
Stamier Porteir (?)

PRO/T/1/506: Petition from East India Company  
regarding Judicial Courts at Fort William:  
Dated 15.3.1774 (3 pages): Extract.

.....Your Majesty will be graciously  
pleased to grant unto them.....all such  
fines, amerciments, forfeitures, penalties,  
sums and sums of money, as shall hereafter  
be charged, set or imposed upon any person  
or persons whatsoever, by the said Supreme  
Court of Judicature,.....as they are  
by the said act required to pay very large  
yearly salaries to the Chief Justice and  
three other judges of the Supreme Court,  
as well as the salaries of the several  
ministerial officers of the same, and moreover  
must sustain a very heavy expense in providing  
and maintaining a court house and other offices,  
for the business of the said new established  
court of Judicature.



Petition from the Company to the House of Commons  
(Extract)

(p.263) May it therefore please this Hon'ble House to grant to your petitioners leave to withdraw their said former petition presented to this House on the 2nd March last and also their other petition presented on the 17th May last, which accompanied certain regulations proposed by themselves for the more advantageous management of their affairs and the due administration of justice in India, an indulgence, which they are the more earnest to obtain lest posterity reviewing the transactions of this period, should impute to your petitioners the having been accessory to measures which by vesting unnecessarily in the Crown the disposal of so many great and lucrative employments in India tend in your petitioners opinion not only to bring ruin upon this Company, but to destroy the just balance of this pure constitution.

Petition to the House of Lords (Extract)

(p.264) That the Bill which has lately passed the House of Commons and is depending in this Hon'ble House, will, if passed into a Law, be subversive of the most essential rights, interests (265) and credit of the East India Company.....by introducing a most immense and grievous load of expence upon your petitioners...../(266) That the most essential provision of all others to prevent oppressions, which were recommended by the East India Company, namely, that of the Habeas Corpus, whereby men may know of what crime they are accused, and by whom they are imprisoned, is omitted by which means of all the tyranny of a double government, without responsibility anywhere, is entailed on the inhabitants.....

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India Office Records:

General Court 1770-1773: B/258: Petition from the Company to the House of Commons: 23-6-1773 (Extract): Also Extract of Petition to the House of Lords.



Instructions for the ~~East~~ Governor General  
and Council of Bengal\* (Extract)

An Act having been passed in the last sessions of Parliament entitled "An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe". In consequence of the said Act, which we now transmit to you for your guidance, we proceed to give you the orders hereinafter contained, and have also anned copies of such other orders <sup>lex -</sup> as we have framed for constituting a Council of Commerce, and a Board of Exchequer, for the better management of our affairs, to all which you will pay due obedience.....

Section XXXI. We direct thhat you duly pay to the Governor General, to each of the Council, to the Chief Justice, and to each of the Judges, the several salaries established by the said Act; observing at the same time, that those ample salaries given to them by Parliament, are to be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever and therefore that we are not to be at any further expense on these accounts; and as the officers (thereof shall be hung up in the most public places, in the different languages of the country).

From General Court Minutes: 7-12-1773  
(Draught of Section XXXI)

We direct that you duly pay to the Governor General, to each of the Council, to the Chief Justice, and to each of the Judges, the several salaries established by the said Act; and as the officers of the Court are to be allowed such salaries as should be approved by the Governor General in Council, we recommend the stricest frugality in that respect and direct that no greater allowances be made to any of them/

Instructions for the Governor General and Council  
of Bengal (Printed): \*British Museum: 8022h24  
and draught on Para 31 as given in the General  
Court Minute dated 7-12-1773

∟than their respective stations shall require.



George III

Papers of George III

1781-1783

with copy

VI

Lord Shelbourne to George III: 29-5-1782  
(Vo. I, pp. 260, No. 337)

..... I am ashamed of troubling your Majesty with so long a letter, and shall be very unhappy till I can return to the most acceptable duty of my office - that of attending your Majesty's person. In the meantime, I would wish your Majesty's permission to propose a meeting of your servants to Lord Rockingham upon East Indian matters, when I may be to propose Lord Cornwallis\*, as I find the Resolutions against Mr. Hastings passed yesterday. I have mentioned Lord Cornwallis' name to none of the Cabinet except in very great confidence to Lord Ashburton.

George III to Lord Shelbourne: 29-5-1782  
(Vol. I, pp. 260, No. 338)

..... The Meeting on East Indian Regulations cannot be too soon, and the appointment of Lord Cornwallis known, which must meet with universal applause.

Lord Shelbourne to George III:  
(Vol. I, pp. 261-2, No. 340)

..... I am very much afraid your Majesty will be disappointed as to the effect of Lord Cornwallis' name towards settling East India controversy. Lord Rockingham first dwelt upon the right of the Treasury to recommend. Lord Cornwallis was afterwards personally objected to, on account of facility of temper, etc. Mr. Francis was much recommended by Mr. Fox. It is left to be further considered, and I have thought it indispensable to send Mr. Ord to acquaint Mr. Gregory

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Papers of George III: November 1781 to December 1783:  
\*Hon<sup>ble</sup> Frederick Cornwallis (1718-1783), Bishop of Lichfield 1749-1768, and Archbishop of Canterbury 1768 till his death; he was the Uncle of the Cornwallis, referred to.



the Chairman of the India Company of my most earnest wishes in regard to Lord Cornwallis, and of my having proposed him to the Cabinet. The rest of the time passed in altercation not worth troubling your Majesty with the particulars.

George III to Lord Shelbourne: 1-6-1782  
(Vol. I, pp. 262, No. 341)

..... I owe for the credit as well as good of the nomination, I am hurt any rule should be thrown in the way of appointing Lord Cornwallis, Chief of the Supreme Council in India; undoubtedly the Secretary of State for the Colonies and East India as well as Home Affairs, is the proper person to settle this, and not the head of the Board of Treasury, who is not responsible for that business; I am glad Lord Shelbourne has lost no time in sending Mr. Ord to convey to Mr. Gregory the having proposed Lord Cornwallis as the properest person to the Cabinet this day.



Clive Plan 1773

Walcot  
7th November, 1772

Dear Strachey,

2nd para Lord North when I saw him seemed (industriously?) to avoid entering upon the subject of India affairs and I do really believe from sheer indolence of temper he wishes to leave everything to providence and the Directors and that he means nothing more by the meeting of parliament than to enable the Company to find money to discharge the demands that are at present made upon them.

However, it behoves me to be prepared for everything, for which purpose you will perhaps say I have been building castles in the air. Enclosed I send you a sketch of my ideas which I flatter myself might be carried into execution by an able steady and upright minister. I don't want to take you from your other business unnecessarily but I wish you would take this sketch in hand and methodise it. I would have you fully and strongly the present situation of our affairs in India and shew beyond a possibility of refutation the approaching ruin of our possessions in the East, if vigorous measures be not speedily pursued. Your own experience and knowledge added to any sentiments expressed both in my speech and in the political paper laid before Lord North will enable you to make a great progress in this matter and upon my arrival in town what is wanting may be supplied. I will not patiently stand by and see a great empire acquired by great abilities, perseverance and resolution, lost by ignorance and indolence. If administration should think proper to see our affairs abroad in the same light as I do its well if not I shall have done my duty. nay with vengeance be applied to the Court of Directors appointing M and five of their own Body Supervisors,.....

Dear Strachey

Your affectionate friend  
etc.....Clive

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India Office Records: Letter from Robert Clive  
to Strachey: MSS EuropeanG/37/



Heads of a Bill for regulating the  
Government of the East India Company's  
affairs both at Home and in India.

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1. The Directors in future to be elected by proprietors of stock of the value of £1,000, of which they have been possessed 12 calendar months before the time of the election.

2. That no persons shall be capable of being elected a Director unless he is at the time of such election possessed of capital stock of value £1,000 and it shall not be lawful for any Director during his continuance of his office to buy or sell India stock, or to furnish the Company with or enter into any contract for supplying them with any goods, provisions, ammunition or stores or merchandise whatsoever.

(Would it not be better to make the Directors consist of merchants of respectable character and fortunes that have left off trade, that eight should be named by the King and seven elected by ballot of the proprietors. Suppose the death of any, the King and Company to fill up alternately, but the company to fill the first vacancy.)

L Anderton

Lwp the

3. That no candidate for the office of Director be entitled to vote at the election of Directors.

4. That no persons who are owners or Husbands of ships employed in the trade of the Company or any who are possessed of share or inherent in such ships, who are employed as tradesmen in furnishing the said Company with goods or the merchandise or shall have entered into any contract with the said Company or shall hold any office, place or employment in the appointment and service of the said Company, shall be capable of voting at the election of Director of the said Company.

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Public Record Office: PRO/30/29/3: Heads of a Bill  
for regulating the Government of the East India  
Company's affairs both at home and in India: Granville Pakenham



5. Directors to continue in office four years; but one fourth of their number to be changed by rotation every year.

(How ought the Directors to be appointed in April next: whether by election restrained as aforesaid, or by the King empowered by the Bill to name them pro hac vice, or appointed by name in the Bill? At the end of 3 of 4 years, 4 to be withdrawn 2 by the King and 2 by the Company and 4 added in the same manner.)

6. Salary of the Directors to be increased and in such case their number to be reduced.

7. The Precedency of Bengal to be governed by a Governor General and four Councillors.

8. The King to be enabled by the Bill to name the first Governor General and Council who shall not be removeable during            years without the consent of the King.

9. They are to have the whole civil and military Government of the Company's Presidency of Bengal and the management of the territorial revenues during such time as they remain in the possession of the Company and to have a superintending controll over the Government of the Presidencies of Madras and Bombay so far forth as that hostilities shall not be commenced, war shall not be declared or carried on; peace concluded or treaties made with any Indian princes or powers without the consent and concurrence of the said ~~to~~ Governor and Council. *h. b. m. m.*

(Whether the Governor General ought not to be invested with a power visiting the other Presidencies and of taking upon him the Government of such Presidencies respectively and of correcting abuses etc. during the time of his visitation, etc.)

10. The Governor General and Council to correspond with the Court of Directors, and to receive their orders from them, but this correspondence, as far as it relates to the civil and military government, to be laid from time to time regularly before one of His Majesty's principal Secretary of State, and as far as it relates to the management of the Revenue, before the Commissioner of the Treasury.

11. The Governor General and Council paid by certain established salaries and to be prohibited from any concern whatsoever in trade.

12. A new Court of Justice to be established at Calcutta upon the Plan of the Bill of last session.

13. The Court to consist of a Chief Justice and 3 Judge to be named and appointed from time to time by the King, and to be paid by established salaries and to be restrained from any concern or dealings in trade.

14. All European subjects of the King resident in the provinces of Bengal or Bahar to be amenable to this Court except the Governor General.



15. The Governor General to be liable to be indicted and tried in the Court of King's Bench Westminster for any crime or offence committed in India.

16. It shall not be lawful for the Governor General, the Council or any other, the servants of the Company to take presents from any of the princes or natives of India or others or to lend money at interest, or to lend money at any interest or on any term to foreign company or to traders being the subjects of foreign states, or to punish them with goods or merchandise for their investments.

No European to be allowed to be concerned in private inland trade, by himself or his agents within the Company's Presidencies in India, or within the limits of the territorial acquisitions in their possession.

16. All Europeans subjects to His Majesty's and all servants of the Company charged with any of the offences before mentioned or with the embezzlement of the Company's goods, stores, or effects in India or with extortion or with acts of cruelty or oppression committed against His Majesty's subjects or the natives of India shall, in every such case be deemed and adjudged to be guilty of a high crime and misdemeanor and as such shall and may be prosecuted for the same in the new court at Calcutta, or in the Court of King's Bench at Westminster and such person or persons, so offending being convicted shall be liable to be punished by imprisonment, Forfeiture of goods and chattels and to be rendered incapable of serving the Crown or the Company in any office civil or military.

17. In cases of indictments or informations found or exhibited in the Court of King's Bench, for this misdemeanors committed in India and also in civil actions brought in the said Court or any other of His Majesty's Courts at Westminster against the servants of the Company where the cause of action arises in India, depositions of witnesses examined by virtue of commissions issued out of the Court or Courts at Westminster and taken in the presence of the Judges sitting in the new Court at Calcutta to be admitted as evidence in the trials of such indictments, informations of civil actions respectively.

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\*Vide Act 10th, Geo. 3rd, Ch. 47, S. 4



Such evidence so taken shall be as good and competent as if the witnesses had been examined or entries<sup>7</sup> in the G. Court at the G. Trials.

18. No person having been employed in the Company's service in India to be capable of being elected a Director until he has been<sup>k</sup> returned from there for three years.

19. Regulations to be made to prevent the restitution of servants who have been dismissed from the Company's service for misbehaviour.

The clause for obliging the Company to export goods or merchandise of the growth or manufacture of Great Britain to the amount of £80,000 per annum expires on 1st September 1773<sup>k3</sup>

This provision to be re-enacted, additional regulations proposed.

20. Such powers to be given to the Company for the better recruiting their forces as shall be found necessary for them and as shall be attended with the least inconvenience to the national recruiting service.

