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THE FIFTH REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS

ON THE

AFFAIRS OF THE EAST INDIA COMPANY.

Dated 28th July, 1812.

EDITED WITH NOTES AND INTRODUCTION

BY

THE VEN. WALTER KELLY FIRMINGER,

(Merton College, Oxford), M.A., B.D., B. Lit.,
ARCHDEACON OF CALCUTTA,
Editor, *Bengal: Past & Present,*
AND
President of the Calcutta Historical Society, 1914

VOL. I.
INTRODUCTION AND TEXT OF REPORT

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To

HIS EXCELLENCY THE RIGHT HON'BLE

THOMAS DAVID BARON CARMICHAEL OF SKIRLING,

G.C.I.E., K.C.M.G., GOVERNOR OF BENGAL.

THIS REPRINT OF A MOST INTERESTING AND VALUABLE WORK

IS

By His Excellency's Special Permission

DEDICATED

AS A HUMBLE TRIBUTE OF GRATITUDE AND VENERATION

BY

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CALCUTTA.

CONTENTS.

	PAGE
DEDICATION.	
PREFACE	1-4
Summary Views of Changes in Organisation of the Revenue Administration	5-18
Introduction	i-cccxxxiv
Index to Introduction	i-xvii
REPORT.	
Bengal	1-140
Fort St. George	141-322

NOTE ON THE AUTHORSHIP OF THE FIFTH REPORT.

THE authorship of the Fifth Report has been attributed to Samuel Davis. Davis came out to India as an Officer of Engineers, and in 1784 accompanied Turner on the latter's Mission to Tibet as far as Bhutan. He subsequently was admitted into the Company's Civil Service, and became District Judge and Agent to the Governor-General at Benares. On the 14th January, 1799, Wazir Ali, the deposed Nawab of Oudh, attempted a general massacre of the English at Benares, and having murdered Mr. Cherry, Captain Conway and Mr. Robert Graham, made for Davis' house. The story of how Davis defended his family on the roof of his house until the arrival of the military from Secrole is one of the finest incidents in the history of British gallantry. Davis enjoyed a considerable reputation as a painter, an astronomer and mathematician. He was the father of Sir J. Davis, Bart, K.C.B., who must have been about three years old when his father defended the house. Samuel Davis was a Director of the E. I. Co. from 1809 to 1819. See C. S. Markham: *Narrative of the Mission of George Bogle to Tibet*; Rivett-Carnac: *Many Memories.*; Grand: *Narrative of a Gentleman.* (Reprint); Buckland: *Dictionary of Indian Biography*; Sir J. Davis: *Vizier Ali Khan, or the Massacre of Benares.*

W. K. F.

PUBLISHERS' NOTE.

THIS monumental work was issued by order of Parliament in the year 1812 and is still the standard authority on land tenures and judicial and police systems of British India. It has been known to sell at fabulous prices and is now practically unobtainable at any price. The present edition has, therefore, been issued at the suggestion of our esteemed patron the Hon'ble Sir Ashutosh Mukerji, KT., Judge of the Calcutta High Court and late Vice-Chancellor of the Calcutta University. It is a faithful and unexpurgated *verbatim* reprint of the original Report and contains an historical introduction and biographical and topographical notes kindly contributed by the Ven'ble Walter K. Firminger, M.A., B.D., B. LIT., etc., etc., Archdeacon of Calcutta, who is an acknowledged authority on the subject. Besides the elaborate appendices and the *Glossary* (in Bengali, Persian and Kaithi with English equivalents) by Charles Wilkins we have added the valuable minute, dated 2nd April, 1788, of Sir John Shore, which is not included in the original report. A full Index, not to be found in any previous edition, is also appended.

Extracts from the Preface of the Madras reprint of 1883 have, by kind permission of Messrs. Higginbotham & Co., been added as an Appendix to the first volume.

May, 1917. R. CAMBRAY & Co.

HISTORICAL INTRODUCTION

TO THE

BENGAL PORTION

OF

"THE FIFTH REPORT."

BY

THE VEN. WALTER KELLY FIRMINGER,

(Merton College, Oxford), M.A., B.D., Lit. B.

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CONTENTS.

	PAGE.
PREFACE	i
Summary Views of Changes in Organisation of the Revenue Administration	5
Chap. I.—Conquest and Sovereignty	i
,, II.—The Broken-down Mughal Government ...	xxii
,, III.—The Coming of the English to Bengal	lii
,, IV.—The Company becomes "Zamindar"	lxv
,, V.—The Mayor's Court	lxxix
,, VI.—The English acquire the Twenty-four Parganahs ...	xciv
,, VII.—The Ceded Lands	cxiii
,, VIII.—The Grant of the Diwani of Bengal, Bihar and Orissa, 1765	cl
,, IX.—The Administration of Harry Verelst	clxvi
,, X.—The Administration of John Cartier, 1769-1772 ...	cxcvii
,, XI.—The Early Administration of Warren Hastings ...	ccxi
,, XII.—The Provincial Councils and the Faujdars ...	ccxxxiii
,, XIII.—The Supreme Court of Judicature	ccliii
,, XIV.—Sir Elijah Impey and the Sudder Diwani Adalat ...	cclxxviii
,, XV.—Hastings *vs.* Francis	ccxcii
,, XVI.—The Commission of 1776	cccxi
,, XVII.—The Changes of 1781	cccxxix
INDEX	i-xvii

ERRATA.

P viii First and third lines from bottom (footnote) *for* 'Aichison' *read* "Aitchison."

P ix Sixth, thirteenth and sixteenth lines from bottom (footnote) *for* "Aichison" *read* "Aitchison"

P xiii Fifth line from bottom (footnote) *for* "inflnence" *read* "influence'

P xxvii Seventh line from top *for* "Nil Chakla" *read* "Nij Chakla"

P xxxi Second line from bottom (footnote) *for* "Asia" *read* "Orissa'

P xxxiv Eighth line from bottom (footnote) *for* "Ascanar" *read* "Ascanius"

P lvii Third line from top *for* 'Sadutbuno" *read* "Sadatbun"

P lvii Sixteenth line from top *for* "Sawazaan" *read* "Sawajean'

P lx Seventeenth line from top *for* '1661" *read* "1682"

P lxiii Sixteenth line from bottom *for* "Singiya" *read* "Singiya.'

P lxv Twentieth line from top *for* 'final logical" *read* "final and logical"

P lxxxvi Seventeenth line from bottom *for* dtid" *read* "did"

P , Sixteenth line from bottom *for* "death" *read* "death

P , Fifteenth line from bottom *for* crme" *read* "crime

P cxvii Twenty-first line from top *for* 'tragedy which in deliberately perpetuated" *read* 'crime perpetrated in cold blood"

P cxxi Twenty-third line from top *for* 1666" *read* "1665"

P cxxii Fourth line from bottom (footnote 1) *for* "jagir' *read* "jargon"

P cxlvii Eighth line from top *for* 'Hays" *read* "Hay."

P cxlvii Thirteenth line from bottom *for* "primarily of" *read* "primarily those of'

P. cclxx Fifth line from bottom *for* "disclaimour' *read* "disclaimer."

P ccxcv Second line from top *for* "proclaimed" *read* "produced"

P cccix. Eighth line from bottom (footnote) *for* "of John" *read* 'of the brains of John"

P cccix. Fourth line from bottom *for* "Frances" *read* 'Francis"

P cccxi Eleventh line from top *for* "the misconstruction of" *read* "misconstruction by"

P cccxiii. Sixteenth line from bottom *for* "Rs 48,000" *read* "4,800"

P cccxvii. Thirteenth line from top *for* "rove" *read* "even"

P. cccxxxi Third line from top delete "quietly and."

P ,, Sixth line from top *for* "and trust" *read* "to trust."

P ,, Ninth line from top *for* "Native" *read* "Indian."

P. cccxxxiv Third line from bottom delete "on."

PREFACE.

THE Essay which forms the Introduction to the present reprint of the *Fifth Report* is an attempt to trace the stages by which the representatives of the Honorable East India Company built up an effective civil administration in Bengal, while disclaiming almost to the last the possession of sovereign power in India. The story is brought down to the eve of the arrival of Lord Cornwallis in Bengal, and it is hoped that this Essay will bring the student up to the point at which a study of the *Fifth Report* may commence.

This Essay was composed during a furlough spent in Europe in 1911-12, and a part of it was actually written during the winter of 1912 at Budda Pesth in a delightful room in the Hotel Fiume with a window looking down on the Danube. I had hoped to introduce into the Essay much of the special information gained by me while working at the little known District Records of Bengal: but, realising that for the ordinary European student the general outline of the history is still obscure, I found it necessary to exclude a good deal of interesting and even important local detail. Of the obscurity of the subject no better proof could be furnished than is supplied, by the way in which the consultations of the various Bengal Revenue Authorities have been arranged until at least quite recently, at the Record Room of the India Office. The officer who, years ago, catalogued these volumes, could have had to hand no accessible guide to the history and nature of the various governing bodies to which the records relate.

On page iii I have cited passages from often-consulted authorities on the subject of the battle of Plassey and its supposed consequences. Perhaps the Plassey legend was never more inaccurately and more dangerously appealed to than when in May 1857, Sir John Lawrence assured General Anson that "Delhi would open its gates on the approach of our troops." "Where," he asked, "have we failed when we acted vigorously? Where have we succeeded when guided by timid counsels? Clive with twelve hundred men fought at Plassey, in opposition to the advice of his leading officers, beat forty thousand men, and conquered Bengal."*

* Forrest: *A History of the Indian Mutiny*, vol. i, pp. 57-58.

Since this Essay was written, the Government of Bengal has created a Bengal Historical Record Room, and three volumes of the Press List have appeared. From this wise measure great gains may be anticipated.

I would take this occasion to express my gratitude to Mr. B. Champkin, who kindly read through the Essay when it was in type-written form, and made many valuable suggestions, and also to Babu Kirannath Dhar who has given the utmost pains to seeing the work through the press and has compiled the Index. To Mr. William Foster, C.I.E., I am deeply indebted for his great kindness to me when I was working at the India Office Record Department.

To the Editor of the *Dacca Review* I am indebted for permission to reprint Chapter III, and to the Editor of the *Calcutta Review* for permission to reprint Chapter VI. Chapters V & VIII, have appeared in substance in *Bengal: Past & Present*, of which publication I have been the Editor since the commencement of 1907.

In this Essay I trust I have made available for the student the contents of books and manuscripts which if brought together would constitute a very large and costly library. I cannot, of course, hope that my work will stand comparison with the works of experts—works such as Field's *Regulations of the Bengal Code* or Cowell's *Courts and Legislative Authorities in India*. There is, however, in the following work a considerable amount of historical information with which neither Field nor Cowell was familiar. I would welcome the opportunity of putting into a more popular and more readable form the results of the present inquiry, but for the present, in the endeavour to provide the student with the materials he essentially requires, I have been bound to sacrifice many of the attributes of a book that is easily read, and, in consequence, appreciated.

ST. JOHN'S HOUSE,
CALCUTTA;
9 November, 1916.

WALTER K. FIRMINGER.

Summary View of Charges in Organisation of the Revenue Administration, 1769-1787.

Date	Supreme	Intermediate	Subordinate	Notes.
1769	THE SELECT COMMITTEE. The Hon'ble John Cartier, *President.* *Members.* Richard Becher. General Sir Robert Barker. James Alexander. Samuel Middleton.	THE RESIDENT AT THE DURBAR, MURSHIDABAD.	EUROPEAN SUPRAVISORS OR SUPERVISORS. *Resolution of the Select Committee, 1769, August 16th.*—"That in every province or district, a gentleman in the service be appointed, with or without assistance in proportion to the extent of the district, whose office is to be subordinate to the Resident of the Durbar." Instructions for management to be found in Select Committee's proceedings of 1st December, 1769.	The Select Committee was a general executive body and not merely concerned with revenue administration. It had been the instrument by which Lord Clive had carried out his reforms in the Company's civil service in 1764-65.
1770, 13th July.	...	THE COMPTROLLING COUNCIL OF REVENUE AT MURSHIDABAD. (Constituted by the President and Council of Fort William by letter of July 13th).	...	"Mr. Becher was ill at Balasore when the orders arrived, and the Council met under the presidency of Mr. Reed for the first time on the 25th September, 1770. Mr. Becher arrived at Murshidabad on the 12th November, 1770, and presided for the first time at the

ate	Supreme	Intermediate	Subordinate	Notes.
		Richard Becher. *Chief.* John Reed Jas. Lawrell John Graham *Members.* Mahomed Riza Khan, *Naib Diwan.* THE COMPTROLLING COUNCIL OF REVENUE AT PATNA. (Constituted by letter of the President and Council, dated the 11th October, 1770). James Alexander. *Chief.* George Vansittart Robert Palk *Members.* Raja Shitab Ray, *Naib Diwan for Bihar.*		Council of 15th November, 1770. He retired from his post on 24th December, 1770."
1771, April 1st.	THE COMPTROLLING COMMITTEE OF REVENUE sits for the first time. The Hon'ble John Cartier, *President.* Thos. Kelsall Chas. Floyer John Reed Francis Hare *Members.* W. Wynne, *Secretary.*	...	The Naib Diwans at Murshidabad and Patna removed; the Supervisors are termed Collectors, a fixed Diwan being attached to them "in the Superintendency of the Revenues." The Khalsa, or Exchequer removed to Calcutta.	The Comptrolling Committee of Revenue was constituted by order of the Court of Directors, 23rd March, 1770. In the General Letter of 28th August, 1771, the Court express the determination to "stand forth as Dewan and by the agency of the Company's servants to take upon them-

				selves the entire care and management of the revenues."
1772.	...	...	...	1772, April—Warren Hastings assumes office as President and Governor of Fort William. June.—The Committee of Circuit appointed consisting of— The Hon'ble Warren Hastings, *President.* Philip Milner Dacres. James Lawrell John Graham Samuel Middleton. } *Members.*
1772, Sep.	...	The Comptrolling Council at Murshidabad sit for the last time. The Resident at Murshidabad (S. Middleton) corresponds with the Collectors of— Chunakhali, Lashkarpur,	...	The Chief and Council at Patna retained their jurisdiction as a Comptrolling Council of Revenue until the abolition of the Provincial Council in 1781.

Date	Supreme	Intermediate	Subordinate	Notes.
		Rokanpur, Rajmahal, Purnea, Dinajpur, Jahangirpur, till 1773.		
Oct. 13th	REVENUE BOARD, consisting of the whole Council, first meet.	Direct dealings with local officers.	...	In 1775 Edward Baber, the then Resident at the Durbar, became Chief of the Provincial Council of Revenue, and the Resident became merely a Political Agent. The Revenue Board, consisting of the whole Council, was constituted in accordance with the recommendation of the Committee of Circuit at Cossimbazar, 20th August, 1772.
1773, Nov.	...	Five Provincial Councils created, replace English Collectors and substitute for them native amils in the districts.	European Collectors recalled and native amils sent back to the districts.	The Patna Council continued making a sixth Provincial Council. Chittagong and Tippera remained under their respective chiefs.

1. Calcutta Provincial Council of Revenue, consisting of two members of Council and three senior servants below Council, with the Ray Rayan as diwan. Revenue jurisdiction—

Calcutta Parganas.

Hughli.

Hijili.

Mysadel.

Tamluk.

Nadia.

Jessore.

Mahmudshahi.

Taluks of Kantunagar.

Lands belonging "to persons of credit whose constant residence is in Calcutta."

te	Supreme	Intermediate	Subordinate	Notes.
		2. Murshidabad Council of Revenue jurisdiction— Rajshahi, east and west divisions. Rokanpur. Chunakhali. Lashkarpur. Ichanguripur. Khas Taluks. Rajmahal. Bhagalpur (with annexations from Monghyr). Currikpore. Jungleterry. Districts under Captain Brooke.	...	The Provincial Councils at Murshidabad, Burdwan, Dinajpur and Dacca consisted of a chief and four senior servants with a native diwan.

3. The Burdwan Provincial Council jurisdiction—

Burdwan.
Midnapur.
Vishnupur.
Pachete.
Birbhum.
Ramgarh.
Districts under Captain Camac.

4. The Dinajpur Provincial Council jurisdiction—

Dinajpur.
Silberis.
Purnea.
Rangpur.
Edrackpore.
Baharband.
Cooch Behar.
Rangamati.

5. The Dacca Provincial Council jurisdiction—

Dacca.
Sylhet.
Attya.
Cogmary.
Barbazu.

Date	Supreme	Intermediate	Subordinate	Notes.
1774, Jan.	GOVERNOR-GENERAL AND COUNCIL.			
1781, Feb.	COMMITTEE OF REVENUE. Subject to the Governor-General and Council forming the Revenue Board and consisting of five senior servants of the Company. In reality not a supreme body, as the making suggests, but replacing Provincial Council.	*Provincial Councils abolished,* but to obviate evil consequences of too sudden a change, the chiefs were directed to remain in temporary charge of their divisions until recalled by further orders. The Khalsa was transferred to the Committee of Revenue.	...	"On the expiry of the five years settlement in 1777, annual settlements were made year by year with farmers until 1781, with a preference to the old zamindars even though not the highest bidders. But the Provincial Councils were gradually found to be too weak in numbers, and too widely scattered over the country, to be capable of exercising an effective superintendence. Again the pendulum swung back to the system of a direct British agency in the collections, under a strong British central control. Accordingly in 1781, the Provincial Councils were superseded, and a Committee of Revenue (which shortly changed its name to the Board of Revenue) was reconstituted in Calcutta. It consisted of five experienced European servants of the Company and

BRITISH COLLECTORS *re-established.*

"The plan of managing the whole business of the revenue at the Presidency without the assistance of responsible local agents was soon found to be impracticable, and the withdrawal of the Collectors to have been a mistake. Mr. Shore, writing in 1782, expressed his opinion that the real state of the districts was then less known and the revenues less understood than in 1774. The Committee of Revenue were accordingly instructed (7th April, 1786) on proceeding upon the ensuing year's settlement, to divide out the Huzuri mahals [*i.e.*, paying their revenue direct into the Government Treasury] into Collectorships in such manner that no one Collectorship worked under the inspection of the Governor-General in Council. The President of several of the Provincial Councils continued to act for a short time as a sort of Commissioner of a Division under its orders and the direct management of the district revenues was definitely entrusted to British Collectors. It should be remarked, however, that although 1781 is the accepted date of the recognition of the change, the process had been going on for some time previously, and it was not until some time later that it was completely carried out" (Sir William Hunter: *Bengal MS Records*, vol. i, pages 19-20.)

On December 20th, 1776, Messrs. David Anderson, Charles Croftes and George Bogle were deputed to inquire into the value of the lands, and they reported on 25th March, 1778.

After the expiry of the quinquennial settlement, in accordance with the orders of the Court of Directors, annual settlements

Date	Supreme	Intermediate	Subordinate	Notes.
		should exceed in *jama* the sum of eight lakhs of rupees. In pursuance of these instructions, the provinces of Bengal and Orissa were divided into more than twenty Collectorships, exclusive of those which had already been established in Behar, making thirty-six in all. In the following year a new division was proposed and approved by the Governor-General and Council (21st March, 1787), under which the number was reduced to twenty-three, or, including the salt mahals, twenty-four. Immediately afterwards (8th June, 1787) rules were made for the Collectors, and those rules were subsequently re-enacted with the amendment		were made, the Court of Directors having rejected the proposal for life settlement with the zamindars. In a letter, dated July 1st, 1784, the Governor-General (Warren Hastings) in Council expresses surprise "at the settlement being so far advanced, and its having been concluded for five years" and quotes the orders of the Court of Directors forbidding leases to be granted for a term of years, and orders that "the clause lately introduced in the amalnamas for Sarkar Saran, limiting the term to one year only, be inserted in all the present year's engagements in Bengal." Hunter: op. cit., p. 98. Pitt's India Act, August, 1784, requires the Court of Directors to give orders "for settling and establishing, upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which the tributes, rents, and services of the

of Regulation II of 1793." (Field · *Introduction*, paragraph 74)

Rajas, Zamindars, Poligars, Talukdars, and other native land-holders should in future be rendered and paid to the United Company.

Letter of Court of Directors (22nd December, 1785). The Government of Bengal to be conducted by—

1. The Board of the Council
2. Military Board.
3. Board of Revenue consisting of one of the junior members of Council and "four others of the most intelligent of the senior servants of the Company," the Governor-General being entitled to attend its meetings.
4. Board of Trade.

The Court has it in view "to arrange a final system for transacting business with the zamindars and other land holders."

1786. The Court sends out final orders.

1. An assessment be fixed for ten years in every practicable case with the zamindars.
2. At the end of ten years, if proved satisfactory, the settlement to become permanent

Date	Supreme	Intermediate	Subordinate	Notes.
1786, 12th June.	THE BOARD OF REVENUE *constituted.* John Stables, *President.* *Members:* 1. William Cowper. 2. T. Graham. 3. J. Evelyn. 4. John Mackenzie. 5. Richard Johnson.	...	...	
1787	...	...	Extract from a letter of the Right Hon'ble the Governor-General in Council, 5th February, 1787 :— "The Court of Directors having determined that it will tend more to simplicity, energy, justice, and economy to re-invest the Provincial Chiefs or Collectors with the superintendency of the Courts of Dewany Adaulut, it is our resolution that their determination shall take effect at the commencement of the ensuing Bengal year 1194....The Collectors are to continue to act under	

your immediate orders in all revenue matters, and to correspond with us on any subjects relating to the administration of justice or the general government of the country. In order to prevent the interference of private banyans, or agents of any denomination, who have no official employ or responsibility, as well as for other considerations the Court of Directors have ordered that official Dewans shall be stationed with each Collector, upon the principles of the Regulations of 1773. We deem it advisable to permit the Collectors to recommend the persons stationed with them as Dewans, subject, however, to your confirmation, under this special restriction, that the persons so recommended by them shall not serve them as their private banyans, or in any capacity. It is not our meaning that the Dewans are to hold or exercise any authority independent of the Collectors, but in all respects to act under their immediate orders and control. The power of apprehending in criminal cases, which by the

Date	Supreme	Intermediate	Subordinate	Notes.
			Regulations of Justice, is vested in the Judges of the Adawlut in their capacity of Magistrates, will of course be transferred to the Collector in his judicial capacity."	

INTRODUCTION.

CHAPTER I.

CONQUEST AND SOVEREIGNTY.

"Men and nations start with a vague notion of being rich, or great, or good. Each step they make brings unforeseen chances into sight, and shuts out older vistas, and the specifications of the general purpose have to be daily changed. What is reached in the end may be better or worse than what was proposed, but it is always more complex and different" William James: *Pragmatism*, p. 141.

The battle of Plassey will ever be regarded as a great historical event, yet, when due regard has been paid to all the factors that contributed to the success of the English arms, it will be conceded that the victory of June 23rd, 1757, adds nothing to the splendid military reputation of Lord Clive. Had not Watts' intrigues secured the inactivity of Siraj-ud-daula's reputed allies, the English forces, as they broke cover for the assault, would have been at the mercy of the hordes of cavalry which, under Mir Jafar and Rai Durlabh, from their position in a wide extending crescent, commanded the right flank of the English advance.[1] Clive, it would seem, was scarcely ready to risk his comparatively small army in what would necessarily be a decisive engagement, nor could he bring himself to rely on Mir Jafar's undertakings. His Journal shows that he had determined on making a night attack[2]—a manœuvre which Mughal commanders seem to have regarded as no part of the operations of war, and against which they were wont to make no provision. The gallant rush across the swamps and the fierce onslaught which determined the issue of the day, originated in the order to advance given by Kilpatrick during Clive's temporary absence from the field and contrary to Clive's predetermined plan of action—an order which when once acted upon, could not be recalled.

Hence it would appear that the battle as actually fought did not correspond with any bold design framed by the genius of Clive, and although there must be assigned to him credit for a masterly handling of circumstances not of his deliberate choice, and although it is not to be denied that there was much hard fighting—especially with the Nawab's brave French allies—Plassey cannot rank as a great military achievement.[3] There is nothing at all novel in this apparently depreciatory view In 1767, in reply to Luke Scrafton, who had ventured to express the belief "nor could he who had defeated the army of Siraj-ud-daula with three thousand men conceive the English should ever keep up an army of fifteen thousand."[4] Holwell, the hero of the Black Hole incident, writes in a passage, which, while it betrays a curious ignorance as to the nature of Mir Jafar's relation to Siraj-ud-daula, yet shows that

[1] S. C. Hill: *Bengal in 1756-57* (Indian Records Series), vol. ii, p. 440 and vol. iii, p. 404.

[2] Lt.-Col. N. J. Wilson: *History of the Madras Army*. Madras, 1882, vol. I, p. 84.

[3] "The rout of Plassey—for it can hardly be called a battle." Sir A. Lyall: *Rise of the British Dominion in India*, p. 107.

[4] Scrafton: *Observations on Mr. Vansittart's Narrative*. London. No date.

n 1767 a former Governor of Fort William did not regard Plassey as a decisive battle. "Let it in the first place be remembered that, howsoever happy in its consequences the *defeat* at Plassey proved to individual sufferers, the means by which it was obtained should rather be forgot, nor should you blazon that defeat with the semblance of a military act of prowess, which was solely owing to the treason and treachery of Roydullob (Rai Durlabh) and Mir Jaffier, two of Surajah Dowlah's generals, the highest in office as well as in the confidence of their master; thus betrayed no glory would have been reflected on our arms, had the defeat been achieved with one fourth of the men then under Lord Clive's command. His Lordship's established character of a brave officer stands not in need of any false lustre to be cast upon it; nor will you, I believe, Sir, receive his thanks for this wanton folly."[1]

When the actual benefits by treaty which the victory at Plassey secured to the Company are considered, their comparatively trifling character is very striking. Already Siraj-ud-daula, by the treaty of February, 1757, had consented to that purchase by the Company of the *talukdari* rights in thirty-eight villages which the Emperor Farrukhsiyar had sanctioned in 1717—a purchase which the astute Nawab Murshid Quli Khan had prevented. The addition to the English zamindari of the Twenty-four Parganahs conceded by Mir Jafar was little more than what his ousted predecessor had consented to. Again, as to the Company's trading privileges, it was an essential point in Governor Vansittart's position in 1760 to demonstrate that the victory at Plassey had been productive of no fresh privileges for English commercial enterprise.[2] Luke Scrafton, who played so intimate a part in all Lord Clive's doings in Bengal in the year 1757, states with much truth: "The general idea at this time entertained by the servants of the Company was that the battle of Plassey did only restore us to the same situation we were in before the capture of Calcutta; the Subah was conceived to be as independent as ever, and the English returned into their commercial character with no other alteration in their situation than a full indemnification for their losses and a small acquisition of territory, which it was thought might defray the military expenses of their garrisons grown too burdensome to be supported by their trade alone; if the forces were to take the field in support of the Subah, it was to be at his expense."[3] Seven months after the battle of Plassey, the Naib Faujdar at Hughli had placed a guard round the Company's old factory at that place, and threatened to cut down the English colours.[4]

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[1] *An Address from John Zephaniah Holwell, Esq. to Luke Scrafton, Esq. in Reply to his Pamphlet, entitled-"Observations on Mr. Vansittart's Narrative."* London, 1767, pp. 12-13. I believe it is a mistake to speak of Mir Jafar as one of Siraj-ud-daula's generals. Exception may be taken on this ground to a passage in Mr. J. W. Fortescue's *Military History*, p. 160.

