

Erskine May, Vol. III, Chapter XVII, pp. 377-384

India

The East India Company

Of all the dependencies of the British crown, India is the most considerable in territory, in population, in revenue, and in military resources. It is itself a great empire. Originally acquired and governed by a trading company, England was responsible for its administration no further than was implied in the charters and Acts of Parliament, by which British subjects were invested with sovereignty over distant regions.(1) Trade was the first,—dominion the secondary object of the company. Early in the reign of George III. their territories had become so extended, that Lord Chatham conceived the scheme of claiming them as dominions of the crown. This great scheme, however, dwindled, in the hands of his colleagues, into an agreement that the company should pay £400,000 a year, as the price of their privileges. This tribute was not long enjoyed, for the company, impoverished by perpetual wars, and mal-administration, fell into financial difficulties; and in 1773, were released from this obligation. And in this year, Parliament, for the first time, undertook to regulate the constitution of the government of India.(2) The court of directors, consisting of twenty-four members, [378] elected by the proprietors of India stock, and virtually independent of the government, became the home authority, by whom the governor-general was appointed, and to whom alone he was responsible. An Asiatic empire was still intrusted to a company, having an extensive civil and military organisation, making wars and conquests, negotiating treaties, and exercising uncontrolled dominion. A trading company had grown into a corporate emperor. The genius of Clive and Warren Hastings had acquired the empire of the Great Mogul.

Fox's India Bill

But power exercised by irresponsible and despotic rulers was naturally abused; and in 1773, and again in 1780, the directors were placed under the partial control of a secretary of state. Soon afterwards some of the most glaring excesses of Indian misrule were forced upon the notice of Parliament. English statesmen became sensible that the anomalies of a government, so constituted, could no longer be endured. It was not fit that England should suffer her subjects to practise the iniquities of Asiatic rule, without effective responsibility and control. On Mr. Fox and the coalition ministry first devolved the task of providing against the continued oppression and misrule, which recent inquiries had exposed. They grappled boldly with the evils which demanded a remedy. Satisfied that the government of an empire could not be confided with safety or [379] honour to a commercial company, they proposed at once to transfer it to another body. But to whom could such a power be intrusted? Not to the crown, whose influence they had already denounced as exorbitant: not to any department of the executive government, which could become accessory to Parliamentary corruption. The company had been, in great measure, independent of the crown and of the ministers of the day; and the power which had been abused, they now proposed to vest in an independent board. This important body was to consist of seven commissioners appointed, in the first instance, by Parliament, for a term of four years, and ultimately by the crown. The leading concerns of the company were to be managed by eight assistants, appointed first by Parliament, and afterwards by the proprietors of East India stock. It was a bold and hazardous measure, on which Mr. Fox and his colleagues staked their power. Conceived in a spirit of wisdom and humanity, it recognised the duty of the state to redress the wrongs, and secure the future welfare of a distant empire; yet was it open to objections which a fierce party contest

discoloured with exaggeration. The main objections urged against the bill were these: that it violated the chartered rights of the company,—that it increased the influence of the crown—and that it invested the coalition party, then having a Parliamentary majority, with a power superior to the crown itself. As regards the first objection, it was vain to contend that Parliament might not lawfully [380] dispossess the company of their dominion over millions of men, which they had disgraced by fraud, rapine, oppression, cruelty, and bloodshed. They had clearly forfeited the political powers intrusted to them for the public good. A solemn trust, having been flagrantly violated, might justly be revoked. But had they forfeited their commercial privileges? They were in difficulties and debt: their affairs were in the utmost confusion: the grossest mismanagement was but too certainly proved. But such evils in a commercial company, however urgently needing correction, scarcely justified the forfeiture of established rights. The two last objections were plainly contradictory. The measure could not increase the influence of the crown, and at the same time exalt a party above it. The former was, in truth, wholly untenable, and was relinquished; while the king, the opposition, the friends of the company, and the country, made common cause in maintaining the latter. And assuredly the weakest point was chosen for attack. The bill nominated the commissioners, exclusively from the ministerial party; and intrusted them with all the power and patronage of India, for a term of four years. At a time when corrupt influence was so potent, in the councils of the state, it cannot be doubted that the commissioners would have been able to promote the political interests of their own party. To add to their weight, they were entitled to sit in Parliament. Already the parliamentary influence of the company had aroused jealousy; and its concentration in a powerful and organised party naturally excited [381] alarm. However exaggerated by party violence, it was unquestionably a well-founded objection, which ought to have been met and counteracted. It is true that vacancies were to be filled up by the crown, and that the appointment of the commissioners was during good behaviour; but, practically, they would have enjoyed an independent authority for four years. It was right to wrest power from a body which should never have been permitted to exercise it, and by whom it had been flagrantly abused: but it was wrong to constitute the new government an instrument of party, uncontrolled by the crown, and beyond the immediate reach of that parliamentary responsibility which our free constitution recognises as necessary for the proper exercise of authority. The error was fatal to the measure itself, and to the party by whom it was committed.(3)