(might not the Com. have a resource for recruits from offenders under certain descriptions. Suppose persons deemed incorrigible rogues under the Vagrant Act, persons who make a practice in the night of stealing poultry, fish, game upon being convicted thereof by a Judge of Assize of quarter sessions to enlist in the service of the India Com. at the option of the Com. or others committing transportable offences.)

21. The Company to be enabled under certain<sup>restrictions</sup> territories to carry either from hence or directly from China tea to be sold in America.

22. The Company to be bound according to terms and conditions to be settled between the Lords of the Admiralty and the Court of Directors to victual and repair such of His Majesty's ships as shall in future be stationed in India, out of the revenues arising within the Presidencies of Bengal and Madras.



Heads of a Bill for regulating the  
East India Company's affairs both at  
Home and Abroad.

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Memorandum

Should the East India Bill pass the House of Lords, no man doubts of this consequence, that Ministers have a sure tenure in their power as long as they think proper. The specific evil then is, that they acquire an absolute certainty in their present situations. Opposition to them will in that case do much harm and no good, for their disjunction from the Crown, with a permanent influence, would be the worst of evils.

No possible event can be worse than that which will happen if their present attempt succeeds, viz. absolute and permanent power.

The only means of averting this, which will remain, if the majority of the House of Lords is found upon a division disposed to adopt the Bill, is a dissolution of Parliament and change of Ministers, before the Bill passes that House.

The measure which will be taken by Ministers to prevent the possibility of effectuating this, will be to cut the proceedings so short by dint of numbers in a Division, that there shall not be time to put it in execution; wherefore if such a stroke is ever intended, it cannot be too speedily determined upon and prepared for. The objections to such a measure can only arise either from the popularity of the Bill itself, or the general confidence of the public in those who propose it, or the singularity of displacing those who are supported by a majority in both Houses, As to the first, it is clear that the measure is unpopular without doors. As to the second, it is pretty clear that by reason of the coalition,

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Public Record Office: PRO/30/29/3: Heads of a Bill  
for Regulating the East India Company's affairs both  
at Home and abroad. Cranville paper



the nature of their taxes, and the many objections which every one has to Mr. Fox being absolute in this country, independent of this attack upon chartered rights, that the mover of this Bill is not so popular as he was when opposing the American War.

The last is that objection which is most to be attended to. The answer may be this. The Bill directly attacks the Royal Power, by raising up another power, which will render the former insignificant. A negative in form has never been put a Bill which has passed both Houses, since <sup>h. when</sup> the time of Wm. the 3rd. This measure proposed will amount to that negative in another mode, viz. by preventing the Bill from passing both Houses, instead of giving the negative when it has passed.

The question then comes to this. Is there any possible case in which the King ought to hazard the exertion of his negative power? If there is none whatever, no more can be said. If there is any possible case, this is that case, and the mode <sup>( )</sup> of doing it by dissolution seems less violent than the absolute negative would be. The ground of this preventing the Bill from being completed is popular, viz. the destruction of chartered rights:- The assumption of absolute authority - the introduction of irresistible corruption: The annihilation of the true authority of the sovereign and sapping the foundation of every gentleman's interest and power in the Kingdom. The strong steps therefore of putting the King's negative in substance, tho' not exactly in point of form, seems to be justified by the occasion, and as favourably circumstanced as such a step can be, by the fortunate concurrence of a popular question, viz. the invasion of charters to a wanton degree, and the imprisonment of the King so long as Fox shall live, which will awaken the attention of the more sober part of mankind.

The dissolution of Parliament appears to be a bolder measure, than upon closer examination it may be thought. For first, it may be very



safely assumed, that neither the Ministers nor their Bill are at this moment in so great favour with the public as that the loss of them should induce men to exchange their present tranquillity for civil disturbance. Secondly, this Leader should be a man of gravity and experience, not engaged in faction; one whom the country gentlemen think honest and of a moderate disposition and temper. Such a one is absolutely necessary otherwise the whole may speedily relapse into the same hands as at present.

Sixthly should the measure proposed or any other fail of rescuing the nation from the designs of these men, things can be no worse in that case, than they will be if no such measure is tried.



Powers of the Commissioners for the Affairs of India

Whitehall,  
July 27, 1803.

Gentlemen,

B-5711/6  
In returning the Court's Draft No. 177 relative to the College of Fort William with their directions thereupon, the Board consider it necessary to advert to some doubts expressed by the Court as to the powers of the Board in the case in question. They deem it material to state their sentiments without reserve on this part of the question from the desire they feel at all times to cultivate the best understanding with the Court, and from a persuasion that it must be equally the wish of both parties to abstain from any encroachment on the legitimate authority of the other.

Under the view however which the Board have of the provisions of the Act of 1793, it is impossible for them to acquiesce in the validity of such doubts without surrendering as they conceive their most important and indispensable function. And they persuade themselves that on a deliberate reference to the letter and the spirit of the Act the Court will coincide in the sentiments of the Board.

The provisions which relate to the mode in which orders shall be sent to India, are contained in the 12th, 13th, 15th and 19th clauses of the Bill. By the 9th clause, the Board are authorised and empowered to superintend, control and direct all matters and things relating in any respect to the civil or military government of India, including the Revenues..

By the 12th, 13th, 15th and 19th clauses the mode in which the authority of the Board whether acting through the Secret Committee or the Court at large shall be exercised, is prescribed and the Court or the Secret Committee as the case may be are required to obey such directions as they may receive from the Board, and to forward the same without delay to India.

The special restrictions on the authority of the Board, as prescribed by the Act will be best understood by observing that the object of the Legislature was clearly to give to the Board a full direction in all matters appertaining to the Government, as distinguished from Commerce and Patronage.

With reference to Patronage two restrictions were imposed, the first, denying to the Board any direct powers of appointment (vide 14th clause), the second, precluding them from granting any increase of salary to officers on the establishment (vide clause 17) unless the same shall originate in a Despatch from the Court; the 18th clause provides against that being done in the shape of extraordinary allowance or gratuity which the preceding clause prohibits being done under the head of an increase of salary.

The necessity of the first provision with a view to the object was obvious. The second though involving an important question of expediency as connected with the efficiency of the Government was nevertheless withheld, as the Power certainly also contained in itself the indirect means of patronage. The terms of the restriction being especially limited to making any increase to established salaries are sufficiently explanatory of its intent.

From volume No 2 of Letters from the Board to the East India Company (pages 150-8, 159 and page 169 where the letter ends). The letter arose from the reluctance of the Court of Directors to alter a previous order closing the College at Fort William by end 1803. The Governor General, Lord Wellesley, appealed for sanction to keep the College going which the Court of Directors wished to be turned



Having stated the only limitations which qualify or restrain the ultimate authority of the Board in applying them to the case in question and to the observations contained in the Court's letter, the Board can not hesitate for a moment in laying it down as within their undoubted authority, as well under the letter as ~~with~~ the spirit of the Act of Parliament to direct any new Establishment to be created which in their judgement shall appear conducive to the better government of India; to prescribe the number of officers of which it shall consist, and even the quantum of salary, if they should think fit to do so, which each shall receive; but having determined on the part of the question which is strictly Political their functions cease, and it belongs in no degree to them to decide by whom these Duties shall be executed or by whom those emoluments shall be enjoyed.

To argue otherwise the principle must be assumed that the Board can give no orders which incidentally give occasion to the creation of any new office with salary. Were that admitted, unless the orders which should at any time be given, were in their nature capable of execution by the precise number of officers then actually in existence, the functions of the Board are at an end. If so, what becomes of their undisputed power of directing war to be declared, or peace to be made, or treaties to be signed, which may eventually lead to the extension of the Possessions of the Company? Was the power of the Board to approve the late Treaty of the Carnatic, and to originate a Despatch on that subject, doubted by the Court, the consequence of which was to create all the civil servants with salary incidental to its administration? As little can it be questioned that it would be competent for the Board, charged as they are with the superintendence of the Revenues abroad, if they considered the number of officers employed in their collection to be inadequate to direct the extent and the manner in which they should be increased, abstaining ofcourse from any interference in the special appointments.

If the above be a correct definition of the Powers of the Board, it will not be contended that the authority which can give the order, can not equally revoke that order, or suspend its execution after it has given it, upon any circumstances that may create a doubt whether it should be carried into effect or not, or which may suggest the expediency of its modification.

The view which the Court have taken of the necessity of every order connected with Establishment any salary originating with the Court appears to the Board altogether inaccurate and to have arisen from not attending to the obvious distinction between the power of governing and the power of appointing to office; between the power of what is necessary to be done and that of determining by whom it shall be done; the former of which the Legislature has undoubtedly meant to leave ultimately and absolutely with the Board, subject to the control of Parliament, as it studiously provided that their authority shall not extend to the latter.

/ trace of

The Court can not for a moment question this construction of the Law on the grounds of any legislative jealousy appearing on the face of the Act, that the Revenues of the Company would be unsafe in the hands of the Board, without some other check than the ordinary power of representation remaining in the Court, for most assuredly the disposal of their funds abroad for the purposes of Government is in the most unqualified sense placed under the authority of the Board.

Neither can the Board admit that their discretion is in the present case limited by any construction of the 17th and 18th clauses, which can be reconciled with the obvious spirit and object



of the Law. These clauses, as the Board conceive, were intended to provide against any addition being made to the emoluments of established offices, either directly in the shape of increased salary or indirectly in that of extraordinary allowances or gratuity, unless the same should originate in a Despatch from the Court.

The Professorships in the College at Fort William, if the question is to be tried upon this principle, are either established offices, or they are not.....

The present can not be stated in any degree a question of Patronage. It is most obviously a consideration of general policy, certainly of the last importance as connected with the means of government namely, how the civil servants can best be prepared for their ultimate destination, and as such the Board consider it as clearly within their jurisdiction. If the Court upon reflection should be of opinion that the Commissioners for the Affairs of India have exceeded their powers, it is competent for them to apply by Petition to His Majesty in Council.

.....

The Board therefore feel themselves bound by a strong sense of Duty to disapprove of the Draft sent up by the Court and to direct that a Despatch, according to the tenor of that now transmitted from the Board be forwarded to Bengal by the first opportunity.

We have the honour to be  
Gentlemen & c  
signed by order of the Board of  
Commissioners for the Affairs  
of India  
W. Brodrick.

To  
The Court of Directors of  
The East India Company.



SOME ASPECTS OF TRAGA AND DHARNA IN THE EARLY 1800'S

with incomplete  
copy p. 2-8

Letter from the Commissioners for the Affairs of India  
to the Directors of the East India Company.

Whitehall,  
6th October 1815.

Sir,

1. I am directed by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 14th ultimo conveying to them the sentiments of the Court of Directors upon the alteration made by the Board in the Bombay Judicial Draft No. 232 and stating their reasons why they cannot concur in the propriety of those alterations, as far as they relate to the Bhauts.

2. I am now to communicate the circumstances which influenced the Commissioners in making the alterations in question.

3. In taking into their consideration the Proceedings which had been adopted respecting the Bhauts in the zillah of Kaira, as brought before them in the Draft, the Board were led to examine the records of their office, in order to obtain the best information they were able, as to this description of persons, and of the services, which according to the established usage of India, they were employed in performing, as also of the customs and practices which are peculiar to them.

4. The Board found that the Bhauts, are an order of Brahmins, who greatly abound in Gujerat, who are held in high respect and reverence by those of their own cast, as well as by the class of Grassias, by that of the Bheels, and by the Coolies,

Col. Walker, Resident at Baroda who are all very numerous, and are the principal landholders. The Bhauts are described to be generally poor, and

21 July 1803, 28 March 1805  
Mr Diggle, Assist  
10 May 1804

Lt Robertson, Assist  
July 1804

Commissioners in Broach  
31 May 1806

Mr Grant, senior Judge of Circuit, 14 December 1808. though of the Rajput tribe, not devoted to war, but to religious habits of life, and to the discharge of the priestly office in their respective villages. The Commissioners further found that the Bhauts had been resorted to by the former governments as the sureties amongst a rude and turbulent people, not only for the Revenue of the country but for the submission to authority, and for the personal appearance and good behaviour of the inhabitants of the different villages. That they had been and actually were further employed as sureties, in the different transactions between man and man; so that they, in effect, constituted a species of Agency, by which for ages, the internal administration of Gujerat, had been materially upheld, and through which the private dealings among its inhabitants had been, to a great extent, carried on; and that, in point of fact, their agency had been extensively employed under the British administration, and with the sanction of our Government.

5. Of the particular practices of the Bhauts passing under the denomination of Traga, and to which they have recourse for the enforcement of obligations on the part of those for whom they stand sureties, the following account is given by one of this cast, in answer to the question put to him by the Court of Circuit at Kaira. "A Bhaut conceiving himself injured, in the first instance, generally exposes himself before the house, or in some public part of the



village in which the person whose misconduct causes the resort may reside, fasting during such observance, and if unsuccessful in this mode he will next inflict wounds on himself in different parts of his body, such as I now exhibit" (shewing a deep cut above his wrist)" to the court, till he obtain his end. In extreme cases, all the members of his family are collected; all of whom sit down at the entrance of the village in which the offender may have his abode, and if by such means he fail as he seldom does, he then severely wound himself or sacrifices some one of his relations. A Bhaut never commits violence on the person of his opponent."