[2] H. Vansittart: *A Narrative of the Transactions in Bengal.* London, 1766, vol. i, p. 24: "With respect to trade, no new privileges were asked of Meer Jaffier; none indeed were wanted by the Company, who were contented with the terms granted them in 1716, and only wished to be relieved from the impositions to which they had been exposed from the arbitrary power of the Nabobs."

[3] Luke Scrafton, Op. cit. p. 2.

[4] Long: *Selections from the Unpublished Records of the Government of India*, vol. i, No. 335.

Despite these facts, however, Clive, covered with undying military glory, in 1762, took his place in the Irish Peerage as Baron Clive of Plassey, and Plassey is perhaps the one name of a battle associated with Clive that the average Englishman readily remembers.[1] In a popular analysis of English History we read: "1757. Calcutta retaken The battle of Plassey (June 23rd) secures Bengal for England."[2] "Clive's victory in 1757," writes Sir Alfred Lyall, "was followed by the occupation of Bengal."[3] A recently published *Dictionary of Dates* states: "In consequence of Clive's victory at Plassey, 1757, Bengal passed into the possession of the Company, which received formal transfer from the Mogul in 1765."[4] Whatever may be said in criticism of statements of the kind, and after it has been pointed out that Plassey was not a great military achievement and that its actual results by formal treaty were comparatively inconsiderable, it must still be admitted Plassey has, in point of fact, exercised an influence over the popular imagination of so profound a kind that the popular belief, which credits Plassey with the winning of an Empire, is itself a vital factor in history. It is impossible to ignore the fact that the makers of English Empire in India carried in the subconscious depths of their minds a belief which associated the origin of their Raj with a definite act of conquest by the sword—the event of June 23rd, 1757.

In a case which came before the Supreme Court of Judicature, two of the original Justices of that Court determined that "the inhabitants of this town (Calcutta) are all British subjects, because this town was conquered by Admiral Watson and Colonel Clive, but that does not extend to subordinate factories."[5] The re-capture of Calcutta by armed force in 1757 is an historical event that cannot be gainsaid, but it is a remarkable fact, and one of which the Judges were perhaps ignorant, that, while undoubtedly Calcutta had been taken by arms from Siraj-ud-daula, the English abstained from holding the town on the terms of a military conquest, and instead sought and obtained a *sanad* from the Nawab for the free tenure of their capital. During the whole period covered by the present dissertation the justification of the English occupation in Bengal was, in one way or another, based on the rights of the English as revenue officials under the Mughal Emperors. It was essentially as revenue collectors that the English entered into the actual occupation of the country, and it was the exigencies of the revenue service that compelled them to elaborate a system of Government, and extrude the native sovereignty by a long process of exhausting its functions. The history of revenue administration is thus the backbone of the history of the English occupation of Bengal.

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[1] As an illustration of the place of Plassey in Indian Native tradition: "For some time an idea had been prevalent amongst the natives that the English Raj was not destined to survive its hundredth year, and that the centenary of Clive's victory on the field of Plassey on the 23rd June, 1757, would see its downfall." Roberts: *Forty-one Years in India*, vol. I, p. 172.

[2] Acland and Ransome: *English Political History*, p. 13.

[3] Lyall: *The Rise of the British Dominion in India*, 1898, p. 114.

[4] *A Dictionary of Dates*, Thos. Nelson & Sons, vol. I, p. 147.

[5] Acharya, *Codification in British India*, Tagore Law Lectures, 1912, p. 408.

It is true to say that neither Plassey nor Buxar were fought to win territorial sovereignty for the East India Company or for the British Crown, although, of course, those battles were fought to maintain on the *musnud*[1] of Murshidabad a ruler powerless to uproot the British factories. Although on some few occasions both the Court of Directors in London and their representatives in Bengal did assume a bellicose tone,[2] and although there were occasions when territorial acquisitions were distinctly coveted, yet we find that the Company was, on the whole, averse to the acquisition of "territory" or "possessions," and that their servants in Bengal, unless actuated by some momentous emergency, were unwilling to interfere in native politics or to depart from the position of traders.[3] Many illustrations of the typical attitude of the Company[4] and of its servants in regard to territorial acquisitions might be cited, but for present purposes it will suffice to make use of two only.

(1) In the year 1717, the Surman Embassy to the Emperor Farrukh-siyar—an undertaking which represented many years of preparation, an enormous expenditure of money, and a vast amount of personal courage, self-control, patience, and diplomatic skill—secured for the Company the right to purchase revenue rights in thirty-eight villages in the near neighbourhood of Calcutta.[5] The way in which the Court of Directors acknowledged the benefits obtained for them by their servants is characteristic. In their General Letter of the 3rd February, 1719, they wrote :—

> "Notwithstanding the doubts we had, whether it would be our interest to have the thirty-eight towns, if granted, or whether they might not engage us in quarrels with the Moors, if hereafter they should be resolved to take them away, when they found them to flourish, of which we wrote you to have your opinion; we find by para 85, you say they would be of great advantage to us to have them. This we have discoursed Mr. Frankland[6] upon, and of the necessary charge of soldiers to protect them from, or keep off, insults; and having well weighed the expected profit on one

[1] *Musnud*—the throne of the Subahdar or Nazim. It was, in fact, a small stone platform.

[2] As, for instance, when in 1686 they ordered their "Colonel" Charnock to sieze and to hold Chittagong.

[3] On July 7th, 1712, the Council at Fort William agreed "we write a letter to Patna forbidding them to give a muchulka (*muchalka*—agreement), and to let them know that we can't but wonder that they should believe we have been anyways assisting to Mursudcovey Cawn (Murshid Quli Khan), since that it is not the business of merchants, or advisable for us to concern ourselves in the government, we well knowing it must bring our Hon'ble Masters' affairs into trouble."

[4] *e.g.*, the renunciation of the acquisition of Ghazipur in 1765. See the General Letter of the Court of Directors to Bengal, 16th March, 1768, para 7: "We now repeat our disapprobation of such alliances, which we think no circumstances in our affairs can require, and determined as we are not to aim at any power or possession but what we hold in virtue of the Mogul's grants, or what arise from the office of Duan, and consequently are confined within the boundaries of Bengal, Bahar, and Orissa."

[5] For the story of the Surman Embassy see C. R. Wilson: *Early Annals of the English in Bengal*, vol. II, part II. Calcutta, 1911.

[6] Henry Frankland (a maternal great-grandson of Oliver Cromwell) had resigned th Bengal Service but he returned to Calcutta in 1722 and was Governor, 1726-28. See *Bengal Past & Present*, vol. ix. p. 238 *et seq.*

side, and the trouble that one time or other may be occasioned thereby on the other, we think it best for us to have only so many of them (when you can purchase them) as be contiguous to our three towns above and below them, and those on the other side of the river, within about the same extent of ground as the towns when purchased reach on your side; and we are inclined only to have such of them as lie on or within about two miles of the bank of the river, because, if there should ever be a necessity of defending them from the inroads of some neighbouring petty governor, our soldiers may be harassed by long marches to defend our bounds. We suppose, too, that when Jaffer Cawn, or any other governor, finds you desire only part of what you might insist on, he or they may be the easier to give their consent, and not pick future quarrels; *for as our business is trade, it is not political for us to be encumbered with much territory.* Mr. Frankland assures us, the ground on the other side of you would be of great service to us for repairing our ships, because the river is not rapid there, and as we have said about the dock, that we should find benefit if we could have a good one. We might also add, that if ever we should be forced to the necessity of it, our settlement there would enable us to command the river,; but this is not to be so much as publicly hinted at, lest it should alarm the government."[1]

Again, on 16th February, 1721, the Court of Directors wrote: "Remember, we are not fond of much territory, especially if it lies at a distance from you, or is not pretty near the waterside, nor indeed of any, unless you have a moral assurance if it will contribute directly to our real benefit."

(2) A second instance of the Company's unwillingness to accept the responsibilities of government is afforded by the attitude assumed by the Court of Directors when first informed of Lord Clive's acceptance on their behalf of the *Diwani* of the three Provinces. They wrote "We observe the account you give of the Powers of the King's Dewan, which in former times was the collection of all the revenues, or, after defraying the expenses of the army and allowing a sufficient fund for the support of the Nizamut, to remit the remainder to Delhi...This description is not the office we wish to execute." The Directors had, in fact, expressed their approval of the refusal of the *Diwani* by Governor Vansittart on a former occasion.

Returning to the first instance it is to be observed that the "territory" which the Surman Embassy had sought to acquire was, not lands to be held in sovereign power by the Company, but lands to be held on terms of

[1] Quoted by Auber: *Rise and Progress of the British Power in India*, vol. I, pp. 23-24. Sir Thomas Roe had maintained that the Portuguese and the Dutch had spent more on thei territories than they had gained by their trade.

[2] *i. e.*, villages not in our present English sense, but as revenue paying units.

Calcutta, and Govindpur. In consideration of regular payments of fixed sums agreed upon, the Company, as zamindar, was authorised to receive the revenue-dues of the inhabitants, and to retain for their own advantage the profit arising in the difference between the stipulated payment to the Mughal Treasury and the total collected by the Company from the occupants of the soil. In other words, the Company sought to become farmers of the revenues of the thirty-eight villages adjoining their Three Towns. As zamindar the Company would not only be empowered to collect land revenue, but also to levy more or less light taxes to defray the cost of the upkeep of roads and bridges, and incidentally to make a considerable profit on the *ghats* (river landing places) and bazars within its jurisdiction. As zamindar it would also have jurisdiction in civil matters, while in regard to criminal cases it would enjoy the powers of a magistrate of police. But, as zamindar, the Company would be within the jurisdiction of the Mughal Empire, and would be responsible, under pain of extrusion from its privileges, for the good conduct of its several offices. To refer to the securing of zamindari rights as the acquisition of "territory" was doubtless an inaccuracy, but it is an inaccuracy which reveals the attitude of their minds in respect to lands placed under their direction. It is necessary, therefore, to take into consideration certain ideas that were undoubtedly in the minds of the Directors at this time and influenced their views of the position in Bengal.

(1). There is a saying which passes as a proverb in Western India, "Madhaji Sindhia made himself master of India by calling himself a patel." With even better reason it might be said that the East India Company created an Empire by calling itself zamindar. The Company was not a private adventurer, but an incorporated society invested with certain sovereign powers by the Sovereign of Great Britain. Whatever concessions the Company's servants might acquire, their masters intended to keep by force of arms if necessary, for the Charter of 1683 empowered the Company "to use martial law for the defence of the said forts, places, and plantations against any foreign invasion or domestic insurrection or rebellion." The acquisition of even zamindari rights at once suggested to the Court of Directors in England the contingency of "defending them from the inroads of some neighbouring petty governor," and in the course of time, after Siraj-ud-daula's mad seizure of Calcutta, the Company proved that it could draw upon the military resources of the British Crown to insure the retention of concessions obtained from the Mughal Government. The English could show Mughal *sanads* and *farmans* to justify their occupation, but the Directors, when they referred to lands granted in zamindari tenure as "territory" or as "possessions," clearly intended to indicate that rights obtained by process of Mughal law, would, if necessary, be maintained by military force. If then it be true to state that the English occupation of Bengal was effected by processes of Mughal law, it is necessary to remember that, although no battles were fought to win territorial sovereignty either for the Company or the Crown, yet behind the diplomatic or legal settlement there was a *virtual* conquest of the country, *i.e.*, a supersession of the native military power by the British military power. In this sense it may be said that Plassey and Buxar "secured Bengal for England."

(2) The views of the Directors in regard to Bengal cannot but have been influenced by their dealings with the two other Presidencies. Bombay, it may be said very briefly, was in the truest sense a "possession," for it had come to the Crown as part of the wedding dowry of Queen Catherine of Braganza, and by the Crown it had been granted to the Company. In Southern India again the Company held lands under grants from such sovereigns as the Zamorin of Calicut, the King of Golconda, the descendants of the Vijayanagar Kings &c. &c., and the early struggle with the Dutch gave to many of the holdings the nature of occupation by force or international understanding. At a later date, the English possession of Madras would, in the eyes of the Court of Directors, be associated with the struggle with the French.

(3) The plan of administering the country under what Clive called "the masked system," that is to say, of administering Bengal in the interests of the Company, while maintaining the sovereignty of the Mughal, might appear to the Company's servants in Bengal a policy well adapted to the season and circumstances of the English occupation; but with its interest in Western and Southern India at stake, the Company had a position to assert at the bar of international law against the French. It is thus remarkable in this connection that, three years before the cession of the *Diwani*,[1] the definition of the territories of the Subahdar of Bengal Bihar and Orissa had been made the subject of an express agreement between England and France. In our own times we have witnessed European nations securing "spheres of influence" and by appealing to the "doctrine of the Hinterland" in Eastern Africa wide extending strips of that continent have been painted red, blue, or green on the map in order to denote the claims of the various European powers, although often enough no real effort has been made by the interested nation to establish a genuine administration in the lands claimed. It is thus not difficult to see how the East India Company would, as against the French, claim as "possessions" or "territory" lands which, if within the scope of their influence, were as yet, as against the Native Government, no portion of their sovereign domain. The downfall of the French commercial settlements in 1757 left Bengal, from the point of view of European politics, a sphere in which the English had won a right to exercise

[1] *The Annual Register* for 1762, p. 244 (State Papers) gives the declaration of His British Majesty's Ambassador Extraordinary at Paris in regard to the limits of Bengal in the East Indies: "the dominions of the Subah of Bengal shall be reputed not to extend further than the Yanon exclusively, and that the Yanon shall be considered as included in the North part of Coromandel and Orissy." On this Treaty of 1762 Lord Clive comments as follows: "I flatter myself that every proprietor must receive infinite pleasure in the reflection that they will soon reap the benefit of these great and glorious successes now secured to them by the XIth article of the definitive treaty. Although there are some geographical errors, such as making the Soubah of Bengal's dominions extend near two hundred miles more than they do, to Yanam, and making that place the northern instead of the southern part of the coast of Orixa: the acknowledging Salabut Jing lawful Soubah of the Decan, and Mahomed Ally Cawn lawful Nabob of the Carnatic, had better have been omitted for several reasons, and may be productive of disputes hereafter between the two Companies; yet, upon the whole, the article is very advantageous to the East India Company." *A Letter to the Proprietors of the East India Stock from Lord Clive, to which are added the opinions of the Hon. Charles Yorke and Sir Fletcher Norton on his Lordship's Jaghire.* London, 1764, pp. 9 and 10.

a master's hand, although no great battle had been fought in Bengal with the conscious intention of acquiring territorial sovereignty for either Crown or Company. Under the plea that they were acting within the constitution of the Mughal Empire, the Company's servants built up a system of internal government, and when the walls of their building had reached a certain height, the sun of the British Crown rose to its meridian, and the shadow cast by the setting constellation of the Mughal Empire disappeared for ever. The re-capture of Calcutta, the battles of Plassey, Udwanala, and Buxar, were not creative fiats at which a British Empire in Northern India sprang into being. A re-action has long since set in against the predominantly political treatment of history; and in India, where a dynasty may come and go without even touching the consciousness of the millions of patient toilers, the method of subordinating great economic and social revolutions to battles and treaties is in a special degree suspect. This necessary and essentially healthy re-action, however, must not be carried so far as to exclude vital political truths. History has no knowledge of an actual conquest of Bengal by the sword, and yet the sword, if not actually drawn to secure dominion, was the power that lay behind the civil settlement by the English. The depreciation of "merely military activities" might, if not tested by actual facts, lead us on to a barren paradox. It is true that the English made it their aim not to destroy the native powers—indeed Lord Clive flattered himself in 1765 that he had revived the power of the Mughal[1]—but to maintain native rulers who would nourish, and not crush, a peaceful English Company of merchants; yet, in so doing, the English, step by step, destroyed the military supremacy on which the Mahomedan power in Bengal depended, while at the same time they monopolised revenues for the maintenance of their own troops and garrisons. These stages may be indicated by reference to the treaties:—

With **Siraj-ud-daula**, February, 1757.

4. That the Company be allowed to fortify Calcutta in such manner as they shall esteem proper for their defence, without any hindrance or obstruction.[2]

With **Mir Jafar**, 15th July, 1757.

2. The enemies of the English are my enemies, whether they be Indians or Europeans.

10. Whenever I demand the English assistance, I will be at the charge of the maintenance of them.[3]

[1] "By establishing the power of the Great Moghul, we have likewise established his rights." Letter of the Governor (Lord Clive) and Select Committee to the Court, Sept. 30, 1765.

[2] H. Verelst: *A View of the Rise and Progress and Present State of the English Government in Bengal*, London, 1772, p. 140; C. U. Aichison: *Collection of Treaties, Engagements and Sanads*, vol. I, p. 182.

[3] Verelst: Op. cit. pp. 143-44; Aichison: Op. cit. vol. I, p. 186.

With **Mir Kasim,** 27th September, 1760.

4. The Europeans and Telingas[1] of the English army shall be ready to assist the Nabob Meer Mahomed Cassim Khan Bahader [*i.e.* Mir Kasim] in the management of all affairs; and in all affairs dependent on him, they shall exert themselves to the utmost of their abilities.

5. For all charges of the Company and of the said army and provisions for the field, etc., the lands of Burdwan, Midnapoor, and Chittagong shall be assigned etc.

With **Mir Jafar,** 10th July, 1763.

6. I will maintain twelve thousand horse and twelve thousand foot in the three provinces. If there should be occasion for any more, the number shall be increased by consent of the Governor and Council proportionally to the emergency. Besides these, the forces of the English Company shall always attend me when they are wanted.

7. Wherever I shall fix my court, either at Murshedabad, or elsewhere, I will advise the Governor and Council; and what number of English forces I may have occasion for in the management of my affairs, I will demand them, and they shall be allowed me.[2]

With **Najm-ud-daula,** February, 1765.

4. I do confirm to the Company, as a fixed resource for defraying the ordinary expenses of their troops, the chucklas of Burdwan, Midnapoor, and Chittagong, in as full a manner as heretofore ceded by my father. The sum of five lacks of Sicca rupees per month for their maintenance was further agreed to be paid by my father; I agree to pay the same out of my treasury, whilst the exigency for keeping up so large an army continues. When the Company's occasions will admit of a diminution of the expenses they are put to on account of the troops, the Governor and Council will then relieve me of such a proportion of this assignment as the increased expenses incurred by keeping up the whole force necessary for the defence of the provinces will admit of; and, as I esteem the Company's troops entirely equal thereto and as my own, I will only maintain such as are absolutely necessary for the dignity of my own person and government, and the business of my collections throughout the provinces.[3]

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[1] Verelst: Op. cit. p. 157. Aichison: Op. cit. vol. I, p. 215. Verelst defines a Telinga thus: a "Sepoy, so called from the country of that name, from whence the first sepoys were probably enlisted."

[2] Verelst: Op. cit. p. 160. Aichison: Op. cit. vol. I, pp. 219-20. The 4th article of the "intended" Treaty, dated July 5th, 1763, (Verelst: Op. cit. appendix p. 159) runs: "that the troops of the English army shall always be ready to be employed in the service of the Nabob, for the support of his Government, and the defence of his country; the Nabob on his part shall agree that he will maintain in his pay no greater number of troops than 6000 horse and 12000 effective foot, for the protection of his frontiers, and the collection of his revenues."

[3] Verelst: Op. cit. pp. 165-66. Aichison: Op. cit. vol. I. p. 224. See C. D. Field: *Regulations of the Bengal Code.* Calcutta, 1875, Introduction, p. 4. "But there is another and a very important point of view in which the Emperor's *farman* (1765) may be considered, *i.e.* with reference to the words 'as the said Company are obliged to keep up a large army for the protection of the provinces,' etc. These words conceded to the Company authority to undertake the military defence of Bengal, Behar, and Orissa, to exercise military power,

The theory that the cession of the *Diwani* or revenue administration to the Company in 1765, left the Nawab in his full position as Subahdar or Nazim has, therefore, to be counterbalanced by the very material consideration that the Treaty of February, 1765, deprived the Nawab of any independent military or financial support for his executive. The theory that the Company had acquired no sovereign rights, and that their administration was within, and not imposed over and above, the Mughal constitution was of value, firstly as it served in some way to obviate interference or jealousy on the part of the French in Bengal, and secondly because it afforded an answer to those who laid it down as an axiom of English constitutional law that British subjects cannot acquire territories save for their sovereign. In this way the system of administering Bengal on the basis of the *Diwani* served as a stay to the interference of the Ministers of the Crown with the affairs of the Company in Bengal. The English, however, had *de facto* assumed the military supremacy in Bengal, and it is this transference of supreme military power which constituted a "virtual conquest" of the country.

This process of depriving the Nawab, the only vital representative of the Mughal empire, of military power is an essential feature in history. In 1765 all land held by the English in Bengal was held by them in some way or another on the basis of the Mughal Revenue Law. The lands granted by Mir Jafar in 1757 were granted to be held on condition of a payment of revenue "in the same manner as the other zemindars." Calcutta itself was a zamindari in respect of which the Company had originally entered into a customary agreement (*muchalka*). The revenues of Burdwan, Midnapur, and Chittagong had been ceded by the Nawab, but the English had not been entrusted with the direct administration of criminal justice within these districts although in actual fact they supervised it. The grant of the *Diwani* was a bestowal of a civil department well understood to be dependent on an executive authority, which still remained vested in the Nawab. This peaceful acquisition of a place within the administration of the Mughal empire was all that such persons as Vansittart and Verelst willed to be concerned with; but to the unbiassed observer of events it must, even in 1765, have been clear that it was not enough to say that the English had acquired merely a certain civil position, since they had been invested with the military power. The Nawab had not only parted with his authority as *Diwan*, but he had made over to the Company the defence of his country.[1]

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and to assume one of the most important prerogatives of sovereignty. In the agreement of 30th September, concluded with Syaff-ud-Daulah, he agreed that the protecting of the provinces of Bengal, Behar, and Orissa, and the force sufficient for that purpose be entirely left to the discretion and good management of the Company. A clause exactly similar is to be found in the agreement of the 31st March 1770, concluded with Mobarek-ud-Daulah. It will thus appear that the grant of the Diwani in 1765 was a cession to the East India Company of the military Government of the three provinces of Bengal, Behar, and Orissa, of the right to administer civil Justice, and of the complete control of the finances, subject to a payment of twenty-six lakhs to the Emperor and providing the expenses of administering criminal justice and the maintenance of the police. It was in fact, though not in name, a cession of the sovereignty of these provinces, seeing that it was a cession of all the essentials of sovereignty." See Long: *Selections*, No. 824 for the authority given to the Resident at the Durbar to reduce the number of the Nawab's "useless military rabble."

[1] He had also accepted a nominee of the Company as "Naib Subah and guardian of his household during his minority."

Whatever the effect of English military supremacy may have been, it is important to notice that it left room for a theory, which exercised the minds of persons of importance right up to the time of the passing of Pitt's India Bill in 1784. Burke, in the days when he was ready to defend the Company against the greed of the English Exchequer, spoke of the Company's possessions as held "in virtue of grants from the Delhi Emperors, in the nature of offices and jurisdictions dependent on his crown." The extent to which this doctrine received the adherence of the Company's servants in 1769 may be gathered from the words of the letter in which Governor Harry Verelst bade farewell to the members of his Council:

> "There is a rock, and a dangerous one, which requires the greatest circumspection to avoid. We have stepped forth beyond all former precedent or example. We have the best and most laudable of all arguments to justify our conduct. But it should be remembered that we have reached that supreme line, which, to pass, would be an open avowal of sovereignty. It should be remembered that we cannot be more, without being greater than sound policy allows; the interests of our employers at home, no less than our national connections abroad, forbid it. If we were before the change, cautious of interfering with the native government, and of awakening the jealousy of foreign nations, we ought now to redouble our prudence. The change itself, supposing the greatest forbearance on our parts, has been an unavoidable tendency to destroy the name of the Nizamut, by which means, what might have been the happiest event for the Company and the Nation, may become the source of perplexities and jealousies; if not the deprivation of the Company's privileges. There is, however, a middle way, where moderation must guide and continue us; where we may walk with safety, advantage, and consistence, without danger of too much confinement or too much liberty. Exteriors should be regarded as essentials. Every order should scrupulously wear the sanction of the native government. Our dependence on its indulgencies, our obedience to its commands, our delicacy to its ministers, should appear most conspicuous in all transactions, either of business or ceremony."[1]

In February, 1772, Warren Hastings returned to Calcutta, and in the following April, took over the reins of Government from the amiable but inefficient Cartier. Hastings' stay at Madras, it cannot be doubted, had effected a momentous development in his political ideas. He had learned to make use of the bold expression "the British Empire in India," and he had come to see that, however diverse the history of the occupation in the three Presidencies might be in origin and character, the task of maintaining all that had been won, against either the scheming of the French on the one hand, or the power of Haidar Ali on the other, required the assertion of a British Sovereignty throughout all the lands the English could claim as being in any sense their possessions. In Bengal the work

[1] Verelst: *View*, etc., Appendix, p. 123

of Warren Hastings was no doubt facilitated by the circumstance that he found a minor established on the *musnud* of Murshidabad—a circumstance which would make it appear natural for the Company as *Diwan* to act *in loco parentis* for the Nazim. It is, however, characteristic of the strength of Hastings that under attack, he claimed no authority from the internal constitution of the Mughal empire for his masterly legislation of 1772-74. In 1775, he claimed that all that had been done in 1772 had been done on the ground that the Nawab had been finally deprived of sovereign power, and had become a sort of ward in chancery to the Company, who were in fact the Nawab's paymaster. It is true, of course, that Hastings both believed and maintained that the revenue administration he reformed and the jurisdictions he set up were revivals of Mughal institutions and not absolutely new creations, and it is true that the Nazim's criminal judicature was left by Hastings to Cornwallis to terminate. It is also true that, although in 1775 Hastings explicitly disavowed any reliance on a Murshidabad sovereign power for the changes made in 1772, there was, between the legislative acts of 1772 and the debates of Council in 1774, a middle period in which, instead of treating the Nawab's sovereignty as evacuated, Hastings merely maintained the right of the Company to supplement it when necessary. On the 10th July, 1773, he wrote:[1]

> "Although we profess to leave the Nazim the final Judge in all criminal cases, and the officers of his courts to proceed according to their own laws, forms, and opinions, independent of the controul of this Government; yet many cases may happen in which an invariable observance of this rule may prove dangerous consequences to the power by which the Government of this country is held, and to the peace and security of the inhabitants. Whenever such cases happen, the remedy can only be obtained from those in whom the sovereign power exists. It is on these that the inhabitants depend for protection and for the redress of their grievances, and they have a right to the accomplishment of this expectation, of which no treaties or casuistical distinctions can deprive them. If, therefore, the powers of the Nizamut cannot answer these salutary purposes; or, by an abuse of them, which is much to be apprehended from the present reduced state of the Nazim and the little interest he has in the general welfare of the country, shall become hurtful to it; I conceive it to be strictly conformable to justice and reason to interpose the authority or influence of the Company, who, as Dewan, have an interest in the welfare of the country, and, as the governing power, have equally a right and obligation to maintain it. I am, therefore, of opinion that wherever it shall be found necessary to supersede the authority of the Nazim, to supply deficiencies or correct the irregularities of his courts, it is the duty of this Government to supply such means as in their judgment shall best promote the due course and ends of justice; but that this license ought never to be used without an absolute necessity, and after the most solemn deliberation.

