

With greetings from R. Chatterjee,
the editor.

THE

ENGLISH WORKS

OF

RAJA RAMMOHUN ROY

Ramanohana Raya, raja

1774? - 1835.

WITH AN ENGLISH TRANSLATION

OF

“TUHFATUL MUWAHHIDDIN.”

PUBLISHED BY

THE PANINI OFFICE,

BAHADURGANJ, ALLAHABAD.

1906.

Price Rs. 5.

PETITIONS
AGAINST THE
PRESS REGULATION.

CALCUTTA:

1823.

MEMORIAL TO THE SUPREME COURT.*

TO THE HONOURABLE SIR FRANCIS MAGNAGHTEN,
*Sole Acting Judge of the Supreme Court of
Judicature at Fort William in Bengal.*

MY LORD,

In consequence of the late Rule and Ordinance passed by His Excellency the Governor-General in Council, regarding the Publication of Periodical Works, your Memorialists consider themselves called upon with due submission, to represent to you their feelings and sentiments on the subject.

Your Memorialists beg leave, in the first place, to bring to the notice of your Lordship, various proofs given by the Natives of this country of their unshaken loyalty to, and unlimited confidence in the British Government of India, which may remove from your mind any apprehension of the Government being brought into hatred and

* "The eminently learned Dr. Bryce, the head minister of the new Scotch Church, having accepted the situation of Clerk of the Stationary belonging to the Honourable Company, Mr. Buckingham, the editor of the [*Calcutta*] *Journal* observed directly as well as indirectly that it was unbecoming of the character of the minister to accept a situation like this; upon which the Governor-General, in consideration of his disrespectful expression, passed an order that Mr. Buckingham should leave India for England within the period of two months from the date of the receipt of this order, and that after the expiration of that period he is not allowed to remain a single day in India."—*Mirat-al-Akbar*.

"The *Journal* was suppressed, and at the close of 1823, Mr. Arnot, Mr. Buckingham's assistant editor, was arrested and put on board a home-going ship. The notice expelling Mr. Buckingham was followed up, suddenly and without notice, on March 14th, by a rigorous Press Ordinance from the Acting Governor-General in Council. * * *. The Ordinance prescribed that henceforth no one should publish a newspaper or other periodical without having obtained a license from the Governor-General in Council, signed by the Chief Secretary. Before this regulation could come into force, the law required it to be fixed up in the Supreme Court for twenty days, and then if not disallowed, registered. It was accordingly entered on March 15th. On the 17th, Council moved the Court to allow parties feeling themselves aggrieved by the new regulation to be heard. Sir Francis Macnaghten, the Sole Acting Judge, fixed the 31st for the hearing of objections, but suggested that in the meanwhile the objectors would do well to state their plea in a memorial to Government. Foremost among these objectors was Rammohun Roy. He and his friends set about promoting the suggested petition,..... Another memorial of the

contempt, or of the peace, harmony, and good order of society in this country, being liable to be interrupted and destroyed, as implied in the preamble of the above Rule and Ordinance.

First. Your Lordship is well aware, that the Natives of Calcutta and its vicinity, have voluntarily entrusted Government with millions of their wealth, without indicating the least suspicion of its stability and good faith, and reposing in the sanguine hope that their property being so secured, their interests will be as permanent as the British Power itself; while on the contrary, their fathers were invariably compelled to conceal their treasures in the bowels of the earth, in order to preserve them from the insatiable rapacity of their oppressive Rulers.

Secondly. Placing entire reliance on the promises made by the British Government at the time of the Perpetual Settlement of the landed property in this part of India, in 1793, the Landholders have since, by constantly improving their estates, been able to increase their produce, in general very considerably;* whereas, prior to that period, and under former Governments, their forefathers were obliged to lay waste the greater part of their estates, in order to make them appear of inferior value, that they might not excite the cupidity of Government, and thus cause their rents to be increased or themselves to be dispossessed of their lands,—a pernicious practice which often incapacitated the landholders from discharging even their stipulated revenue to Government, and reduced their families to poverty.

same tenour was hastily drawn up next day, signed by Rammohun and five other distinguished native gentlemen, and by counsel submitted to the Supreme Court. This memorial was attributed by its opponents to an English Author, but was really, as was generally acknowledged later, the work of Rammohun. It may be regarded as the Arcopagitica of Indian History. Alike in diction and in argument, it forms a noble landmark in the progress of English culture in the East. * * * * On this memorial being read, its prayer was supported by the speeches of Counsel, Mr. Fergusson and Mr. Turton. But Sir Francis Macnaghten gave his decision in favour of the Press Ordinance. * * * There was but one resource left to the defenders of a free Press, and of that resource Rammohun did not hesitate to avail himself. He and his co-adjutors appealed to the King in Council. The Appeal is one of the noblest pieces of English to which Rammohun put his hand. Its stately periods and not less stately thought recall the eloquence of the great orators of a century ago. In a language and style for ever associated with the glorious vindication of liberty, it invokes against the arbitrary exercise of British power the principles and traditions which are distinctive of British history."—*The Life and Letters of Raja Rammohun Roy* by Miss Collet.

* Generally, it is said, two or three fold—REPORTER.

Thirdly. During the last wars which the British Government were obliged to undertake against neighbouring Powers, it is well known, that the great body of Natives of wealth and respectability, as well as the Landholders of consequence, offered up regular prayers to the objects of their worship for the success of the British arms from a deep conviction that under the sway of that nation, their improvement, both mental and social, would be promoted, and their lives, religion, and property be secured. Actuated by such feelings, even in those critical times, which are the best test of the loyalty of the subject, they voluntarily came forward with a large portion of their property to enable the British Government to carry into effect the measures necessary for its own defence, considering the cause of the British as their own, and firmly believing that on its success, their own happiness and prosperity depended.

Fourthly. It is manifest as the light of day, that the general subjects of observation and the constant and the familiar topic of discourse among the Hindu community of Bengal, are the literary and political improvements which are continually going on in the state of the country under the present system of Government, and a comparison between their present auspicious prospects and their hopeless condition under their former Rulers.

Under these circumstances, your Lordship cannot fail to be impressed with a full conviction, that whoever charges the Natives of this country with disloyalty, or insinuates aught to the prejudice of their fidelity and attachment to the British Government, must either be totally ignorant of the affairs of this country and the feelings and sentiments of its inhabitants, as above stated, or, on the contrary, be desirous of misrepresenting the people and misleading the Government, both here and in England, for unworthy purposes of his own.

Your Memorialists must confess, that these feelings of loyalty and attachment, of which the most unequivocal proofs stand on record, have been produced by the wisdom and liberality displayed by the British Government in the means adopted for the gradual improvement of their social and domestic condition, by the establishment of Colleges, Schools, and other beneficial institutions in this city, among which the creation of a British Court of Judicature for the more effectual administration of Justice, deserves to be gratefully remembered.