Pitt's India Act, 1784: Double Government

Mr. Fox's scheme having been overthrown, Mr. Pitt proceeded to frame a measure, in which he dexterously evaded all the difficulties under which his rival had fallen. He left the company in possession of their large powers: but subjected them to a board of control representing the crown.(4) The company were now accountable to ministers, in their rule; and ministers, if they suffered wrong to be done, were responsible to Parliament. So far the theory of this measure was good: but power and responsibility [382] were divided; and distracted councils, an infirm executive, and a cumbrous and perplexed administration, were scarcely to be avoided in a double government. The administration of Indian affairs came frequently under the review of Parliament: but the system of double or divided government was continued, on each successive renewal of the privileges of the company. In 1833, the first great change was effected in the position of the company. Up to this time, they had enjoyed the exclusive trade with China, and other commercial privileges. This monopoly was now discontinued; and they ceased to be a trading company; but their dominion over India was confirmed for a further period of twenty years.(5) The right of Parliament, however, to legislate for India was then reserved. It was the last periodical renewal of the powers of the company. In 1853, significant changes were made: their powers being merely continued until Parliament should otherwise provide; and their territories being held in trust for the crown. The Court of Directors was reconstituted, being henceforth composed of twelve elected members, and six nominees of the

crown. At the same time, the council of the Governor-General, in India, was enlarged, and invested with a more legislative character. The government of India being thus drawn into closer connection with ministers, they met objections to the increase of patronage, which [383] had been fatal to Mr. Fox's scheme, by opening the civil and medical services to competition. This measure prepared the way for a more complete identity between the executive administration of England and of India. It had a short and painful trial. The mutiny of the native army, in 1857, disclosed the perils and responsibilities of England, and the necessity of establishing a single and supreme authority.

India Transferred to the Crown

The double government of Mr. Pitt was at length condemned: the powers and territories of the company were transferred to the Queen; and the administration of India was intrusted to a Secretary of State, and Council. But this great change could not be accomplished without a compromise; and of the fifteen members of the council, seven were elected by the Board of Directors, and eight appointed by the crown. And again, with a view to restrict the state patronage, cadetships in the engineers and artillery were thrown open to competition.

The transfer of India to the crown was followed by a vigorous administration of its vast dominions. Its army was amalgamated with that of England: the constitution of the council in India was placed upon a wider basis: the courts of judicature were remodelled; the civil service enlarged; and the exhausted revenues [384] of the country regenerated. To an empire of subjugated states, and Asiatic races, self-government was plainly impossible. But it has already profited by European civilisation and statesmanship; and while necessarily denied freedom, its rulers are guided by the principles upon which free states are governed; and its interests are protected by a free English Parliament, a vigilant press, and an enlightened and humane people.

Freedom of the British Empire

Beyond these narrow isles, England has won, indeed, a vast and glorious empire. In the history of the world, no other state has known how to govern territories so extended and remote,—and races of men so diverse: giving to her own kindred colonies the widest liberty, —and ruling, with enlightened equity, dependencies unqualified for freedom. To the Roman, Virgil proudly sang,

'Tu regere imperio populos, Romane, memento:
Hæ tibi erunt artes.'

To the Englishman may it not be said with even juster pride, 'having won freedom for thyself, and used it wisely, thou hast given it to thy children, who have peopled the earth; and thou hast exercised dominion with justice and humanity!'

Footnotes.

1. The first charter was granted in 1600; the first Act concerning the East India Company was passed in 1698, 9 and 10 Will. III. c. 44.
2. Lord North's Regulating Act, 13 Geo. III. c. 64.
3. Supra, Vol. I. 67.
4. 24 Geo. III. c. 25.
5. 3 and 4 Will. IV. c. 85.

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