[1] Proceedings of Council, 3rd August, 1773.

> "In many cases it may not be difficult to obtain the Nabob's warrant for such deviation from the ordinary practice as may be requisite, and it were to be wished that they could always be enforced by his authority; but I see so many ill consequences to which this would be liable, both from his assent and from his refusal, that I am rather inclined to propose that every act of this kind be superadded to his sentence by our own Government.
>
> "Although this is my opinion upon the question, as it respects the rights of justice and the good of the people, I am sorry to add that every argument of personal consideration strongly opposes it, having but too much reason to apprehend that, while the popular current prevails, which over-runs every sentiment of candor towards the Company or its agents, it will be dangerous, both to our characters and fortunes, to move a step beyond the plain and beaten line; and that laudable as our intentions were, we have already done too much. My duty compels me to offer the advice which I have given; and to that I postpone every other consideration."

In 1775, after the passing of the Regulating Act of 1773, and the establishment of the Supreme Court of Judicature, Hastings takes the bolder and more congenial line, which is already indicated in a minute entered by him on the Proceedings of Council of 7th December:—

> "All the act of policy cannot conceal the power by which these provinces are ruled, nor can all the acts of sophistry avail to transfer the responsibility of them to the Nabob, when it is as visible as the light of the sun that they originate from our own Government, that the Nabob is a mere pageant without so much as the pageant of authority, and even his most consequential agents receive their appointment from the recommendation of the Company, and the express nomination of their own servants. Even the orders of the Court of Directors of the 29th of August, 1771, which direct the appointment of an ostensible minister to the Nabob, and under which the late arrangements are professedly formed, appear in the printed proceedings of the House of Commons and are open to the view of every nation in Europe."[1]

During the last half-century the students of Anglo-Indian history who have been engaged in defending Hastings' administration against the misinterpretations and calumnies of James Mill and

[1] This is in reply to a minute Clavering, Monson, and Francis entered in the Consultations of 18th. October, 1775, where it had been said: "The mischievous consequences of departing from this system have been such as the late President and Council might have forseen. By the want of a person of credit and abilities to fill the station of Minister, and who, supported by our influence and subject to our control, might represent and act for the Nazim during his minority, the Country Government, which it has been the constant policy of the Company to support, has been reduced to such a state of weakness and insignificance as not even to carry the appearance of a government either to its own subjects or to foreigners."

Lord Macaulay, have found their time fully occupied with the necessarily elaborate investigation of certain incidents, such, for instance, as the execution of Nuncomar, the Rohilla war, the appointment of Impey to the Sadar Diwani Adalat, the demand on Chait Singh, etc., etc. In this dealing with isolated incidents the general nature of the opposition offered to Hastings' policy has not received adequate consideration. It is perhaps a natural and not wholly unjust judgment on Francis and his allies that the violent and unscrupulous line of conduct they followed should now be ascribed to mere personal animosities and rivalries. It is impossible save for those who have made a special study of the Bengal records, and are familiar with the methods of Francis, to realise how nearly the conflict at the Council Board brought the whole fabric of British Government in India to the ground. In that conflict purely personal motives counted for so much, that it has been natural to credit Francis with nothing else than a desire to build his own good fortune on the ruin of those of his great opponent. This point of view, if it answers to the deserts of Philip Francis, is from the point of view of the historian become manifestly inadequate. The conflict between Hastings and Francis was one which concerned *principles*, and of those principles that of sovereign power was not the least important.

The minute in which Hastings speaks of the Nawab as "a mere pageant" has been quoted. The counter-opinion may best be illustrated by what took place in connection with two causes which came before the Supreme Court of Judicature in 1775—a little after the hearing of the far more famous charge against Nuncomar in connection with the forged Jewel-bond. These causes are here referred to only so far as they reveal opinions held in Bengal on the subject of sovereign power. They are those of :—

(1). Joseph Fowke, Francis Fowke, Maharaja Nuncomar, and Roy Radha Churn for a conspiracy against Warren Hastings, Esq.

(2). Joseph Fowke, Maharaja Nuncomar, and Roy Radha Churn for a conspiracy against Richard Barwell.[1]

On June 21st, 1775, when the hearing of these trials commenced, the following letter[2] was placed before the Court :—

[1] See the Report of these trials published "by T. Cadell in the Strand" in 1776. After the execution of Nuncomar, Alexander Elliot (a younger brother of the first Lord Minto) was sent home with the manuscript Report of the Conspiracy trials and also of the Trial of Nuncomar for forgery. These reports were printed *for* T. Cadell, and on the title page of the last mentioned trial appears the words "Published by Authority of the Supreme Court of Judicature in Bengal."

[2] *The Trial of Joseph Fowke, Francis Fowke, Maha Raja Nundocomar, and Roy Rádha Churn, for a Conspiracy against Warren Hastings, Esq., and that of Joseph Fowke, Maha Raja Nundocomar, and Roy Rádha Churn for a Conspiracy against Richard Barwell, Esq.* London, 1776, p. 2. The case is only here dealt with so far as it affords illustrations of the opinions of important persons in Bengal on the subject of the alleged sovereignty of the Nawab. The Dutch raised the question of sovereignty point blank in August, 1785. See *Bengal: Past & Present*, vol. ix, p. 252.

REVENUE DEPARTMENT,
Fort William.
20th June, 1775.

TO SIR ELIJAH IMPEY, Knight, Chief Justice,
and the rest of the Judges of the
Supreme Court of Judicature at
Fort William.

GENTLEMEN,

Enclosed we have the honour to transmit you the copy of a memorial, which has been presented to us by Roy Radha Churn, the Vakeel of the Nabob Mubarick ul Dowla, representing that a bill of indictment has been presented against him in the Supreme Court of Judicature.

As this person is the Vakeel, or public minister of the Subah of these provinces, we conceive him to be entitled to the rights, privileges, and immunities allowed by the Law of Nations and the Statute Law of England to the Representatives of Princes. We, therefore, claim those rights in his behalf; and desire that the process against him may be void, and that the persons setting out and executing such processes may be proceeded against in such a manner as the law directs.[1]

We have the honour to be, Gentlemen,

Your most obedient, humble servants,

JOHN CLAVERING,
GEORGE MONSON,
PHILIP FRANCIS.

The delivery of this letter was followed by proceedings of a more regular character, and on June the 28th, the subject of the Nawab's position as a Sovereign power was discussed with reference to the immunity claimed for his Vakil. Mr. Farrer, the Company's Counsel, said—

"I shall prove the Nabob Mubarick ul Dowlah to be a Sovereign Prince, and that, in all matters, where the laws of England have not altered his situation, he must be a Sovereign Prince. He exercises criminal justice throughout his dominions, and signs the death-warrants, without any controul whatsoever from this Government. He has exercised the right of sending Ambassadors from time immemorial. He is possessed of a royal mint, and coins money. He keeps in pay a body of troops.

[1] The Court would of course be powerless to inflict a punishment on the Governor General, and the persons who served the process in this instance were officers of the Court!
The Judges had required an affidavit to this effect from the Governor General and Council.

From all these circumstances, it is evident, he is a Sovereign Prince. I will also beg leave to mention an observation of the Chief Justice the other day which was 'that the Ambassador of a powerful Prince would be induced to no more privilege on account of his potency.' Therefore, *a fortiori,* the present weakness of the Subah should be no argument why his Ambassadors should not have their privilege; they ought rather on that account to meet with protection from His Majesty's Courts of Justice. If the Nabob is not the Sovereign, I should be glad to know who is. Other European settlements acknowledge the Sovereignty of the Nabob; and I am instructed to say that a Frenchman is now under actual confinement for some misdemeanour committed within the Provinces. The asserting that the Nabob is not the Sovereign would be productive of the most dreadful consequences. It would, in all probability, be productive of a war between us and the several European nations who have Settlements within the Provinces. For if the sovereigntv is vested in the Company all the disputes within the Provinces must, of course, be decided by us. As to the Nabob's being *princeps sui juris*, that cannot be verified by affidavit; it is sufficient if he is received as such by his own subjects."[1]

The remarks of the counsel (C. Newman)[2] for the prosecution need not be quoted at length. He dwelt on the fact that the Subahdar was not, by the constitution of the Mughal empire *princeps sui juris*, but an officer appointed by the Mughal Emperor and removable at his pleasure. He denied that there had been "a lawful Nabob since the death of Sujah Cawn, which happened in 1736,"[3] and added that it was well known that Mir Jafar received his appointment from Lord Clive.

"The only presumptive act of Sovereignty vested in, or exercised by, Mubarick ul Dowlah is his signing the warrants of capital convictions in the Presidency Audaulet [adalat] Court, before they are carried into execution; but even this is a delusion; and political motives in the Company, when they created these courts, induced them to vest this power in him, which will be presently fully explained, and we shall shew the constituting the courts, and administering criminal justice to be sovereign acts of the Company, and not of the Nabob. As to the Nabob's standing army, announced as an instance of the sovereignty of the Nabob, and of which, though we are informed by the Counsel, there is not one jot

[1] Op. cit. pp. 6 and 7.

[2] Towards the end of 1781 Newman, Counsel for G. F. Grand in his famous action against Francis, was, in accordance with instructions from the Court of Directors, sent to Madras to collect information relative to the charges brought against Sir Thomas Rumbold. He was one of the unfortunate persons, who in 1782, escaped from the wreck of the *Grosvenor* to perish in the African wilds.

[3] Counsel ignores the existence of Nawab Serfaraz Khan who was slain in combat in 1740, when Ali Verdi Khan usurped the Subahdari.

of proof, your Lordships will find his army is a very inoffensive one; for it is no other than his *Swarry*,[1] of which the number of sepoys and peons is limited by the Company, nor can the Nabob have occasion for an army, who has no possessions to lose, and who is protected in the place he holds by the forces of another power, which the Company, by the treaty which has been produced, have undertaken to protect him in."

Mr. Brix followed on the same side, and supported his Senior's arguments as to the original dependency of the Nawabs on the Emperors —a fact of history so plain that the wonder is that it should have been thought necessary to labour the point. Affidavits sworn to respectively by Warren Hastings and a high officer of the Company, Mr. George Vansittart, were submitted, and in these it is clearly asserted that the alterations in the administration of justice carried out in 1772 were acts of the Company. Emphasis was laid on the fact that the President had actually appointed a guardian for the Nawab during his minority, and Mr. Vansittart mentioned the reduction of the Nawab's allowances which had been made in accordance with an order from the Court of Directors.[2]

The dicta of the judges are too lengthy to be quoted here in full. The Chief Justice, Sir Elijah Impey, held that the treaty with Mubarick was in reality "a surrender by him of all power into the hands of the Company." "The Governor's affidavit proves the revenues, their collection, the whole administration of Justice, both civil and criminal, and even the appointment of the officers of the Nawab's household, to be in the Company. Mr. Lane, Mr. Hurst, and Mr. Vansittart, all members of the late Council depose, that all the military is so likewise. They swear that the whole military power of the Province is, and has been for several years entirely under the control of the Company and their representatives. They swear that he performs no acts of sovereignty independent of, and without the consent of, the representatives of the East India Company. Nothing, therefore, is left to Mubarick but an empty title." Sir Elijah then proceeds to deal with the political danger alleged to be involved in a decision denying sovereign power to the Nawab.

Puisne Justice Sir Robert Chambers was chiefly concerned with the question of the alleged immunity of Ray Radha Churn as an "ambassador" from the Nawab—a matter which does not concern the present discussion. He ended, however, by saying "In this state of things.....I should not think myself obliged, whatever might be my private opinion, unnecessarily to decide, that the King, my master, is not Sovereign of these Provinces, and to decide that he is, I would wish likewise to avoid, because the Parliament seems cautiously to have avoided it, by founding the jurisdiction of this Court over those who do not reside in Calcutta or the inferior

[1] *Swarry*, from Persian *swari*, body of ceremonial troops.

[2] Hastings expressly asserts that his judicial reforms were carried into execution "without consulting the said Nabob, or requiring his concurrence." *Ibid.* p. 13. This is repeated by G. Vansittart, *Ibid.* p. 14. It should be noted that the Nawab was a minor for whom the President was a guardian and *diwan* of the household.

Facteries, on personal not local subjection; and because such a decision might engage us in quarrels with the French and other European nations who have possessions in Bengal."[1]

Puisne Justice Lemaistre concluded his opinion by some remarks in his characteristic style: "With regard to this phantom, this man of straw, Mubarick ul Dowlah, it is an insult to the understanding of the Court to have made the question of his Sovereignty. But it came from the Governor-General and Council.[2] I have too much respect for that body to treat it ludicrously; and I confess I consider it seriously."

Puisne Justice Hyde spoke almost entirely on what to us is the irrevelant question of Ray Radha Churn's position as a Vakil, and concurred with the Chief Justice.

The factious majority on the Supreme Council were determined not to let the Judges off easily, and the following letter,[3] which might be best described by a slang term as "bluff", represents an attempt, not to obtain judicial guidance, but to confront the Judges with the political folly of their decision. Coming from three members of the Supreme Council it has some real importance as an illustration of political thought in Bengal, although it may be believed that the hunting down of the Governor-General, and not the promotion of the Nawab's interests, was the aim dearest to the writers :—

To the Hon. Sir Elijah Impey, Knight,
Robert Chambers, Stephen Lemaistre, John Hyde } Esqrs., Judges of the Supreme Court of Judicature.

FORT WILLIAM,
July 3rd., 1775.

Honourable Sirs,

We beg leave to transmit, for your information, the translation of a letter, which we have just received from the Nabob Mubarick ul Dowlah; from which it will appear that he looks upon himself as Soubah of these provinces, and Roy Rada Churn to be his Vakeel. We request you will be pleased to inform us in what light we are to consider those declarations, which we understand have been made from the Bench, publickly denying the Sovereignty of the Nabob, that we may k n whow to act when any case occurs with respect to the signing of warrants

[1] Chambers was ridiculed by Hicky, Calcutta's earliest journalist, as "Mr. Justice Pliant" and Francis always seems to have regarded him as a likely supporter. For fluctuations in Impey's view see an article by the present writer, "The Note Books of Mr. Justice Hyde," in *Bengal: Past & Present*, vol. III, no. 1, January, 1909.

[2] By "the Governor-General and Council", Lemaistre, of course, means the majority of the Council, who, by right of being a majority, had claimed for their actions the supreme authority.

[3] This second letter to the Judges was, of course, a repetition of an impropriety against which the judges had already protested.

for the execution of criminals, or what answer we must give to the Foreign Companies, and particularly the French nation, who, the better to assert their claims of independency, maintain with us the same argument which we understand has been used by Sir Elijah Impey, that there is no double government in this country, and consequently that the proceedings of Courts of Dewanny against their subjects, who reside without those places which have been assigned to them by the Treaty of Paris, are direct attacks of the English nation against that of France.

If it be true that the sovereignty of Mubarick ul Dowlah be not admitted by the Supreme Court, we are persuaded that the Chief Justice and the others of His Majesty's judges will see how important it is, not only to the tranquility of this country, but likewise to the preservation of the peace which subsists between the King and the European Powers who are settled in this country, that we should not be left in doubt as to the right to whom the Sovereignty belongs. The late act of Parliament, as we understand, only subjects such of the natives to the jurisdiction of the British laws, as are, or were, employed in the service of the Company, or of British subjects, at the time when the suit, action, or complaint, against them arose; from whence we are led to conclude that though the King's Sovereignty were admitted to be extended over those who are so particularly described, yet it does not follow, according to our idea, that it includes the rest of the natives of Bengal, Bahar and Orissa.

We are, Honourable Sirs,

Your most obedient, humble servants,

J. CLAVERING,
GEO. MONSON,
PH. FRANCIS.

The trial of Ray Radha Churn thus illustrates the position taken by at least one person of eminence, Philip Francis, in regard to the question of the Sovereign power in Bengal in 1775. In the year following, Francis produced his famous plan for the Revenues of Bengal. In the *Plan*, he dwells upon the manifold contradictions in principle and in practice which stand in the way of a statesmanlike solution of existing difficulties. On the one hand "the Company's right as Duan, to collect the revenues and to insist on the payment of duties (from which, they tell us, they cannot recede) is founded on a grant from the Emperor. They coin money in his name, while they make peace and war in their own."[1] On the other "we have a Supreme Court of Judicature resident at Calcutta whose writs run

[1] *Original Minutes of the Governor-General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal, with a Plan of Settlement, recommended to the Court of Directors, in January, 1776.* By Philip Francis, Esq. London, pp 27-28.

through every part of the three provinces in His Majesty's name, indiscriminately addressed to British subjects, who are bound by their allegiance, or to the natives, over whom no right of sovereignty on the part of the King of Great Britain has yet been claimed or declared." He then goes on to urge :

> "While these contradictions are permitted to subsist, the actual government of these provinces must continue to be an arbitrary succession of acts of power without right, flowing from different sources and excluding every idea of unity, regularity, or system. It would be absurd to propose a plan for the internal government of the country, without taking it for granted in the first instance that ere long it will be determined, whether the natives of Bengal are to acknowledge one Sovereign, and be subject to one Government ; or whether they are to be left in their present state, divided between their native prince, claiming the rights of Subadar, whose government they tell us 'they are engaged by solemn stipulation to support'—the Emperor, whose rights, as Lord Paramount, inherent in the constitution of the Empire, have been for a number of years acknowledged by the Company ;—the Presidency of Fort William, who hold by the sword by agreement with the Nabob, as they do the purse by grant from the Emperor ; and lastly a Court of Judicature, exercising an unlimited jurisdiction through the provinces, in the name of the King of Great Britain."[1]

Enough has now been instanced to show that in Hastings' day there was a currency for the doctrine that the Company held its possessions "in virtue of grants from the Delhi Emperor, in the nature of offices and jurisdictions dependent on his crown." In 1774 Hastings had repudiated the obligation of making to the Emperor the annual payment of twenty-six lakhs of rupees which, according to Lord Clive's agreement with Shah Alam, was due to the Emperor as the Emperor's share of the revenue.[2] Consistently with their position, Francis and his allies

[1] Francis : *Minutes of the Governor-General,* etc. p. 28. Another incident, connected with the controversy of the alleged sovereign rights of the Nawab, took place when Hastings declared the Nawab to be of age, and in consequence removed Mahomed Raza Khan from the position of Naib Subah to which he had been appointed, in accordance with the vote of Clavering, Monson, and Francis in 1775. I have not considered it necessary to deal with this incident in the text, as my object of illustrating the position of the Francis party is sufficiently fulfilled by the extracts from the Ray Radha Churn cause. It is in relation to this incident, that Burke, if he be the author of the *IXth. Report of the Select Committee, 1782,* has written a passage which is rather remarkable in connection with what was claimed for the Nawab by the Francis party in 1775 : "When the Duanny (or universal perception and management of the revenues) of Bengal was acquired to the Company, together with the command of the army, the Nabob, or Governor, naturally fell into the rank, rather of a subject than that even of a dependent prince. Yet the preservation of such a power in such a degree of subordination, with the criminal jurisdiction and the care of the public order annexed to it, was a wise and laudable policy. It preserved a portion of the government in the hands of the natives ; it kept them in respect ; it rendered them quiet in the change, and it prevented that vast kingdom from wearing the dangerous appearance, and still more from sinking into the terrible state, of a country of conquest."

[2] This repudiation was in accordance with the instruction of the Court of Directors in a General Letter to Bengal dated 11th. November, 1768. The Emperor had become a tool in the hands of the Marathas.

condemned this repudiation as unjust in itself and cruel in its consequences.

The opinion in favour of the possession of sovereign rights by the Nawab, thus vehemently urged by the majority at the Council Board, serves to show how little conscious the English were of any conquest of the country by English military power. Francis and his party in reality carried on the traditional views of Verelst: while, on the other hand, Hastings' whole administration is an open denial of Verelst's assertion "we cannot be more without being greater than sound policy allows." Nothing can be clearer than Hastings' avowal that his constructive reforms of the judicial system in 1772 had been made "without consulting the said Nabob, or requiring his acquiescence." If by "conquest" is meant a transference of sovereign rights as a consequence of the supersession of one military power by another, it is not overstraining language to speak of English rule in Bengal as being established by virtue of a conquest.

CHAPTER II.

THE BROKEN-DOWN MUGHAL GOVERNMENT.

In the year 1575, Akbar's general, Munim Khan, had defeated Daud, the last independent Mussalman King of Bengal at Tukaroi,[1] in the neighbourhood of Mughalmari. The conquered prince was for a time entrusted with the government of Cuttack; but, in 1576, he broke into rebellion, and, in the following year was captured and put to death. Munim Khan's invasion of Orissa in 1573 has been described as "one of the most daring exploits performed during Akbar's reign," and it is asserted that the Emperor chose the name Atak (Attock) for his fortress in the north because the word rhymed with Katak in the south. In 1580, the Mughal military commanders, who had been established in the newly acquired provinces of Bengal and Behar mutinied, and the task of their subjugation was entrusted to the Hindu Rajah, Todar Mal, who had been the life and soul of the expedition of 1575.

For the government of the newly annexed provinces, Akbar provided Commanders-in-chief who appear in our history under the titles of Subahdars or Nazims. It was ordained that the Emperor's vicegerent "should not consider himself as fixed of residence, but hold himself ever ready for a summons to the Presence" [i. e. the Imperial Court], and that "he should not subvert ancient families, but let an illustrious ancestry redeem unworthy successors." As the Subahdari of Bengal was often entrusted to either princes of blood or to great court magnates, the term of their office in what was euphemistically called "the Paradise of nations" was not unusually regarded by them as the golden opportunity of acquiring the resources necessary to enable them to take each his own part in the fratricidal struggle for the throne which would be certain to follow upon the death, or even the report of the serious illness, of the Delhi Emperor.

Beneath the military commanders-in-chief ranked the faujdar. The Emperor, the *Ain-i-Akbari* states, "apportions several parganahs to the care of his trusty, just, and disinterested servants, appreciative of what is equitable, and faithful to his engagements, and him they style by the above name. As a subordinate and assistant he holds the first place. Should a cultivator or collector of the crown lands or an assignee of government estates prove rebellious, he shall induce him to submit by fair words; and, if this fail, he shall take the written evidence of the principal officers, and proceed to chastise him. He should pitch his camp in the neighbourhood of the body of rebels, and at every opportunity inflict loss upon their persons and property, but not risk at once a general engagement...When he has captured the rebel camp, he must observe equity in the division of the spoil, and reserve a fifth for the royal exchequer."

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[1] Blochmann : *The Ain-i-Akbari* by Abul Fazl Alami, vol I, pp. 375-76; Stewart (*History of Bengal*) gives Bajura as the name of this battle field, and wrongly places the site in the neighbourhood of Cuttack. See also Beames : "Notes on the History of Orissa," *Journal of the Asiatic Society of Bengal*, vol. lii, 1883.

Bengal in Akbar's time was but very incompletely conquered: and not a century later it remained, as Bernier described it, a "quantité de pais dônt le Mogal n'est pas trop le mâitre." It may be taken for granted that Thevenot in 1666 had but few materials from which to fashion a reliable estimate of the character of the more ancient government, but he observes: "the country was kept in a far better order under the Patun Kings, before the Mahometans and Moguls were masters of it, because then they had uniformity in religion. It has been found by experience that disorder came into it with Mahometanism; and that diversity of religions have thus caused corruption in manners."[1] About two years after the military rebellion of 1580, a faujdar, who had assumed an almost regal state in his particular district in Bengal is memorialised by the following inscription:

> "This lofty mosque was built during the time of the great Sultan, the chief of the Sayyids, Muhammad Ma'çum Khan. May God perpetuate his kingdom for ever, O Lord, O Thou who remaineth. By the high exalted Khan, Khan Muhammad, son of Tai Muhammad Khan Qaqsul, in the year 989."[2]

As the character of Akbar's occupation of Bengal was predominantly that of a military occupation, it is important to notice that, while the faujdars had the means of providing for their own remuneration, the troops employed, according to the inveterate and vicious habit of the Mughals even in their best days, were left in arrears of pay dependent on the exactions they could wring from the terror-stricken cultivators. Clive was but exposing the immemorial practice of the Mughals, when, in 1757, he wrote: "there were great arrears due to the army by Suraj-u-Dowla as well as by Meer Jaffier, and the sums amounted to three or four millions sterling. It is the custom of the country never to pay the army a fourth part of what they promise them; and it is only in times of distress that the army can be paid at all, and that is the reason the troops always behave so ill."[3] It was not always the only too human dislike of parting with ready money, nor indeed the scarcity of that article which led to this abuse: the motive for which lay in the supposition that a soldier with a considerable amount of pay standing to his credit would be less likely to desert than one who had received his pay up to date. This, of course, applies to the soldiers who drew their pay in cash (*nakd*). When the Mughal conquest was carried into frontier lands, such as Rangpur, Sylhet, Chittagong,[4] etc. the practice was followed of making grants of land revenue free on terms of military service: but the English, in effecting

[1] Thevenot: *Les Voyages en Europe, Asie et Afrique.* Newly done into English. London, 1689, part iii, p. 68. For some observations on the ancient Hindu Kings, see Beveridge: *Baharganj*, p. 373.