(A proof of the Natives of India being more and more attached to the British Rule in proportion as they experience from it the blessings of just and liberal treatment, is, that the Inhabitants of Calcutta, who enjoy in many respects very superior privileges to those of their fellow-subjects in other parts of the country, are known to be in like measure more warmly devoted to the existing Government; nor is it at all wonderful they should in loyalty be not at all inferior to British-born Subjects, since they feel assured of the possession of the same civil and religious liberty, which is enjoyed in England, without being subjected to such heavy taxation as presses upon the people there.)

Hence the population of Calcutta, as well as the value of land in this City, have rapidly increased of late years, notwithstanding the high rents of houses and the dearness of all the necessaries of life compared with other parts of the country, as well as the Inhabitants being subjected to additional taxes, and also liable to the heavy costs necessarily incurred in case of suits before the Supreme Court.

Your Lordship may have learned from the works of the Christian Missionaries, and also from other sources, that ever since the art of printing has become generally known among the Natives of Calcutta, numerous Publications have been circulated in the Bengalee Language, which by introducing free discussion among the Natives and inducing them to reflect and inquire after knowledge, have already served greatly to improve their minds and ameliorate their condition. This desirable object has been chiefly promoted by the establishment of four Native Newspapers, two in the Bengalee and two in the Persian Language, published for the purpose of communicating to those residing in the interior of the country, accounts of whatever occurs worthy of notice at the Presidency or in the country, and also the interesting and valuable intelligence of what is passing in England and in other parts of the world, conveyed through the English Newspapers or other channels.

Your Memorialists are unable to discover any disturbance of the peace, harmony, and good order of society, that has arisen from the English Press, the influence of which must necessarily be confined to that part of the community who understand the language thoroughly; but they are quite confident, that the publications in the Native Languages, whether in the shape of a Newspaper

or any other work, have none of them been calculated to bring the Government of the country into hatred and contempt, and that they have not proved, as far as can be ascertained by the strictest inquiry, in the slightest degree injurious; which has very lately been acknowledged in one of the most respectable English Missionary works. So far from obtruding upon Government groundless representations, Native Authors and Editors have always restrained themselves from publishing even such facts respecting the judicial proceedings in the Interior of the country as they thought were likely at first view to be obnoxious to Government.

While your Memorialists were indulging the hope that Government, from a conviction of the manifold advantages of being put in possession of full and impartial information regarding what is passing in all parts of the Country, would encourage the establishment of Newspapers in the cities and districts under the special patronage and protection of Government, that they might furnish the Supreme Authorities in Calcutta with an accurate account of local occurrences and reports of Judicial proceedings,—they have the misfortune to observe, that on the contrary, his Excellency the Governor-General in Council has lately promulgated a Rule and Ordinance imposing severe restraints on the Press and prohibiting all Periodical Publications even at the Presidency and in the Native Languages, unless sanctioned by a License from Government, which is to be revocable at pleasure whenever it shall appear to Government that a publication has contained anything of an unsuitable character.

(Those Natives who are in more favourable circumstances and of respectable character, have such an invincible prejudice against making a voluntary affidavit, or undergoing the solemnities of an oath, that they will never think of establishing a publication which can only be supported by a series of oaths and affidavits, abhorrent to their feelings and derogatory to their reputation amongst their countrymen.)

After this Rule and Ordinance shall have been carried into execution, your Memorialists are therefore extremely sorry to observe, that a complete stop will be put to the diffusion of knowledge and the consequent mental improvement now going on, either by translations into the popular dialect of this country from the learned languages of the East, or by the circulation of literary intelligence drawn from foreign publications. And the same cause will also prevent those

Natives who are better versed in the laws and customs of the British Nation, from communicating to their fellow-subjects a knowledge of the admirable system of Government established by the British, and the peculiar excellencies of the means they have adopted for the strict and impartial administration of justice. Another evil of equal importance in the eyes of a just Ruler, is, that it will also preclude the Natives from making the Government readily acquainted with the errors and injustice that may be committed by its executive officers in the various parts of this extensive country; and it will also preclude the Natives from communicating frankly and honestly to their Gracious Sovereign in England and his Council, the real condition of his Majesty's faithful subjects in this distant part of his dominions and the treatment they experience from the local Government: since such information cannot in future be conveyed to England, as it has heretofore been; either by the translations from the Native publications inserted in the English Newspapers printed here and sent to Europe, or by the English publications which the Natives themselves had in contemplation to establish, before this Rule and Ordinance was proposed.

(After this sudden deprivation of one of the most precious of their rights, which has been freely allowed them since the Establishment of the British Power, a right which they are not, and cannot be charged with having ever abused, the inhabitants of Calcutta would be no longer justified in boasting, that they are fortunately placed by Providence under the protection of the whole British Nation, or that the King of England and his Lords and Commons are their Legislators, and that they are secured in the enjoyment of the same civil and religious privileges that every Briton is entitled to in England.)

Your Memorialists are persuaded that the British Government is not disposed to adopt the political maxim so often acted upon by Asiatic Princes, that the more a people are kept in darkness, their Rulers will derive the greater advantages from them; since, by reference to History, it is found that this was but a short-sighted policy which did not ultimately answer the purpose of its authors. On the contrary, it rather proved disadvantageous to them; for we find that as often as an ignorant people, when an opportunity offered, have revolted against their Rulers, all sorts of barbarous excesses and cruelties have been the consequence; whereas a people naturally disposed to peace and ease, when placed under a good Government

from which they experience just and liberal treatment, must become the more attached to it, in proportion as they become enlightened and the great body of the people are taught to appreciate the value of the blessings they enjoy under its Rule.

Every good Ruler, who is convinced of the imperfection of human nature, and reverences the Eternal Governor of the world, must be conscious of the great liability to error in managing the affairs of a vast empire ; and therefore he will be anxious to afford every individual the readiest means of bringing to his notice whatever may require his interference. To secure this important object, the unrestrained Liberty of Publication, is the only effectual means that can be employed. And should it ever be abused, the established Law of the Land is very properly armed with sufficient powers to punish those who may be found guilty of misrepresenting the conduct or character of Government, which are effectually guarded by the same Laws to which individuals must look for protection of their reputation and good name.

Your memorialists conclude by humbly entreating your Lordship to take this Memorial into your gracious consideration ; and that you will be pleased by not registering the above Rule and Ordinance, to permit the Natives of this country to continue in possession of the civil rights and privileges which they and their fathers have so long enjoyed under the auspices of the British nation, whose kindness and confidence, they are not aware of having done anything, to forfeit.

CHUNDER COOMAR TAGORE,
DWARKA NAUTH TAGORE,
RAMMOHUN ROY,
HURCHUNDER GHOSE,
GOWREE CHURN BONNERGEE,
PROSSUNNO COOMAR TAGORE.

APPEAL TO THE KING IN COUNCIL.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY.