6. This account of Traga appears to the Board to correspond with what is stated by the various other authorities referred to in the margin of this letter.

7. The efficacy of these practices in bringing parties to a compliance with the demands of the Bhaut, is derived altogether from the force of religious prejudice. While the Bhaut fasts, the person whom this is intended to bring to, fasts likewise. He, who refuses a compliance with the requisition, when the Traga is resorted to, is guilty of the blood that is spilt, or the life that has been sacrificed, which are considered to be great spiritual sins, differing only in their degree.

8. It is represented that the Bhaut is not often driven to the necessity of wounding himself, and that it is still more rare for him to be forced to the act of immolation; the operation of fasting under the terror produced by the liability of proceeding to further extremities, being generally sufficient to accomplish the effect intended.

9. The Board also learn, from the testimony of <sup>the</sup> three principal Bhauts of the Dolka pargunnah when questioned as to the custom of their cast, in order to ascertain whether one of the individuals who was tried by the Court of Circuit, for sacrificing his daughter, would be subject to any, and what punishment, that any Bharoot committing violence on his own body, or depriving a relation of life, under the circumstances that have been stated "was not subject to any punishment of cast, nor would he be turned out;" that this was the "immemorial custom of the cast and that in that view, no member would call another to account, and that, to the best of their knowledge, their cast never during any government, called its members to account for these violences."

10. It was under these impressions, or, at least, in consequence of the practices in question "having been pronounced to be conformable to the practice of the country" that the Bombay Presidency mitigated the punishment of the two Bhauts mentioned in paras 97 and 98 of their Revenue Despatch of the 21 December 1813.

11. The Board are induced to mention these latter circumstances, because, though it is not their intention to maintain, that the plea of ancient religious usage, even among the natives of India is, in all cases, to be admitted as a reason for tolerating practices attended with moral evil, they must nevertheless consider such a plea to be one, which is, on general grounds, not only entitled to consideration, when urged against the sudden inhibition of any usage, of the above description, more especially, if allied with civil purposes and objects, but which, if not duly weighed, may lead to very unsafe and erroneous legislation, and instead of improving the manner of the people, and the general state of society, may be productive of consequences the very reverse.

12. The Board found from the report of Mr Rowles, the Collector of zillah Kaira, dated the 9th December 1810, and particularly relating to the pargunnah of Beejapoor that the Bhauts had declined to act as sureties in that pargunnah in consequence of having been interdicted from the employment of any other means for enabling them to perform their engagements than the exercise of "personal influence



and exhortation" and a moderate abstinence from food.

13. The facts and circumstances unfolded in that report and to which the Board desire here to advert, very strongly show the effects, which have already accompanied the prohibition of Traga to the extent, which has just been described, among a people who are actuated and regulated in their conduct by their own peculiar notions and modes of thinking and feeling, and among whom it still remains to establish the principles of regular government, and to secure their obedience to its authority.

14. In this report it is also represented that "the cast of Bharoets generally who became securitied had that year observed assured him of their inadequacy at all times to obtain obedience to the processes of the Adawlut, and requested, that, in future, all the processes from that Department, might proceed direct on the village without being served upon them: "A request to which" (observes Mr Rowles) "from a sense of humanity, in sparing the lives of the sureties, I had been in some cases been obliged to accede."

15. It is also observed that the fear of the Bharoot having recourse to the last extreme was the only thing that appalled the desperate Cooly; and that when made sensible as he would be in a short time, that the Government prohibited Traga, "he would no longer respect the security, and that other means must be resorted to, to enforce the tranquility of the country," and as he afterwards states with reference to the administration of the Revenues "different measures would be rendered requisite at the ensuing settlements."

16. The Commissioners further found that in the same report, Mr Rowles declared that the class of people disposed to undertake the management of the pargunnah of Beejapoor in farm "would not admit of the interference of the authority of the Adawlut; or if at all, in so limited a degree as to prevent any cognisance of their conduct, by that salutary Establishment" nor would they enter into such a speculation where a stipulation would be required, which could not be dispensed with, evidently referring to the prohibition of Traga by the Bhauts.

17. The Board further found that at the time when it was in contemplation to issue, public orders against the Traga of the Bhauts within the zillah of Kaira, Mr Holford, The Judge and Magistrate represented, that, "the efficiency of the native government, depending in many districts on the support afforded by the Bhauts, it of course became a subject of extreme delicacy to interfere with them," and that "the inconveniences resulting from any sudden change would be very extensive, and that the evil appeared to be of that nature, which the steady hand of time, and an enlightened Government could alone overcome".

18. Mr Keale, also, who afterwards succeeded to the office of judge and magistrate in the same zillah, upwards of eighteen months subsequent to the date of Mr Rowles report, respecting his proceedings in Beejapoor appears to have thought it proper to express his opinion that "he did not deem it politic to repress the practice by the terror of the law, it being of most salutary influence on minds callous to other impressions."

19. The Government itself during the administration of the late Mr Duncan, as appears from their Minute dated the 19th March 1811, on the subject of Mr Rowles report, declares that the agency of the Bhauts would probably be found to have been informally practiced in all Hindoo governments, "that it was a ~~part of the~~ constituent part of the Native Constitution", the annulment or destruction of which "might be apt to endanger the whole fabric", that during the years that that gentleman was Resident at Benares "it had no doubt saved in many instances, the necessity for the resort to more coercive measures



in the department of Revenue and Police" while under the Regulation respecting it which had been introduced into that province, there did not occur within the whole of the above period one instance of suicide "though oftentimes threatened but always anxiously guarded against by the solicitude of the defaulters; to such a degree (it is added) that in one instance a well known Brahmin, Fael Zaminne or Surety, for the good behaviour of a chieftain, nearly alike, perhaps in character and position to Nahar Singh" ( the immunity attending whose depredations is, in the same Minute ascribed to the Measures pursued by Mr Rowles for the prevention of Traga) "reduced him to the necessity of surrendering his Ghurry or stronghold, and submitting himself a prisoner merely through dint of fasting, or perhaps affecting to fast with the family, and sitting down in Dhurna with them for a number of days, and threatening to persevere in the practice till the refractory party in question should return to a dutiful demeanour towards government such as, ( it is stated) but for this expedient, must have cost the march of a military detachment, and in all probability, the loss, of atleast, more lives than would have ensued from the most extreme consequences that the resolution of that Brahmin security could have occasioned.

20. The expedients proposed by Mr Rowles for establishing the authority of Government, and for restoring the pergunnah of Beejapoor to a state of quiet and tranquility, were the stationing a battalion of native infantry for two years at Beejapoor to be aided by the cooperation of a body of irregular Horse; and the adoption of measures, similar to those which had, some years before, been practiced by Mulhar Rao in the Karrar pergunnah, and which from the brief description given of their sanguinary character by the Minute just alluded to, the Board must agree, are such as "can never be an example to a British Government, one quite incompatible with either our manners or Regulations."

21. However painful it may be to the Board of Commissioners to contemplate such practices as those which have been alluded to and explained in this letter (and the Court can not regard their existence with more concern than themselves) yet interwoven, in the manner they are with the strongly rooted habits, ideas and religious prejudices of the people, essentially connected as they are with the internal administration of public affairs among a rude and insubordinate race: both as to the management of the Revenues, and the preservation of the public peace and good order, and not less so, as they conceive, with the security of engagements in the private concerns of individuals, the Board of Commissioners, adverting to these considerations, and to the effects experienced in the pergunnah of Beejapoor by the measures pursued within it, for the prohibition of such practices, can not but view those measures as precipitate and ill-considered, as involving an abrupt and extensive innovation upon the order of things growing out of the social condition of the inhabitants, and for which no adequate substitute has been, or could be supplied, that would, in such a state of society answer the same general and necessary purposes.

22. From the 99th para of their Revenue Despatch of the 21st December 1813, and in the absence of any further information on the subject, the Board were left in a state of doubt, whether it might not be the intention of the present Government of Bombay to pursue a similar line of proceeding to that adopted in the pergunnah of Beejapoor, throughout the other modern territories under that Presidency: territories in which, as the public record show, the instrumentality of the Bhauts appear to have been long made use of, and for the same purposes as in Beejapoor: in which the Grassias, Wheels and Coolies, also form the generality of the landholders, and are also unaccustomed to the restraint, and but little sensible to the influence of the constituted authorities of Government, which have hitherto obtained so imperfect a footing that in the zillah of Kaira, there were but fourteen cases of a murder trial by the Court of Circuit



during the years 1809-10, 1810-11, and 1811-12, although plunder, rapine and vindictive outrage have been described as the prevailing characteristics of the inhabitants.

23. The Board of Commissioners felt it therefore to be a necessary duty to set some limit to measures that might possibly be in view, and the qualifications they introduced into the Draft, are such as appeared to them, under all the circumstances, and with the fullest and most deliberate consideration they could bestow on a subject of this mixed and complicated concern to be the most advisable.

24. They felt that they had to meet a question which, on one side, presented to their minds a description of incidental evil which, on moral considerations, it was highly desirable should be discontinued; and on the other, they were sensible that it was in a greater or less degree so bound up with other principles of long established and extensively useful operation, that it could not be suddenly destroyed, without deranging the general frame and texture of society as well as the system of public administration, and thus produce far more of moral inconvenience, in one form, than evil could be prevented in another. They felt, that the question before them was beyond the ordinary track of legislation, and widely differing from one concerning ~~themselves~~ their own native country; that it had reference to an extensive population in a far distant hemisphere, recently subjected to British dominion, whose manners and whose institutions had no common resemblance to those of their own nation, and among whom prejudice and superstition hold the place of reason and true religion. They therefore felt that in endeavouring to reform the habits of such a people, by legal prohibition, a very cautious and circumspect procedure became essentially requisite, that time was required to effect all the good that was aimed at, and that in the meanwhile "our patience would achieve more than our force."

25. The foregoing explanation of the general principles and grounds on which the Board of Commissioners have acted in regard to the alterations they have made in the Court's Draft, supercedes the necessity or use of entering into a particular discussion of the propositions advanced in your letter. And the more so, as in the view which the Board take of this subject, those propositions they consider to be founded much more, on abstract consideration of moral fitness, than on the practical merits of the question to which they refer, as tried by such a standard.

26. The Court seem to consider that the alterations which the Board have made in the Draft, as to the limited prohibition of the Traga of the Bhauts, give a colour for supposing, not by the Court, but by others, that they were dictated by "interested motives", in as-much as the Bhaut agency "was found to facilitate the collection of the Revenue", This certainly, was not the ground on which they proceeded; nor do they consider that it can on any just construction of the paragraphs of the Draft, as it now stands, be so supposed. Their views were by no means limited to that consideration but had reference also, as the alterations will show, to the administration of the Police, the preservation of the public peace, and to the convenience of the natives, in matters materially affecting their interests, and totally unconnected with the Revenue administration of the country. At the same time, the Board will in candour declare that the circumstance of the Bhaut agency having become through long established custom very closely incorporated with the general revenue system of the country, this would of itself, have suggested to the Board, the inexpediency of any sudden abolition of its use.

27. The reason why the Board considered the Benares Regulation to require "some material alterations and modification" before it should be extended to the Bombay Possessions, was, that its terms and general expressions might be adapted to the particular case and that such parts of its provisions as altogether interdicted a resort to Traga in respect to individual suretyship ( which they



considered to be the effect of that Regulation) and which, in so far only, involved a limitation of the principles of the Benares Regulation, might be modified and qualified in such a manner as further experience should point out.

28. The influence of the Bhauts may have originated in fraud, or it may have originated in error; and it may owe its continuance to the joint operation of those causes. But they are points, which, in the judgement of the Board are of little importance in the consideration of the present subject. It is the fact of their possessing that influence which materially concerns it. It is not whether it be derived from "real sanctity of character" but, whether the Bhauts are not considered to possess it by the Grassias, Eheels and Coolies, if not by the people at large. The Board think with the Court that the personal inviolability of the Bhauts has gained "too general a credence", satisfied as they must be, that the idea is founded on blind prejudice and superstition; but the belief is most firmly held; and it is, upon the strength of that belief alone, that the Traga of the Bhauts acquires its efficacy.

29. There is certainly no species of influence which is not liable to be misapplied and perverted; nor are the Board so sanguine as to expect that the agency of the Bhauts, "will be directed exclusively to legitimate objects": but they consider it to be greatly in the power of the judges and collectors, and those acting under their authority, to guard against, and to prevent the abuse of it, in cases in which it is employed in the public service: in which latter case, the Board remain of opinion, that the discontinuance of Traga may, in the more revolting forms which it occasionally assumes be effected "by extending every practicable aid to the Bhauts for enabling them to bring those for whom they are responsible to an equitable fulfilment of their obligation, and by employing the same degree of care and attention for the purpose of preventing the responsibility which the Bhaut incurs from being further pressed upon him than reason and justice will warrant.