[2] Blochmann: Op. cit. vol 1, p. 621. The ruins of the mosque in question are to be found at Chatmohar, near Dighaputi.

[3] *1st Report from the Select Com., 1773*, p. 155. See also Scrafton: *Reflections on the Government of Indostan.* Reprint. 1770. pp. 28-29.

[4] "The garrison troops thus constantly maintained for the protection of the district received their pay in small allotments of land, which, when the military establishment ceased to be of use, and other assigned lands were assumed for the benefit of the exchequer, became so many distinct and separate zemindaries. ... ... The original immigrants arriving for safety's sake in companies, the leader of each company came to possess as many patches of land as he had followers, or more." Cotton: *Memorandum on the Revenue History of Chittagong*, pp. 3-4.

their occupation, experienced an initial difficulty in dealing with the "nugdees,"—the idle and discontented military rabble gathered round the palaces of the territorial magnates.

In the year 1583 Todar Mal was appointed diwan or vakil, and commenced, or perhaps took over from a predecessor, the famous financial measures accounted for in the third book of the *Ain-i Akbari*. In this work Bengal is divided into nineteen local governments or sarkars, and each of these is again divided into a number of mahals or revenue estates. The situation of many of these mahals or parganahs can still be traced,[1] but Todar Mal's division has been obscured partly by the rise of the great zamindari estates of the eighteenth century, and partly by the division of Bengal into chaklas under the Nawab Murshid Quli Khan.[2] Todar Mal's lists not only fail to give a complete account and omit districts now well known, but they also include districts which are known to have been left unsubjugated by Akbar's generals. The appearance of scientific financial dealings suggested by the statistics of the *Ain-i-Akbari* may thus be most misleading.

The early Mahomedan conquest of Bengal, which, for three hundred years had been maintained by a line of independent monarchs, of whom Daud was the last representative, was probably not of so clement a nature as that of Akbar. The story is told that 'Ala-ud-din Khiliji (A.D. 1227) once asked a learned Qazi: "From what description of Hindus is it lawful to exact obedience and tribute?" The Qazi replied: "Imam Hanif says that as heavy a tribute as they can bear may be imposed on infidels; and it is commanded that the Jaziya and Khiraz be exacted to the uttermost farthing, in order that the punishment may approach as near as possible to death." "You may perceive," remarked 'Ala-ud-din Khiliji, "that without reading learned books, I am in the habit of putting in practice what has been injoined by the Prophet." In certain parts of Bengal some such extreme doctrine of Islam may at times have been put into force, and the disappearance in Bengal, as compared with other provinces, of certain vestiges of Hindu village institutions may perhaps be accounted for in this way. The early Mahomedan power, however, was compelled to leave room for the existence of extensive Hindu states, within its borders, and more especially on the frontiers.

In the year 1776, Philip Francis set forward his conception of Akbar's policy as the model which should be adopted by the English in Bengal. He can have had but a second-hand and imperfect acquaintance with the *Ain-i-Akbari* to which he made his appeal, for presumably he had no knowledge of Persian, and Gladwin's translation (a paraphrase) of the work of Abul Fazl, based on a single text was not published till 1783. With the historical facts attesting the superficiality of Akbar's conquests he was necessarily unacquainted. Ignoring the fact that land revenue in India represents the immemorial claim of the ruler to a share in the grain on the harvest floor of the cultivator, and regarding the Indian land revenue as a "tribute" claimed by right of conquest, Francis maintained that its assessment should be regulated by an estimate of the actual expenses of Government

[1] See Hunter: *Statistical Account of Bengal*, vol. 1, pp. 348 *et seq.*

[2] Grant: "Analysis of the Finances of Bengal," *5th Report*, 1812, p. 283.

and not by any strict or even conjectural valuation of the lands or their produce. Thus he contended :

> "The moderation of the tribute imposed by all the Mahomedan conquerors, and the simplicity of their method of collecting it, accounts for the surprising facility with which they retained possession of their conquests. The form of their government was despotic; but, in fact, it was not oppressive to the mass of the conquered people. In general, they introduced no change but in the army and in the name of the sovereign. With respect to the collection of the revenues, the system of the present government is, upon principle, directly the reverse of what it ought to be; and, I believe, such as never was adopted by any other government. Instead of leaving the management to the natural proprietors of the lands, and demanding from *them* a fixed portion of the produce, we take the management upon ourselves, and pay *them* a tribute. Government stands in the place of the Zemindar."[1]

It was the belief of Francis that Akbar recognised "the right of the Zemindars, the ancient proprietors of the soil," and that Todar Mal "formed the jummabundy (*jamabandi*) or establishment of rent of all Hindostan on the principle of leaving the lands to their proprietors, the Zemindars, and of establishing a moderate permanent jumma or quit-rent to be paid by each of them to government."[2]

On the assumption involved by this theory, we might picture Akbar or his Viceroy, after the defeat of the insurgent forces, receiving the chiefs of Bengal into the Mughal Empire, and bestowing on them full legal possession of the lands formerly held by them, on condition of the payment of the land revenue. A different and probably more historical view of what took place has been advanced by the late B. H. Baden-Powell. His view is as follows: "In consequence of the defeat of the local rajas of Bengal, the territories of a number of more or less inconsiderable Hindu states, whose chiefs had been either taken captive or slain in battle, were directly assumed by the Conqueror, and were denominated Khalisah or Exchequer domains. In addition to these estates, there were those of but half-subjugated chieftains, and these persons were left in possession of their countries, with rights which would, to the European students at least, suggest essential elements of sovereign power, taxation and the administration of justice. What the conqueror secured for himself was the *zamindari* of all acquired territory, i.e., the right to

[1] Francis: *Minutes of the Governor General and Council*, etc., pp. 30-31. Francis writes: "In the policy and justice of the Mogul Government we had an example before us, which ought to have been followed. It will appear that the Mahomedan conqueror was wise and equitable enough to limit his own power over the people, whom he had conquered, that he demanded from them a *fixed* tribute; that it was moderate in the first instance and never varied; that he thereby gave them a security in their property against the rapacity of his ministers and representatives; and that this was a real security as long as the Mahomedan government subsisted at Delhi. In effect, it was equally a security to the Prince against fraud, and to the people against oppression. *They* knew what they had to pay, and *he* knew what he had to receive." *Ibid.*, p. v.

[2] *Ibid.*, p. 30.

the land revenue. In the case of Khalisah lands, the revenue would be collected without the intervention of the local landed magnates: in the case of the surviving chieftains the bulk of the revenue would be remitted by them to the Mughal treasury, according to the terms made with them. The Zamindari of these chieftains was thus a delegated power from the Conqueror, who himself was the supreme Zamindar of the Empire. Thus, in relation to the revenues, the chieftains were what at a later date were known as farmers; that is to say they undertook to pay into the State treasury lump annual sums representing the revenue assessment of their districts, and the difference between what they actually collected from the cultivators and what they paid by terms of their contract with the Sovereign was their profit".[1]

The actual dealings of Akbar's revenue officials with the Hindu Rajas in Bengal is a subject lost in obscurity. The division of the country into sarkars ignores the existence of ancient Hindu states or principalities. That such principalities existed in Bengal in Todar Mal's time is well known, but although, Nadia for instance appears in the *Ain-i-Akbari* as a mahal, we learn nothing from the *Ain-i-Akbari* of any Nadia raja. In Aurangzib's time the zamindari sanads obtained and paid for by Hindu rajas can be found, but we have no evidence to show that Todar Mal had any direct dealings with such potentates as the Rajas of Bishnupur, Panchet, Tipperah, etc. It is certain, on the other hand, that from the time of Daud's defeat in 1575 to the end of Akbar's reign great changes were taking place, and great landed estates were coming into existence. Of these the most striking example is afforded by the principality of the renowned Bengali hero, Pratapaditya, one of "the twelve suns of Bengal." This principality had its origin in that adventurer's revolt from his father, Vikramaditya, who, a little time before Daud's removal from Gaur, had established a city of refuge amid the swamps of Jessore. The present rajas of Jessore, or Chanchra, trace their descent from Bhabeshwar Rai, a Hindu, who came to Bengal with Azim Khan in 1582, and was put in possesion of parganahs taken from Pratapaditya. A large portion of Pratapaditya's kingdom lay in the district afterwards known as the 24 Parganahs, and although a few of those parganahs are named in the *Ain-i-Akbari*, yet the district as a whole was unknown to those who furnished information to Todar Mal.

The great zamindari estates best known to Hastings and Francis had not come into existence when Todar Mal was at work. The beginnings of the Burdwan raj took place in the time of Abu Rai, a Kshatriya, who came to Bengal from the Punjab, and was appointed chaudhuri and kotwal of Burdwan about the year 1690. Sitaram Rai, according to traditional accounts, was originally sent by the Mahomedan authority to collect arrears of revenue from certain defaulters. In one way or another he created for himself a vast estate, and then in turn became defaulter.[2] His capture and consequent execution must have taken place some time before 1717, in which year the English in Calcutta were, to their alarm

[1] *Asiatic Quarterly Review*, July, 1894. B. H. Baden-Powell: "Is the State the Owner of all Land in India?"

[2] Westland: *District of Jessore*, p. 25 *et seq.*

called upon to produce the persons of his widow and children.[1] The beginnings of the greatness of the Natore family commence with the dismemberment of Sitaram's estate. The history of the connection of this family with Rajshahi is of great importance, on account of the magnitude of this rapidly acquired estate. "In the year 1728 the zamindari of Rajshahi extended from Bhagalpur on the west to Dacca on the east, and included a large subdivision called Nil Chakla Rajshahi, which stretched across Murshidabad and Nadia as far as the frontiers of Birbhum and Burdwan. Rajshahi thus comprised an area of 13,000 square miles, and paid a revenue of 27 lakhs."[2] In a *Narrative of the Transactions in Bengal*,[3] written by a native historian for the edification of Governor Vansittart, it is stated:

> "Odynarain, whose family had long enjoyed the Zemindary of Rajeshay, was so distinguished by his abilities and application to business, that Moorshed Kuly Khan entrusted him with the business of the Khalsah collections, and placed under him Gholaum Mohammed, Jemidar, with 200 horse. The Jemidar having demanded his pay in a riotous manner, Moorshed Kuly Khan sent Mahommed Jan, one of his cheelahs,[4] with troops to punish him. A conflict ensued near the Rajebarri,[5] in which the Jemidar was killed, and Odynarain, dreading Moorshed Kuly Khan's displeasure, destroyed himself. The zemindary of Rajeshay was then conferred upon Rajewan and Ranookhewa, two zemindars on the east side of the Ganges, in consideration of their having been more exact in the payment of their rents from the other Zemindars of Bengal."[6]

Another version of the story is given by Sir John Shore in his minute of the 2nd April, 1788. According to this account the small zamindari of Bungachi was bestowed, about the year 1707, upon Raghunandan, son of Kamdeo, a Brahmin, in the name of Ramjewan, in consequence of the neglect of the former zamindars to discharge their revenue dues. Four years later, Raghunandan acquired the zamindari of Bhetoreah, on the demise of Rani Sarbani, who had left no heirs. In 1713 he was permitted to annex Rajshahi, as a reward for his capturing Uditnarayan. On the death of Sitaram Rai, Raghunandan acquired the zamindari of Bhushna. In 1713 Ramjewan, in whose name the zamindari had been secured, died, and in 1733 his adopted son, Ramkanta was confirmed as zamindar by sanad. The famous Rani Bhawani was Ramkanta's widow.[7]

In the same minute, Shore asserts that "most of the considerable zamindars in Bengal may be traced to an origin within the last century

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[1] Wilson: *Early Annals of the English in Bengal*, vol. ii, pt. 1, p. 166.

[2] *Imperial Gazetteer*, vol. xxi, p. 162.

[3] Translated by Francis Gladwin, Calcutta, 1788, pp. 61-63.

[4] "Cheelah—a slave born in the house." [Translator's note.]

[5] Rajbari: Raja's house.

[6] See also *Calcutta Review*, vol. lvi.

[7] Long: *Selections*, No. 693; Westland: Op. cit., p. 48.

and a half." James Grant, in his *Analysis of the Finances of Bengal*, had indeed gone so far as to write of "the universally new creation of that necessary class of officers denominated Zamindars in the course of Jafer Khan's [Murshid Quli Khan's] viceroyalty." This, however, was an exaggeration, and Grant's references to the family histories of the great zamindars of his time were based on misinformation. It is certain that the zamindaris of Dinajpur,[1] Burdwan, Nadia,[2] Lashkarpur,[3] Naldanga[4] were founded before Murshid Quli Khan became diwan of Bengal.

A revenue assessment is said to be 'rayatwari' when made with the ryots [raiyats] or cultivators; and 'zamindari' when made with an individual contracting with the ruler for the realisation of the revenues as assessed.[5] It has been asserted that Todar Mal's assessment was rayatwari. The *Ain-i-Akbari* gives an account of the functions of the collectors of revenues who are quite distinct persons from the faujdars, but under the early Mughal system in Bengal it was the faujdars who were ultimately responsible to the diwan for the realisation of the estimated revenue. The figures of the *Ain-i-Akbari* perhaps were intended to serve as a guide to what might be expected in the way of revenue, and to afford a test by which the faujdar's diligence could be appraised. The elaborate principles for assessing the lands by the character of the produce could only have been applied in the case of districts well beneath the eye of the supreme authorities, and it is therefore impossible to believe that these principles could have been brought into operation in little known districts of a partially conquered province. It cannot be supposed that the total sum of the revenue, derived from Bengal in Akbar's time, can be arrived at by the simple process of adding up the figures given in the *Ain-i-Akbari* as the revenue yield of the several sarkars.

It is doubtful whether the revenue so assessed was ever collected and paid into the Imperial treasury, for the assessment, as it appears in the *Ain-i-Akbari*, includes Chittagong for instance, which was not at the time a Mughal possession, and Orissa, which lapsed into the hands of the Afghans before the close of Akbar's reign. It is vain to argue with Francis that, because the total of Todar Mal's assessment does not differ much from the total of Shuja Khan's, there was little or no variation in the assessment. It

[1] *Calcutta Review*, vol. lv. Art. The "Dinagepore Raj" by E. Vesey Westmacott.

[2] *Calcutta Review*, vol. lv. Art. "The Nadiya Raj."

[3] *Calcutta Review*, vol. lvi. "The Thakurs, or rajas of Patiya, the oldest territorial aristocracy of Rajshahi, are said to have acquired it from Lashkar, an officer of Murshidabad." The name Murshidabad commemorates Murshid Quli Khan who made that place his capital, but it was of importance long before Murshid Quli Khan's time It had a resident Faujdar in 1676. *Vide* Temple: *Diaries of Streynsham Master*, vol. 1, p. 30.

[4] Westland: Op. cit. p. 48. The founder of the Naldanga family was Ranabir who came into possession of his estate having "exterminated the family of an Afghan zamindar" by the power of his own arm.

[5] Banerjea: *A Study of Indian Economics*, p. 168. "When the revenue is assessed by the State on an individual or community owning an estate and occupying a position identical with, or analogous to, that of a landlord, the assessment is known as *zamindari*; where the revenue is imposed on individuals who are, or represent, the actual occupants of holdings, the assessment is known as *rayatwari*. Under either system, there may be rent-paying sub-tenants."

may, however, be admitted that Todar Mal's assessment embodies information collected by him from the Qanungos and that this information was in some instances tested by measurements of the lands. "At what portion," writes Sir John Shore (Lord Teignmouth), "he estimated the Sovereign's share, I know not. One account in my possession, of unknown authority, states that he regulated it, according to the situation of the land, and the quantity of the soil, by the labour and expense attending the cultivation of it, in different degrees of proportion, from one-half to one-eighth of the estimated gross revenue. This account is at least probable."[1]

Francis in his *Plan* goes on to explain:

> "A roll or record was formed of this jumma, which in Persian is called *Tumar*, from whence the settlement of Toorell Mall (Todar Mal) is called the *Tumar Jumma*, a roll of the rent;[2] and *Ausil* (*Asal*) or original jumma, with reference to all subsequent alterations and additions.
>
> "A Tukseem (*Taksim*), or division account of the whole Soubah, was formed at the same time, shewing the constituent parts of each zemindary, such as pergunnahs (*parganahs*), villages, etc., with the proportion of the general quit-rent payable by each. The hereditary office of the Canongoes [*Qanungos*] was established to keep the accounts of the Tumar and Tukseem. The authority of these records is still known and respected. In all sales and transfers of property among the zemindars, the new sunnuds are taken out on the Tumar Jumma. The Jaghiers of the royal officers or Munsubdars were always granted as portions of this Jumma. The *Resum* [*rasum*,] or fees of the Canongoes are still calculated from thence, and the Tukseem is referred to, even at the present time, to decide claims or disputes regarding the limits of landed property."[3]

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[1] Sir J. Shore: Minute of April, 1788 in J. H. Harington's *An Elementary Analysis of the Laws and Regulations*, Calcutta, 1814-15, vol. II, pp. 233-34. This valuable minute is not included in the *Fifth Report from the Select Committee of the House of Commons on the affairs of the East India Company, 1812*. Shore suggests that Akbar may have been influenced by the "Institutes of Timour," and quotes a translation by Major Davy and Prof. White. In the passage quoted an *hast-o-bud* is ordered "if the subject should not be contended." This is interesting as Francis contended that valuation by *hast-o-bud* was unknown to the Mughal practice. Shore had, as the following extract from a letter (written by him to C. W. Boughton Rous, Feb. 22nd, 1789) shows, made a minute study of the mss. of the *Ain-i-Akbari*: "Mr. Grant's chief foundation for his *Rubba*, or 'Fourth,' arises from his mistaking *Rubba* for *Reia* 'produce'; although the Tables, which follow the passage where the word is mentioned, shew the proportion to be in one-third. I compared four copies of the Ayeen Akbary, and I found *Reia* in all. The merit of his production is certainly great, but it is so obscured by his style that it requires more penetration, and attention than I can give to it to discover his meaning." *Life of Lord Teignmouth*, vol. I, p. 169.

[2] It is unfortunate that writers did not call land revenue simply land revenue. The habit of calling it "rent", "quit-rent" & "land tax" tended to obscure the subject. Land revenue in India is something *sui generis*. It represents the ancient Hindu right of the King to a portion of the grain on the cultivator's floor. The Mughal Empire took over this institution and provided a system of terminology, records etc., and perhaps introduced the system of land measurement. See Baden-Powell: *Land Revenue in British India*, pp. 36-37. When English writers call land-revenue "rent" it is generally because they favour the Francis-Shore view that the zamindars were the legal land owners: those who use the word "tax" usually favour the view that the land belonged to the head of the State.

[3] Francis: Op. cit. p. 33.

To these assertions Warren Hastings replied :

"The ancient Tumar and Tuckseem (*Taksim*) or distribution of the land rent, which was formed about 220 years ago, has long ceased to serve as a rule. Under the old government, this distribution was annually corrected by the accounts, which the zemindars and other collectors of the revenue were bound to deliver into the office of the Canongoes, or King's registers, of the increased or diminished rents of their lands and of the amount of their receipts. But the neglect of these institutions, the wars and revolutions which have since happened in Bengal, the inundations of rivers, the increase of cultivation in some parts of the province, and the decrease in others, and the unequal depredations of the famine,[1] have totally changed the face of the country, and rendered the Tumar rent-roll a mere object of curiosity. The land-tax has, therefore, been collected for these twenty years past upon a conjectural valuation of the land, formed by the amount of the receipts of former years, and the opinions of the officers of the Revenue, and the assessment has accordingly been altered almost every year."[2]

A far more radical objection to Francis' reliance on the Tumar Jama, would arise from the conclusions formed by an industrious revenue expert, and embodied by him in a work entitled *A View of the Finances of Bengal*.[3] In this deeply learned but oppressively turgid book, the author, James Grant, contends : "the previous rent-roll, technically understood by the Persian terms *jumma toomary*[4] now in current use is *not* that original account framed by Torrell Mull (Todar Mal), and specified in the Ayun Akbarry (*Ain-i-Akbari*), as ignorantly believed by the native officers of Government, and designedly imposed by them on the credulity of others : but a repeatedly enlarged and corrected, and practical scheme of the finances, improved at various periods by actual surveys, hustabood accounts, or particular local investigations, in the course of near a century and a half to the expiration of almost a third of the present."[5] The

[1] i. e. the famine of 1769-70.

[2] Francis: *Minutes of the Governor-General*, etc., p. 145.

[3] Included in *the Fifth Report of the Select Committee of the House of Commons on the affairs of the Hon. East India Company, 1812*. James Grant, the revenue-expert, is not to be identified with the James Grant, who assisted in the attack on Warren Hastings in 1775, and to whom Hastings refers "I will not leave such wretches as G———, R———, and James Grant (names that I blush to write) in the power to render my designs abortive." The James Grant so characterised went home in 1776 and was not permitted to return to India. The James Grant in whom we are interested was appointed writer for Bengal on 13th May, 1778, but was probably already in India, for his arrival is dated July 14th of the same year. In 1782 he was Assistant to the Resident at Hyderabad. In 1784 he compiled a lengthy report on the revenues of the Northern Circars, and followed this up by his *View of the Finances of Bengal*. The materials he made use of were chiefly revenue records he had been so fortunate as to be able to purchase (!); and, as those records have disappeared, it is impossible to test the use he made of them. A letter of the Governor-General (Sir John Macpherson) and Council, dated 19th July, 1786, created the office of Chief Sherishtadar, in favour of Mr. Grant. See Colebrooke: *Supplement*, pp. 251-53. For some curious and little regarded facts about Sir J. Macpherson's administration, consult *British India Analysed*, 1793, part ii, chap. vi.

[4] Tumar-Jama. Tumar=a rent roll or register.

[5] J. Grant: *View of the Finances of Bengal*.

authentic original revenue-roll Grant believed to "be complete in the daily practice of the native officers employed in the Company's exchequer."

When the Company took over the revenue administration, they became acquainted with a standard valuation of the cultivated lands, and this valuation was known to them as the *ausil tumari jama*, or the valuation the lands bore on "the King's books." We even find a young military officer, who had been sent to bring to order the zamindars of the wild districts to the west of Midnapur, writing to the Resident: "I really think from what I saw of the country that he (the zemindar of Sankakalia or Lalar) cannot be in the same flourishing situation which his forefathers were in, if I may judge from Taroor Mull's tuxeram jumma."[1] Lists giving the amount of the land revenue as borne on "the King's books" are to be found in the Record Department of the India Office, but, if Grant's argument is to be accepted, these lists will not really correspond with the statistics of the *Ain-i-Akbari*.

From antiquarian speculations as to the nature of the Mughal revenue system in the period before the English occupation, it is now necessary to turn to the more general system of the Mughals as the English found it at work. It has been seen that the government of the three provinces of Bengal, Bihar, and Orissa was generally entrusted to a single person known as the Subahdar. It has been asserted, and it may be true, that up to the reign of Aurangzib, the Subahdar was both Nazim and Diwan of his province, but that Aurangzib, in order to reduce the power of a too independent viceroy, divided the offices. The functions of the Nazim are thus clearly defined by Field:

> "Under the Mahomedan Government, the *Nazim* was the chief officer charged with the administration of the criminal law and the police, just as the *Diwan* was charged with the administration of the civil law and the collection of the revenue. The term *Nizamut* denoted the offices, duties of the Nazim, the administration of police and criminal law. In the palmy days of the Mogul Empire, it was usual to conduct the administration of the more important *subahs* or provinces through a Viceroy or Governor called a Subahdar, who was occasionally a relative of the Emperor, and to whom were entrusted not infrequently both the diwani and the nizamut. As Diwan he collected and remitted the revenue and administered civil justice. As Naib or Nawab Nazim, i.e Deputy of the Minister for the administration of criminal justice and police, who was near the person of the Emperor, he administered criminal justice and managed the police of his province. The Subahdar of Bengal, Bahar, and Orissa formerly exercised these double functions."[2]

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[1] Lieut. J. Ferguson to John Graham, Resident of Midnapur, 11th February 1767. See *Midnapur Districts Records*, edited by W. K. Firminger, vol. I. p. 94. Beames (*Journal of the Royal Asiatic Society*, 1896) deals with the subject of Asia as described in *the Ain-i-Akbari*.

[2] Field: *Regulations of the Bengal Code*. Calcutta, 1875. Introduction, p. 2.

It must be borne in mind that the Mughal Government of Bengal was in character a military occupation rather than a civil administration. Beneath the Subahdar were the faujdars (*fauj*-army : *dar*-holding), and it was the duty of these officers not only to preserve the peace, but to overawe and restrain the zamindars. The Subahdar and the faujdars thus formed the executive force of the province. The faujdars were, at least in theory, appointed by the Emperor and were removable by his authority only. According to Seid Gholam Hossein Khan, the author of the *Seir Mutaqherin*, Behar and Bengal had been divided into the following Faujdari jurisdictions :—

Behar. Shahabad and Rhotas.
Monghyr and Behar.
Champaran and Sarun.
Tirhoot and Rajipur.

Bengal. Chittagong (Islamabad)
Sylhet.
Rangpur.
Rangamati.
Midnapur.
Castle of Djalal-gur-poorania. [Jalalgarh, some ten miles N. E. of the town of Purniah on the old bed of the Kosi river.]
Rajshahi.
Burdwan.
Hughli.

The same author tells us that it was the business of the faujdar to see that in the district entrusted to his charge no zamindar erected fortifications or collected provisions of war. If the zamindar consented to give up his arms and dismiss his troops, he was "to be forthwith removed from that spot and zemindary ; but in case he attempted to resist, then the Faujdar was to attack him immediately ; to chastise him with severity, to demolish his castle ; and to act with so much expedition and vigour, as that the refractory land-holder should be reduced to extremity, and henceforward obliged to wear in his ear the ring of obedience, as well as to carry on his shoulder the trappings of submission, in such a manner as to have it no more in his power to disobey or resist. The Faujdar was to drive the delinquent from that spot, and never to suffer his residing in it again, unless by a special order from higher authority.....In case he had been able to lay hold of him, he was to send him to the Governor-General (i.e. the Subahdar), prisoner and chained or to keep him confined until he might receive orders respecting the disposal of him."[1]

[1] *The Seir Mutaqherin or View of Modern Times.* Translation, Calcutta, 1789, vol. II, p. 569 *et seq.* The author notes that Dacca had a Nawab etc. etc. of its own, but his list is certainly defective as far as Bengal is concerned. His language about the zamindars might be supposed to be coloured by his prejudices, for he describes them elsewhere (vol. II, p. 602) as a "malevolent race", and adds that formerly "no trust was reposed in their words nor in their actions ; for their character was thoroughly understood : they were looked upon to be an incorrigible race." Of twelve causes assigned for "the diminution of revenue and population over all Bengal", he says, "the seventh cause may be found in the overgrowing power of the zemindars, and in their being trusted too much." This was probably written in 1781.