We, your Majesty's faithful subjects, Natives of India and inhabitants of Calcutta, being placed by Providence under the sovereign care and protection of the august head of the British nation, look up to your Majesty as the guardian of our lives, property, and religion, and when our rights are invaded and our prayers disregarded by the subordinate authorities, we beg leave to carry our complaints before your Majesty's throne, which is happily established in mercy and justice, amidst a generous people celebrated throughout the earth as the enemies of tyranny, and distinguished under your royal auspices, as the successful defenders of Europe from Continental usurpation.

2d. We, your Majesty's faithful subjects, now come before you under the most painful circumstances, the local executive authorities having suddenly assumed the power of legislation in matters of the highest moment, and abolished legal privileges of long standing, without the least pretence that we have ever abused them, and made an invasion on our civil rights such as is unprecedented in the History of British Rule in Bengal, by a measure which either indicates a total disregard of the civil rights and privileges of your Majesty's faithful subjects, or an intention to encourage a cruel and unfounded suspicion of our attachment to the existing Government.

3rd. The greater part of Hindustan having been for several centuries subject to Muhammadan Rule, the civil and religious rights of its original inhabitants were constantly trampled upon, and from the habitual oppression of the conquerors, a great body of their subjects in the southern Peninsula (Dukhin), afterwards called Marhattas, and another body in the western parts now styled Sikhs, were at last driven to revolt; and when the Mussulman power became feeble, they ultimately succeeded in establishing their independence; but the Natives of Bengal wanting vigor of body, and adverse to active exertion, remained during the whole period of the Muhammadan

conquest, faithful to the existing Government, although their property was often plundered, their religion insulted, and their blood wantonly shed. Divine Providence at last, in its abundant mercy, stirred up the English nation to break the yoke of those tyrants, and to receive the oppressed Natives of Bengal under its protection. Having made Calcutta the capital of their dominions, the English distinguished this city by such peculiar marks of favour, as a free people would be expected to bestow, in establishing an English Court of Judicature, and granting to all within its jurisdiction, the same civil rights as every Briton enjoys in his native country; thus putting the Natives of India in possession of such privileges as their forefathers never expected to attain, even under Hindu Rulers. Considering these things and bearing in mind also the solicitude for the welfare of this country, uniformly expressed by the Honourable East India Company, under whose immediate control we are placed, and also by the Supreme Councils of the British nation, your dutiful subjects consequently have not viewed the English as a body of conquerors, but rather as deliverers, and look up to your Majesty not only as a Ruler, but also as a father and protector.]

4th. Since the establishment of the Supreme Court of Judicature in Calcutta till the present time, a period that has been distinguished by every variety of circumstances, the country sometimes reposing in the bosom of profound peace, at others shaken with the din of arms—the local Government of Bengal, although composed from time to time, of men of every shade of character and opinion, never attempted of its own will and pleasure to take away any of the rights which your Majesty's royal ancestors with the consent of their Councils, had been graciously pleased to confer on your faithful subjects. Under the cheering influence of equitable and indulgent treatment, and stimulated by the example of a people famed for their wisdom and liberality, the Natives of India, with the means of amelioration set before them, have been gradually advancing in social and intellectual improvement. In their conduct and in their writings, whether periodical or otherwise, they have never failed to manifest all becoming respect to a Government fraught with such blessings; of which their own publications and the judgment passed upon them by the works of their contemporaries, are the best proofs. Your faithful subjects beg leave in support of this statement to submit two extracts from English works very lately published, one by a Native of

India, and the other by English Missionaries; the first is from a work published on the 30th of January last, by Rammohun Roy, entitled "a Final Appeal to the Christian Public," which may serve as a specimen of the sentiments expressed by the Natives of India towards the Government.

"I now conclude my Essay in offering up thanks to the Supreme Disposer of the universe, for having unexpectedly delivered this country, from the long continued tyranny of its former Rulers, and placed it under the Government of the English, a nation who not only are blessed with the enjoyment of civil and political liberty, but also interest themselves, in promoting liberty and social happiness, as well as free inquiry into literary and religious subjects, among those nations to which their influence extends."—Pages 378, 379.

5th. The second extract is from a periodical work published at the Danish settlement of Serampore, by a body of English Missionaries, who are known to be generally the best qualified and the most careful observers of the foreign countries in which Europeans have settled. This work, entitled the "FRIEND OF INDIA," treating of the Native Newspapers published in Bengal, thus observes: "How necessary a step this (the establishment of a Native Press) was for the amelioration of the condition of the Natives, no person can be ignorant who has traced the effects of the Press in other countries. The Natives themselves soon availed themselves of this privilege; no less than four Weekly Newspapers in the Native language have now been established, and there are hopes, that these efforts will contribute essentially to arouse the Native mind from its long lethargy of death; and while it excites them to inquire into what is going forward in a world, of which Asia forms so important a portion, urge them to ascertain their own situation respecting that eternal world, which really communicates all the vigour and interest now so visible in Europeans. *Nor has this liberty been abused by them in the least degree; yet these vehicles of intelligence have begun to be called for, from the very extremities of British India, and the talents of the Natives themselves, have not unfrequently been exerted in the production of Essays, that would have done credit to our own countrymen.*"—(*Friend of India*, quarterly series, No. VII, published in December, 1822).

6th. An English gentleman, of the name of Buckingham, who for some years published a Newspaper in this place, entitled the "CALCUTTA JOURNAL," having incurred the displeasure of the local

Government, was ordered to leave this country, and soon afterwards, the Hon'ble John Adam, the Governor-General in Council, suddenly without any previous intimation of his intentions, passed a Rule and Ordinance, on the 14th of March, thus taking away the liberty of the Press, which your Majesty's faithful subjects had so long and so happily enjoyed, and substituting his own will and pleasure for the Laws of England, by which it had hitherto been governed. (This Rule, Ordinance, and Regulation is annexed: *vide* Paper annexed No. 1.)*

7th. It being necessary according to the system established for the Government of this country that the above Regulation should receive the approbation of the Supreme Court by being registered there, after having been fixed up for 20 days on the walls of the Court-room, before it could become Law on the following Monday, (the 17th of March,) Mr. Fergusson, Barrister, moved the Court to allow parties who might feel themselves aggrieved by the New Regulation, to be heard against it by their Counsel before the sanction of the Court should establish it as Law, and the Honourable Sir Francis Macnaghten, the sole acting Judge, expressed his willingness to hear in this manner, all that could be urged against it, and appointed Monday the 31st of the same month of March, for Counsel to be heard. His Lordship also kindly suggested, that in the meantime, he thought it would be advisable to present a Memorial to Government, praying for the withdrawal of the said Rule and Ordinance. These observations from the Honourable Sir Francis Macnaghten, inspired your Majesty's faithful subjects at this Presidency, with a confident hope, that his Lordship disapproved of the Rule and Ordinance, and would use his influence with Government to second the prayer of the Memorial he recommended to be presented, or that at least in virtue of the authority vested in him for the purpose of protecting your faithful subjects against illegal and oppressive acts, he would prevent the proposed Rule from passing into Law.