30. To describe the obligation under which the Court lie for securing to the subjects of the British Government in India the free exercise of their religion, as one that "can only be held to extend to points consistent with universal moral law, and the common good of society," admits of a latitude of interpretation that would in their judgement render it unsafe to be laid down as a practical rule for the guidance of their Governments abroad, on a subject that confessedly requires to be treated with great caution and discrimination. They deem it to be a preferable course to meet ~~it~~ each case as it arises, and decide upon it, on its own grounds, than to enunciate beforehand, the principles that shall warrant the overthrow or abolition of particular customs or usages. Neither can the Board admit, that the obligation in question "must be understood with reference to certain general authentic codes such, for instance, as those of Menu and Mahomet, for the two grand distinctions of Indian population"; for, according to the conception of the Board, the admission of the doctrine (and they are very far from wishing to carry the practical application of it further than it legitimately goes) would involve a direct sanction for prohibiting and destroying a vast number of customs, usages and institutions among the natives of India, of, perhaps, an ancient standing, and as closely identified with their religious feelings and prejudices, as any of those which are expressly sanctioned by the Institutes of Menu or the chapters of the Khoran: and which, on general principles should be as circumspectly and as temperately interfered with, as if the /mentioned authority of the above/works, could be pleaded for them. They need, therefore, hardly add, that the circumstances of Bhaut security, or Bhaut usages, not being mentioned in Sir William Jones's translation of the Institutes or in Mr Colebrooke's Digest of the Hindoo Law, can not be considered by the Board as affecting the state of the question which they have discussed in their letter; and that even, if that agency and these usages had received warranty from those Bhauts, they would



still have held the facts, that they have had existence from time immemorial, that they are intimately connected with the religious ideas and superstitions of the inhabitants and are clearly authorised, up to the present day, by the rules and authorities of cast, to be of more significant consideration; and they further hold it to be highly proper and expedient, before any usage of the natives be interfered with, in the form of direct prohibition that full information be obtained of a local nature as to its antiquity, as to its prevalence, and as to the relation it bears to the general manners and habits of the people among whom it obtains.

31. In the concluding observations of the Court on the subject of the Bhaut usages as signified in your letter, they remark that even if the antiquity of them could be made out, which they seem inclined to doubt, that "it would not constitute a better defence of them, than might have been made of many barbarous rites which have yielded, some to the gradual progress of knowledge and civilisation, and others to the operation of a corrective police." The Board look to a discontinuance of such practices under the British Governments of India partly to the effects of remedial measures of police, prudently and gradually applied, but in far greater degree, to the progress of knowledge and civilisation, which in the course of time shall ameliorate the intellectual condition of those we govern, and with it, their manners and thus prepare them for the reception of Laws and Institutions, which at present, are not adapted to their state, and which by being prematurely forced upon them, would only have the effect of retarding social improvement, and of weakening those ties and relations, by which society is held together and preserved.

32. I am here directed by the Board to point out to the Court a melancholy instance of the powerful influence of opinion upon the deluded Hindoos to which reference is made in the Judicial Despatch from Fort St George of the 1st March last. The circumstances relating to it are detailed in the Consultations of that Presidency of the 19th August 1814 where it is shown that the result of an intention to enforce by Military aid, the execution of a resisted judicial summons, was that two Hindoo brothers, having previously murdered five of their women had terminated their own lives.

33. I am directed by the Board to inform you that they see no objection to cancelling the word "wisely", which had introduced into the alteration made in paragraph 19, of the Draft, as applied to those parts of the Bombay Regulation, which provide, that, in the administration of criminal justice, Hindoos and Mahomedans shall be tried according to the law of their respective religions. I have at the same time to state that the principle has been acted upon by the Bombay Government, ever since the year 1799, that, in the Judicial Despatch from the Government dated the 14th April 1810, it is stated that those under the Presidency of Bombay "enjoy in one important respect an advantage, sanctioned also by the Supreme Government but which is peculiar to those who live under that Presidency in each of the two grand classes (Mahomedan and Hindoo) of which they consist: being tried in criminal cases by the laws and Dicta of their respective religions; whereas throughout all the Company's other territories in India, that is a favour extended to native subjects in civil cases only." The Board desire also to refer the Court to the sentiments expressed by Col. Walker, and Mr I.A. Grant, formerly a judge of Circuit, (both belonging to the Bombay Establishment) on the same subject, in their answers to the queries circulated by the Court in the year 1813, among their servants then in England.

34. It was the information ~~from~~ contained in the documents from which I have quoted, or to which I have referred, as well as other considerations on which it is not requisite, here to enlarge, that induced the Board, when having occasion to speak of the principle which leaves to the Natives under the Bombay Presidency, the benefit of their own laws in criminal as well as in civil justice,



incidentally to convey their approbation of that principle.

35. The Board must further state that though they are willing, in conformity to the desire of the Court, to make a reference to the Governor in Council at Bombay on the subject, they conceive, that the form in which the Court propose it to be made, would stamp on the face of their public correspondence with their governments abroad, an inconsistency of proceeding, as will at once be seen by the Court, on a perusal of paras 35 & 38 of their Judicial Despatch to Bengal of the 19th January last. The Board desirous however of meeting the views of the Court as far as they are able, without a compromise of their own opinions as on what they deem an important subject, propose that the following paragraph be added immediately before paragraph 23, which they consider will substantially suit the purpose of the proposed reference to the Bombay Government.

We have in a foregoing paragraph of this Despatch had occasion to notice that by the Regulations of your Government, the administration of justice among the natives, is not only administered in civil cases subject to some modifications conformably with the law of the case, or the established usage of the country as the parties may be of the Hindoo or ~~Mahomedan~~ religion but that the same principle is also acted upon in criminal cases. This is a departure from the course pursued under the other two Presidencies of which you are fully aware; nor do we mean in thus noticing the circumstance to insinuate that the principle that has been adopted under your Government, in regard to criminal jurisprudence, is not fully warranted by local considerations. But it is a point on which we are desirous of receiving such information as yourselves and the judicial and revenue officers under your authority may be enabled to supply us with, as well as on what has been the practical effect and operation of the principle to which we have referred. You will therefore furnish us with this information by an early opportunity.

/Kussulman

With regard to the addition made by the Board to paragraph 12 of the Draft, I have their instructions to state that it was not inserted therein first, because the official records satisfactorily showed that the ancient village police has a general existence within the territories under that Presidency similar to that which the Court have already not only sanctioned, but strongly recommended the other Governments of India, to preserve where it is found to obtain, and to revive and to restore where it is decayed or lost, as the necessary means of promoting and accomplishing the maintenance of the public peace and order. Under these circumstances the Board are at a loss to account for the spirit and tenor in which your letter relating to the point is written. The Board however remain unaltered in their sentiments on this subject, and they feel the more strongly the propriety of the addition which they have made to the 12th paragraph of the Draft, on a perusal of a Minute recorded by the present Governor of Bombay on the Revenue Consultations of the 19th May 1813, from which it would appear to be in his contemplation to dispense with the services of the village police, to resume their lands and gasbaws, and to place the subordinate charge of police in the interior of the country in the hands of hired agents, as was done in the Bengal Provinces, and in a great part of the permanently settled districts under the Presidency of Fort St George; but which as it is now felt by those Governments has been productive of the worst effects, and they are in consequence at this time, anxiously engaged in remedying as far as possible the fundamental error of that mistaken course of proceeding, by calling these village institutions again into action, under such simple rules and regulations as shall be found best calculated to secure the efficient use of them.

I have the honour to be,  
Sir,

your obedient & humble servant

John Meheux / Assistant Secretary.



Bd-Cl-1817

ASPECTS OF LAND TREASURES

Letter from George Canning, President, Board of Commissioners for  
the Affairs of India to Chairman & Deputy-Chairman of East India Co.

India Board,  
16th August 1817.

The Chairman & Deputy-Chairman,  
of the East India Company.

Gentlemen,

I have given my best attention to the letter which I had the honour to receive from you on the 3rd instant remonstrating against certain additions made by the Board to the Bengal Revenue Draft No 193.

The form of your remonstrance naturally leads me to consider as in a great degree personal to myself, that responsibility which you propose to throw upon the Board, for all the embarrassment, confusion and loss which you apprehend to be likely to follow from a perseverance in the instructions contained in those additional paragraphs.

As I am far from feeling myself sufficiently informed upon the extensive and complicated subject to which the paragraphs relate, to be enabled to estimate the validity of the opinions upon which the instructions most recently sent out to India have been founded, every consideration of personal responsibility induces me above all things to take care that no instruction which may go out under my sanction for the present, shall either contradict the tenor or impair the efficacy of what I find, at every accession to the Board, to be the worded intentions of the Board and of the Court of Directors.

The points upon which I find an agreement between the Court and the Board established (established whether by coincidence or compromise of opinion) are these:

1st, that the system of 1793, though originally sprung in the most enlightened views and the most benevolent motives, and though having produced considerable good, has nevertheless been attended, in the course of its operation, with no small portion of evil to the people for whose happiness it was intended.

2nd, that the same views and motives which dictated the original introduction of the permanent settlement twenty-five years ago, would not, after the experience which has been had of it,

justify the immediate introduction of the same system into provinces for which a system of Revenue administration is yet to be settled.

3rd, that the creation of an artificial class of intermediate proprietors between the Government and the cultivators of the soil, where a class of intermediate proprietors does not exist in the native institutions of the country, would be highly inexpedient.

4th, that no conclusive step ought to be taken towards a final settlement of the yet unsettled provinces, until it shall have been examined, and if possible ascertained by diligent research, and comparison of collected testimonies, as well as by accurate surveys of the lands to be settled how far the principles of a system which should bring the government into immediate contact with the great body of the people can be practically and usefully applied to them.

That these four propositions do not contain an exaggerated statement of the opinions of the authorities at home, as expressed in their Despatches, and as understood by the Governments in India is manifest from the tenour of the communications from India, and from no one of those communications more clearly than from the initiatory paragraphs of that Minute of Mr Fullarton to which you



refer with so much commendation. (how it happens that a partial extract of the proceedings of the Indian Governments is circulated through private channels in England before it has been communicated to the regular authorities, I forbear to enquire)

Mr Fullarton's Minute, which I also have accidentally had the advantage of seeing professes to exhibit the dangers and the imperfection of a Ryotwar settlement, but I must fairly confess that, however elaborate and however full of information, it has struck my mind as contradictory and inconclusive on the point to which it is particularly applied, and in respect of which you appeal to its reasoning.

Such then are the recorded opinions of the authorities at home by which I should think it incumbent upon me to abide, at least until I shall be convinced that they are erroneous. The leaning of my judgement is, at present, the other way: But I can have no prejudice upon the subject, and certainly have no object but the truth.

On the other hand, I am not desirous of pushing these opinions beyond the limits at which I find them established, nor of converting them prematurely into formal instructions.

I confess, I do not see that either of these objections can be fairly stated to apply to those passages of the amended Draft No 193, which the Court have made the subject of remonstrance. I see nothing in those passages that amount to any instruction whatever, I see nothing in them, which in point of opinion is absolutely new, or which according to my apprehension, goes beyond what has been repeated in many Despatches during the last five years, or was beyond what is to be found in that very Despatch which was reconsidered in consequence of the Court's remonstrance of December 1814.

There is indeed in one passage of the amended Draft No 193, a strong and unjustified avowal of the belief that the extension to the different districts, of the Company's territories of a system "founded on Hindoo Institutions", would be the greatest boon "that could be bestowed upon the people". This may perhaps be a needless amplification; but it is in truth only an amplification of the paragraph sent by the Court. It is scarcely more pointed than other declarations in former Despatches. It certainly is not at variance with them. The averment indeed that these institutions were in old times "uniform throughout all India" is perhaps more than is yet proved; it is at all events more than was necessary for the argument, and therefore may well be omitted. There is also it must be allowed in the expression "our suffering Native subjects", a liability to that misconstruction to which your letter represents it to be liable, but surely neither Lord Hastings when he deploras the "desperate situation or" the "acute suffering" and the "stifled cries for redress" of the "Body of the people within the circle of the permanent settlement", nor Mr Lumsden, when in the Paper which you have had the goodness to send to me along with your letter, he affirms the ryots to have greatly "suffered from the extortion and rapacity of the zamindars, under the permanent settlement" meant any disrespect to the memory of Lord Cornwallis. It would seem therefore, a very forced construction that should infer any such meaning from the use of one of Lord Hastings and Mr Lumsden's expressions by the Board.

That part of the amended Draft No 193 in which the Ryotwar system is specifically praised and recommended, and that passage on which the whole of your commentry respecting the recovery of arrears of rent without sale of lands is founded, are quotation from a Despatch addressed to the Bombay Government, the Draft of which was returned to the India House, approved by the Board, on the 29th of March of the present year and which must be presumed to have been long ago sent to India.