Many of the faujdars we meet with in the course of the early history of the English in Bengal were persons of considerable importance. As it was a faujdar, Muhammad Zaman Tahrani, who extended his patronage to the first English merchants in the Bay, so it was the faujdar of Hughli who kept them in an abiding state of apprehension.

Verelst, in the glossary prefixed to his *View of the Rise, Progress and Present State of the British Government*, defines a "chuklah" (*chakla*) as "the jurisdiction of a faujdar who receives the rent from the zemindars." Whatever the practice of the first Mughals may have been, the faujdars from Shah Jahan's time at least, seem to have secured their appointments by speculative offers of lump sums of revenue which they pledged themselves to collect. Todar Mal's statistical account of the Districts might serve as a standard by which these offers could be tested, but that it fettered the faujdars when once appointed cannot be supposed.

For the Rangpur district, there is an account of the revenue operations under the Nawab,[1] drawn up by the Kanungo for the information of the English Collector, and this account no doubt represents the state of affairs elsewhere in Bengal:

> "In the Bengal year 1147 (A.D. 1740) Cossim Ulee Khan having given to *tahood*[2] for Rs. 3,36,000 came to this place, and that bandobust was continued without alteration to the end of the year 1164 (*i.e.* about April, 1758). In the year 1175,[3] Shekh Abdool Soobha, who was Cossim Ulee Khan's servant, being discontented with his master, went to Moorshedabad and told Meer Cossim (the Nawab Mir Kasim) that the district was capable of yielding an increase, for which reason Meer Cossim gave a *tahood* for an increase of one lakh upon the former jumma, and having appointed Shekh Abdool Soobha his Naib, he sent him up to Rungpore, where he died five or six days after his arrival. The Nabob Meer Cossim, having received account of the said Shekh's death, immediately set out for this place, and, after his arrival, having laid an increase on the whole district, he took from Rampershad a *tahood* for ten lakhs of rupees and then returned to Moorshedabad. The revenue was not realized, and therefore, Rampershad and his relations were imprisoned in the fort. In 1166 (A.D. 1759) a decrease was granted on the former jumma, and Dewan Shamsoondur gave a tahood for the revenue, which continued under his management during the years 1166 and 1167 (A.D. 1759 and 1760). In the year 1168 (A.D. 1761) Dewan Bydnath and Meer Murdun Ulee arrived, and, having laid an increase of a

[1] The Collector, D. H. McDowall, writes in 1787: "It is more than probable the lands of Rungpore have never been measured since the country first came into possession of the Kings of Hindoostan; and the records of the district afford not the smallest information as to the quantity of land fit for cultivation, nor of the bazi zameen in the possession of individuals." Glazier: *Further Notes on the Rungpore Records*, p. xli.

[2] *Tahood* [*Tahud*]: Bandobust, an agreement.

[3] i.e., 1768 A.D. Mir Kasim became Nawab in October 1760 and was dispossessed in 1763. The error in date does not affect the general truth of the Kanungo's statement.

lakh and odd thousand rupees, they again took a tahood for the amount from Dewan Shamsoondur, but, from the revenue not being paid up Meer Dour Buksh was appointed *Sazawal*. This man deprived a great many Hindoos of their caste, and exercised the greatest severities in the collections, but was unable to realize the revenues. In the end of the year 1168, or the beginning of 1169, in the month of Assar, a Soobadar, with near a hundred men came from Monghyr, and having confined the Sazawal Meer Dour Buksh, and the amla, he carried them on board a boat, together with Ramchund Roy, the Gomastah of Bhuda (Boda?), etc. After that, in the year 1169, Dewan Soba Chund gave a *tahood* for the same jumma, and began to make the collections; but in the meantime a numerous body of ryots belonging to Cargehaut rose in rebellion, and seized upon the mofussil collections, report of which being sent to Monghyr, a message came from thence to the ryots, informing them that if they did not return to their duty, forces should be sent against them. The son of Soba Chund was accordingly sent with some forces, and used every mode to encourage them to return to their duty, but without effect; and the troops were at last under the necessity of engaging and putting a great many to death; after which the aforesaid Dewan was confined and carried to Monghyr for having failed in his payments. Some time after this, the Nabob, Meer Cossim Khan, fled from Monghyr,[1] and the Company got possession of the country. Cossim Ulee Khan, who was formerly at Rungpore, returned in the year 1170 (A.D. 1763) on the part of Meer Jaffer (the restored Nawab Mir Jafar), and, having granted large deductions, he made a settlement for Rs. 6,17,262-15-8-3."[2]

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[1] At the end of October or early in November, 1763, the Rangpur district seems to have held out for the fugitive Nawab. In the consultations of the Dacca Council, on November the 9th, 1763, we read: "In consequence of our address of the 2nd instant to the Hon'ble Board representing the unsettled and confused state of the Rungpore Provinces, and the Government there still holding out against the Nabob Meer Jafer; likewise informing them of the confinement of Mr. Moore, an English Agent, we have been favoured with their answer this day: that we send a detachment of troops into that country to seize the Phousdar, if possible, and to subdue it in the name of the Nabob Meer Jaffer. *Agreed* that Lieutenant Dow, with four companies of seapoys, with a Howitz, be appointed for this service, and that a sufficient number of boats for the embarcation of the troops be provided with all expedition, and that a sum of money amounting to 10,000 Rupees be lodged in the hands of Mr. Dow, for pay and batta to the purport of the Hon'ble Board's letter, *viz*: that the command he is now trusted with is with the following views: to subdue that country, and to restore peace and tranquillity by fixing the officer appointed to act by the Nabob as Phousdar in his full power and authority; to release whatever English Gentlemen may be in confinement, and to seize the person of the late Phousdar. All of which being effected, he be ordered to return with his detachment to Dacca." During the troubles of 1763, Cartier, the then Chief at Dacca, was in Calcutta, occupied with his duties at the Council Board. The approach of an armed body of Fakirs in June 1763 caused the rest of the Dacca Council (W. Ascanar Senior, R Leyceser, and T. French) to fly for safety to the Factory at Luckipore (Lakshmipur). Dacca was recaptured by either Lieutenant Grant or Lieutenant Swinton. *Vide Bengal: Past and Present*, vol. v, p. 209. At Cossimbazar the English servants (John Chambers and Lyon) were captured and murdered in the general massacre of the English at Patna.

[2] Glazier: Op. cit. pp. xxxix-xi. The Mahomedan authorities did not remain in the unhealthy Rangpur district for the whole year, but visited it at the critical revenue seasons. Rennell in his Journal for November, 1765, notes: "There is but little worth remarking about Rangpur,

Another and a brief instance of the system of letting out the revenues in farm to executive officers of state may be cited. On the 22nd January, 1771, the newly appointed Deputy Supervisor of Sylhet, John Sumner, writes to Thomas Kelsall, the Chief and Supervisor of Dacca : "I have presented your letter.....to the Naib Phousdar ; he referring it to the Dewan, who has charge of the collections in the Phousdar's absence. He tells me that there is a balance necessarily arising at the end of every year, which he has always explained to the Nabob, and assures me that a part arises from an exaggerated statement made by a former Phousdar to the Nabob with a view to emulate a rival in the Nabob's favor ; that, however, the amount was never collected in one year."

It is not difficult to see how it would become the policy of the Nawabs to make use of Hindu local capitalists in order to secure the payments of revenues—a service in which their far too independent faujdars were notoriously remiss. The Hindu with his keen scent for the acquisition of a fortune in the service of a master, before whose terrors he bowed but whose vigilance he well knew how to escape, understood, as the faujdars, usually immigrant Persian soldiers, could not understand, the arts of concealment and collusion practised by the native cultivators. Murshid Kuli Khan, the first practically independent Nawab, made it his practice to employ in the collection of the revenues Hindus in preference to Mahomedans, for the Hindus were both more pliable and more skilled ; while the Mahomedan faujdars were, if not indolent, apt to fly into revolt. No account of the condition of Bengal will resemble the truth, if it takes it for granted that the Nawabs felt themselves bound to deal with any one set of officers for the realisation of their revenues. To collect their *mal* and *sayer* the Nawabs would be hampered by no constitutional rights of faujdars on the one hand or of zamindars on the other. The creation of the smaller type of zamindar seems to have been due to the desire of the Murshidabad Power to have two strings to its revenue bow—the Hindu who understood so intimately the habits of the people who paid the revenue, and the Faujdars, who, although distrusted, could squeeze, when occasion required, the petty zamindars.

The early English writers, e-g., Philip Francis and Sir John Shore, Boughton Rous, etc., based their conclusions on inferences drawn from statistics and to a purely legal Mughal theory, rather than on the actual facts of history. They do not, for instance, seem to have been aware that under the Mughal rule the collection of the revenues was often entrusted to military officers, nor do they sufficiently appreciate the fact that many of the great zamindari estates known to them were of recent origin. It is, however, no part of our present purpose to deny that, so far as Bengal is concerned, the "palmy period" of the Mughal administration ever existed. If a time so blessed there ever was, it had ceased before the English came to the country. It is true that in Verelst's days the period of Shah Shuja's

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it being only a principal *gunge* (market), and like most of the others, the houses are built of matts and bamboos, there being but one brick house in the town." T. D. La Touche : *The Journals of Major James Rennell*, (Asiatic Society of Bengal, 1910) p. 55. The importance of Rangpur as an emporium for trade was probably due to George Bogle, who was Collector of Rangpur in Hastings' time.

subahdari had come to be venerated as "that era of good order and good government," [1] but the English records during that period do not confirm the supposition. Mr. Westland, in his account of the Jessore District, gives us a picture, the contours of which remain firm as long as retrospection gives a view:

> "These zemindars were a turbulent lot, much too independent and not very punctual in the payment of their revenues. They might, however, fight among themselves and swallow up their smaller neighbours, much as they chose, so long as they paid their revenue; and to ensure their paying the nawabs kept a military governor with a small force in each of the districts. This officer, the *faujdar*, as he was called, retained, on the part of the Nawab, sufficient appearance of power to make it the interest of each zemindar to secure himself by continuing to pay his revenue, or as much of it as would satisfy the Nawab. Beyond that point probably the faujdars did not care to go, as the system of the nawabs was rather a military occupation of the country where the zemindars, their tribute bearers, were the potentates, than the administration of the country as their own."[2]

From the faujdars, attention must be turned to the zamindars. In strict etymology the term zamindar means a land (*zamin*) holder (*dar*). In revenue practice a zamindar is one who holds a portion of land described as *pargana* or an aliquot portion thereof. From 1775 to the date of the Permanent Settlement in 1793 the question was discussed with much learning and some vehemence, "Is the sovereign or are the zamindars the owners of all land in India?" In this controversy the etymological meaning of the term zamindar was pressed in order to make good the assertion dogmatically made by Philip Francis of the zamindar's ownership. "The Company, I believe," wrote Francis, "had conceived an early, but erroneous, opinion that, by the constitution of the Mughal Empire, the governing power was proprietor of the soil; consequently that, in the management of their territorial acquisitions, they ought not to content themselves with a fixed tribute as government, since they had a right to engross the entire produce as landlord." In contradiction to this error, Francis urged "the cultivation of the soil should be left with the Gentoos (*i. e.* Hindus), whose property it is."

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[1] Verelst: *View, etc.*, Appendix, p. 230. "No alterations had taken place in the ancient divisions of the country, and the confusion, which is now apparent, has been posterior to those times."

[2] Westland: Op. cit. p. 53. Westland overlooks the fact that the faujdars who in origin were appointed by the Emperor, and so intended to be a check on the Nawab, were often productive of the evil results of double government. Contrast with Westland's historical statement Francis' theoretical view: "The mode of collections is well ascertained. The Zemindars paid the rents themselves for the most part at the treasury. When Collectors were sent on the part of government, it was not to dispossess them of the management of their lands, or to discover the amount of their profits as proprietors, with a view of bringing those profits to the credit of government. When such officers were sent, it was in consequence of some fault in the Zemindar, or failure in his rents, to levy the dues of government by distress or temporary attachment of the lands. Hence they were called *Sasawuls*, literally *punishers*." Francis: Op. cit., p. 34.

This question "Who is the landlord?" was probably not nearly so much in the minds of the Company's servants as Francis supposed. The Company's government was in fact concerned with the Mughal institution of land revenue which had been placed in its hands: the question of ownership in land (complicated as it was by the importation of those ideas as to absolute ownership of land which Englishmen usually hold, in despite of the teaching of their own lawyers,) was one which Francis brought into a prominence it never had before his time. The abstract question of the zamindar's right of property was one which Hastings expressly declined to deal with. "I do not mean," he says in his *Review of the State of Bengal*[1] (written on his homeward journey in 1785-86), "to contest their (the zamindars') rights of inheritance to the lands, whilst I assert the right of the Government to the produce thereof." He turned his back on the discussion as to inherited property and pointed to facts which had been before the eyes of the Company's servants. "The zemindary of Rajeshahy, the second in rank in Bengal, and yielding an annual revenue of about twenty-five lakhs of rupees has risen to its present magnitude during the course of the last eighty years by accumulating the property of a great number of dispossessed zemindars, although the ancestors of the present possessor had not, by inheritance, a right to a single village within the whole zemindary."[2]

This was perhaps an appeal to an extreme instance. It would, on the other side, have been possible to point to zamindars who represented families of great antiquity and whose position might plausibly be described as inherited. The Rajas of Bishnupur and Birbhum, for instance, as Wardens of the Western marshes, had not been subjected to the severe financial measures of the Nawab Murshid Kuli Khan, and might with reason be grouped with such other magnates as the Rajas of Tipperah, Cooch Behar, Nadia, Burdwan, etc., as enjoying titles rather by hereditary right than official grant. The difficulty involved in the controversy lay in the fact that the term zamindar included persons whose relation to the lands in their enjoyment was of a very varying character. By a zamindar might be meant the representative of some ancient Hindu sovereignty; it might mean a government farmer who in recent years had acquired his zamindari by inserting himself in the place

[1] Included in vol. II. of Mr. G. W. Forrest's *Selections from the State Papers of the Governors-General of India: Warren Hastings*. "The public in England have of late years adopted very high ideas of the rights of the Zemindars in Hindostan; and the prevailing prejudice has considered every occasional dispossession of a Zemindar from the management of his lands as an act of oppression. I mean not here to enter into any discussion of their rights, or to distinguish between right, fact, and form, as applied to their situation. Our Government, on grounds which more minute scrutiny may, perhaps, find at variance with facts, has admitted the opinion of their rightful proprietorship of the lands. I do not mean to contest their right of inheritance to the lands, whilst I assert the right of Government to the produce thereof. The Mahommedan rulers continually exercised, with a severity unknown to the British administration in Bengal, the power of dispossessing the Zemindars on any failure in the payment of their rents, not only protempore, but in perpetuity." Then follows the passage about Rajshahi. *Ibid.*, p. 72.

[2] A remarkable instance of the tendency of English writers to ascribe antiquity to zamindars is supplied by Lord Macaulay's account of the rajas of Benares. Chait-Singh's father, who was the first to hold the title of raja, was at first a mere farmer of the Nawab of Oudh's revenues.

of the dispossessed, and it might mean the occupant of but a single parganah. But, setting aside the issue as to ownership, it was clear that all these kinds of zamindars had at least one function in regard to the State—they were one and all answerable for the yield to Government of the sovereign's portion of the harvest, in kind or in pecuniary equivalent, on the threshing floors of the cultivators, and this function was expressed in writing by the terms of their sanads, or patents of appointment. Whatever might be put forward as to ownership, hereditary succession, etc., it could not affect the fact that the right of the sovereign to participate in the produce of the soil was even more ancient and more firmly established in native ideas than any claim that could be asserted as to the rights of any single zamindar.

Viewed from the point of view of his obligations to the State the position of the zamindar, therefore, was not unlike that of a revenue farmer. The historical zamindari is not the zamindar's private estate but the parganah, group of parganahs, or aliquot portion of estates for which the zamindar is pledged to make good to Government the payment of the land revenue. To dispossess the zamindar of his zamindari is not necessarily to deprive him of his household and *nancar* (subsistence) lands, but to assign to another the profitable employment of collecting from the dependent ryots or cultivators the revenue assessed on their holdings and retaining a commission on the revenue so collected. In itself the word zamindari means, as Baden-Powell points out :[1]

1. The right to the revenue share.
2. The right to dispose of waste and unoccupied lands.
3. The right to certain mineral royalties, etc.

The zamindars, when they come into prominence, not as petty half-tamed kings or chieftains but as *zamindars*, are local capitalists employed by the State to exercise the zamindari right on specified conditions.

Whatever may have been the portion of the harvest claimed by Akbar as the king's share, there is no doubt about the views entertained at the time of Aurangzib. "There shall be left for every man who cultivates his land as much as he requires for his own support till the next crop be reaped and that of his family, and for seed. This much shall be left to him; what remains is land-tax, and shall go to the public Treasury." It has been said that under native government, up to our own times, there has been "no other limit to the demand upon the land than the power of the Government to enforce payment and the ability of the people to pay."[2]

"In every district throughout Bengal," writes Sir John Shore, "where the licence of exaction has not superseded all rule, the rents of lands are regulated by known rates called *nirk*, and in some districts each village has its own. These rates are farmed, with respect to the land at

[1] B. H. Baden-Powell in *Asiatic Quarterly Review*, July, 1894.

[2] Thomason quoted by Sir John Strachey: *India: its Administration and Progress*, 3rd edn., p. 126.

so much per bigha. Some soil produces two crops a year of different species, and some three. The more profitable articles, such as the mulberry plant, betel-leaf and tobacco, sugar-cane, and others, render the value of the land proportionably great. These rates must have been fixed upon a measurement of the lands and the settlement of Todar Mal may have furnished the basis of them. In course of time, cesses were superadded to the standard and became included in a subsequent valuation, the rates varying with every successive measurement. At the present time there are many abwabs or cesses collected distinct from the *nirk*, and not included in it, though they are levied in certain proportions to it."[1]

The payment required of the ryot was therefore of a twofold kind: (1) the nirkh, which theoretically represented the division of the produce at harvest, and this constituted the *asal-jama* and was a fixed rate per bigha; and (2) the abwabs or cesses which were demands locally imposed. These cesses, which were imposed on the ryots, were partly of a provincial and partly of a local character: some of these cesses may be specified in order to illustrate their general character:

1. Khasnovessy, originating in an annual rasum or fee exacted from the zamindars by the clerks (Khalsa mutasaddis).
2. Mathaut (from *matha*, lit: "head")[2] raised for defraying expenses of the punya (Khilat Baha), repairing bridges and banks (pooshtebandi), etc., a commission exacted by the head peon on treasures brought from the districts in the interior (Rasum nezarut), or to defray the expenses connected with the maintenance of the Nawab and Diwan's elephants (Fil khana).
3. Faujdari abwabs[3] to defray the expenses of the faujdars and their establishments.

In addition to the parganah rates collected for the benefit of the State, the local collectors had another collection which was known as kharij-jama (corruptly and commonly *khadge jama*).[4] It would be the

[1] Shore: Minute of June, 1789, paras. 391 & 392. Shore, as Sir W. Hunter has pointed out, was "not aware of the imperfect character of Akbar's settlement in Lower Bengal," and "in assuming the existence of successive measurements he went beyond the ascertained facts." Hunter: *Bengal Records*, vol i, p. 56.

[2] Grant records that the Indian mathaut (corruptly mathoot) was confused in Europe with the French maltote, which may have originated in an indulgence of restraining horsemen from trampling down corn.

[3] By some writers the faujdari abwabs were supposed to be of the nature of fines inflicted by the courts: on the contrary they were permanent assessments, and they may often have been bribes paid by the zamindars to keep out the faujdar's interference, but they were collected from the ryots.

[4] The Hon. R. Lindsay writes from Sylhet, 1st Oct., 1779: "Their inability to comply with the demands of Government is further owing to their having, for trifling considerations of ready money, disposed of considerable portions of their hereditary lands upon Khaudge Jumma, or exempt from the revenues, for which the Zemindars (are) yet responsible, though not in possession of the lands upon which the taxation is formed. The present possessors would still be liable to be called upon for their proportion of the rents, but they have in general avoided this by obtaining charity sunnuds for the lands so purchased, under the seals of the former diwans of Sylhet."

policy of a strict revenue government, such as was that of the Nawab Mir Kasim (1760-63) to "resume" all these concealed collections for the benefit of the provincial treasury, and the increment so obtained for the Nawab was spoken of as kifayat (corruptly *keffyet*) or profit.[1]

One of the most formidable demands made on the ryots by the zamindars was *mangan*, or an assessment levied to defray the incidental expenses of the zamindar and his household. The enormous expenditure to which the zamindars would go on such occasions as the funerals of parents, the "house-warming" of new *rajbaris*, the marriage of children, or the adoption of heirs, was met on every occasion by cesses levied on their dependent ryots. It belongs to the mysterious passive temperament of the East, that cesses of this kind were often repeated long after the occasion, which had given rise to them, had ceased.[2]

Another kind of cesses, under such heads as najai, derivallah, firari, palataka, etc., were designed to make up losses due to desertion of the ryots by imposts on those who remained. Warren Hastings, in his important letter of 3rd November, 1772, refers to the najai as in part accounting for the maintenance of the revenue collections unabated during the terrible famine of 1770. Hoondean was designed to cover losses on the exchange of coins. Yet another kind of cess (Moorkafee Jarib) may be mentioned and that was a payment made by the zamindar on the ryot in order to be spared an hustabood or exact valuation of his holding.[3] In Ali Verdi Khan's time the Chout, or "Dangelt" to the Marathas was added.

It has been said by Sir William Hunter that the imposition of these abwabs or cesses had the effect of rendering the original assessment, or asal tumari jama, "nugatory," but the idea that the cesses were not made in the early days of the Mughal Government is probably a delusion. The prospect of being able to enrich himself at the expense of the ryot was the very actual inducement which led the faujdars to settle in the districts;

[1] *Kifayat-i-sair*: the profit derived by bringing to account concealed exactions in custom duties, etc. *Kifayat-i-faujdari*: "increased assessment on the frontier lands held by the military governors, levied by them, at first for their own benefit, but brought to the credit of the government by Kasim Ali Khan" H. H. Wilson: *Glossary of Revenue Terms.*

[2] Having been called on to report if the Zamindars in the Rangpur district would contribute to defray the cost of providing public granaries, the Collector, Peter Moore, writes, 3rd Dec., 1784: "Neither the zemindars in this, or any other, part of the country, will pay it from any stock of their own, but, as usual, levy it from the country under the denomination of *mangun*, or want; and, as a measure of finance adopted by the Government, it will then meet a ready and voluntary concurrence. In well-regulated zemindaries, even when mangun has been privately asked by the zemindars, the ryots, understanding it as a necessity of the zemindar's household, or requisition for services beneficial to the zemindary, it has been known to meet a ready and voluntary consent. If such supplies were readily furnished under the Mogul Government, when neither life, liberty nor property were secure, it ought not to be supposed that under the mildness and security of English protection and laws, when those blessings are sacredly preserved to them, as far as the English arm can reach, land-holders will be less inclined to lend the same acquiescence." It may be mentioned that Peter Moore, a hostile witness at the trial of Warren Hastings, was by marriage a great uncle of the novelist, W. M. Thackeray, to whom he was guardian and that he was the friend and benefactor of R. B. Sheridan.

[3] In 1769 the sum of Rs. 25, 036-15-10 was paid out of a total revenue of Rs. 12, 37, 367-14-13-3 by the cultivators of Rangpur to obviate a measurement.

and the zamindar's claim on the ryot for *mangan* must have been from time immemorial. Francis indeed based his belief in the moderation of the early Mughal rule on what he took to be an undoubted fact, *viz.*, that prior to the establishment of the Company's rule Bengal had been a wealthy and flourishing province. Of the actual internal condition of Bengal during the period spoken of as "palmy," he knew nothing, and when presented with an account of the Nawab Murshid Kuli Khan's severities, he simply professed incredulity. Whatever view may be adopted in regard to the transactions of Akbar and Todar Mal, the facts of the anarchical conditions of Bengal at the time the English commenced their government are in full and painful evidence. In its origin, as has been seen, the Mughal government of Bengal was a military occupation in which the Subahdar tended to make himself independent of the Emperor, while the faujdars would do their best to be independent of the Subahdar. The fratricidal struggles which ensued on the death of Aurangzib made it possible for the crafty Murshid Kuli Khan to build up his fortunes, so that when he was able to combine the offices of Nazim and Diwan, he was able to make himself an almost independent King in Bengal. The office of Subahdar, hitherto an appointment at the pleasure of the Mughal, from the time of Ali Verdi Khan's death, came to be regarded as descending by inheritance. Not only had the government at headquarters passed through a revolution, but the whole of its machinery was in disorder. In 1742 the Marathas had spread through the plains watered by the Bhagirathi, and for the time the Nawab was cut off from his possessions to the west of the Ganges, and, although during the following six years the Nawab engaged successfully with the Maratha forces; yet in 1751, Ali Verdi Khan was constrained to recognise the Maratha chief as his Deputy in Orissa, to grant him the right to appropriate the revenues, and was moreover compelled to pay twelve lakhs annually as chauth to this inconvenient Deputy. Behar had in the meanwhile been the scene of the savagery of the Afghans. The pictures drawn of Patna in the year 1748 recall that terrible description of our own motherland in the days of King Stephen, when men said openly that "Christ and His saints slept." "The insurgents sacked the city and its suburbs, looted treasures, dishonoured women and children and desolated a whole world," so writes the author of the *Riyazu-s-Salatin*. It is impossible to believe that when the strong Ali Verdi Khan had passed away, and his impulsive and effeminate grandson Siraj-ud-daula come into possession of the subahdari, the Mughal power would not have succumbed to the forces of disorder in Behar, or that the Marathas would have remained content with Cuttack. The defeat of the invading Marathas by the English in 1760 is one of the events which have been obscured by their more striking successes against Mir Kasim and Shah Alam. The internal condition of the country after Plassey is a subject which has never been dealt with adequately. We do not, for instance, realise that there were in existence powerful chiefs in Bengal, who even after Plassey could set the conjoint authority of the English and the Nawab at defiance. It cannot be conceived that Siraj-ud-daula or indeed Mir Jafar unprotected, could have passed through an ordeal in which Ali Verdi Khan all but succumbed.