8th. Your faithful subjects agreeable to a suggestion of this nature, proceeding from such a source, employed the few days intervening, in preparing a Memorial to Government, containing a respectful representation of the reasons which existed against the proposed Rule and Ordinance being passed into Law; but in prepar-

* These annexed papers have not been published as unnecessary.—Ed.

ing this Memorial in both the English and Bengalee Languages, and discussing the alterations suggested by the different individuals who wished to give it their support and signature, so much time was necessarily consumed, that it was not ready to be sent into circulation for signature until the 30th of March; consequently only fifteen Natives of respectability had time to read it over and affix their signature before the following day on which it was to be discussed in the Supreme Court and finally sanctioned or rejected. Besides that this number was considered insufficient, it was then too late for Government to act upon this Memorial, so as to supersede the discussions and decision that were to take place in the Court, and a few individuals, therefore, of those who concurred in it, hastily prepared another Memorial of the same tenor in the morning of that day, addressed to the Supreme Court itself, demonstrating our unshaken attachment to the British Government, and praying the Court to withhold its sanction from a Regulation which would deprive us of an invaluable privilege, firmly secured to us by the Laws of the Land, which we had so long enjoyed and could not be charged with ever having abused. (Annexed paper No. 2.) And although from these circumstances, the Memorial had still fewer signatures, your Majesty's faithful subjects reposed in the hope, that in appealing to a British Court of Law they might rely more on the justice of their cause, than the number or weight of names, especially, since it is well-known, that there are many under the immediate influence of Government, who would not express an opinion against the acts of those in power at the time, although it were to secure the salvation of all their countrymen.

9th. This Memorial being, by the order of the Judge, read by the Registrar of the Court, Mr. Fergusson, (who besides his professional skill and eminence as an English Lawyer, has acquired by his long practice at the Calcutta Bar, a very intimate acquaintance with the state of this Country) in virtue of the permission granted him, entered into an argument, shewing the Rule and Ordinance to be both illegal and inexpedient. (The grounds on which he opposed it are given at length, annexed paper No. 3.)

10th. These and other conclusive arguments, urged by Mr. Fergusson, and also by Mr. Turton, both eminently skilled in the Laws of England, powerfully strengthened the hopes previously created by the observations that formerly fell from the Bench, that

the learned Judge would enter his protest against such a direct violation of the Laws, and uncalled for invasion of the rights of your faithful subjects.

11th. Notwithstanding, we observed with astonishment and regret, that his Lordship, in giving his decision, paid no regard whatever to the above Memorial, not alluding to it in the most distant manner, nor to the argument it contained; and his Lordship further disclosed, that at the time he expressed a desire to hear every objection that could be urged, and recommended a Memorial to Government against it, from which your faithful subjects unanimously hoped that the mind of the Judge was undecided, and rather unfavourable to the Rule, his Lordship had previously pledged himself by promise to Government to give it his sanction. (Annexed paper No. 4, containing the speech made by Sir Francis Macnaghten the Judge, who presided on the occasion).

12th. Your Majesty's faithful subjects cannot account for the inconsistency manifested by Sir F. Macnaghten in two different points with regard to the sanctioning of this Regulation. In the first place, according to his Lordship's own statement from the Bench, he refused not only once, but twice, to see the Regulation before it passed in Council, probably because his Lordship thought it improper for him to give it his approbation until it came before him in the regular manner; but he afterwards, when application was made to him a third time, not only consented to read it, but with some alterations agreed to give it his sanction, a change of conduct for which no reason was assigned by his Lordship. Again, when application was made to his Lordship to hear the objections that might be urged against it, before giving it his Judicial approval, his Lordship withheld from the knowledge of the public, not only that he had already so pledged himself; but even that he had previously seen the Regulation, and expressed himself ready to hear all that could be said respecting it, in the same manner as if his mind had been unfettered by any promise, and perfectly open to conviction. Consequently, some of your Majesty's faithful subjects prepared a Memorial and retained Counsel against the new Regulation, and had afterwards the mortification to find, that their representations were treated with contemptuous neglect, and that the arguments of the most able Lawyers could be of no avail.

13th. Your Majesty in Parliament has been graciously pleased to make it a part of the Law of this Country, that after a Regulation has

passed the Council, it must be fixed up for twenty days in the Supreme Court, before it can be registered, so as to receive the full force of Law, an interval which allows the Judge time for deliberation and to hear from others all the objections that may exist to the proposed measure, and might have the effect of preventing the establishment of injudicious and inexpedient or unjust and oppressive acts; but if, as in this case, the Judges enter into previous compact with the Local Government, and thus preclude the possibility of any effectual representation from your faithful subjects, who have no intimation of what is meditated till it be finally resolved upon, the salutary effect of twenty days' delay is lost, and your faithful subjects will be in constant apprehension, that the most valuable and sacred of their rights may, as in this instance, be suddenly snatched from them at a moment's warning, before they know that such a measure is in contemplation, or have time to represent the evils which it is calculated to inflict upon them.

14th. In pursuance of the Regulation passed as above described, the Government issued an official order in the "GOVERNMENT GAZETTE" of the 5th of April, commanding the attention of Editors of Newspapers, or other periodical works, to certain restrictions therein contained, prohibiting all matters which it might consider as coming under the following heads:

(1st). Defamatory or contumelious reflections against the King, or any of the Members of the Royal Family.

(2nd). Observations or statements touching the character, constitution, measures or orders of the Court of Directors, or other public authorities in England, connected with the Government of India, or the character, constitution, measures, or orders of the Indian Governments, impugning the motives and designs of such authorities of Governments, or in any way tending to bring them into hatred or contempt, to excite resistance to their orders, and to weaken their authority.

(3rd.) Observations or statements of the above description, relative to, allied, or Friendly Native Powers, their Ministers, or Representatives.

(4th). Defamatory or contumelious remarks or offensive insinuations levelled against the Governor-General, the Governors or Commanders-in-Chief, the Members of Council, or the Judges of His Majesty's Courts at any of the Presidencies, or the Bishop of Calcutta,

and publications of any description, tending to expose them to hatred, obloquy or contempt, also libellous or abusive reflections and insinuations against the Public Officers of Government.

(5th.) Discussions having a tendency to create alarm or suspicion among the native population of any intended official interference with their religious opinions and observances, and irritating and insulting remarks on their peculiar usages and modes of thinking on religious subjects.

(6th.) The republication from English, or other papers, of passages coming under the foregoing heads.

(7th.) Defamatory publications tending to disturb the peace, harmony, and good order of society.

(8th.) Anonymous appeals to the Public, relative to grievances of professional or official nature, alleged to have been sustained by public officers in the service of His Majesty or the Honourable Company.

This Copy of the Restrictions will be authenticated by the annexed Copy (No. 5).