As I wish above all things to avoid controversy in our correspondence, I abstain from commenting upon any part of your letter that does not bear directly upon the matter which you state as the matter of complaint. With respect, therefore, to all that is propounded in that letter as to the danger of "retrograding in civilisation" and as to the "principles of political economy" I shall allow myself no other remark than 1st that in other countries, I believe, the removal of intermediate landholders, or middlemen (by whatever name known) has been considered (whether wisely or not) as an advancement rather than a retrogradation; but 2ndly that I apprehend nothing to be so little useful as reasoning by analogy from Europe to India; as the attempting to apply to a state of things, of men and manners so entirely distinct and anomalous, those general maxims of Political Economy which all enlightened nations indeed profess, and continually recommend to their neighbours; but which even among the most enlightened, are continually modified and controlled by their own peculiar prejudices and temporary convenience, I confess, I should feel myself at a loss to apply any European scheme of fiscal policy to a country in which the Government derives its revenues from a direct participation in the produce of the soil.

Upon the whole, I do assure you, that I have no desire to hurry the principles of a Ryotwar collection into action, nor to decide prematurely against the establishing of any other form of settlement in the Ceded and Conquered Provinces hereafter on whatever principles shall appear, after full investigation to be the best. But I wish that investigation to be full, patient and impartial. I think it can only be made so by going on now in the course in which the Board and Court have concurred; and while I am perfectly ready to strike at any paras added by the Board, any thing which goes further than that concurrence warrants-- and certainly any thing that can be supposed to reflect unnecessarily upon former systems, or at all upon the characters of individuals, I must on the other hand be equally concerned to prevent that confusion and uncertainty into which our Governments in India would be thrown, by any appearance of hesitation on the part of the authorities at home, in maintaining the opinions which they have inculcated, and enforcing the course of measures which they have prescribed.

I am happy to say that I have the less difficulty in adopting this as the obvious duty of my situation; because, when I put together the several admissions which your letter contains, I am satisfied that the practical difference between the Court and the Board is much less than the general tone of your letter would have led me to imagine; and that every renewed discussion of the points in question, at home, and every fresh communication from the Governments in India is likely rather to narrow than to widen the ground of that difference,

I have the honour to be  
 etc etc  
 George Canning

P.S. Several omissions and alterations in the Draft conformable to what I have stated in this letter will be coming to the Court (as is necessary) through the regular channel.

The next entry No 479 on pages 454-5 is a letter from the secretary to the Board, dated 19.8.1817, referred to here.



Revenue Despatch to India (in No. 14 pp698 plus contents and Index)  
12 April 1837 (No 6) (pp 309-47, 49 paras) (35 Despatches)  
Sent to Madras Paras 26-35 (pp 331-7).

26. We observe that heretofore there has been but little similarity in the mode of assessment in the districts of the Upper Provinces. We know that it may not always be possible to pursue one uniform course in this particular, but we are of opinion that generally speaking this essential principle may be preserved, especially in the districts where neither the forms of public institutions nor ancient usages present impediments.

27. With regard, for example, to the practice which exists of forming assessments according to the value of the crops produced, and not according to the value or capabilities of the land, a subject which was noticed by us in our Despatch of the 15th February 1833, this is a mode of assessment which we find by the proceedings under review, continues to be observed in many districts in the Western Provinces, a practice which as remarked by Lord Wm Bentinck must act as a check on industry and discourage cultivation.

28. We are desirous of drawing your particular attention to the subject in especial connection with the cultivation of cotton, sugar, coffee and other staple commodities suited to the Home markets.

29. You are aware that the equalisation of the duties on sugar is a subject that has engaged our anxious consideration, and you will have received from us through the Public Department under date 10th August 1836 copies of the Act recently passed on the subject. The advantages to individual skill and industry, and the commercial community of India in general which must result from this measure will doubtless be very great.

30. The prospect is thus opened to Europeans and will doubtless be embraced of investing their capital in the cultivation of staple articles of produce in India and it may be hoped that corresponding benefits to the agricultural community will accompany the extension of more valuable cultivation. It is nevertheless imperative on us not only to watch narrowly the interests of the native population, but use every means, and embrace every opportunity of improving those interests and ameliorating the general condition of the people.

31. European enterprise and European capital are ever ready to secure the advantages which any changes in state policy, commercial or financial, may seem to hold out; and this, it is not our desire to check. At the same time it behoves us to be something more than quiescent with regard to our native subjects who having the skill and industry may want the enterprise and the capital of the Europeans, and occasionally to lead and assist them in the line of improvement. This we consider to be the true policy of a liberal government ruling over a people not possessing the knowledge or means of developing all the resources of their native land.

32. No better means of securing this good object can be pointed out than the adoption of such a mode of assessment as shall leave the cultivator in possession of an ample and encouraging remuneration for the exercise of his industry in the growth of articles adapted to the demands of the Home market. The policy of long leases and moderate assessments is therefore not only recommended by general principle and general experience but is enforced by the peculiar circumstances of the time.

33. You are aware that the practice existed at Bombay and Madras as well as in Bengal of making the assessment according to produce /the and not according to the value and capabilities of the lands, and that it was stated that the revenue could not afford to bear the change contemplated by our instructions on this subject. We trust, however, that this practice is generally discontinued at Madras and Bombay, and that the prohibitory instructions which have from time to time been received from us on this subject will be kept in view during the progress of the new settlements in the Western Provinces, and ultimately put a stop to this very objectionable mode of assessment.

I



It is the productive power of the land and not its actual produce that should be taken as the guide in making the assessments. By this mode the best description of encouragement is given to the cultivator to extend cultivation and use crops immediately beneficial and profitable to himself, and such a system, we have on former occasions observed and are still of opinion would not ultimately be found detrimental to the interests of the state.

34. Where the system of assessing according to the actual produce has been abolished, and the character of the soil substituted as the basis of the assessment, the effect of the change has been most beneficial as is attested by Mr A. Fraser writing from Delhi, where this system has been for some time in operation.

35. We expect that the tenor of our instructions noted in the margin with which we refer you for full detail of our sentiments on this subject than we now consider it necessary to enter on, will be strictly and invariably employed.

<u>BENGAL</u>	15 February 1833	<u>BOMBAY</u>
<u>MADRAS</u>		
18 August 1824		15 February 1822
18 May 1825		4 May 1825
17 January 1827		23 May 1827
14 November 1827		6 August 1828
30 July 1828		18 February 1829
27 May 1829		16 July 1830
15 June 1831		15 June 1831
3 August 1831		19 February 1834
23 October 1833		30 March 1836

( The above enclosed in Revenue Despatch to Madras of May 3, 1837, 1 para on pages 41-2 of Revenue Despatches to Madras 1837-8, No. 10. Replied on 2.4.1838 and 8.9.1838. )

(In the same collection Despatch of 18 October 1837, pages 661-73, sent to Madras with Revenue Despatch of October 25, 1837—page 127— is on attitude to native religions. Advocates conciliatory response in the context of the instance of the Spring Festival at Surat.)



Letter from the Board of Commissioners for the Affairs of India to  
the East India Company.

1824-1838

India Board  
the 4th September 1824

Sir

I am directed by the Commissioners for the Affairs of India to acknowledge the receipt of your letter dated the 12th ultimo submitting on the part of the Court of ~~the~~ Directors certain observations on the alterations made by the Board in Begal Judicial Draft No 303.

In reference to the second para of your letter I am directed by the Board to remark that they do not profess any information of the Bengal Government having done all that was practicable for the "maintenance of the native institutions and customs as were fit be preserved."

On the contrary as far as can be collected from the meagre correspondence that passed between the Supreme Government and its officers, it would seem that the judicial, revenue and police Establishments previously existing were according to the the usual practice of the Bengal Government dismissed almost immediately on our taking possession of those countries, that in consequence of this measure one class of the above deprived officers have been driven to distress, to the commission of highway robbery and other crimes. That so far from any provision being made to continuing to the inhabitants the privilege of being tried according to the Institutes of their religion the officer incharge of the province was left at liberty to decide in all cases he chose without reference to law or usage; that Commissioner deputed under Regulation 10-1817 to try capital offenders was even precluded from the option (which did not seem to have been denied to the local officer) of regulating his proceedings according to Hindoo Law. The enactment under which he is appointed requiring him in the performance of the duties of his office "to be guided by the spirit and principles of the Regulations in force in the Ceded and Conquered Provinces" regulations the criminal system of which has no advertance whatsoever to the religion of the great body of the natives,

1. refers to Kumaon which had been latterly acquired and where the Muslim Criminal Law which formed the basis of the Bengal Regulations had never had any previous application.



Letters - Board - E.I. Co.  
1824-1856

With  
copy

East India House  
the 10th March 1824.

Sir,

I am directed to acknowledge the receipt of your letter of the 22nd December 1823 returning the Bengal Judicial Draft No 92 with alterations.

In regard to paragraphs which have been substituted for paragraph 48 of the Draft the Court of Directors would submit for the consideration of the Board that those modes of penal law and judicial administration which according to the most authentic accounts existed in Kumaon under the Hindoo Government are not well suited to any community or proper for any civilised Government to uphold.

It was necessary to establish some system for the prevention of crimes in Kumaon, and the Court of Directors are not aware that in that which has been introduced by the Sir Governor General in council the circumstances of the country have been overlooked. Although from time immemorial vindictive murders may have been frequently committed in that barbarous region it is not less incumbent on the British Government to use all practicable measures for their suppression and the penal system adopted by the Government being directed against the evil passions of individuals and not against harmless prejudices to which the people might be supposed to be generally attached, there is ground to hope that its beneficial influence will be justly appreciated by the inhabitants of the country at large.

Allusion being made in the paragraphs to a separate Despatch on the subject of Kumaon which is said to have been addressed to the Bengal Government I am directed to state that no Despatch of the sort has hitherto been sent and to suggest that the passage in question may be omitted.

With reference to the addition which have been made to the 54th and 55th paragraphs I am directed to observe that it appears to the Court desirable to leave matters of such detail to the discretion of the supreme Government and to avoid a peremptory expression of the Court of Directors on subjects respecting which at this distance it is difficult to come to a satisfactory conclusion.

T. P. Courtenay Esq

I have & c  
J. Dart, secretary.

B-VIII/9/ii



No 1051

India Board,  
the 7th July 1824.

Sir,

I am directed by the Commissioners for the affairs of India to return you the Bengal Judicial Draft No 303 approved with alterations.

In the passages which the Board have cancelled and in those which they have added the Board have had in view the enforcement of the opinions on the judicial system in former Letters and the specification of a mode of internal administration which they consider most advisable to be adopted in the territories newly acquired under that Residency.

Joseph Dart Esq

I am & c  
(signed) J. Wright  
Asst Secretary

No 1277

India Board  
August 4, 1825.

Sir,

In reference to my letter of the 17th December 1824, I am directed by the Commissioners for the affairs of India to request that you will remind the Court that the Draft No 219 in the Judicial Department to Bombay which is stated in the monthly return for July to be not yet signed as a Despatch, was returned by the Board to the Court on the 10th May last and that no representation concerning it has been received by the Board.

J. Dart Esq.

I am & c &c  
T. P. Courtenay



No 1121

India Board  
the 18th December 1824.

Sir,

The Commissioners for the affairs of India have attentively perused your letter of the 9th instant containing the request of the Court of Directors that the Judicial Draft No 303 may be withdrawn.

As to so much of your letter as refers to the delay which has already occurred in transmitting to India a Despatch founded upon the Draft, I am to refer you to my letter of yesterday's date.

B-0111/9/iv

The ground upon which the Board is supposed to acquiesce in further delay is furnished by Mr Trail's report of the 10th April 1823 now first brought to notice in connection with the judicial administration of Cussen though it appears to have been received at the India House in March last. By this report the Board are led to hope, that the instruction to the Commissioner in Cussen to be guided by the "spirit and principles of the Regulations" has not occasioned an adoption of the judicial system, onerous to the natives, or or unnecessarily subversive of their customs; and that the state of the country under the plan of the administration which has been introduced is such as to justify the Board in abstaining from the immediate enforcement of their former order for rescinding Regulations IV and I of 1817 and II of 1818.

Always desirous of avoiding controversial discussion with the Court, the Board will not make the observations which occur to them in many parts of your letter; they think it, however, necessary for the Court's information and guidance to remark that although they do not feel it necessary to express any opinion of the judicial system which has not already been conveyed to the Bengal Government by the Court, they cannot alter the tone of the correspondence in regard to that system. The Despatch in which a most unfavourable opinion of the system and a desire to reform it thoroughly are conveyed have been enumerated in the paras which the Board have inserted in Draft 303; they will at present content themselves with referring to the 49th para of the Judicial Letter to Bengal of the 2nd February 1819, and to the 3rd and 4th paras of the letter of the 17th November in the same year.

The Board think it is right to observe that if by the "spirit and principles of the Regulations" nothing more is meant than the general principles of law and justice a self evident proposition is conveyed in a form very likely to lead to error; and that in any view of its meaning the Board cannot approve of a reference to the spirit of the Regulations as a rule of conduct.