It has been shewn how besides the Imperial collection of land revenue there existed a system by which the faujdars and zamindars collected

almost numberless cesses from the cultivators. On behalf of the Imperial Government for each important unit of the revenue collection there were officers called Kanungos.[1] Of these officers Mr. Westland writes: "These Kanungoes were officers deputed on the part of the ruling power to the offices of the zemindaris. Their duty was to authenticate transfers and leases, and to see that the zemindari accounts (the basis of the various settlements) were truly and properly kept. According to a very ancient custom, they were paid by a sort of cess called *nim-taki* or *pao-taki*, according as it was half or quarter per cent, of the collections. Besides the kanungoes at the sudder office[2] of the zemindari, there were similar subordinate officers at the mofussil[3] cutcherries, but these were either paid in cash or by a piece of land by the zemindars. Some of the zemindars did not like this supervision, and did what they could to oppose the kanungoes; but some of them, for their own sakes, liked to have one as a check upon their own amlah."[4] It has been seen that it was from the kanungoes Todar Mal derived the bulk of his information, and in the *Ain-i-Akbari* it is said "the Kanungo is the protector of the husbandman, and there is one in every parganah."

The representative of the village in revenue matters was the *Patwari*, who was maintained by allowances from the cultivators and grants of village lands. The Kanungo, who represented the State, and the Patwari, representing the cultivators, would have been invaluable officers, had not the whole Mughal system been vitiated by the cesses worked for the benefit of faujdars and zamindars. Under the system of cesses, however, the district records bear witness to what Sir John Shore aptly described as "an intricate scene of collusion opposed to exaction and of unlicensed demand substituted for methodised claims." If the Patwari was well aware of the oppressive nature of the demands of the zamindar, he was also not ignorant of the fact that the cultivators, whom he represented, held far more land than was placed under assessment.[5] The structure of the Mughal system indeed had become so thoroughly rotten that when in 1772 the English Government attempted to relieve the cultivators by abolishing some of the most obvious abuses in the cesses, such for instance as the haldari or fees on marriage, the repeal failed to benefit the ryots, for the cesses continued to be collected but were not placed to the credit of the treasury. The ignorance of Government as to the extent of the ryots' holdings stood in the way of any measure which would have benefited the ryot, and the patwaris had too long been accustomed to place their whole trust in collusive frauds

[1] Properly Kanungo: go=speaker: Kanun=the canon or rule. Lindsay writes "Congoo"!

[2] Sudder (*Sadr*)—headquarters.

[3] Mofussil (*Mufassal*)—district, "up-country."

[4] Westland: Op. cit. pp. 87-88. *Amla*: "the collective head native officers of a judicial or revenue court." Wilson: *Glossary*.

[5] Harington in his *Analysis* mentions that in Jessore the *nominal* rate of the land revenue assessment was three rupees per bigha, but the *actual* rate was only one rupee "as the riots possess fifteen bighas when their pattas state five only," and upon the last quantity the assessment of three rupees only is made.

to look for the salvation of their clients in the good intentions of the English sahibs.

The subject of the administration of justice during the Mughal occupation is an extremely difficult one, and contradictory accounts have been given by writers of authority. Field, in his work, *The Regulations of the Bengal Code*, writes: "The operation of these Courts[1] was confined to the circle round about Murshedabad, and there were no proper arrangements for subordinate jurisdiction in the distant districts. The Kazi indeed had his substitutes, but their power was exercised under no lawful and authoritative commission, and depended upon the pleasure of the people, or their ability to contest its exercise. The zemindars, farmers, and other revenue officers accordingly assumed that power for which no provision was made by the law of the land, and they exercised it with a view, not to justice, but their own interests."[2]

In the *Sixth Report of the Committee of Secrecy, 1773*, on the other hand, it is stated: "The Criminal Court in every district was generally known by the name of the Phousdary (*Faujdari*), the Zemindar or raja of the district was the judge in this court: his jurisdiction extended to all criminal cases, but.....in such as were of a capital nature, the sentence was not to be executed until a report of the case was made to the Government at Murshedabad, and orders received upon it. The proceedings in this Court were summary: the most frequent mode of punishment, particularly where the man accused was a man of wealth, was by fine, and every fine imposed by the authority of the Court, was a perquisite of the zemindar himself, by virtue of the tenure of his lands; the natural effects of this circumstance, upon the fair administration of criminal justice appear to your Committee to have been severely felt."

In a minute dated the 7th December, 1775, Hastings disputes the accuracy of this statement, and when it is remembered that Hastings

[1] Field (Op. cit. pp. 134-35) gives the list supplied in the Letter of the Committee of Circuit, 15 Aug., 1772:

(1) The Nazim, who, as supreme Magistrate, presided personally at the trial of capital offenders.

(2) The Diwan, who was supposed to decide cases relating to real estate or property in land, but who seldom exercised this jurisdiction in person.

(3) The Darogah-Adalat-al-Alia, or Deputy of the Nazim in the criminal court, who took cognizance of quarrels, frays, and abuse, and also of all matters of property, excepting claims of land and inheritance.

(4) The Darogah-i-Adalat-Diwani, or Deputy of the Diwan in the Civil Court.

(5) The Faujdar, or Officer of police, and Judge of all crimes not capital.

(6) The Kazi, who decided claims of inheritance or succession.

(7) The Muhtasib, who had cognizance of drunkenness, the vending of spirituous liquors and intoxicating drugs, and the examination of false weights and measures.

(8) The Mufti, who expounded the law for the Kazi, who, if he agreed, decided accordingly. If he disagreed, a reference was made to the Nazim, who called a council of jurisconsults.

(9) The Kanungoes, or Registrars of the lands, to whom cases connected with land were occasionally referred for decision.

(10) The Kotwal, or Peace-Officer of the night, subordinate to the Faujdar.

[2] Field: Op. cit. Introduction, p. 135. Field overlooks the special jurisdictions at Dacca.

during his early career in the country had been stationed as Resident at the Durbar and had acquired in that position an unrivalled knowledge of the Native Government, his view may be accepted with confidence. In reply to a minute entered by Clavering, Monson and Francis in which the statement of the Committee of Secrecy in regard to the alleged jurisdiction of the zamindar in the Faujdari Court had been repeated, Hastings writes :

> "The nature of the jurisdiction which the constitution of Bengal allowed to the Zemindars as it is explained in the opposite paragraph differs very widely from the idea which I have always entertained of it. I venture to pronounce with confidence that by the constitution of Bengal the zemindar neither presided in the criminal court of his district, nor pronounced nor executed sentence on all offences less than capital, nor on any offences whatever except the non payment of the rents (i.e. the revenue). 'He was answerable,' it is true, for the peace and good order of the country as far as his jurisdiction extended, but only as the subordinate instrument of a larger system. The land servants, or the ancient militia of the country, were under his immediate charge, and being distributed throughout the zemindary, enabled the zemindar both to watch over its internal quiet and to obtain information of whatever passed in any part of it, and so far the faujdar's jurisdiction is inherent in the zemindar. In the exercise of it, he was subject to a faujdar, who had the superintendence of a district comprehending many zemindaries, and had the thanas or inferior stations under the charge of officers and armed men dependent on him, besides a part of the land servants of each zemindary, the rest being employed to guard the villages and enforce the collections. It was the zemindar's duty to give constant intelligence to the Nawab through the Roy Royan [Rai Raian] and to assist the faujdar in the apprehension of robbers and in executing the measures, which were required of him for preserving the peace of the country ; but this duty first and immediately belonged to the faujdar, who was the representative of the Nazim, and to him the people looked up for justice and protection, even against their own chiefs. The Faujdar was the check even upon the zemindars, who were often—and those of the Dacca district always—the patrons and abettors of dacoits, whose haunts and practices it was their especial duty to detect. In effect the law or custom which made the zemindar responsible for all robberies committed in his district,[1] whatever might have been the purpose of its

[1] The following letter from the Comptrolling Council of Revenue at Murshidabad is illustrative, (Consultations of 10th June, 1771.)

Murshidabad,
10th June, 1771.

"

To Mr. William Rooke,
Supervisor of Jessore.

Sir,

.....After the measures we have already taken for protecting the country from the outrages of dekoits, we are concerned to find that they should still continue, and as the

original institution, operated and was regarded under the Mohammedan Government rather as a punishment for connivance than a fine for neglect. Many instances may be quoted of zemindars who exercised other powers, and particularly in the oppressive custom, which they had assumed, of levying unlimited fines from the ryots on accusations of fornication and a variety of other pretences. Such is the case in all despotic Governments, especially in those which have undergone frequent revolutions ; but I believe—and I have authority for believing—that the constitutional powers of which the general Police of Bengal was composed will be found exactly as I have described them.....The zemindar of Burdwan was allowed the exercise of a faujdary jurisdiction by a special sunnud from the Nazim. I believe there is not another instance, and this is rather a proof of the existence of the system which I have described than an exception to it, otherwise an especial sunnud would have been unnecessary."[1]

The responsibilities of the zamindars is a subject of some importance in the present inquiry, and it will be worth while, therefore, to give in parallel columns the relevant part of the text of two zamindari sanads :[2]

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extremity they have gone to in perpetrating the murder of Mr. Dennis Holland affords but too just cause to suspect that they are countenanced in their villainies by the zemindars of the district or their officers, we are, upon this presumption, determined to sift the matter to the bottom ; and, as it becomes necessary in so doing to adopt the custom of the country in making the zemindar responsible, we direct, if he does not immediately produce the murderers, that you do send him a prisoner to the City (i.e. Murshidabad), accompanied with as particular information as you can collect on the spot of the circumstances attending this atrocious murder. You will at the same time take such measures as that the Business of the Revenue may not suffer by the zemindar's absence.....

We are, (etc.)

See also Long : *Selections*, No. 843.

[1] G. W. Forrest : *Selections from the Letters, Despatches, and other State Papers, preserved in the Foreign Department of the Government of India, 1772-1785*, Calcutta, 1890, vol. ii, pp. 454-55. Clavering, etc., attempted to reply by producing an apparently contradictory statement in the 18th article of Hastings and Barwell's Proposal for a new settlement, 22nd April, 1775. See Forrest : Op. cit. p. 505. But Francis seems to have been convinced. When examined by the Select Committee of the House of Commons (*VIth Report*, p. 11) in 1782 Francis referred to the discussion in 1775, and added : "The result of later enquiries has in some degree satisfied him that, whatever criminal jurisdiction was exercised by the zemindars, it did not go much beyond petty offences ; he believes it did not extend to life or limb." On these points, however, Mr. Francis said, he did not presume to speak positively.

[2] It may be observed that on 13th February, 1776, Hastings' government granted a sanad for the zamindari of Cooch Behar to Rajah Dhairyendra Narayan. The terms of this sanad are almost identical with those of the sanads cited in the text above. See Aitchison : *Collection of Treaties*, etc., vol. i, p. 293.

(From Shore's Minute, April, 1788.)

Translation of a Sunnud, under the seal of the Nawab Serfraz Khan, Dewan of the Soobah of Bengal, dated the 27th of the month Rumzan, in the 17th year of the reign of His Majesty Mohummad Shah, or A.D. 1735-6.

To the Mutsuddies[1] of affairs, and the officers entrusted with public transactions, for the time being and to come, to the Canoongoes, Mukuddums,[2] and husbandmen, of the pergunnah Rajshahy, etc., belonging to the Soobah of Bengal, the Paradise of Kingdoms, be it known that, in consequence of the Ferd Sewul,[3] which has been signed by the noble and princely Shujaa ud Doulah, Mohtimun ul Muluk, Shujaa ud Deen, Mohammed Khan, Behadur, Assud Jung, Nazim of the Soobah, and agreeably to which the Furd Hukeekut[4] and Mochulka[5] have also obtained signature (the contents of all which are endorsed therein) the service of the zemindarry of the aforesaid pergunnah has been conferred, since the decease of Ramjeewun, and in consideration of a peishcush, etc., and the balances, and the annual jumma of the pergunnah abovementioned, according to the annexed endorsement, on the first among his contemporaries, Ram Kunt, the adopted son of the aforesaid person; to the end that, duly attending to the duties and functions

[1] *Mutasaddi.* A writer or clerk.

[2] *Mukaddam.* The village head-man or representative.

[3] *Ferd-i-sawal.* Petition.

[4] *Ferd-i-hakikat.* A memorandum or report on the circumstances.

[5] *Muchalka.* Counterpart covenant.

(From Verelst's *View.*)

Sunnud for the Zemindary of the Honourable East India Company's lands, given under the seal of the Nabob Allow o Dowla Meer Mahomed Saddoc Khan Bahader Assud Jung, Dewan of the Subah of Bengal.

To the Muttaseddies for affairs for the time being and to come, and Chowdrees and Canongoes, and inhabitants, and husbandmen of the Kismut[1] Purgunnah of Calcutta, etc. of the Sircar Sautgaum,[2] etc. belonging to the Paradise of Nations, the Subah of Bengal. Be it known, that in consequence of the Ferd Sawal, signed by the glory of the Nobility and administration, Shujah ul Muluck Hossam o Dowla Meer Mahomed Jaffier Khan Bahader Mahabut Jung, Nizam of the Subah, and the Ferd Huckeekut and Muchulca, signed conformably thereto; the forms of which are herein fully set forth. The office of the zemindarry of the Purgunnahs above written, in consideration of the sum of twenty thousand one hundred and one rupees (20,101) Peshcush,[3] etc. to the Imperial Sircar, according to the indorsement, from the month Poos (Anno 1164) in the year eleven hundred and sixty-four of the Bengal aera is conferred upon the noblest of merchants, the English Company, to the end that they

[1] Kismut, correctly *kismat.* "Applied in revenue matters to a portion of land detached from a larger division as from a taluk or a pargana, especially if subject to a different jurisdiction." Wilson: *Glossary.*

[2] Sautgaum, i.e. Satgaon, the ancient Hindu Saptagram (the seven villages, and the Portuguese Porto Piqueno. See an article by Lt.-Col. D. G. Crawford: "Satgaon and Tribeni", in *Bengal: Past and Present*, vol. iii.

[3] *Peshkash.* Fee.

of that service, he may not be wanting in the most minute particle of diligence and assiduity; that he pay into the royal treasury the peishcush, etc., and the balances, according to kistbundy;[1] and discharge year by year at the stated times and periods, the due rents, after receiving credit for muzcoorat,[2] nankar, etc., agreeable to usage; that he observe a commendable conduct towards the class of ryots and common people at large; and employ himself diligently in expelling and punishing the refractory; and exert his utmost endeavours that no trace of thieves, robbers, and disorderly persons, may remain within his boundaries; that he conciliate and encourage the ryots, and promote the advancement of cultivation, the improvement of the country, and the increase of its produce; that he take special care of the high-roads, so that travellers and passengers may pass and repass in perfect confidence; and, if at any time the property of any person shall be stolen or plundered, that he produce the thieves and robbers together with the property; and, delivering the latter to the owner, consign the former to punishment: that in case he do not produce them, he himself become responsible for the property; that he exert his vigilance that no one be guilty of drunkenness or irregularities of behaviour within the boundaries of his zemindary; that he refrain from the exaction of the *abwabs* prohibited by the Imperial Court; and that he deliver into the Dufter Khannah of Government the official papers attend to the rights and customs thereof as is fitting, nor in the least circumstance neglect or withhold the vigilance and care due thereto; that they deliver into the treasury at proper times, the rents of the Sircar; that they behave in such manner to the inhabitants and lower sort of people, that by their good management the said Purgunnahs may flourish and increase: that they suffer no robbers nor house-breakers to remain within their districts, and take such care of the King's highways, that the travellers and passengers may pass and repass without the least molestation: that (which God forbid) if the effects of any person be plundered or stolen, they discover and produce the plunderers and thieves, together with the goods, and deliver the goods to the owners, and the criminals to condign punishment, or else, that they themselves be responsible for the said goods; that they take especial care that no one be guilty of any crimes or drunkenness within the limits of their zemindarry; that after the expiration of the year they take a discharge according to custom, and that they deliver the accounts of their zemindarry agreeable to the stated form every year into the Dafter Cana[1] of the Sircar; and that they refrain from demanding the articles forbidden by the Imperial Court, the (Asylum of the World).

It is their (the Muttaseddies, etc.) duty to look upon the said Company as the established and lawful zemindars of those places, and whatsoever appertains or is annexed to that office as their right; in this particular be they strictly punctual.

[1] *Kisti-bandi.* The document in the collector's hands showing portions of the annual assessment, dates when due, etc.

[2] *Muskurat.* Deductions allowed to cover the zamindar's expenses in collecting the revenues; admitted fees, religious assignments,' etc.

Daftar-khana. Office.

required, conformable to custom signed by himself and the Canoongoes of the Soobah.

It is, therefore, required of the aforesaid persons, that they regard the above-mentioned Ram Kunt as the authorized zemindar of pergunnah Rajshahy, etc. etc.

Dated the first of Rabbi ul Sauni[1] in third sun[2] of the reign.

Let the indorsement be wrote.

[1] *Rabia-us-sani*. 4th month of Mahomedan year.

[2] Should be the 5th sun (Verelst's note).

To these requirements the petitioner for the sanad entered into an obligation by a muchalka which was inscribed on the sanad itself, and repeated word for word the requirements which have been quoted. It will be observed that the sanad, while it throws on the zamindar the duty of apprehending thieves, does not empower him to sit in judgment on them.

The subject of the police in Mahomedan Bengal is an exceedingly difficult one, because what research proves to be true of one district is probably untrue of another. It used to be a rather highly treasured belief that the village watch in Lower Bengal was a survival of the village system, which, it was supposed, "prevailed throughout Hindustan," but the special investigations conducted in 1865-66 by Mr. D. J. McNeile revealed the fact that, while "in the Western Provinces of Lower Bengal . . and notably in Orissa, the village system has not been entirely swept away," ("the very general assignment of lands to the village watchmen in service tenure being in itself one of the most prominent of its surviving features,") the existing village watch had been "instituted as a stipendiary force by the Zillah Magistrates within the last fifty years in all the districts of Chittagong, Dacca, and Nuddea and Rajshahy Divisions, except in part of Moorshedabad, and perhaps in the Nuddea and Jessore Districts."[1] Mr. McNeile's conclusion was that "in the part of Moorshedabad just excepted, throughout the Divisions of Patna, Bhaugalpur, Burdwan and Cuttack, the *general* character of the establishment is that of an immemorial institution."[2]

Under the ancient system the village watchman was employed to guard the persons and property of his fellow-villagers, and was maintained by small assignments of land and contributions of grain at harvest time. "As a rule," writes Mr. McNeile, "he belonged himself to some thieving gang, and his engagement as watchman was in fact an arrangement by which the villagers secured a partial immunity from attack by buying over one of the enemy."[3] It is conjectured that under the Mughal system the watchmen became enrolled on the establishments of the several zamindars,

[1] D. J. McNeile: *Report on the Village Watch of the Lower Provinces of Bengal*. Calcutta, 1866, p. 4.

[2] The names under which the village watchman appears in the District Records are infinite in number. See a partial enumeration in McNeil: Op. cit. pp. 8 & 9. Mr. McNeile mentions that the term "Chokidar" does not appear to have been attached, before the Decennial Settlement, to the village watchman, properly so-called, in any part of Bengal.

[3] *Ibid.*, p. 5.

were employed in the collection of the revenue as well as in their original occupation of the village watch, and were, with the other inferior local servants, rewarded by lands on *chakaran* tenure.

The greater zamindars it must be remembered, had considerable numbers of troops at their disposal. In Burdwan, for instance, the English in 1760 found three distinct establishments under the orders of the Raja :—

1. A military force ("nugdees") paid in cash from the Raja's treasury, their maintenance amounting to an annual cost of three lakhs.

2. A police force (thanadari).

3. A body of village watchmen and revenue collectors ("mal gram saran jami") maintained, as was also the thanadari force, by assignments of land revenue-free.

The Rajas of Birbhum and Bishnupur must also have had considerable armies at their command, for upon those potentates fell the defence of the western frontier. In Birbhum we meet with a frontier police, known as ghatwals, described by Sir William Hunter as "for the most part adventurers from Upper India, Afghans and Rajputs, who were wont to hire out their northern vigour and trenchant swords to the aristocracy of Lower Bengal." In point of fact the ghatwals were not a rural police, although they had certain police responsibilities.[1] The consideration of the military forces at the disposal of the rajas is relevant to the matter under present discussion, because under the zamindari system, not only would the police proper have been used for purposes of enforcing the revenue collections and other duties equally foreign to their original employment, but the whole military force would have been available for the realisation of the leading zamindar's responsibilities in the matter of the preservation of the peace and the expulsion of gang-robbers.

The system of police as we have described it was broken down before the English came into power in the districts of Bengal. Nothing can be more eloquent or more convincing than the fact that the gang-robbers, of whom the English had a terrible experience, were marauders, not by individual choice or necessity, but by ancestral calling. "The dacoits of Bengal are not, like the robbers in England, individuals driven to such desperate courses by sudden want: they are robbers by profession and even by birth." So wrote the Committee of Circuit on June 28th, 1772.[2] The lesser zamindars not only concealed crime, because they would be held responsible if the facts were made known, but in the feeble condition of the Mughal Government, they purchased their own safety by collusion with the criminals.

[1] See Hunter: *Annals of Rural Bengal*, 3rd edn., 1868, p. 324, and Baden-Powell: *Land Revenue in British India*, p. 119.

[2] Forrest: *Selections from the State Papers of the Governors-General of India: Warren Hastings*, vol. ii, p. 289.

It is important that the student should remember that the land-revenue, through whatever channel it passed to the treasury, was taken from the immediate cultivator of the soil. It is therefore necessary, before closing the present chapter, that some account should be given of the conditions of the ryots.

To enumerate the different kinds of ryotwari tenure which a survey of rural Bengal reveals would be a lengthy, and, for our present purpose, an uncalled-for task; the distinction between the *khudkasht* and *paikasht* ryots is, however, essential to an understanding of the economic laws in process in the period of time covered by the English occupation.[1] The khudkasht (*khud*=own, *kasht*=cultivation) ryot cultivated lands in the village[2] in which he resided. Having erected his own dwelling, he improved the cultivation, and almost invariably took in more land than he actually accounted for with the revenue authorities; this type of cultivator had obvious reasons for clinging to his holding. It is of this class of cultivator, Hastings writes: "the more valuable are those who reside in one fixed spot, where they have built themselves substantial houses, or derived them by inheritance from their fathers. These men will suffer much before they abandon their habitations, and therefore they are made to suffer much." A zamindar possessed of intelligence, it might be supposed, would not carry his oppressions so far as to drive a valuable cultivator to desert and so injure his own interest in the revenue collections. Whatever right the ryot might lay claim to, that right was subject to the conditions that the revenue was paid and the holding was cultivated: and these conditions fulfilled, the zamindar who attempted to oust the ryot, in order to instal one who offered an increased payment, would be regarded as acting unconstitutionally.

The Paikasht (*pai*, corruption of *pahi* from *pah*=*pas*, near, and so non-resident) ryot held his holding in a village to which he did not belong. "The vagrant reiats," Hastings continues, "have it in their power in some measure to make their own terms with the zemindars. They take land at an under-rent, and hold it for one season: the zemindar then increases their rent or exacts more from them than their agreement, and the reiats, either desert, or, if they continue, they hold their land at a rent lower than the established rent of the country. Thus the ancient and industrious tenants (*i. e.* the khudkasht ryots) are obliged to submit to undue exactions, while the vagrant reiats enjoy lands at half-price, which operates as an encouragement to desertion and to the depopulation of the country."[3]

It has been said that prudence might have dictated to the zamindar the necessity of keeping the khudkasht ryots on their lands, but

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[1] See an article on "The Khudkasht Ryot of Bengal" in the *Calcutta Review*, vol. lxxvii, 1883.

[2] The English reader must not be misled by the use of the familiar English word "village" in matters of Indian revenue. In connection with Indian revenue the village is not the cluster of homesteads only but an area of cultivated lands, in which homesteads may be congregated together or (as in the Rangpur district) even widely scattered.

[3] Francis: Op. cit., p. 154.

unfortunately the zamindars were not liberally endowed with that virtue.[1] Again constant rebellions, the menace of the Marathas, the raids of gang-robbers, etc. etc. were alike calculated to produce a state of things in which the necessity of flight would gain the advantage of love of an inherited hearth and home. In a European country in our own time, peasants have been known to consult lawyers as to the best way of getting rid of their rights as parliamentary electors, and it can be well understood how, with severe demands of revenue to satisfy, the ryot's predominant anxiety would be to dispossess himself of so costly a right to the soil. The khudkasht ryot, when he abandoned his holding, joined the ranks of the vagrants, and thus, gradually a tenure dependent on status was, under the working of the law of supply and demand, changed for tenure by contract. The famine and pestilence of 1769-70, resulting in an estimated loss to Bengal of one-third of its inhabitants, necessarily increased the tendency of the remaining resident cultivators to wander abroad in search of holdings on more moderate terms.[2]

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[1] Francis argued that the zamindar and ryots "if left to themselves, will soon come to an agreement" : to this Hastings replies : "this would be a just conclusion, if the zemindars were all capable of distinguishing what was for their advantage. But it is a fact, which will with difficulty obtain credit in England, though the notoriety will justify me in asserting it here, that much the greatest part of the zemindars, both of Bengal and Bahar, are incapable of judging or acting for themselves, being either minors, or men of weak understandings, or absolute idiots. This circumstance, and the consequent oppressions, which are exercised by those who act for them, without any interest in the prosperity of the zemindary, render it necessary to provide for the security of the Reiats by checks and regulations." Francis : Op. cit., pp. 153-54. Sir John Shore may also be quoted in confirmation of Hastings' view of the incapacity of the bulk of the zamindars.

[2] In this paragraph I have followed the lines of Sir William Hunter's argument in his Introduction to *Bengal Ms. Records* : but I venture to express the opinion that it will be necessary to sacrifice lucidity of his argument in the interest of a number of historical facts relative to the tenure of the ryots ; *e.g.*, the diminished revenue demands on ryots, known as jotedars, ganthedars, etc. etc., on the terms that they would realise revenue from their dependents. There were ryots who, in the records, appear as zamindars looked at through the other end of the opera-glass. The creation of this class of ryot must have, at least to some extent, counterbalanced the economic process so clearly traced by Sir William Hunter. See Westland : Op. cit., p. 91 ; Seton-Karr : *Cornwallis* : ("Rulers of India" series), p. 56, and Glazier : *Further Notes on the Rungpore Records* for T. Sisson's account of Purja (Praja=subject) ryots.