15th. The above Restrictions, as they are capable of being interpreted, will in fact afford Government and all its Functionaries from the highest to the lowest, complete immunity from censure or exposure respecting anything done by them in their official capacity, however desirable it might be for the interest of the Country, and also that of this Honourable Company, that the public conduct of such public men should not be allowed to pass unnoticed. It can scarcely be doubted that the real object of these Restrictions is, to afford all the Functionaries of Government complete security against their conduct being made the subject of observation, though it is associated with a number of other restraints totally uncalled for, but well calculated to soothe the supreme authorities in England and win their assent to the main object of the Rule—the suppression of public remark on the conduct of the public Officers of Government in India.

16th. Your Majesty's faithful subjects could have surely no inducement in this distant quarter of the world to make contumelious and injurious reflections on your Majesty or any of the members of your Majesty's illustrious family, or to circulate them among people to whom your Majesty's name is scarcely known, and to the greatest part of whom, even the fame of your greatness and power

has not reached ; but to those few Natives who are possessed of sufficient information to understand the political situation of England, the English Newspapers and Books which are constantly brought to this country in great abundance, are equally intelligible with the periodical publications printed in Calcutta.

17th. Neither can your Majesty's faithful subjects have any wish to make remarks on the proceedings of the Court of Directors, of whose beneficent intentions they are well convinced, but that the Honourable Body who have so often manifested their earnest desire to ameliorate the condition of their Indian dependants, must be naturally anxious to be made exactly acquainted with the manner in which their wishes are carried into execution, and the operation and effect of the acts passed relative to this country.

18th. Whoever shall maliciously publish what has a tendency to bring the Government into hatred and contempt, or excite resistance to its orders, or weaken their authority, may be punished by Law as guilty of treason or sedition ; and surely in a country enjoying profound peace externally and internally, and where seditious and treasonable publications are unknown, it could not be necessary for Government to throw aside of a sudden, the Laws which for anything that has appeared, were fully sufficient, and arm itself with new and extraordinary powers at a time when that Government is more secure than at any former period.

19th. It may surely be left for British Judges and Juries to determine whether the mention made of the proceedings of Government, be malevolent, seditious and dangerous to the State, so as to render a writer or publisher culpable and amenable to punishment ; but if the mere mention of the conduct of Government without misrepresentation or malice on the part of the writer, bring it into hatred and contempt, such conduct will never receive the countenance or protection of your Majesty by the sanction of a Law to prevent its exposure to public observation, and the discovery of that dissatisfaction it may have occasioned, which would afford the higher authorities an opportunity of removing them.

20th. After a body of English Missionaries have been labouring for about twenty-five years by preaching and distributing publications in the native languages in all parts of Bengal, to bring the prevailing system of religion into disrepute, no alarm whatever prevails, because your Majesty's faithful subjects possess the power of defending

their Religion by the same means that are employed against it, and many of them have exercised the freedom of the Press to combat the writings of English missionaries, and think no other protection necessary to the maintenance of their faith. While the Teachers of Christianity use only reason and persuasion to propagate their Religion, your Majesty's faithful subjects are content to defend theirs by the same weapons, convinced that true Religion needs not the aid of the sword or of legal penalties for its protection. While your Majesty's faithful subjects perceived that Government shewed no displeasure, and claimed no arbitrary power of preventing the publication of what was written in defence of the prevailing religion of the country, it was impossible to entertain any such suspicion as that intimated in the 5th article, viz., that Government would interfere with the established faith of the natives of this country. Nevertheless, if any person with a malicious and seditious design were to circulate an unfounded rumour that Government meant so to interfere with our religious privileges, he would be severely punished by law: but if the Government really intended to adopt measures to change the religion of the country, your Majesty's faithful subjects would be absolutely prohibited by the present Restrictions from intimating the appalling intelligence to their countrymen: and although they have every reason to hope that the English nation will never abandon that religious toleration which has distinguished their progress in the East, it is impossible to foresee to what purposes of religious oppression such a Law might at some future time be applied.

21st. The office of the Lord Bishop of Calcutta not calling him to preach Christianity in that part of the town inhabited by the natives, or to circulate Pamphlets among them against the established Religion of the Country, but being of a nature totally distinct, and not at all interfering with the religious opinion of the native population, they could never dream of vilifying and defaming his character or office.

22nd. The Judges of the Supreme Court in Calcutta and of the English Courts of Judicature at the other Presidencies, enjoy, in virtue of their office, the power of protecting their characters and official conduct from defamation and abuse: since such would be either a contempt of the Court, liable to summary punishment, or punishable by those Laws enacted against libel. It is therefore hard to be conceived, that they stand in need of still further protection, unless it should be wished thereby to create an idea of their infallibi-

lity, which however is incompatible with the freedom allowed to Barristers, of delivering their sentiments beforehand on the justice or injustice of the opinions the Judges may pronounce, and in case of appeal, of controverting the justice and equity of their decision. The only object such a restriction is calculated to attain, must therefore be defeated, unless it be meant thereby to prevent the publication of the pleadings which as they take place in an English Court of Judicature are by Law public, and ought to be accessible to all.

23rd. The seventh restriction prohibiting defamatory publications tending to disturb the peace, harmony, and good order of Society, is equally unnecessary, since the British Legislature has already provided a punishment for such offences by the Laws enacted against libel.

24th. Your Majesty's faithful subjects will not offer any more particular remarks on the superfluous Restrictions introduced to accompany those more important ones which are the principal object of Government, and will conclude with this general observation, that they are unnecessary, either because the offences prohibited are imaginary and improbable, or because they are already provided for by the Laws of the Land, and either the Government does not intend to put them in force at all, or it is anxious to interrupt the regular course of justice, abolish the right of Trial by Jury and, by taking the Law into its own hands, to combine the Legislative and Judicial power, which is destructive of all Civil Liberty.

25th. Your Majesty's faithful subjects have heard that, Your Majesty constantly submits to the greatest freedom of remark among your British-born subjects without losing any part of the homage and respect due to your exalted character and station, and that the conduct of your Ministers is constantly the topic of discussion, without destroying the dignity and power of the Government. While such is the case in a country where it is said above nine-tenths of the Inhabitants read newspapers, and are therefore liable to be led by the opinions circulated through the Press, its capability of bringing a Government into hatred and contempt must be far less in a country where the great mass of the population do not read at all, and have the greatest reverence for men in power, of whom they can only judge by what they feel, and are not to be moved by what is written, but by what is done, where consequently Government can only be brought into hatred and contempt by its own acts.

26th. The Marquis of Hastings, who had associated for the greater part of his life, with Kings and Princes, entertained no apprehension that the salutary control of public scrutiny which he commended, would bring him or his Indian administration into hatred and contempt; and in effect, instead of such being the result, the greater the freedom he allowed to the European conductors of the Press, only rendered his name the most honored and revered in this part of the world, because it was universally believed, that his conduct proceeded from a consciousness of rectitude which feared no investigation.