The Board are of opinion that it would be wrong to delay much longer the expression of the sentiments entertained by the authorities in England upon the late proceedings in Cussen; while therefore they direct me to convey to you their consent to postpone the transmission of Draft No 303, they desire me to express their hope that the Court's new Draft may be prepared with little delay. It is their earnest wish that this Draft may be so framed as to justify them in consenting that the former Draft as altered by them may be cancelled.

Joseph Dart Esq.

I am &c &c  
(signed) T.P. Courtenay



No 2512

India Board  
November 6, 1832.

Sir,

I am directed by the Commissioners for the affairs of India to return to you the Bengal Revenue Draft 587 altered.

The Board have cancelled part of paragraph 3 to paragraph 16, paragraphs 18-20 and paragraph 22 to the end, because they are of opinion that the policy and prosperity of the Government continuing to levy a tax on pilgrims, and to derive a contingent benefit from the surplus of such tax, should be brought under the consideration of the Governor General in council on higher grounds than those to which the Court have adverted; and that the principles on which we tolerate superstitious practices should not be mistaken.

The Board have therefore introduced several paragraphs conveying to the Bengal Government a full explanation of the opinions and arguments with reference to which they are anxious that this important question should be finally settled. The time, manner and gradations by which such settlement can be best carried into effect is expressly left to the discretion of the local government.

Peter Auber Esq

I have the honour to  
T. Hyde Villiers

No 2544

India Board  
January 14, 1833.

Sir,

I have laid before the Commissioners for the affairs of India your letter of the 11th instant, conveying the representation of the Court of Directors against the alterations made by the Board in Draft No 587 in the Revenue department to Bengal.

The Board regret that, after a full consideration of the observations made by the Court, they cannot take the same view of the subject; and they have therefore only to desire that the Draft as altered by them, may be sent to the Governor General in council, in conformity with the 13 section of the act 33 G 3 Cap 52.

Peter Auber Esq.

I am Sir to  
T. B. Macaulay



East India House,  
11th January 1833.

Sir,

I have had the honour of receiving and laying before the Court of Directors, Mr Villiers letter of 6th November last, returning the Bengal Revenue Drft No 587, with alterations; and I am commanded to submit for communication to the Board the earnest request of the Court, for a reconsideration of those alterations.

The entire subject, not only of the Pilgrims Tax, but of the revenues and superintendance of the religious establishments of the natives generally, was (by the Draft as submitted by the Court) referred to the consideration of the supreme Government of India; and such material information as appeared to be still deficient in the country was called for. By the Draft as altered, the subject is still referred to the local authorities, and a latitude is left to those authorities in respect to time and manner, but none whatever in regard to the abolition of the tax, which is expressly enjoined.

The reasons given by the Board for the injunction appear to the Court to be by no means conclusive.

B-1111/10/11

The propriety of a pilgrims tax is considered by the Board under three different suppositions; first, that of a limitation of the tax to the amount of the expense incurred in the police arrangements necessary for the personal protection of the pilgrims. Secondly, that of its affording a surplus employed "in keeping in repair the shrines, idols, or other edifices which form the local objects of the pilgrimage, or in supporting the priests and other ministers attached to them," and lastly, on the supposition that the tax affords a net revenue to Government.

In the first case, that of a tax no more than sufficient to cover the extra police expenses, rendered necessary by the festival, though even upon this footing the opinion of the Board is against keeping up the tax, they do not seem to consider it as in principle objectionable. The religious observances of the natives the Board justly remark, "could not properly be said to be tolerated, if those who are engaged in them did not experience that ordinary degree of protection, to which every citizen not offending against the laws is entitled at the hands of his rulers. A religious festival attended by immense crowds cannot be said to be tolerated, if the Government does not provide a police sufficient to enforce order and to ensure the safety of individuals during the celebrations. And on the other hand, the providing of such a police is not an act of ~~favour~~ or favour or friendship to the mode of worship, but one of simple justice to the worshippers." If it be an act not of favour but of simple justice to afford to the worshippers the full protection of an effectual police; to provide that protection and demand a price for it, can scarcely be considered as a favour beyond justice. Accordingly the Board admit that "if the tax were confined to this object and regulated on these principles, much of the objection which has been urged against it would be obviated; while the duty incumbent on us of protecting the natives in the observance of their religious rites would be strictly fulfilled."

But when the tax, instead of being levied to maintain a



in  
local police, is/part appropriated to the repair of the temple and the support of the priests, this in the Board's opinion is a departure from the neutrality which, and which alone, is required by toleration; and constitutes us "the chief agents in sustaining an idol establishment."

On this point the Court have to remark, that the Board do not appear to take into account the distinction between merely continuing the established support to the Hindu ceremonies or temples, and (what the Court would object to as strongly as the Board) holding out new encouragement to them.

The British Government in India is bound as well by its own uniform maxims as by repeated and most solemn pledges, to protect the natives of India in the full and free exercise of their religion.

It has never been considered that these pledges were redeemed by merely throwing no obstacles in the way of the performance of religious ceremonies. It has always hitherto been held, nor do the Court see how it can be doubted, that any innovation which should place the natives in less favourable circumstances for the exercise of their religion, than they were at the introduction of our authority, would be a breach of our engagement; and that the discontinuance of any pecuniary support heretofore enjoyed, whether in the very common form of rent free lands, in that of a pilgrim tax, or by direct grants of money, would be as decidedly at variance with our obligation to protect the natives ~~xx~~ in their religious observances, as the omission to provide the necessary police for ensuring the personal safety of the worshippers.

On this principle it is, and on no other, that the Pagoda lands in all parts of British India are not resumed, and the revenue derived from them devoted to the general purposes of Government. The purposes to which those lands are appropriated, are those of superstition, no less than the ceremonies of Juggernaut.

The Board further urge that the consequence of levying a tax for the support of the temple and of the priests, is "to mix up the Government with the interior concerns of the idol establishment." The Court observe that the mere protection, which it is our admitted duty to afford to the worshippers, necessarily has more or less the effect of mixing us up with the celebration; and leads unavoidably to our exercising "a large degree of control".

The kind of connection however with the "interior concerns of the establishment" to which the Board particularly object, is "the supervision and disposal of its revenues", and the general cognisance of its accounts and management. This however is nothing more than the Court believe to have been systematically practised at all the religious establishments under the Presidency of Madras, and is therefore no peculiar effect of the existence of a pilgrim tax.

One of the questions, moreover, specifically referred to the local authorities in the Draft as first submitted by the Court, was, how far this detailed interference was or was not necessary or expedient.

At Juggernaut the Government has to a great degree



abandoned the minute superintendance it formerly exercised; and retains little more than the power, in the last resort, of calling the actual superintendents to account for misconduct in their office; a power of which, whether as regards this, or any other public trust, it is difficult to conceive how any government can divest itself.

That the degree of interference exercised by the Government were it even much greater than it is could "almost necessarily inspire the people with a belief either that we admit the divine origin of these superstitions, or at least that we ascribe to them some peculiar and venerable authority" is a supposition which the Court cannot but regard as altogether inadmissible. The Court see no grounds for imputing to any part of our Indian subjects the imbecility implied in entertaining such a belief, contrary to all the evidence which presents itself daily and ~~hardly~~ hourly both to their senses and to their understanding.

And the Indian population are perfectly aware, that the superintendance actually exercised by the British Government, is no more than the continuance, in a more equitable and efficient form, of that which was practiced under the dominion of the Mahrattas for the same purposes; namely, protection to the worshippers both against personal harm and undue exaction.

It is in fact the discharge of an obligation which devolved upon us with the sovereignty of the country in which the temple is situated.

The remaining aspect under which the Board consider the pilgrim tax, is that of a source of revenue to the general government. The Court have much hesitation in considering this character as applied to the pilgrim tax as it actually exists. At some particular temples where it is levied, that tax no doubt affords a surplus revenue, but setting against that surplus the large expenses annually incurred by Government for the support of Hindoo and Mahomedan places of worship and religious establishments, where no pilgrimage tax is levied, the Court are persuaded it will be found that the religious observances of the natives, instead of affording a revenue to Government, are a heavy charge upon the public resources. To obtain a correct account of this class of receipts and disbursements was one of the objects of the Draft as submitted by the Court.

But without insisting further upon this point, the Court are unable to admit the force of the Board's reasonings against deriving a revenue from such a source. "Our feelings revolt" (say the Board) "at the idea of deliberately making a profit of practices the existence of which we must deplore and of tenets which we cannot but entirely disapprove."

The Court cannot feel the force of this objection. Where evil cannot be prevented, to extract good from it has never been considered immoral. To draw a revenue from vice, from drunkenness for example, by the taxes on spirits, from gambling by those on cards and dice, has long been the practice of Great Britain, and most, or all civilised nations. To reduce, or take off, such taxes, has frequently been blamed, as holding out encouragement to vice, to keep them on has never within the Court's knowledge, been so considered.



To licence, for the sake of taxing, practices of which we disapprove, would indeed be highly objectionable; but in the present case we have no option with respect to licensing them, we are not at liberty to throw obstacles either directly or indirectly in their way, even the pilgrim tax if it had not existed previously, we could not with any propriety have imposed. But as we found it in existence, the lawfulness, in a moral point of view, of keeping it up, turns, in the Court's opinion exclusively upon the single point, does it, or does it not increase, the practice of, or the resort to the superstitious ceremonies.

Accordingly the Court observe with satisfaction, that the Board proceeded to argue the matter on this ground, but they decide the question last stated in the affirmative; and the reasons they assign have by no means produced in the minds of the Court the same conviction as in theirs.

The Board throw out the proposition that "the spirit of superstition is only ~~whittled~~ and whetted and promoted by having obstructions thrown in its way" and they dwell at greater length upon the argument that a pilgrim tax connects the interests of Government and consequently of the government officers with the prevalence of the superstition and gives them an inducement to encourage the resort of pilgrims to the place.

The former of the arguments appears to the Court to be inapplicable to the present case. Acts of violence and persecution directed to the purpose of putting down a religion, or a superstition, may only stimulate the zeal of the votaries, but no such effect, the Court conceive can possibly result from the mere continuance of practices, established, as the pilgrim tax at Juggernaut originally was, by the votaries themselves, for the purpose not of obstructing but regulating and maintaining the rights in question.

The Board's argument, moreover appears to lead to very inadmissible conclusions. If superstitious or religious zeal is stimulated by obstacles, such as the pilgrim tax is considered to be, and dampened by the facilities which the removal of such obstacles may be supposed to afford, all endowed church establishments must be in the highest degree prejudicial to Christianity; and instead of providing churches, and paying the ministers of religion, a christian government ought to prohibit divine worship, or impose a tax on all who celebrate, and on all who attend it.

The Board observe that the pilgrim tax "gives the Government an immediate interest in the progress and extension of the superstition, and furnishes both to the Government and to such of its functionaries as are concerned in levying the tax, supposing them to sympathise with their employers, a perpetual inducement to increase the income of the temple, and therefore to attract to the spot as numerous a concourse of pilgrims as possible." This argument supposes the Government and its functionaries capable of systematically adopting measures to attract to the spot as numerous a concourse of people as possible, a disposition too discreditable to be attributed to them without proof. But the supposition upon which the argument is founded, the Court hold to be the very reverse of the fact. The pilgrimages are a source not of financial benefits but of a very serious financial injury to the British Government. Persons who are



capable of undergoing the fatigue of so long a journey must in general be able-bodied ryots whose labour in agriculture is highly valuable to Government; they must also be persons not destitute of pecuniary means. Many hundred thousand beeghas of land must remain annually uncultivated, from the absence of ryots on these pilgrimages, or from the waste of resources, thereby occasioned. The Government therefore and its officers "supposing them" (as the Board says) to sympathise "with their employers", have the strongest motives of a financial kind to diminish, instead of increasing the resort of pilgrims to the festival, and the argument against the pilgrim tax founded on the supposition that it "directly connects the pecuniary interests of the state with the extension of superstition", falls to the ground.

advent

The Board next ~~admit~~ to the subject of the "Gomastahs or agents who are employed in travelling throughout India for the purpose of enticing the pilgrims to the several shrines and temples of repute" and who "receive a fee from every  $\pi$  pilgrim whom they can persuade to visit the particular seat of superstition to which they are attached."

The Board admit that this practice does not owe its existence to the pilgrim tax, but they somewhat gratuitously assume that the exertions of the Gomastahs are stimulated by an increased assurance, derived from the interference of the British Government, that the fees will be punctually paid. The Court are quite unaware of any facts affording the slightest ground for this conjecture.

If the fees of the Gomastahs are rendered less precarious by any regulations of the British Government (which the Court have no reason to believe) the expediency of altering such regulations  $\pi$  is a fit subject for consideration and discussion, but it is one which has no connection with the pilgrim tax, the whole operation of which is clearly adverse to the interests of the Gomastahs. For whatever sum the pilgrim is compelled to pay to Government, constitutes a deduction of just so much from what he could, and probably would bestow on the Gomastahs, or on the priests their employers.