CHAPTER III.

THE COMING OF THE ENGLISH TO BENGAL, 1630-1698.

In the year 1620, English pioneer merchants from Surat had reached Patna, by way of Agra, but this early attempt to found a commercial settlement in Behar was soon abandoned.[1] Eleven years later Thomas Robinson made an effort to reach Bengal. He left Masulipatam, on 29th July, 1631, but his ship, the *Hopewell*, was compelled by foul weather to return. In the following year, Thomas Woodson sailed for the Bay in the *Pearl*, to barter lead, quicksilver, vermilion, cloth, etc., for rice, butter and cloth, etc., and to discover what opportunities for trade Bengal could offer, but contrary winds compelled the *Pearl* to return without completing the voyage.[2] In 1633, the Company's agent at Masulipatam, finding it necessary to obtain a more liberal supply of cloth than that place could afford, despatched eight Englishmen by country boat to the coast of Orissa. A picturesque account of this journey, by William Burton, is to be found in Osborne's Collections of *Voyages and Travels* (1752). After describing the visit to the Durbar at Cuttack, Burton writes : "The ninth of May we gathered together all our things and at night departed from Coteke. The tenth, at the hour of two in the afternoon, we came to the town of Harharrapoore, and rested in the house of our interpreter. The eleventh day we went to the Governor of the town, and shewed him our fermand (farman), or commission from the king : the governor made a great *salame*, or court'sy in reverence unto it, and promised his best assistance and help in everything that he could do : and there the said governor had a small present given him. The twelfth day of May Mr. Thomas Colley came to us at Harharrapoore, and the rest of the English with him, with all the goods : there we hired a house for the present, till such time as ours might be built, for our further occasions to the Company's use.....The fourteenth day, the two merchants went abroad, and found out a plot of land to build upon ; then they laid the King's deroy[3] on it and seized upon it for the Company's use ; and there was no man that did or durst gainsay them for doing the same."[4]

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[1] This fact is mentioned by Stewart (*History of Bengal*, 1847, pp. 140-41) who refers to "Vol. 1 of *India Records*, 1620," a reference now impossible to verify. Yule (*Hedges Diary*, Hakluyt Society) conjectures that if the English indeed reached Patna at an early date the advance must have been made from the Western coast. Mr. Foster has given the documentary proofs in his *English Factories in India, 1618-1621*, p. 191 *et seq.*

[2] C. R. Wilson : *A Note on the English Chiefs at Balasor*, 1633-50. 1906. (unpublished pamphlet). See Foster : *English Factories in India, 1630-33*, p. 244.

[3] C. R. Wilson explains this word : "Mar. Durahi or Tel. durai : 'a prohibition in the King's name for anyone to have anything to do with them till that be taken off." The late Mr. William Irvine, in a private letter writes : "This passage is of considerable importance in its bearing on the hotly contested question of private property in land. In this instance, when the ruler required some land he ordered it to be taken without payment." This durai was the act of Agha Muhammad Zaman, the Nawab or Governor of Cuttack.

[4] C. R. Wilson : *Early Annals of the English in Bengal*, vol 1, p. 15. Hariharapur or Hariharpur at the mouth of the Patali, or Patna river, is between Cuttack and the ancient harbour of Harispur.

The farman referred to by Burton cannot be traced, and it is possible that the document may have been not a farman from the Emperor, but a rescript from the Subahdar of Orissa or Nawab at Cuttack. The important thing to be noticed is that the Company's servants in their early days in

.... Mughal) would be rega...

Methwold indeed had a deeper insight into the real state of affairs, and it would have saved the Company much expense and repeated disappointments had they been guided by the President's wise words (written on 28th April, 1636): "the Kinge's commands (for so much the word farman doth imply) are as easily procured as other princes'; for, if there be no powerful opposer, they are almost as easily had as the charges are disbursed. And, when you have them, they are no more esteemed than things so easily purchased; whilst everyone honours the Kinge, but no man obeys him. And so it comes to passe that his firmaun doth neither inforce us to Piply nor yet exclude us from Harriupore, which latter place wee doe only frequent. So that matters not much, if peace be made with the Governor, what the Kinge shall please to command or forbid, except some neibour Governor find himselfe prejudiced."[1]

It would seem that the English were obsessed by the fallacy that a farman from the Emperor would be as binding and efficacious as was their own Charter from the English Crown. They sought to obtain concessions which once granted would not be subject to be worked at the Emperor's pleasure, whereas to the Mughal this doctrine as to the limitation of his discretion by farmans would probably have seemed strange and undesirable. The English failed to understand that the Mughal Empire was something *sui generis*, and they emphasised their misunderstanding by expecting from the Delhi Emperor pledges, which, under a Government so loosely held together, were impossible. Even after the English had provided themselves with a fortress and the means of offering retaliation for real or fancied injuries the concessions accorded to them in 1717 proved nugatory, because, whatever the Mughal might choose to order his Viceroy at Murshidabad would not allow the Company to realise their rights. It was not till 1765 Clive won from the Emperor irrevocable concessions but at that date the military supremacy in Bengal had been transferred to the English.

There is ground for believing that in 1634, the year following the foundation of factories at Hariharapur and Balasore by Cartwright, the English at Surat received from Shah Jahan a *farman* permitting their merchants to trade in Bengal, but restricting their ships to the Port of Piple.[2]

[1] Foster: *The English Factories in Bengal, 1634-36*, p. 204.

[2] The object of this restriction was perhaps to prevent the English becoming too powerful at Hughli, whence the Portuguese had been expelled in 1632. Mr. Foster shews that Dr. Wilson's scepticism as to Shah Jahan's farman of 1634 is not justified. In 1621 that Emperor, when Prince Khurram, visited Pipli, and named it the "Royal Port, Shah Bandar." The town has been completely washed away.

Stewart, however, is in error when he says that it was at Pipli "the English established their first factory in Bengal."[1]

In 1650 the factory at Hughli was founded. The picturesque tradition of Gabriel Boughton and his services in restoring the health of Shah Jahan's favourite daughter, the poor burned Princess Jahanara, and of the reward he so unselfishly claimed in trading privileges for the Company, cannot be wholly trusted; but Mr. Foster's recent researches[2] have made it appear extremely probable that it was due to Boughton's influence with his patron Sultan Shuja that, in 1651, the Hughli factors obtained a *nishan* from Sultan Shuja, then residing as Subahdar of Bengal at Rajmahal,[3] and by the terms of this *nishan*, for which was paid a *peshkash* of three thousand rupees, the English were permitted to trade free of duty.[4] This precious document was lost when Paul Waldegrave fell among theives and was robbed of his and the Company's possessions on the road from Balasore to Masulipatam. To supply the place of so essential a credential, a "Mr. Billedge" repaired to the Court of the Prince at Rajmahal, and thanks to the offices of "James Price,—that was Mr. Boughton's servant," obtained a *nishan*, identical in terms with the one that had been stolen.

Sultan Shuja, it will be remembered, was the second son of the Emperor Shah Jahan. The story of his attempt to secure the throne of Delhi, of his defeat by his third brother, Aurangzib, and of his murder by the Arakanese, forms a memorable chapter in the history of the Mughals. In after times the subahdari of Sultan Shuja came to be regarded as an epoch of good and equitable administration, and the decline of the Mughal rule in Bengal has been held to date from 1659, when the ill-fated Prince set out to play his part in the fratricidal struggle for the Peacock throne. An account of Hughli written by Walter Clavell in December, 1676, perhaps gives a better date to fix the period of decadence:

> "Hughly having the advantage of situation upon the banks of the river Ganges, whose branches come far from the country above, and spread wide thereabouts, was in former times in the possession of the Portuguese, who in their prosperity sailed to it yearly from India and Malaya with 60: 80: to 100: vessels, and since the loss of it to the Moors, which happened about 42 years since, hath continued to be a scale (emporium) of great trade, having the King's mansabdars for governors, who were put in by and answerable to the Nabobs of Bengal, who reside

[1] Stewart: Op. cit., p. 154. Field (*Regulations of the Bengal Code*, introduction) wrongly gives 1642 as the date of the commencement of the Balasore Factory. The error is repeated on p. 173 of vol. I of Aitchison's *Treaties*. (4th edition).

[2] *Indian Antiquary*, vol. xl, part dxi, September, 1911, art. "Gabriel Boughton and the Grant of Trading Privileges to the English in Bengal" by W. Foster.

[3] Sultan Shuja had removed his capital from Gaur to Rajmahal (or Akbarnagar). See Stewart: Op. cit., p. 156.

[4] A copy of the nishan will be found in the MS. collection of Charters and Treaties at the India Office, vol. 11, pp. 5-8. A translation is given by Stewart, op. cit., Appendix No. ii, and Sir R. Temple: op. cit. vol. ii, p. 21. The date given in the copy found in *Streynsham Master's Diary* is "the year of Hegira one thousand sixty-six (April, A. D. 1656) in the 28th year of the Emperor Shah Jehaun (Shah Jahan) his glorious reign." Dr. C. R. Wilson's reasoning about the date, however, has been disposed of by Mr. Foster's researches.

at Rajmahal or Dacca, as they pleased. So long as it continued thus governed by the Moors, justice was more exactly administered, and complaints made against the King's officers took place, particularly in the favour of strangers. But since the year 1663, or thereabouts (really 1666) that Nabob Shaistah Khan, the present King's uncle became Suba, or Viceroy of Bengal, and obtained Hughly as part of his *jagir* (or lands assigned him for his person), his servants being made so far governors as to receive all the rents, profits, perquisites, fines, customs, etc. of the place, the King's Governors hath little more than the name, and for the most part sit still while the Nabob's Officers oppress the people, monopolise most comodityes, even as low as grass for beasts, canes, firewood, thatch, etc. nor do they want ways to oppress those people of all sorts who trade, whether natives or strangers, since whatever they do when complained of to Dacca, is palliated under the name and colour of the Nabob's interest; and that the Nabob's officers may, without control, drive the trade of the place, there is sent from Dacca, or detained out of the rents, twenty or forty thousand rupees yearly to be employed in merchandise which is distributed amongst the Hindu merchants of the town, to each in proportion, for which they agree to give twenty five per cent per annum, but are called upon at six or eight months' end to make up their accounts and pay the principal with advance of a year, by which means, calling in their principal and interest so often, it sometimes happens that the merchants pay 50 per cent to the Nabob and Governors per annum, draining themselves by this unhappy trade with him and his Ministers of the whole advantages they make of their other traffick. And yet, as if this were not enough to impoverish them, the Governor, whenever he hath any goods on his hands, calls for them, and distributes amongst them what quantity he pleaseth, at 10 to 15 per cent higher than the market's for time, and they pay ready money. Nor doth this exempt them from piscashing the Nabob's Karoris or Governor with small presents at all feasts, his or his son's birthdays, circumcisions, marriages, or his going to and coming from Dacca, making up accounts and compounding for his rogueries. Nay, it hath in my time happened that, when the Nabob and his officers at Dacca have squeezed him much, and yet he is so lucky to return to his former employment, there hath been a tax laid upon the whole government under hand for the raising of the sum expended, which some one or two fearful persons have been brought on to comply with, and afterwards none of the rest have dared to withstand."[1]

[1] *The Diaries of Streynsham Master, 1675-80, and other contemporary Papers relating thereto.* (Indian Records series, 1911). Edited by Sir Richard Carnac Temple, Bart., vol. ii, pp. 79-81. Clavell arrived in London on 16th May, 1668. In 1670 he became "Chief in the Bay," and died at Balasore on the 3rd August, 1677. I have modernised the spelling in this passage, and adopted in one sentence the more reasonable reading suggested by Sir R. C. Temple.

This passage is full of important points. It brings out in the clearest way the evil of the divided government, the King's officers and the Nawab's: and it reveals highly placed Mughal authorities in the character of unscrupulous and oppressive merchants. The interest taken by the Nawabs in trade may be illustrated by a fact recorded of Prince Azim-ush Shan. "The Prince," writes Stewart, "wished to become the sole merchant of all European and foreign goods brought to Bengal; he, therefore, established agents at all the ports, with authority to purchase the cargo of every ship that arrived, at a low price; and after-wards retail the goods to the merchants at a considerable profit. To this species of commerce was assigned the epithets of *soudai khas* or *soudai aam*, special and general purchases."[1]

Despite the oppressions complained of the commercial undertakings of the English prospered, and from Hughli they despatched their merchants up-country. In order to procure their "investment," it was necessary that the merchants should make advances of money to the native manufacturers, and experience soon showed the necessity of a constant watchfulness over all to whom advances had been made. If the weavers would not come to the English, the English were bound to go in search of the weavers. The factory of Cossimbazar was opened before 1658. In 1659 the English were once again in the neighbourhood of Patna.[2] The Company in its letter of January 4, 1658, sanctioned a factory for Dacca, but, although Jean de Thevenot in 1666 speaks of the English house in that city, Dacca apparently did not enjoy the dignity of having a chief of its own until the year 1669. As the Company sent its bullion to be coined at Rajmahal the advantage of a settlement near at hand was perceived, and on October 14, 1676, Streynsham Master records in his Diary: "Mr. Richard Edwards, being now goeing with the Honourable Companyes treasure to the Mint at Rajamaull, it is thought fitt that, so soon as he shall put that business in a good forwardness he doe make a step over to Maulda to lay out the same in all sorts of goods before mentioned, and to informe himself well of the trade in the place, and to give the Councell an account thereof in writing." All this Mr. Edwards performed, but it was not till 1680 that the factory in Malda, or rather in its proximity, was founded.

The Malda Diary, commencing April 22, 1680, affords some striking instances of the evils wrought by the double government of the faujdars and the revenue officials. On April 10th, we read:

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[1] Stewart: Op. cit., p. 218. Soudai=*sauda*, traffic. *Aam* signifies the public as opposed to *khas*, the nobility.

[2] See John Marshall's "Accompt of Pattana" written December 16th, 1676: "The Honourable Company hath noe Factory here, but what hire, nor doth the Chiefe usually reside there, by reason the Nabob's Pallace is in the Citty, and his servants and officers are constantly craveing one thing or another, which, if not given, though they have not what they desire (*sic*) yett they are not satisfied therewith but creat trouble; and if given what they desire, will be very chargeable. Which inconveniency is prevented by living at Singee, which lyes north of Pattna, about ten or twelve miles *Extra Gangem*, and is scittuated in a pleasent but not whole (some) place, by reason of its being most saltpeter ground, but is convenient by reason thereof, for salt-peter men live not far from it" *Diaries of Streynsham Master*, vol. ii, p. 89. Yule *(Diary of William Hedges*, vol. ii, p. 241) identifies Singee with Singhiya near Lalganj For dates in text see *Ibid* vol, pp. 194-95.

"Yesterday and to-day the town of Maulda was put to a great alarm, both our Phausdar and Crowry *(Krori*[1]*)* prepareing to fly for fear of one Sadutbuno Cawn (formerly a Hindoo of these parts whoe is come from the King with a company of 4, or 500 horse, pretending to have a phirmaund for his haveing the place of Congoy *(Kanungo)* and for breaking a Hindoo pagoda by Binnood Rayes house in Sawazaan, where he now is. It is also reported that by beating an old woman of Binood Rayes household into confession, (he) has found 2½ lack of rupees, which he takes as his owne and also 25: Turky horses out of his stable and since has killed the old woman that told him of the mony and 2: or 3 men at the dore of the house entering in and other of Hunaraine's servants he imprisons and has forced some to turn Mussellmen."

A week later the Factors heard with relief that "Sadutbuno Cawn was removed from Sawazaan and intended for Razanull." The following passage (September 12) gives us the Faujdar's portrait in miniature: [2]

"About 1: a clock at night a broad iron pointed arrow was shott into our house and almost hit a pion (peon) that slept at our dore: whereupon a great complaint was made to the Fousdar withall threatening him to send the arrow to Dacca, etc., if he would not give us satisfactory justice; whereupon he seemed very hott on our side, but that was soon cooled after he had ransacked all the widoes, moodyes and weavers houses about us and taken away from them who probably never had an arrow in their lives (and called many people to see his zeale for justice) which was all he gott."

During the struggle between the sons of Shah Jahan, the Faujdar of Hughli and the English had come to an agreement that in return for its privileges of free trade in Bengal the Company should pay an annual peshkash of Rs. 3000 to the Subahdar. Mir Jumlah, the general who had driven Sultan Shuja to his flight and doom, remained as Viceroy in Bengal, and removed the seat of his government from Rajmahal to Dacca. In 1660 the English ventured to retaliate for the detention of one of their saltpetre boats by seizing one of the Nawab's vessels. An humble apology to the Nawab terminated this incident, but the event had its significance. Mir Jumlah's death in 1663-64 seems to have been the result of the ardours endured during his expedition in Assam. He was succeeded in the Subahdari by Shaista Khan, a great magnate of the Imperial Court, and a maternal uncle of the Emperor Aurangzib. Stewart observes that "although no English vessels were allowed to sail up the Ganges before his (Shaista Khan's) time, viz. A. D. 1664, yet it appears that, in the year 1669, the

[1] *Krori*, a revenue collector to the extent of a *kror* of dams, generally an overseer.

[2] *The Diaries of Streynsham Master* afford several instances of the need in which the English stood to humour two rival authorities, *e. g.* "This day Mr. Clavell, Mr. Vincent, and myself made a visit to the King's Fousdar, and to Bull-Chand, the Nawab's Governour of Muxadavad." Vol. I, p. 365. "Visited our new Governour for the King, Meer Reeze (Mir Riyaz), as also Ashmutt Cawn ('Azmut Khan) Governor for the Prince.' Vol. II, p. 298.

East India Company had, by his permission, formed a regular establishment of pilots, for conducting their ships up and down the river. Shaista Khan also, in the year 1672, granted them an order for freedom of trade throughout the province, without the payment of any duties."[1] In Shaista Khan's time, it is said, the French and the Danes commenced their commercial activities in Bengal.[2]

It would be beside the purpose of the present work to attempt an enumeration of the various commercial negotiations which took place between the Company in Bengal and the successive Subahdars. The tendency of the Mughal officers, under Aurangzib was to deal with the English as infidels, and therefore subject to the infliction of the poll tax or *jizia*. At Surat, moreover, the Company paid a duty of 3½ per cent on its goods, and it was claimed that a similar duty should be paid in Bengal. The English had indeed secured a *farman* from Aurangzib but this document, dated 1680, admitted of being read in two different ways.[3] The high-water mark of privilege in fact was represented by the concession of the right to trade duty-free in consideration of the payment of an annual sum of Rs. 3000.

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[1] Stewart, op. cit., p. 189. Shaista Khan held the Subahdari of Bengal from A. D. 1663-64 to 1667, and again from 1679-80 to 1689.

[2] Stewart (op. cit., p. 190) writes: "It was during the government of Shaistah Khan, that is to say about the year 1676, that the French and Danes established themselves in Bengal." Apparently the French first settled in or close to Hughli. In 1688 Andre Boureau-Deslandes was appointed Director-General of Commerce in Bengal, but, having quarrelled with the Portuguese Augustinian friars, in 1690, he retired to Chandarnagar, and commenced a *loge* there. On January 16th, 1692 the Calcutta Council write that "the French had almost completed a large factory at Chandarnagar." The General letter from Fort St. George (Madras), dated 20th November, 1691, records "the Mounseers have been long idle and quiet at Pullichery..... though their Chief in Bengall is building several large factoryes, bigg enough for a mighty trade but 'tis doubted too large for their stock." See *Storia do Mogor*, edited by W. Irvine, vol. iii, p. lxxiv and *Bengal: Past and Present*, vol. iv, pp. 616-17, vol. v, pp. 342-45 (contributions by W. Irvine and A. Lehuraux) and vol. v, for an article "Notes on the Head-quarters of the French East India Company at Hooghly" by Charu Chandra Roy. Streynsham Master in September, 1676, writes: "less than two miles short of Hughly we passed by the Dutch garden, and a little farther by a large spot of ground which the French had laid out for a factory, the gate to which was standing but was now in possession of the Dutch." *Diaries of Streynsham Master*, vol. I, p. 325. The Danes had an entrenched factory at Balasore, op. cit., vol. I, pp. 319-20. The Danish settlement at Serampore was not commenced until 1759.

[3] In the Name of God, Amen. To all present and future rulers in Surat that remain in hopes of the Emperor's favour. Be it known that at this happy time it is agreed of the English nation besides their usual custom of two per cent, for their goods, more one and a half per cent *sizyah*, or poll-money, shall be taken. Wherefore it is commanded that in the said place, from the first day of Shawal, in the 23rd year of our reign, of the said people three and a half per cent of

English reading—All their goods, on account of custom or poll-money, be taken for the future And at all other places, upon this account let no one molest them for custom,

The Nawab's Reading—All their goodes, on account of custom, or Poll-tax, be taken for the future, and at all other places. Upon this account let no one molest them for customs,

rah-dari, peshkash, farmaish, and other matters made by the Emperor's Court forbidden, nor make any demands in these particulars. Observe. Written on the twenty-third day of the month of Çafar, in the twenty-third year. Wilson: *Early Annals*, vol. ii, p. 78.

In an unpublished note, Mr. Irvine explains:—

"*Rah-dari*. The evolution of the word seems as follows: (1) Rah dar, guardian of a road; (2) Rah dari, either the safe convoy, or the office of the Rah-dari itself; (3) Rah dari, the sum realised to pay the guards; (4) Rahdari, a transit duty pure and simple.

The English had thus entered Bengal as the humble servants of a trading company, and for freedom and protection in their commercial operations they relied on the good will of "the country powers." The farmans and parwanas expressive of this good-will, however, were regarded by them as definite concessions of legal rights, and it was not in their nature to forego meekly any right they believed had been formally conceded to them. Nor could it be forgotten that the Charter granted to the Company in 1661 empowered its Government "to erect fortifications, to raise troops, and make war with non-Christians." The necessity of protecting their commerce by the establishment of a fortress came into view, and as this necessity comes to be understood, the history of the English in Bengal passes into its second phase.[1]

In the year 1682, the Company, in consideration of the great increase in its Bengal investments, and no doubt elated by the receipt of Aurangzib's farman, made Bengal independent of Madras, and despatched William Hedges, one of their directors, to be their chief Agent or Governor in the Bay of Bengal. The new Governor came to his task with a belief in his own superior power of negotiation, and for a time there was a revival in the confidence formerly reposed in farmans and parwanas. Although Bengal had twice been visited by the Company's Governor of Fort St. George, and attempts had been made to remedy evils, yet in 1682 the trade at Hughli came to "a general stop." In October of that year finding "the several affronts, insolences, and abuses daily put upon us by Boolchund (Balchandra), our chief customer.....grown insufferable,"[2] Hedges resolved to proceed to Dacca, and lay a complaint before Shaista Khan. The events which followed this resolution are deeply significant. Paramesvar Das, the local revenue authority, allowed the Governor and his escort to set sail, but secretly despatched armed parties to seize the little fleet higher up the river. After an affray, full of ignominy for the English, and five days spent in humiliating disputes, Hedges made off for Dacca by night. In the course of the journey he met with further molestation, but ultimately reached Dacca on the 29th of October. At the Capital, Hedges spent some six weeks in negotiations, and came away flattering himself:

> "My going to Dacca has in ye first place got 7 months time for procuring a *phirmaund (farman)*; 2ndly, taken off wholly

"*Peshkash.* I should myself prefer the etymology of peshkashdar 'to bring or lay before anyone.' Thus *peshkash*—a thing laid before someone, *i. e.*, a gift, all gifts to superiors being solemnly produced and accepted.

"*Farmaish.* (Wilson defined the term as 'commission for goods'). As 'Commission' in common usage means a 'percentage allowed to someone,' would not 'order for goods' be preferable? Farmaish means a requisition for goods issued by a superior to an inferior official. These were not always paid for or allowed."

[1] The subject of the Company's sufferings at the hands of unlicensed European traders, "interlopers" as they were called, is too large a one to be handled in this work, but it should be pointed out that the natural refusal of the Mughal authorities to expel the Company's rivals was regarded by the Company's officials as an infidelity to agreements.

[2] *The Diary of William Hedges, Esq. (afterwards Sir Willam Hedges).* Transcribed for the Press with Introductory notes by R. Barlow, and illustrated by copious extracts, etc. by Colonel Yule, R. E., C.B., LLD. Hakluyt Society, 1887, vol. i, p. 32.

> ye pretence of 5 per cent custom on all treasure imported this and ye three preceeding years, besides 1½ per cent of what was usually paid, at ye mint for some time past; 3rdly, procured ye general stop to be taken off all our trade, our goods now passing as freely as ever they did formerly; 4thly, got a command to turn Permesuradars (Paramesvar Das) out of his place, and restore ye money forced from us; 5thly, and last, prevailed upon ye Nabob to undertake ye procuring a *phirmaund* for us from ye King.....If God gives me life to get this *phirmaund* into my possession, ye Hon'ble Company shall never more be troubled with interlopers. I bless God for this great success I have had, beyond all men's expectations, in my voyage to Dacca."[1]

All these expectations were to prove the merest illusions; but elated with his supposed successes, Hedges now felt that his hands were free to accomplish a complete reform of the Company's service. Like Clive in 1765, Hedges in 1661 believed that he had an Augean stable to cleanse. Clive indeed succeeded in driving from Bengal the men he charged with corruption, but this was at the cost of finding them again in England not only relieved of the charges by which he had attempted to ruin them, but supported by a majority in the Court of Proprietors and in a position to make his own acts the subject of a busy and incessant persecution. Hedges had neither the position nor the personal power of Lord Clive. He displaced subordinates, but dared not attack the superior servants, who, despite local scandals connected with their names, were well known to enjoy the confidence of the Company in England. Having thrown the Company's establishment into confusion, on July 17, 1684, Hedges received the bitter news that he himself stood dismissed.