(27th. But your faithful subjects might forbear urging further arguments on this subject to your Majesty, who with your actions open to observation, possess the love, the esteem, and the respect of mankind, in a degree which none of the despotic Monarchs of Europe or Asia can ever attain, whose subjects are prohibited from examining and expressing their opinions regarding their conduct.

28th. Asia unfortunately affords few instances of Princes who have submitted their actions to the judgment of their subjects, but those who have done so, instead of falling into hatred and contempt, were the more loved and respected, while they lived, and their memory is still cherished by posterity; whereas more despotic Monarchs, pursued by hatred in their life time, could with difficulty escape the attempts of the rebel or the assassin, and their names are either detested or forgotten.)

29th. The idea of the possession of absolute power and perfection, is evidently not necessary to the stability of the British Government of India, since your Majesty's faithful subjects are accustomed to see private individuals citing the Government before the Supreme Court, where the justice of their acts is fearlessly impugned, and after the necessary evidence being produced and due investigation made, judgment not unfrequently given against the Government, the judge not feeling himself restrained from passing just sentence by any fear of the Government being thereby brought into contempt. And your Majesty's faithful subjects only pray, that it may be permitted by means of the Press or by some other means equally effectual, to bring forward evidence regarding the acts of Government which affect the general interest of the community, that they also may be investigated and reversed, when those who have the power of doing so, become convinced that they are improper or injurious.

30th. A Government conscious of rectitude of intention, cannot be afraid of public scrutiny by means of the Press, since this instrument can be equally well employed as a weapon of defence, and a Government possessed of immense patronage, is more especially secure, since the greater part of the learning and talent in the country being already enlisted in the service, its actions, if they have any shadow of Justice, are sure of being ably and successfully defended.

31st. Men in power hostile to the Liberty of the Press, which is a disagreeable check upon their conduct, when unable to discover any real evil arising from its existence, have attempted to make the world imagine, that it might, in some possible contingency, afford the means of combination against the Government, but not to mention that extraordinary emergencies would warrant measures which in ordinary times are totally unjustifiable, (your Majesty is well aware, that a Free Press has never yet caused a revolution in any part of the world, because, while men can easily represent the grievances arising from the conduct of the local authorities to the supreme Government, and thus get them redressed, the grounds of discontent that excite revolution are removed; whereas, where no freedom of the Press existed, and grievances consequently remained unrepresented and unredressed, innumerable revolutions have taken place in all parts of the globe,) or if prevented by the armed force of the Government, the people continued ready for insurrection.

32nd. The servants of the Honourable Company are necessarily firmly attached to that system from which they derive their consequence and power, and on which their hopes of higher honours and still greater emoluments depend; and if it be possible to imagine, that these strong considerations are not sufficient to preserve subordination among them, the power of suspension and ruin which hangs over their heads for any deviation from duty, is certainly sufficient to secure that object.

33rd. After the British Government has existed for so many years, it has acquired a certain standard character in the minds of the natives of India, from the many excellent men who have from time to time held the reins of power, and the principles by which they have been guided. Whatever opinion, therefore, may be entertained of the individuals composing it at a particular period, while the source of power remains the same, your Majesty's faithful subjects cannot of a sudden lose confidence in the virtue of the

stream, since although it may for a period be tainted with corruption, yet in the natural course of events it must soon resume its accustomed character. Should individuals abuse the power entrusted to them, public resentment cannot be transferred from the delinquents to the Government itself, while there is a prospect of remedy from the higher authorities; and should the highest in this country turn a deaf ear to all complaint, by forbidding grievances to be even mentioned, the spirit of loyalty is still kept alive by the hope of redress from the authorities in England; (thus the attachment of the Natives of India, to the British Government must be as permanent as their confidence in the honour and Justice of the British nation, which is their last Court of Appeal next to Heaven. But if they be prevented from making their real condition known in England, deprived of this hope of redress, they will consider the most peculiar excellence of the British Government of India, as done away.

[34th. If these conclusions drawn from the particular circumstances of this country, be met with such an argument as that a colony or distant dependency can never safely be entrusted with the Liberty of the Press, and that therefore Natives of Bengal cannot be allowed to exercise the privileges they have so long enjoyed, this would be in other words to tell them, that they are condemned to perpetual oppression and degradation, from which they can have no hope of being raised during the existence of the British Power.)

[35th. The British nation has never yet descended to avow a principle so foreign to their character, and if they could for a moment entertain the idea of preserving their power by keeping their colonies in ignorance, the prohibition of periodical publications is not enough, but printing of all kinds, education, and every other means of diffusing knowledge should be equally discouraged and put down. For it must be the distant consequences of the diffusion of knowledge that are dreaded by those (if there be any such) who are really apprehensive for the stability of Government, since it is well known to all in the least acquainted with this country, that although every effort were made by periodical as well as other publications, a great number of years must elapse before any considerable change can be made in the existing habits and opinions of the Natives of India, so firmly are they wedded to established custom. Should apprehensions so unworthy of the English nation prevail, then unlike the ancient Romans who extended their knowledge and civilization with their

conquests, ignorance and degradation must mark the extent of British Power. Yet surely even this affords no hope of perpetual rule, since notwithstanding the tyranny and oppression of Gengis Khan and Tamerlane, their empire was not so lasting as that of the Romans, who to the proud title of conquerors, added the more glorious one of Enlighteners of the World. And of the two most renowned and powerful monarchs among the Moghuls, Akbar was celebrated for his clemency, for his encouragement of learning, and for granting civil and religious liberty to his subjects, and Aurungzebe, for his cruelty and intolerance, yet the former reigned happy, extended his power and his dominions, and his memory is still adored, whereas the other, though endowed with equal abilities and possessed of equal power and enterprize, met with many reverses and misfortunes during his lifetime, and his name is now held in abhorrence.

36th. It is well known that despotic Governments naturally desire the suppression of any freedom of expression which might tend to expose their acts to the obloquy which ever attends the exercise of tyranny or oppression, and the argument they constantly resort to, is, that the spread of knowledge is dangerous to the existence of all legitimate authority, since, as a people become enlightened, they will discover that by a unity of effort, the many may easily shake off the yoke of the few, and thus become emancipated from the restraints of power altogether, forgetting the lesson derived from history, that in countries which have made the smallest advances in civilization, anarchy and revolution are most prevalent—while on the other hand, in nations the most enlightened, any revolt against governments which have guarded inviolate the rights of the governed, is most rare, and that the resistance of a people advanced in knowledge, has ever been—not against the existence,—but against the abuses of the Governing power. Canada, during the late war with America, afforded a memorable instance of the truth of this argument. The enlightened inhabitants of that colony, finding that their rights and privileges had been secured to them, their complaints listened to, and their grievances redressed by the British government, resisted every attempt of the United States to seduce them from their allegiance to it. In fact, it may be fearlessly averred, that the more enlightened a people become, the less likely are they to revolt against the governing power, as long as it is exercised with justice tempered with mercy, and the rights and privileges of the governed are held sacred from any invasion.