The practices of these "pilgrim hunters" are in the estimation of the Court, one of the strongest arguments for not abandoning that degree of interference with the fees of the priests which has grown out of the existence of a pilgrim tax. If the priests, as the Board propose, were allowed to put whatever price they pleased upon permission to resort to the temples, and were at liberty to appropriate to themselves and to their emissaries the Gomastahs, the whole of what they could exact from the pilgrims, the motives both of the priests and of the Gomastahs to stimulate the zeal of the votaries and to entice the greatest possible number of them from all parts of India, would be the very strongest possible.

The Court therefore would anticipate an effect the very reverse of that desired by the Board, if, conformably to the Board's views, "the remuneration of the conductors should be left entirely to be settled between them and the devotees under their charge, and the priests were left to admit votaries on whatever terms they pleased."

The uncontrolled exaction of the priests and officers of the temples could not fail moreover to be the subject of constant complaints, and frequently of disturbances and affrays. Our courts of judicature would then be called to



upon to interfere in the adjudication of disputes, and in punishment of offences arising out of the rites and practices of Hindoo idolatory; and the renewal of the present, or the establishment of a similar system of superintendance, would very probably become necessary to remedy the ends occasioned by the intermission of such superintendance, and to avoid the far more objectionable and obnoxious mode of intervention and control exercised by the tribunals of justice.

The Court are unable to collect from the tenor of the Board's observations any other arguments in condemnation of a pilgrim tax than those which have now been noticed.

The remainder of the long passage inserted by the Board, relates to points of detail, to which the Court do not think it necessary more particularly to advert.

The Court cannot indeed refrain from observing that the Board do not appear to bear in mind the essential difference which exists in the character and objects of the pilgrimages to the various places of Hindoo worship in India; for instance between the abominations sanctioned ~~at~~ and occasionally practiced at Juggernaut (from which in fact alone has arisen the existing public feeling with regard to the connexion of the British Government with the idolatrous rites of the Hindoos) and the innocent, it may be almost said the meretricious purposes of the pilgrimage to Gya, or the equally innocent pilgrimages to Allahbad and to other places. The pilgrimage to Gya, however superstitious and idolatrous, arises out of a most amiable feeling; reverence and affection for the memory of deceased parents, children, or other relatives, for the repose and happiness of whose souls the pilgrimage is enjoined and undertaken.

Though however, the Court cannot regard the object or the consequences of all these pilgrimages with equal abhorrence, it must be admitted that they all originate in superstitions which are degrading to the human mind, and not unproductive even temporarily conducted of great evil. Nor do the Court yield to the Board in their desire to witness the rapid decay of these superstitions. But pledged as the British Government is, and bound as it would be by the general principles of toleration, even if it were not pledged to attempt nothing in the way of direct discouragement to the religious persuasions and the practices of the Hindoos, the Court are precluded from looking forward to the highly desirable object of their extinction, as a consequence of any cause except the advancement of intelligence among the people. That advancement the British Government has it in its power greatly to forward, nor will the Court even be wanting in the discharge of that duty to the best of their knowledge and ability. But during the gradual progress of this improvement, nothing it appears to the Court, is so likely to frustrate the particular object in view, and give a new life to the superstition which might otherwise be expected to decay, than any innovation upon the long established usages in regard to religious festivals; or any proceeding of whatever kind, which, by shewing that Government directs its attention to the ceremonies, and thinks them a matter of importance, has a tendency to attach increased importance to them in the eyes of the people. Such, the Court cannot but think, would be the natural effect of so great a change in the existing customs, as the abolition of the pilgrim tax.



The Court therefore entreat the Board most seriously to reconsider the extensive alterations they have made in the Draft, which as originally submitted appears to the Court well calculated to elicit from the local Government such information as would enable the Home authorities to frame a well considered, and therefore final decision on the question.

T.B.Macaulay Esq.

I have & c  
P. Auber, secretary.



with copy

From Court of Directors of East India Company to the Commissioners  
for the Affairs of India.

East India House  
21 February 1835

Sir,

B-2711/10/1115

I am commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letters dated the 14th January last and 14th instant, the former replying to the Court's representation against the alterations made by the Board of Commissioners in Draft No. 587 to Bengal in the Revenue Department on the subject of the Pilgrim taxes and the latter desiring that the Draft as altered may be forwarded to India without further delay.

Whilst the Court have felt it to be their duty to give effect to the requisition contained in your letter of the 14th instant, and to affix their signatures to the altered Draft in question; they can not refrain from expressing their regret that the Board should have imposed upon them the necessity of transmitting to India orders which for the reasons stated in the original Draft and in my letter of the 11th ultimo appear to the Court to be so highly impolitic.

T.B. Macaulay Esq.

I have & c  
Peter Auber

East India House  
13th June 1833

Sir,

We have the honour to reply to your letter of the 25th April, requiring us to move the Court of Directors to prepare further instructions to the Government of India, in pursuance of the instructions of the 20th February 1833, on the subject of the religion of the Natives.

/ an

The Court desire us to remind you that the Despatch of the 20th February 1833 consisted almost wholly of paragraphs prepared at the Board; and that it was, after ~~our~~/an effectual remonstrance on the part of the Court, signed and transmitted to India in obedience to the Board's final orders.

The Court, regretting that the views of the Board should differ ~~so~~ on this subject so widely from their own, considering that many of the measures proposed in the letter under reply would be at variance with the compact of the British Government with the people of India to secure to them the full observance of their religion and laws; and contemplating with serious apprehension the probable feelings with which the proposed measures would be regarded by the people of India, respectfully decline to originate the instructions required.

Right Hon'ble C. Grant

We have &c  
C. Marjoribanks  
W. Wigram

From the Commissioners for the Affairs of India to the East India Company.

India Board  
28th July 1838

Sir,

I am directed by the Commissioners for the Affairs of India to return to you the India Draft No 446.

The Board have made various alterations in the Draft, the reasons for which are in their opinion sufficiently shown by the alterations themselves.

I am & c R. Gordon



SOME BACKGROUND TO THE SECULARISING OF THE STATE

Letter from Chas Grant, President, Board of Commissioners for the Affairs of India to Chairman and Deputy-Chairman of the E.I.Co.

India Board  
April 25, 1833.

Chairman and Deputy-Chairman,  
of the East India Company

Gentlemen,

I have the honour to address you on a subject which has already, in some of its most important branches, on more than one occasion, engaged your attention.

I mean the countenance which, as far as public impression is concerned, is apparently given by our Indian Governments, in some instances, to the superstitious and idolatrous practices and principles of our Indian fellow subjects.

It is satisfactory to recollect that much has recently been done towards the correction of some of the most objectionable of these proceedings on the part of our Government to which I allude.

On the 1st February 1832, instructions were despatched to Fort St George in reference to the system of compelling Natives, by the authority of British functionaries, to draw the cars at religious festivals, and to attend and assist at various religious ceremonies.

These instructions will, when carried out into effect, put an end to the compelling of Natives to participate, whether by personal attendance and assistance; or by the supply of offerings and provisions, in religious duties and ceremonies. The compulsory system will no longer exist.

On the 20th February 1833 the Court addressed a Despatch to the Supreme Government, which entered fully into the question of the pilgrim tax and generally of British interference and participation in the management, support or promotion of the religion of the Natives.

The instruction conveyed in that Despatch, though subject of-course, as to the mode and process of their execution to the discretion of the local Government, were yet, as to their results, peremptory.

They were also, in the principles which they involved, so comprehensive as almost to supersede the necessity of any subsequent reference in detail to ~~particular~~ practices similar to those which they condemned. I am indeed persuaded that the local Government, acting sincerely in the spirit of the Despatch will apply its provisions, not only to the practices particularly specified in it, but also, to every other which belongs to the same family and may fall under the same rule.

It appears to me, however, of importance to present to the observation of the local Government such additional instances of unnecessary interference on the part of the British authority as may from time to time be brought to our notice; and this, in order both to evince our continued attention to the subject, and to furnish illustration of the manner in which it is our intention that the instructions shall be carried into effect.

Under this impression I beg to observe that, in a pamphlet just published by a Madras Civilian, certain practices are stated to exist under the Madras Presidency the suppression of which would



apparently be not less easy than desirable.

Several of the practices in question have specifically been dealt with in your former Despatches. To those therefore, I shall not now advert. The others, though undoubtedly included in the general direction contained these Despatches, yet seem to require more distinct animadversion.

Of this class are the following:

1. Idolatrous ceremonies are performed in the Cutcherries of the Collectors, and at the public expense. In some instances, an idol is brought into the office for the purpose; and, in others, the implements used in the establishment are the object of religious honours. Whether the Collector is present on these occasions, or how far he is personally or officially engaged in the proceedings in question, is not stated; but the expens<sup>is</sup>, it seems, annually sanctioned as a public charge by the Government.
2. In seasons of draught, money is issued from the public treasury to defray the expenses of idolatrous ceremonies for the purpose of procuring rain.
3. In some places, on occasion of great festivals and public processions, offerings are presented to the idols by the Collectors or other European officers in the name of the East India Company.
4. At the principal military stations, a royal salute is fixed on the Hindoo and Mahomedan festivals, and on Christmas day. If this public recognition of an equal title on the part of these different religious commemorations to the Government were, ~~in future~~ in future withheld alike from all, no plausible ground of complaint could be afforded either to the Hindoo, or the Mussulman.
5. Troops are advised to attend religious processions, not merely to keep the peace, but as a guard of honour; and on some occasions they are required to present arms to an idol. It is unnecessary to comment on the repugnance which a christian officer must feel to such a service, and which, it appears, was, on one occasion experienced so strongly even by a Mahometan, as to induce him absolutely to refuse compliance.
6. Articles required to be used in the feasts, as well as the labour of artificers, are arbitrarily and forcibly obtained, by ~~the~~ the Tahsildars under the orders of the Collectors.

I have now only to request that you will take an immediate opportunity of inviting the attention of the Court of Directors to this subject, with the view of issuing, without delay, such further directions as may be necessary to secure the discontinuance of the several practices enumerated in this letter.

I have & c

Chas Grant



with copy

From the Court of Directors of the East India Company to the  
Commissioners for the Affairs of India.

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East India House  
2nd August 1838

Sir,

I am commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 28th ultimo returning the India Revenue No. 446 with various alterations.

B-VIII/12

2. The Court of Directors are not less earnest than the Board of Control can be, in the desire to afford all practicable relief to the conscientious scruples of their servants in India, with regard to the offices they are called upon to perform, in any manner concerning the religion of the natives. Nor are the Court apprehensive that any real difference of opinion on that point can subsist between the Board and them. It is certain, however, that much misconception is prevalent on the subject, (as Sir Peregrine Maitland's letter sufficiently shews); and it seems to the Court that the terms of the proposed Draft would be liable to confirm that misconception, and to lead hereafter to very embarrassing consequences.

3. The second para of the Draft is in these words: "We transmit copy of Sir Peregrine Maitland's letter for your information and in so doing we think it necessary to state that he is mistaken in assuming that it is our desire to reimpose upon our servants compulsory participation in the religious ceremonies of the natives."

4. The Court remark in passing that they do not find that it is assumed in Sir P. Maitland's letter "that it is our desire to reimpose upon our servants compulsory participation in the religious ceremonies of the natives."

5. But the paragraph is further open to this serious objection, that it distinctly implies an admission that compulsory participation in the religious ceremonies of the natives has formerly been imposed upon our servants. The fact is not so. Our servants have never, in the proper sense of the term, participated in the religious ceremonies of the natives at all; but have only, in an official capacity, adopted such measures connected with their religious ceremonies, as were conceived to be incumbent on the Government, in the fulfillment of its duty towards them, in maintaining the laws and usages of which their religion forms the groundwork. In what degree such measures may be necessary, the Court freely admit to be a question, on which a sound discretion should be exercised, with liberality towards the feelings of our servants, as well as of our subjects. But whatever measures of the kind are essential to the administration of government over a Native community, must necessarily continue to be adopted by our servants.

6. In like manner, instructions are proposed to be given in the third paragraph: "for its continuing the connexion of the Government with the management of all funds which may be assigned for the support of religious institutions in India"; and again in the same para "that the management of all temples and other places of religious resort, together with the revenues derived therefrom, be resigned into the hands of the Natives."

7. The Court fully coincide in the opinion of the Board that there ought to be no unnecessary interference in these matters, on the part of the officers of the Government. But they submit that the connexion of the Government with the management of places of religious resort and of the funds allotted for their maintenance can not cease, while their authority is required to be exercised, in enforcing, when necessary, the faithful management of them, by the natives to whom that duty may be immediately entrusted.

8. The Court apprehend that it is not within their choice to absolve themselves from the obligation to maintain that system of



law, religious as well as civil, on which the whole structure of society in India is founded. We could never have established the dominion we exercise over the natives, if we had professed the intention of employing our authority to subvert their religion, as soon as we should think ourselves able to do so with safety. Nor could we now violate our obligation in that respect, without immediate danger to our empire. We have moreover pledged our faith, by express engagements, by local Regulations, by enactments of the British legislature, and by the uniform tenour of our whole conduct as a Government, to protect the natives in the free exercise of their religion.

Bengal Reg 3 of 1793 sec 1  
 and 7 of 1795 sec 1  
 37 Geo 3 Capt 42 sec 12  
 3&4 Will 4 Capt 85 sec 53  
 vide also Harrington's Analysis pp534

9. Assuming, therefore, as a maxim on which there can be no difference of opinion, that our Government is bound, not less by considerations of good faith and of liberal policy; than by overruling necessity, not to withdraw from the natives the protection which they have heretofore enjoyed in the observance of their religious ceremonies, the Court would wish to draw the Board's attention to the mode in which that protection is afforded. It is done 1st in the administration of the laws, as far as they relate to matters concerning the religion of the natives; 2nd in the continuance of the funds and endowments appropriated to the support of their religious establishments and ceremonies; and 3rdly in the interposition of the authority of Government to such extent as is requisite, in regulating the economy of their religious establishments, and protecting and countenancing them in the celebration of their ceremonies. Under the two first of those heads, the sanction given by Government and its officers to the religion of the natives is express and indispensable; under the third, it is only incidental, and is in a great measure discretionary.

10. With respect to the former, it is obvious that our courts of Justice, and even in the last resort the Queen in Council, as the tribunal of the highest jurisdiction, cannot abstain from recognising the Hindoo and Mahomedan religions as the law of the land, in all questions liable to be adjudicated according to the rules of those religions respectively. It is obvious also that the Government is not at liberty to withhold or resume the endowments by which the religious establishments of the country have hitherto been maintained, nor to allow those endowments to be misappropriated. This being the case, the Judicial and Revenue officers of the Government must unavoidably be liable to be employed in recognising and upholding the institutions of the people, however much at variance with their own religious sentiments. There are no possible means of relieving our servants from this duty, which is necessarily incident to the administration of the Government of India through the instrumentality of European officers.

11. But the case is not the same, with regard to the degree in which the authority of the Government and its officers may require to be interposed, in regulating the economy of the religious establishments of the country, and protecting the natives in the celebration of their festivals. In these respects there is wide room for the exercise of discretion. All that is indispensable is, that our toleration shall not be ostensible only, but sincere and effectual; and that the Natives shall neither be molested nor treated with slight and contumely, in the exercise of privileges to which they attach the highest value. It is desirable on every account that our connection with their institutions and ceremonies should not go beyond what the occasion requires. Much has from time to time been already affected for restricting it within narrower limits than were judged necessary at earlier periods of our interference with the natives. The instructions conveyed the Governor General in Council



in the Despatch of the 20th February 1833, had for their general object that our connection should be gradually withdrawn, as far as compatible with due consideration for the usages and feelings of the people; and with the same end in view, the Government wa-s also authorised, in such mode and at such time as should seem to them fit to abolish the Pilgrim tax. It will be matter ~~for~~ cordial satisfaction to the Court if, in pursuance of those instructions, the Government of India shall succeed in regulating the part which our servants must unavoidably take in matters concerning the religion of the natives, so as that it shall not be felt by any of them, as militating against their own religious principles.

12. The Court are of opinion, however that the language in which the proposed Draft is expressed, holds out the expectation of a more complete disconnexion betwixt the Government and the religious institutions of the country, than is practicable. They apprehend, on the ground which they have stated, that, whether in the administration of the law, or in the exercise of public authority, the natives must continue to receive at the hands of the Government, in their religious a-s well as civil concerns, the same effective protection which they have hitherto enjoyed. The Court conceive that the principles on which that conclusion is founded, incontrovertible as they are, have been but little examined or adverted to, by those who agitate this question. They are of opinion tha-t, if set forth in the proposed Despatch, they would obtain general assent; would distinctly shew how far it is practicable to go in affording the relief sought for on the part of public servants, and at what point it is necessary to stop; and would gradually disabuse the public mind in this country of error on the subject. Finally, the Court are impressed with the conviction that the desired relief is, to a great practical extent, perfectly compatible with those principles; but that it would be very indiscreet to rely on the present instructions being understood in a modified and restricted sense, at variance with the terms in which they are conveyed, and, under that idea, to profess that the relief is to spring from an entire severance of the Government from all concern with the religion of the natives. Instructions so expressed could not be carried into effect, but would involve the Government of India in serious and possibly alarming embarrassments; and however they might for a time allay the present excitement, would in long become the ground of fresh claims which must unavoidably be set aside.

13. On these grounds the Court trust that the Board will reconsider the subject.

R. Gordon Esq

I have & c  
James C. Melvill  
Secretary

From the Commissioners for the Affairs of India to the East India Co.

India Board  
3rd August 1838

Sir,

I am directed by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 2nd instant, stating the grounds on which the Court of Directors object to the alterations made by the Board in the India Revenue Draft No. 446.

The Board have reconsidered the subject in connection with the arguments contained in your letter, and I am directed to state that they have been induced to cancel the words which they introduced into para 2 of the Draft which are quoted in paragraph 4 of your letter and to restore the words depart from the orders under date the 20th February 1833.

In all other respects the Board adhere to the proposed Despatch as altered by them, and they are happy to observe that there is not "any real difference of opinion" between the Court and the Board



as the arguments in your letter would apply with nearly equal force to the Draft as originally proposed by the Court as they do to the alterations introduced into it by the Board.

Under this view of the subject, the Board direct that the Draft, as altered by them, be, in accordance with the provisions of 33 Geo 3rd Capt 52 Sec 13 and 3&4 Will 4th Capt 85 Sec 32, framed into a Despatch and forwarded to India without delay.

J. C. Melvill Esq.

I am &c  
R. Gordon

from the Court

East India House  
9 August 1838

Sir,

I am commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 3rd instant stating that the Board of Commissioners for the Affairs of India have made an alteration in the second paragraph of the India Revenue Draft No 446 but that in all other respects they adhere to the proposed Despatch and direct that it may be forwarded to India without delay.

The Court having on the fullest consideration of the subject, recorded their deliberate opinion that the principles set forth in my letter of the 2nd instant, ought for the security of our Indian possessions to be distinctly embodied in the instructions on the subject to the Government of India they feel it due alike to the Board and to themselves upon a question of such paramount importance to declare ( as the contrary seems to be intimated in your letter ) that they disclaim all responsibility for the instructions as they are at present framed which the Court have been directed to send out to India.

R. Gordon Esq.

I have &c  
James C. Melvill  
Secretary



ELEVEN QUERIES HUMBLY TENDERED; RELATING TO THE BILL FOR  
PROHIBITING THE WEARING OF EAST INDIA SILKS, AND PRINTED  
AND DYED CALICOES.

1. Why should East India silks and Bengals be prohibited, which to the nation are three times as cheap as Dutch, French and Italian silks?
2. Why East India silks, Bengals and printed calicoes, that pay five times the freight, and 20% more custom, than Dutch and Italian silks?
3. Why Persia silks purchased with English cloth and stuffs, more than Dutch, French and Italian silks bought with our money.
4. Why should painted calicoes, from India be prohibited, when we must in their room print Dutch, French, Scotch or German linnens, which will cost the nation three times the price?
5. Why should we enrich our neighbours by prohibiting East India silks, and wearing of theirs, when at one time or other, they may employ the costs of those silks against us?
6. Why should we interrupt that trade, which not only affords us the cheapest commodities in the world, but likewise encourages the building of large ships, which in cases of necessity may be useful for the defence of the kingdom?
7. What advantage will it be to England, that her manufactures (whether at low or high price) are consumed within itself, the nation being thereby never the richer?
8. Why should we raise up some artists to oppress others? For if spinning and weaving be English manufactures, so is dying, calendering, stiffening, glazing and printing?
9. Why should we prohibit the wearing East India manufactures, which are so cheap, to encourage the wearing our own which are much dearer, and yet give liberty to export them into other countreys, where they will have the same effect upon ours there?
10. What encouragement will it be to bring hither those far fetched commodities, when we have no vent for them at home, but must send them to be blown upon in a foreign market?
11. Why should we cut off profitable trade from the English, and let the Dutch, French, Sweeds and Scotch run away with it? For trade like the sea, never loseth ground in any one place, but she gains it in another, and if checked or restrained takes it flight and carries its blessings to more hospitable countreys.

QUERICAL DEMONSTRATIONS WRIT BY PRINCE BUTLER, ANOTHER OF THE  
ELEVEN QUERIES RELATING TO THE BILL FOR PROHIBITING EAST INDIA  
SILKS AND PRINTED CALICOES

(Extract)

Had not a hundred thousand poor rather come to their parishes for want of work, and all the land of England fall two years purchase; than that the cook-maids should not be cloathed in India silks, and the ladies in Callicoos? Is not this prohibition a French invention, who neither understand nor pursue their own interest? what are they the better for encouraging trade and their own manufactures? And is not their navigation of late years visibly decreased by it? .. If the wear of East India silks &c be prohibited, will not the Indian take it heinously ill? For they do not so much consider our buying their commodities, as our wearing them. And unless we are cloathed in their silks, their horses and elephants will not be willing to wear our broad cloth.

If the soldiers wives are not in India silks, where shall their husbands get gun-powder? The Indians will let us have no saltpetre. For a trader, when he cannot sell what commodity he pleases, will starve before he will sell any other.

BM: Harley 7310: Nos 169 & 170: Printed (Posters?): undated:18th Cen:



BLACK HOLE OF CALCUTTA

.....(63v) ... altho the India Stock is fallen 12%.  
The black nabob has fallen upon and taken 3 settlements  
( I can not give their names ) because they refused  
him a demand of an exorbitant sum of money. The first  
felt the fury of wrath barbaric (to use Milton's word,  
or Virgils) and for one instance we are told that a  
number being thrust into a dungeen were therein stifled  
and suffocated. Horn has an acquaintance, one Mr Reevely,  
a relation to the Earl of M Humberland, who deploras the  
death of a brether by this means, one that was of the  
Council which is an advanced situation. The two ether  
settlements and these of the French and Dutch scared  
by this example compeunded as well as they could for their  
safety. (64r) The admirals Watson and Pececk are gehe  
up with the fleet, and troops from Fort St George and  
Bombay to save or revenge upon the rascal, the injury  
done us. These blacks are in the field the errantest  
peltreens in the world. We have our assurance from  
Peter Gausen a great merchant and intelligent man. Beth  
my wife and Gilbert are deeply concerned in the annuity  
books. You will have more explicit accounts in the  
Gazette and ether papers. ....

Bedford County Record Office; M 10/2/246  
from letter dated May 7, 1757 (ff 63r-64r) . (perhaps)  
from Talbet Williamsen to his brother Rev Edmund Williamsen.



Letters regarding French wars

Col Adrecom

Whitehall, June 8, 1756.

Sir,

His Majesty having found it necessary to declare war against the French king, was pleased in council held the 17th past, to sign a declaration, which was published the next day, by the heralds at arms, in the usual places, and with the accustomed formalities; and I send you enclosed some printed copies of the same, (together with a French translation thereof) for your (p 15) information, and that you may take such measures thereupon, as may be most conducive to his majesty's service.

I am &c  
H. Fox

IOR: HM 94

No 191)  
To Mr Chauncy

Whitehall, November 2, 1753.

Sir,

Having laid before the king, the extract of a letter, which you transmitted to me, from the Governor, and council, of St Helena, to the court of directors of the East India Company, of the 5th of May last, giving an account, that a Prussian ship, bound from China for Embden, had arrived at St Helena, and ~~raised~~ sailed from thence, without saluting the Fort, or taking any notice of the flag; and that the said ship had several of his majesty's subjects on board; and desiring to have directions, in which manner they are to treat any ships of the same nation, that may, hereafter, arrive there; and whether they may detain any of the king's subjects, which may be found on board of them: I am commanded to signify to you the king's pleasure, (p ) that you should send orders to the Governor, and council, of St Helena, to take effectiv~~e~~ ual care, that all due honour may be paid to the king's flag, by all vessels, as well Prussian, as of any other nation whatsoever, which shall, at any time, arrive there; and that they shall cause all such of his majesty's subjects, as shall be found on board of any Prussian ship, or ships belonging to any other foreign power, which shall, hereafter, come to St Helena, to be taken out, and sent, by the first opportunity, to Englands, as acting contrary to the laws of the kingdom.

I am, Sir, your most obedient humble servant

Holles Newcastle.

IOR:E/1/37: Letters Recd 1752-3 (211 entries)  
: No 190 refers to Robbery at the Bussrah Mess (11pp: Sep 53

(No 132)

Sunday Morning, March 30, 1755.

Sir

I am this instant setting out: as my affairs required a day to settle I could not conveniently go before.

Yesterday morning I was with Mr Fox who enquired the name of the ship I went on board, and where it lay, and promised he would get the commission ready by Monday and send it to me: but for fear of disappointment I think it would be proper to send to the Earl of Holderness to be certain whether it will be so or not.

I am, sir, your most obedient servant

Robert Clive

To Robt James Esq at the East India House

IOR: E/1/38: Letters Recd 1754-50

B-VIII/15