(37th. If your Majesty's faithful subjects could conceive for a moment, that the British nation actuated solely by interested policy, considered India merely as a valuable property, and would regard nothing but the best means of securing its possession and turning it to advantage, even then, it would be of importance to ascertain whether this property be well taken care of by their servants, on the same principle that good masters are not indifferent about the treatment of their slaves.)

38th. While therefore the existene of a free Press is equally necessary for the sake of the Governors and the governed, it is possible a national feeling may lead the British people to suppose, that in two points, the peculiar situation of this country requires a modification of the laws enacted for the control of the Press in England. First, that for the sake of greater security and to preserve the union existing between England and this country, it might be necessary to enact a penalty to be inflicted on such persons as might endeavour to excite hatred in the minds of the Natives of India against the English nation. Secondly, that a penalty should be inflicted on such as might seditiously attempt to excite hostilities with neighbouring or friendly states. Although your Majesty's faithful subjects are not aware that anything has yet occurred to call for the precautions thus anticipated, yet should such or any other limitations of the liberty of the Press be deemed necessary, they are perfectly willing to submit to additional penalties to be legally inflicted. But they must humbly enter their protest against the injustice of robbing them of their long standing privileges, by the introduction of numerous arbitrary restrictions, totally uncalled for by the circumstances of the country—and whatever may be their intention, calculated to suppress truth, protect abuses—and encourage oppression.

39th. Your Majesty's faithful subjects now beg leave to call your Majesty's attention to some peculiarly injurious consequences of the new laws that have thus been suddenly introduced in the manner above described. First, the above Rule and Ordinance has deprived your Majesty's faithful subjects of the liberty of the Press, which they had enjoyed for so many years since the establishment of the British Rule. Secondly, your Majesty's faithful subjects are deprived of the protection of your Majesty and the high council of the British nation, who have hitherto exclusively exercised the legislative power in this part of your Majesty's dominions.

40th. If upon representations being made by the local authorities in the country, your Majesty after due investigation had been pleased with the advice of the high council of the realm to order the abolition of the liberty of the Press in India, your Majesty's faithful subjects from the feeling of respect and loyalty due to the supreme legislative power, would have patiently submitted, since although they would in that case, still have lost one of their most precious privileges, yet their claim to the superintendence and protection of the highest legislative authority, in whom your faithful subjects have unbounded confidence, would still have remained unshaken; but were this Rule and Ordinance of the local Government to be held valid, and thus remain as a precedent for similar proceedings in future, your faithful subjects would find their hope of protection from the Supreme Government, cut off, and all their civil and religious rights placed entirely at the mercy of such individuals as may be sent from England to assume the executive authority in this country, or rise into power through the routine of office, and who from long officiating in an inferior station, may have contracted prejudices against individuals or classes of men, which ought not to find shelter in the breast of the Legislator.

41st. As it never has been imagined, or surmised in this country, that the Government was in any immediate danger from the operation of the native Press, it cannot be pretended, that the public safety required strong measures to be instantly adopted, and that consequently there was not sufficient time to make a representation to the authorities in England, and wait for their decision, or that it was incumbent on the highest Judicial authority in India, to sanction an act so repugnant to the laws of England, which he has sworn to maintain inviolate.

42nd. If as your Majesty's faithful subjects have been informed, this Government were dissatisfied with the conduct of the English newspaper, called the "Calcutta Journal," the banishment of the Editor of that paper, and the power of punishing those left by him to manage his concern, should they also give offence, might have satisfied the Government; but at any rate your Majesty's faithful subjects, who are natives of this country, against whom there is not the shadow of a charge, are at a loss to understand the nature of that justice which punishes them, for the fault imputed to others. Yet notwithstanding what the local authorities of this country have

done, your faithful subjects feel confident, that your Majesty will not suffer it to be believed throughout your Indian territories, that it is British justice to punish millions for the fault imputed to one individual.

43rd. The abolition of this most precious of their privileges, is the more appalling to your Majesty's faithful subjects, because it is a violent infringement of their civil and religious rights, which under the British Government, they hoped would be always secure. (Your Majesty is aware, that under their former Muhammadan Rulers, the natives of this country enjoyed every political privilege in common with Mussulmans, being eligible to the highest offices in the state, entrusted with the command of armies and the government of provinces and often chosen as advisers to their Prince, without disqualification or degrading distinction on account of their religion or the place of their birth. They used to receive free grants of land exempted from any payments of revenue, and besides the highest salaries allowed under the Government, they enjoyed free of charge, large tracts of country attached to certain offices of trust and dignity, while natives of learning and talent were rewarded with numerous situations of honour and emolument. Although under the British Rule, the natives of India, have entirely lost this political consequence, your Majesty's faithful subjects were consoled by the more secure enjoyment of those civil and religious rights which had been so often violated by the rapacity and intolerance of the Mussalmans) and notwithstanding the loss of political rank and power, they considered themselves much happier in the enjoyment of civil and religious liberty than were their ancestors; but if these rights that remain are allowed to be unceremoniously invaded, the most valuable of them being placed at the mercy of one or two individuals, the basis on which they have founded their hopes of comfort and happiness under the British Power, will be destroyed.

44th. Your Majesty has been pleased to place this part of your dominions under the immediate control of the Court of Directors, and this Honourable Body have committed the entire management of this country (Calcutta excepted) to a number of gentlemen styled Civil Servants, usually under the superintendence of a Governor-General. These gentlemen who are entrusted with the whole administration, consist of three classes; First, subordinate local officers, such as Judges of Districts, Magistrates, Collectors and commercial

agents ; Secondly, officers superior to them as Judges of Circuit, and Members of different Revenue and Commercial Boards, &c. Thirdly, those who fill the highest and most important offices, as Judges of the Sudder Dewany Adalut, Secretaries to Government, the Members of the Supreme Council, and sometimes a Civil Servant may rise to the highest office, of Governor General of India. In former times, native fathers were anxious to educate their children according to the usages of those days, in order to qualify them for such offices under government as they might reasonably hope to obtain ; and young men had the most powerful motives for sedulously cultivating their minds, in the laudable ambition of rising by their merits to an honourable rank in society ; whereas, under the present system, so trifling are the rewards held out to native talent, that hardly any stimulus to intellectual improvement remains ; yet, your Majesty's faithful subjects felt confident, that notwithstanding these unfavourable circumstances, the natives of India would not sink into absolute mental lethargy while allowed to aspire to distinction in the world of letters, and to exercise the liberty of the Press for their moral and intellectual improvement, which are far more valuable than the acquisition of riches or any other temporal advantages under arbitrary power.

45th. Those gentlemen propose and enact laws for the Government of the extensive territory under their control, and also administer these laws ; collect revenue of all sorts, and superintend manufactories carried on in behalf of the state ; and they have introduced according to their judgment, certain judicial, commercial, and revenue systems, to which it may be supposed they are partial, as being their own, and therefore support them with their whole influence and abilities as of the most efficient and salutary character. It is also the established custom of these gentlemen to transmit official reports from time to time, to the Court of Directors, to make them acquainted with the mode in which the country is governed, and the happiness enjoyed by the people of this vast empire, from the manner in which the laws are administered.

46th. Granting that those gentlemen were almost infallible in their judgment and their systems nearly perfect ; yet your Majesty's faithful subjects may be allowed to presume, that the paternal anxiety which the Court of Directors have often expressed for the welfare of the many millions dependent upon them in a country situated at the

distance of several thousand miles, would suggest to them the propriety of establishing some other means besides, to ascertain whether the systems introduced in their Indian possessions, prove so beneficial to the natives of this country, as their authors might fondly suppose or would have others believe, and whether the Rules and Regulations which may appear excellent in their eyes, are strictly put in practice.

47th. (Your Majesty's faithful subjects are aware of no means by which impartial information on these subjects can be obtained by the Court of Directors or other authorities in England, except in one of the two following modes: either, first, by the existence of a Free Press in this country and the Establishment of Newspapers in the different Districts under the special patronage of the Court of Directors and subject to the control of law only] or secondly by the appointment of a commission composed of gentlemen of intelligence and respectability, totally unconnected with the Governing Body in this country, which may from time to time, investigate on the spot, the condition of your Majesty's faithful subjects, and judge with their own eyes regarding the operation of the systems of law and jurisprudence under which they live.

48th. But the immense labour required for surveying a country of such extent, and the great expense that would be necessary to induce men of such reputation and ability as manifestly to qualify them for the important task, to undertake a work of such difficulty, which must be frequently repeated, present great, if not insuperable obstacles to the introduction or efficacy of the latter mode of proceeding by commission; from which your Majesty's faithful subjects therefore, do not entertain any sanguine expectations; unless your Majesty influenced by humane considerations for the welfare of your subjects, were graciously pleased to enjoin its adoption from a conviction of its expediency whatever might be the expense attending it.

49th. The publication of truth and the natural expression of men's sentiments through the medium of the Press, entail no burden on the State, and should it appear to your Majesty and the enlightened men placed about your throne, that this precious privilege which is so essential to the well-being of your faithful subjects, could not safely be entrusted to the Natives of India, although they have given such unquestionable proofs of their loyalty and attachment, subject only to the restraints wisely imposed upon the Press by the laws of England, your faithful subjects entreat on behalf of their

countrymen, that your Majesty will be graciously pleased to grant it, subject to such severer restraints and heavier penalties as may be deemed necessary; but legal restraints, not those of arbitrary power—and penalties to be inflicted after trial and conviction according to the forms of the Laws of England,—not at the will and pleasure of one or two individuals without investigation or without hearing any defence or going through any of the forms prescribed by law, to ensure the equitable administration of justice.

50th. Notwithstanding the despotic power of the Mogul Princes who formerly ruled over this country, and that their conduct was often cruel and arbitrary, yet the wise and virtuous among them, always employed two intelligencers at the residence of their Nawabs or Lord Lieutenants, *Akhbar-navees*, or news-writer who published an account of whatever happened, and a *Khoofea-navees*, or confidential correspondent, who sent a private and particular account of every occurrence worthy of notice; and although these Lord Lieutenants were often particular friends or near relations to the Prince, he did not trust entirely to themselves for a faithful and impartial report of their administration, and degraded them when they appeared to deserve it, either for their own faults or for their negligence in not checking the delinquencies of their subordinate officers; which shews that even the Mogul Princes, although their form of Government admitted of nothing better, were convinced, that in a country so rich and so replete with temptations, a restraint of some kind was absolutely necessary, to prevent the abuses that are so liable to flow from the possession of power.

51st. The country still abounds in wealth, and its inhabitants are still addicted to the same corrupt means of compassing their ends, to which from having long lived under arbitrary Government, they have become naturally habituated; and if its present Rulers have brought with them purer principles from the land of their birth which may better withstand the influence of long residence amid the numerous temptations to which they are exposed;—on the other hand, [from the seat of the Supreme Government being placed at an immense distance and the channel of communication entirely in their own hands, they are left more at liberty to follow their own interests, and looking forward to the quiet and secure enjoyment of their wealth in their native land, they may care little for the character they leave behind them in a remote country, among a people for whose opinion they

have no regard.) Your Majesty's faithful subjects, therefore, humbly presume, that the existence of a restraint of some kind, is absolutely necessary to preserve your faithful subjects from the abuses of uncontrolled power.

52nd. That your Majesty may be convinced, that your faithful subjects do not allude merely to possible abuses, or point out only theoretical defects in established systems, they beg leave to call your Majesty's attention to the observations contained in a Number of a most respectable Baptist Missionary work, the accuracy of which, although it has now been two years* in circulation, in all parts of India, not one of the numerous civil servants of the Honourable Company, has ventured to dispute nor have the flagrant abuses it points out, been remedied.

53rd. It might be urged on the other hand, that persons who feel aggrieved, may transmit representations to the Court of Directors, and thus obtain redress; but the natives of this country are generally ignorant of this mode of proceeding; and with neither friends in England nor knowledge of the country, they could entertain no hope of success, since they know that the transmission of their representations, depends in point of time, upon the pleasure of the local Government, which will probably, in order to counteract their influence, accompany them with observations, the nature of which would be totally unknown to the complainants,—discouragements which in fact have operated as complete preventives, so that no instance of such a representation from the Natives of Bengal, has ever been known.

54th. In conclusion, your Majesty's faithful subjects humbly beseech your Majesty, first, to cause the Rule and Ordinance and Regulation before mentioned, which has been registered by the Judge of your Majesty's Court, to be rescinded; and prohibit any authority in this country, from assuming the legislative power, or prerogatives of your Majesty and the High Council of the Realm, to narrow the privileges and destroy the rights of your Majesty's faithful subjects, who claim your protection, and are willing to submit to such laws, as your Majesty with the advice of your Council, shall be graciously pleased to enact.

Secondly, your Majesty's faithful subjects humbly pray, that your Majesty will be pleased to confirm to them the privilege, they have so

*No IV. Quarterly series of the Friend of India, published in December, 1821.

long enjoyed, of expressing their sentiments through the medium of the Press, subject to such legal restraints as may be thought necessary or that your Majesty will be graciously pleased to appoint a commission of intelligent and independent Gentlemen, to inquire into the real condition of the millions Providence has placed under your high protection.

55th. (Your Majesty's faithful subjects from the distance of almost half the globe, appeal to your Majesty's heart by the sympathy which forms a paternal tie between you and the lowest of your subjects, not to overlook their condition; they appeal to you by the honour of that great nation which under your Royal auspices has obtained the glorious title of Liberator of Europe, not to permit the possibility of millions of your subjects being wantonly trampled on and oppressed; they lastly appeal to you by the glory of your Crown on which the eyes of the world are fixed, not to consign the natives of India, to perpetual oppression and degradation.)

Wm. A.