In the meanwhile the Company in England had been slowly coming to see the futility of their past confidence in privilege on paper. Hedges had some years past, suggested to them that a quarrel with the Mahomedan authorities being inevitable, they would do well to risk the loss of one year's trade in the Bay and build a fort on the Isle of Saugor. In the despatches of December 21st, 1683, in which Hedges' dismissal was ordered, they say that, after a discussion of the matter, they had concluded that seizing one of those pleasant islands in the Ganges and the "Braces," would be far too expensive and calculated to bring the Dutch to the assistance of the Mughal. An attack on the latter might be more efficiently commenced from Bombay than from Bengal, but, if war there must be in Bengal, why not seize Chittagong? This, however, was made as a purely academic suggestion. A few years later, the Court had developed a military spirit, and in 1686, having obtained permission from James II, they ordered the Governor of Bombay to withdraw from Surat, and the dependent factories, and to direct his ships to seize those of the Mughal. The chiefs and factors

[1] *Ibid*, vol. i, p. 62.

in Bengal were to retire to Balasore, where they would be taken on board by the fleet, which was about to bring to India a powerful army. It was enjoined that, as the Nawab at Dacca would in all probability make no reply to an ultimatum which was to be sent him, the troops were to take possession, by force if necessary, of the Town, Fort, and Territory of Chittagong, and "our Lieutenant-Colonel Job Charnock" was thereupon to be installed as "Governor of our Fort, Town and Territory of Chyttegam."[1]

In the year 1686 Job Charnock, having given the slip to the guards placed round his house at Cossimbazar to prevent his departure, arrived at Hughli, and assumed the office of Chief at the Bay. Before the close of the year troops from England to the number of nearly three hundred had been landed in Bengal, and quartered in the neighbourhood of Hughli. The squadron sent out consisted of six ships, each with its company of soldiers; but of these ships three only reached the Bay, viz., the *Beaufort*, commanded by Captain John Nicholson with 70 guns and 300 seamen, the *Nathaniel* commanded by Captain Mason, with fifty guns and 150 seamen, and the *Rochester* with twelve guns and twenty seamen. The Company in India also could supply a number of vessels well adapted for the purpose of river conflict. In addition to the soldiers sent out for the campaign, the Company had already at Hughli a motley band of fighting men—native Christians and half-caste Portuguese, known as 'topasses,' Rajputs, and native peons. The Nawab, on the other hand, was easily able to despatch three thousand horse and three hundred foot to guard the town, and the Governor, Abdul-Gani at once, raised a battery of eleven guns to threaten the English shipping in the river. On October the 28th, the illtreatment of three English soldiers, who had gone as usual into the bazar, where they had been seized and beaten, led to the outbreak of hostilities. The fighting of that day went in favour of the English, of whom but one man was killed, although in the attack on the battery many were wounded. The enemy lost about sixty killed, and it was believed that Abdul-Gani disguised himself and fled panic-stricken.

The English factory, however, had been burned, and Charnock, who had been intending to abandon Hughli for some time before the actual outbreak, realised that the cessation of hostilities, agreed upon after the conflict of the 28th, was but breathing space in which he had best prepare for a withdrawal. Not till December the 30th did the English leave Hughli, and in their ships sail down the river to Sutanuti, the site of the northern quarter of modern Calcutta. For a time it seemed that Shaista Khan, who had despatched an agent to negotiate, would accept the English demands, but in February it became clear that the Nawab was only seeking to gain time for preparations designed to drive the English from Bengal for ever. On February the 9th, Charnock burned down the King's salt-houses, and on the 11th captured the Thana forts a little below Kidderpore on one side of the river and

[1] Wilson: *Early Annals*, vol. i, p. 90.

Sibpur on the other. While Charnock was so employed, Nicholson had taken possession of the island of Hijili.

From this island place of refuge, the English put the important town of Balasore to the sack. The trying months of March and April were bravely endured; but the number of the dead and dying increased, while the Mughal forces were known to be gathering round in stern league. In the middle of May Shaista Khan's General, Abdu-s Samad, had reached the neighbourhood of Hughli and with him were well-nigh twelve thousand men. On May the 28th some seven hundred Mughal horse and two hundred gunners ferried the Rasulpur river, and attacked the English fort. Only after a most desperate fight the English drove off the foe. On the first of June seventy men, fresh from Europe, arrived under the command of Captain Denham, and proved their worth on the following day by a successful sally from the Fort. Having observed that the appearance of this fresh force had disconcerted the enemy, Charnock hit upon the ingenious plan of secretly smuggling a number of sailors, in pairs, out of the Fort, and then when they had formed themselves into a smart little company on the landing place, marching them up to the Fort, with drums beating and flags flying, looking to all the world like yet another band of recruits brought hither from the seas by the ships. The ruse succeeded, and on June the 4th Abdu-s Samad exhibited a flag of truce. An exchange of hostages was made, and the English hostages were instructed in the demands of the English on the Nawab. Then, on June 18th, Job Charnock's little army marched out of the Fort, with all their warlike supplies, and drums beating and flags flying. The record of those three months at Hijili is one of which our nation may well be proud.

From Hijili, Charnock and his party went up the river to Ulubaria where they remained three months, waiting for some effect to be given to the understanding entered into with Abdu-s-Samad. In September they returned to Sutanuti "as well for a recruit of provisions as for spinning out of this monsoon," but with a firm resolution not "to settle nor trade till he (the Nawab) confirm these last articles and give us some security against any demands of damages that arise against us hereafter."

News of Charnock's doings had in the meantime reached the Court in England, and, at the beginning of 1688, a certain Captain William Heath was despatched with a fleet of ten or eleven ships. Heath's instructions required him to visit the Bay, take charge from Charnock, and capture Chittagong. On September the 20th, the Captain reached Sutanuti and almost immediately informed the Council of the nature of his orders. The story of the wanderings of the Bengal factors, with the braggart Captain Heath as their guide, read more like a boy's book of adventures, or a chapter in prose from the "Hunting of the Shark," than real history.[1] On the 8th of November the English again left

[1] *Vide Bengal: Past and Present*, vol. iii, "A Document of the Charnock Time" by W. Foster; Wilson: *Early Annals*, vol. i, p. 115 *et seq*; Yule: *Diary of William Hedges*, vol. ii, p. 79 *et seq*.

Sutanuti, and on the 16th reached Balasore, with Heath engaged in fighting and negotiating in turn. Chittagong was reached on January the 18th, at which place the Captain's transactions were devoid alike of honesty and common-sense. He intimated to the Governor that he had come, according to an agreement with the Mughal, to assist in reducing the King of Arakan, but while he thus greeted the Governor as a friend and an ally, he was in fact consulting the Council as to the advisability of making an attack on the Town. He then sailed off to offer his services to the King of Arakan, who however had no use for the services of the gallant Captain. Abandoning to his fate an unfortunate envoy who had been despatched on some mad errand, Heath set sail for Madras. Thus as impotent and indignant spectators of Heath's inconsequent adventures, Charnock and his Council, were carried from Bengal to Fort St. George.

The interference with their trade, of which the English had so long complained, had not been designed to drive them from Bengal. On the contrary the imports especially the specie they brought to the country, were welcomed and it was understood well enough that the British commerce was productive of gains which the imperial treasury could ill afford to forego. Contemptible as might be the English power on land, the whole of the Arabian trade, and the pilgrimage ships to Mecca, were at the mercy of the English ships. Heedless of far gains, local rulers had yielded to the temptation to snatch at the immediate small profits of the moment. The golden eggs had been irresistible, and the disappearance of the goose which laid those eggs was an event which caused its former proprietors some disagreeable reflections. Aurangzib, having repented of his earlier denunciation of the "infidels," informed the Nawab at Dacca that he had been pleased to pardon the "irregularities" of the English, and that on their return "you must not create them any further trouble, but let them trade in your government as formerly."

Shaista Khan had, some time previous to Captain Heath's arrival, resigned the Government of Bengal. His successor Bahadur Khan, who had sequestrated the English property at Dacca and placed the factors in prison was soon succeeded in the government by Ibrahim Khan, who had administered Behar in the days when Charnock was at Sinjiya. Ibrahim Khan at once wrote to Charnock at Madras urging him to return to Bengal. All the old Agent's past experience warned him against relying on merely general promises of goodwill, and he stood out for a *farman* from the Emperor to secure the protection and the privileges the English trade required. The Nawab wrote in reply that he had indeed applied to the Emperor for such a *farman*, but as it would take some time before the *farman* could be obtained, he pressed Charnock to return at once. In August of 1690, Charnock and his council and factors were again in Bengal, and on Sunday, St. Bartholomew's Day, August 24th, at noon, they landed and made the famous "midday halt" at Sutanuti—an event which stands out in History as the foundation-day of the Premier City, till lately the Capital, of British India. The entry in the *Diary and Consultation Book* for August 24, 1690, records:

> "This day Sankraul ordered Captain Brooke to come up with his vessel to Chutanuttee (Sutanuti) where we arrived about noon;

but found the place in a deplorable condition, nothing being left for our present accommodation and the rain falling day and night. We are forced to betake ourselves to boats which, considering the season of the year is unhealthy; Mellick Burcoozdar and the country people at our leaving this place (in October 1688) burning and carrying away what they could. On our arrival here the Governor of Tana sent his servant with a compliment."

In course of time Charnock received a parwana from Ibrahim Khan and the Imperial Diwan permitting the English "contentedly" to "continue their trade in the places of their former residence, at Hugley and Ballasor, etc. under the Government of this subaship;" requiring of them the payment of an annual *peshkash* of Rs. 3,000 and forbidding any further demands. In selecting Sutanuti as the place for the chief settlement in Bengal, Job Charnock made his choice deliberately and well. Indeed, even before sending out Heath, the Company had evinced an inclination to trust to their old servant's judgment in this matter. Garden Reach, a little to the south, had in gone by days been the great anchoring place of the stately Portuguese ships, and at Betor, on the opposite side, each year was built afresh the temporary markets in which they exposed their imports for sale. Higher up the river the great ships could only go at extreme peril. On three sides the place was secured by the river, the salt lakes, and the ancient channel of the Adiganga. Sir William Hunter is guilty of a picturesque error, when, alluding to the great mortality of the settlement in its early years, he writes it "was identified by our mariners with Golgotha, the place of skulls."[1] No one to-day takes Mr. Rudyard Kipling's lines as serious history:—

"Once two hundred years ago the trader came meek and tame,
Where his timid foot just halted there he stayed,
Till mere trade
Grew to Empire and he sent his armies forth,
South and North:
Till the country from Peshawar to Ceylon
Was his own;
As the fungus sprouts chaotic from its bed,
So it spread
Chance directed, chance erected, laid and built
On the silt
Palace, byre, hovel—poverty and pride
Side by side;
And above the packed and pestilential town
Death looked down."

[1] Golgotha seems to be due to a misapprehension of the Portuguese name for Hughli *Golin*, and this name was perhaps derived from a rapid or whirl-pool in the river at that place When Herron in his Sailing Directions speaks of "Gull-Gat" he is referring to the site of the English factory at Hughli. French writers having heard the English factory called Golghat transferred the name to Calcutta, and so Sonnerat (in 1782) writes *Calecutta* but adds that the English pronounce the word *Golgota*! See *Diary of W. Hedges*, vol, iii, p. ccxix.

CHAPTER IV.

THE COMPANY BECOMES ZAMINDAR.

In the last chapter, it has been seen how in the year 1686 the Company authorised Job Charnock, their Agent in the Bay, to capture Chittagong and hold that place as a military conquest. Had a policy of the kind been pursued, the history of the English occupation of Bengal would in all probability have been a far simpler story than it is. The new period, which commences with the foundation of Calcutta in 1690, has indeed a certain military interest, for it was during this time that old Fort William was enterprised and completed,[1] but it was not till 1757, when Colonel Clive, robbing Admiral Watson of his precedence, marched his troops into the ruins of the Fort, that the entrenched citadel became for the first time, the symbol of a conquered territory. The English in the sequel, however, elected to hold their capital under a sanad from the Nawab, and in a true sense it may be said that the most lasting thing achieved by the Company, in the period 1690-1757, was not the building of a Fortress, but the acquisition in 1698 of the tenure, on terms of Mughal revenue law, of the three villages of Calcutta, Sutanuti and Govindpur. By this acquisition the Company obtained for the first time a legal position within the Mughal Empire, and thus brought into existence a working theory, in the development of which the acceptance of the Diwani in 1765 is the final logical completion.

When the head-quarters of the Company in Bengal were fixed at Hughli, in close proximity to the far more imposing buildings of the Dutch, and under the eye of perhaps the most powerful of the faujdars, the English, living a collegiate life within the boundaries of their Factory walls, were not much concerned with problems of civil justice and local administration. Their legal position in respect to the Country Government was that of tolerated merchants, and infidels at that. In respect to their own Sovereign, the legal position of the English was what the Charter of the Company defined, and these definitions were subject to interpretation by a Nawab who knew nothing of international law. When, however, Charnock established himself and his subordinates at Calcutta, it was at once found that the practical occupancy of a group of towns, including colonies of wealthy Armenians and native and Eurasian Christians, and possessing a much frequented port, involved the English in new responsibilities and obligations. Twelve years after Charnock's final

[1] See C. R. Wilson: *Old Fort William in Bengal* (Indian Records series). In the year 1696 Subha Singh, a zamindar in the neighbourhood of Burdwan, revolted, and called to his aid Rahim Khan, the Afghan chief of Orissa. The whole of Western Bengal, from Rajmahal to Midnapur fell for the time into the hands of the Afghans. During this disturbance, the aged Nawab, Ibrahim Khan, gave permission in general terms to the English, Dutch and French, to fortify their factories. The result of this permission was the commencement of Fort William.

halt at Sutanuti, the population of the three towns was estimated at 15,000: eight years later it had risen to 31,000. The necessity of providing some sort of local government, of finding means of defraying the ever-increasing expenses of roads, markets, river landing-places, etc., and many other urgent considerations, compelled the English to obtain at least the recognised authority that the neighbouring zamindars possessed. Until such a jurisdiction could be obtained, they were subject to be harassed every day of their lives by overbearing and fraudulent collectors of arbitrary market dues, and for the redress of their own personal grievances the Company's servants would have to rely more on the terror they could inspire than the justice they could obtain from a somnolent and supine Hindu cutcherry. The situation was such that the English could not remain content with the status of mere squatters. On the 14th of December, 1697, the Council at Calcutta wrote home:

> "By the death of Agent Charnock,[1] your Honours are disappointed in your intentions and expectations of having a Court of Judicature erected in Bengal, and, for that reason we presume the Honourable President and Council of Fort St. George took the commission out of your Honour's packet before it came to us. Our endeavours have been fruitless hitherto in procuring the Nabob's and Duan's consents for a firm settlement in this place, and we have no hopes for the grant for it so long as this Duan continues. We have endeavoured to gain two or three towns adjacent to us (Chutanutti included), the rent whereof will amount to about 2,000 or 2,500 rupees yearly, which is a means to increase your Honour's revenues in your town of Chutanutti, for, although we do make some small matter out of your bazar by grain fines, etc., yet we cannot lay any impositions on the people, though never so reasonable, till such time as we can pretend a right to the place, which this farming of the towns adjacent will soon cause, and procure us the liberty of collecting such duties of the inhabitants as is consistent with our own methods and rules of Government, and this is the only means we can think of till we can procure a grant for our firm settlement."[2]

The Consultations of 7th March, 1698 show that, in seeking for these boons, the English met with opposition on the part of "the Jimidar (Zamindar) of the Country":

> "Having try'd all means with the Jimidar of the Country adjacent to us, to let us have the town of Decalcutta [Dihi Calcutta] at the usual hyre or rent, and rather than fail, having promised him ¼ part more than the place at present brings him in, and all to no purpose, he making frivolous and idle objections that

[1] Job Charnock died on the 10th January, 1693. The year 1692 on the epitaph in the Mausoleum represents, of course, the Old Style. For a short time after Charnock's death, the Bengal Agency was made subordinate to Fort St. George. Bruce: *Annals of the Honourable East India Company*, 1810, vol. iii, p. 144.

[2] Wilson: *Old Fort William in Bengal*, vol. i, pp. 14-15; *Bengal: Past and Present*, vol. vi., p. 147 *et seq.*

he will not let us have any part of that country in the Right Honourable Company's name, but that we might have it to our use in any of the Natives' names. The reason he gives for it is that the place will be wholly lost to him, that we are a powerful people, and that he cannot be possessed of his country again when he sees occasion, whereas he can take it from any of the natives that rent any part of his country at his pleasure, in consideration whereof, and the difficulty we find in treating with these inferior Jimidars, in which there is neither security nor credit to what there may be, if we have the country rented from the great ones.

"It is *agreed* that we apply ourselves to the Prince (and) to make what interest we can amongst his officers, for three towns, viz: Chutanutti, Decalcutta and Gobinpore, the ground of which will be to that extent required by our Right Honourable Masters.

"And the rent amount to about as much money as they have likewise allotted to us; and, considering that we are making a present to the Prince about other affairs, we hope that there will be the less difficulty in getting a grant for the aforesaid towns; but if there should appear any, rather than be disappointed of so great a conveniency, as those towns will prove to the Honourable Company.

"It's *agreed* that we advance a quarter part more than the revenues bring in at present to the Jimmidar, intending to improve the same to better advantage than hitherto has been done or the Jimmidars are capable of."[1]

In accordance with these resolutions the Council sent Mr. Walsh to the Durbar of the Subahdar, Prince Azim-ush-Shan (grandson of Aurangzib).[2] On this deputation Walsh was accompanied by the Armenian Khwaja Sarhad, who in after years accompanied John Surman on his embassy to the Court of Farrukhsiyar.[3] The result of this deputation may be read in the Consultations of 31st October, 1698:

"The Prince having given us the three towns adjacent to our settlement, viz. Decalcutta, Chuttanutti and Govindpore, or more properly may be said the Jimmidarship of the said towns, paying the same rent to the King as the Jimmidars successively have done; and at the same time, ordering the Jimmidars of the said towns to make over their right and title to the English upon their paying to the Jimmidars one thousand rupees for the same; it was agreed that the money should be paid, being the best money that was ever spent for

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[1] Wilson: Op. cit., pp. 34-35.

[2] An agent of the name of John Anthony Teshmaker had been sent up to the Prince on other business, but he was drowned near Rajmahal while crossing the river during a storm.

[3] On this occasion the English paved their way to the Subahdar's favour by a douceur of Rs. 16,000.

so great a privilege, but the Jimmidars making a great noise being unwilling to part with their country, threatening to complain to the King of the injustice of the Prince in giving away their country which they had so long in possession, and finding them continue in their averseness, notwithstanding the Prince had an officer upon them to bring them to a compliance ;

"It is *agreed* that 1,500 rupees be paid them, provided they will relinquish their titles to the same towns, and give it under their hands in writing, that they have made over the same to the Honourable Company."[1]

The actual "Nishaan" signed by Azim-ush-Shan has been lost,[2] and it is, therefore, extremely difficult to determine with precision the exact legal rights it conferred on the Company. The "Jimmidars" of the records we have quoted were the family of the Savana Mazumdars whom Dr. Wilson speaks of as the "so called Zamindars" The author (Mr. A. K. Ray) of the *Short History of Calcutta*, which formed part 1 of vol. viii of the Census Report for Calcutta of 1901, asserts that these Mazumdars had got themselves into such bad odour with the Nawab, on account of the assistance they had given to the English, that they were only too glad to sell their rights for a merely nominal sum. The documents that have been quoted do not sustain any such imputation of Anglophile sympathies to the "Jimmidars." The Three Towns in fact belonged to the Mughal Khalsa, or territories directly assumed by the Imperial exchequer and had been granted to the Subahdar of Bengal as part of his Jaghir. This being the case, it was in the power of the Subahdar to entrust the forming of the revenues to whomsoever he pleased. The Company's payment of Rs. 1,300 to the Mazumdars was, as Dr. C. R. Wilson has put it, "for the sake of peace and quiet."

By this successful negotiation the English were made responsible for the payment of lump sums representing the estimated revenue due from the inhabitants of the Three Towns.

	Rs.	As.	Ps
Dehi Calcutta	468.	9.	9.
Satanuti	501.	15.	6.
Govindpur in Pargana Paikan ...	123.	15.	3.
„ in Kalkata	100.	5.	11.

,194.

[1] Wilson : Op. cit., pp. 39-40.

[2] The *Bai Namah*, or deed of purchase, from the Mazumdars, dated November 9th, 1698, is preserved at the British Museum (Addit. Mss. No. 24,039.) A translation by Mr. W. Irvine is given by Wilson. (*Old Fort William in Bengal*, vol. 1, pp 40-48.)

[3] This is the sum according to the parwana of 'Izzat Khan, dated Sha'ban 2, in the forty-second year. (British Museum Additional MSS. 24, 039, No. 36). In the Bengal Public Consultations, May 4th, 1714, the annual rent is stated to be Rs. 1,281-6-9. C. R. Wilson remarks "the increase is in the rent of Govindpur in Paiqan." Wilson : *Old Fort William in Bengal*, vol. 1, p. 4 ; *Early Annals of the English in Bengal*, vol. ii, part 1, p. 174.

To meet this annual due, the Company was privileged to collect a maximum of three rupees per bigha for land held by the inhabitants. In 1704 the average monthly balance to the Company's credit amounted to Rs. 480: in Holwell's day it amounted to about Rs. 3,800: but Holwell's figures take into account more land than was included in the Company's legitimate holding. Holwell tells us that in the year 1732 the Governor and Council "had in agitation the raising the rents of your own Zemindary of Calcutta, which, being rumoured abroad, they received a peremptory perwannah from the Soubah, forbidding them; in which the Soubah told them that they were presuming to do a thing which he had not power to do; and that if they persisted, they would, by the laws of the Empire, forfeit their lands."[1]

In consideration of the responsibility of paying in lump sums as the land revenue of the district, the English by their transaction with Azim-ush-Shan, obtained these three rights:

1. To collect the rents from the ryots.
2. To deal at pleasure with waste lands.
3. To impose petty taxes, duties and fines.

Whether the English had become zamindars or talukdars is a technical question of some interest, but of no great historical importance, for the Company at once regarded itself as zamindar and exercised the functions of that office. In order to contend with their increased responsibilities, the Company appointed an additional member of Council, and gave to him the title of "zamindar" or collector. From Ralph Sheldon, appointed Collector in the year 1700, through Holwell, who was Collector in the year of the Black Hole tragedy, to the present day, the succession of Collectors of Calcutta is unbroken.

In accordance with zamindari customs, the English zamindar of the Three Towns acted as a magistrate of police, and held courts in which petty offences and cases of revenue disputes were decided. It has been seen that Warren Hastings in 1775 disputed the accuracy of the account of the zamindar's position in the administration of justice given in the *Sixth Report of the (Parliamentary) Committee of Secrecy* in 1773: the Committee, however, correctly represents the Company's earliest conception of the zamindar's duties. This may be best brought out by placing in parallel columns relevant passages from the *Report* and Bolts' description of the Calcutta cutcherries.

The English paid their revenue quota three times in the year to the Karori (the Nawab's collector) at Hughli. It appears that the lands thus occupied by the English formed part of the Nawab's Jagir. See Bengal Public Consultations, Dec. 8th, 1719. "Sookdeb Carowree (Sukdeva karori), demanding three hundred and twenty-five sicca rupees for four months' ground rent of Chuttanuttee, de Calcutta in Burgunna of Amarivad (Amirabad) in Jaffer Cawn's (Jafar Khan's) Jageer (Jagir)" etc. Wilson: *Early Annals*, vol. iii, p. 173.

[1] J. Z. Holwell: *Interesting Historical Events relative to the Provinces of Bengal and the Empire of Indostan, with a seasonable Hint and Persuasion to the Honourable the Court of Directors of the East India Company.* 2nd edition, London, 1766, part 1, p. 222.

Report, 1773.

(1) "The Criminal Court, in every district, was generally known by the name of the Phousdary ; the zemindar or Raja of the district, was the judge in this court : his jurisdiction extended to all criminal cases, but... ...in such as were of a capital nature, the sentence was not executed until a report of the case was made to the Government at Murshedabad, and orders received upon it. The proceedings in this Court were summary, the most frequent mode of punishment, particularly where the man accused was a man of wealth, was by fine, and every fine imposed by the authority of the Court, was a perquisite of the Zemindar himself, by virtue of the tenure of his lands ; the natural effects of this circumstance upon the fine administration of criminal justice appear to your Committee to have been severely felt." (page 2).

Bolts' Considerations, &c.

(1) "The other Court is called the zemindarry, or Fowjdary, court, in which, according to late practice, presides a member of the Board of Council, or sometimes a servant under Council, alone ; his business is to enquire into complaints of a criminal nature among the black inhabitants, and in cases where natives do not apply to the English established Court of Justice.....He proceeds also in the above summary way, to sentence and punish, by fine, imprisonment, condemnation to work in chains upon the roads, for any space of time, even for life ; and by flagellation, in capital cases, even to death. The ancient Moguls and Nabobs would not permit of the professors of Islam to be hanged, according to the English custom, esteeming that too ignominious a death for a Mahomedan to suffer ; therefore in such cases as were deemed capital, only the lash was permitted to be inflicted until death on the Mogul's subjects, Mahomedans and Gentoos ; but the officers of the Court called Chawbuckswars, or lashbearers, are sometimes so dexterous as to be able to kill a man with two or three strokes of the Indian Chawbuck. In cases which, according to the usage of this Court or office, are deemed worthy of death, it has been usual for the Zemindar first to obtain the approbation of the President and Council, before the fatal stroke be given."[1]

[1] *Considerations on Indian Affairs, particularly respecting the Present State of Bengal and its Dependencies,* etc., by William Bolts, Merchant & Alderman, or Judge of the Mayor's Court of Calcutta. 2nd edition, with additions (3 volume edition). London 1772. vol. 1, p. 81. In connection with the passage about flagellation, it must be remembered that Bolts' work is an attack by an exceedingly biassed person on the E. I. Company. The English reader in reading of matters of this kind in Anglo-Indian records must bear in

(2) "In every district it (the Civil Cutcherry) was generally known by the name of the Adawlut; the Zemindar or raja of the province was judge also of this Court; its judicature extended to all causes between party and party; the judge, as a perquisite of his office, was entitled to a chait, or share, of whatever was recovered in his court, which, as your Committee have been informed, amounted to $\frac{1}{4}$th or $\frac{1}{5}$th of the whole value.....The parties were very reluctant to resort to this tribunal...hence it has long been a prevailing practice in Bengal to refer matters of controversy to arbitrators chosen by the parties."

(2) The Court of Cutcherry "which on its present establishment, is composed of the Company's servants under Council, any three of whom, their President being one, upon days stated at their own option, meet for the hearing and trying and determining, in a summary way, all matters of *meum et tuum* to any amount, wherein only the native inhabitants of Calcutta are concerned. The Mode of proceeding is indeed as summary as possible. The plaintiff and defendant, with their respective witnesses being summoned, the Court hears what they have to offer or prove, *viva voce,* and immediately proceed to decree in such matters as do not admit of much contest. From the decisions of the Court the Company have directed appeals to lie finally to the Governor and Council; which, however, is seldom done except in matters of the greatest consequence, as in these cases the general practice of the Court, when not unduly interrupted is to have every cause determined by arbitrators or umpires, chosen by the parties, or with their consent, whose decision is final, and made a decree of the Court."

(3) "Besides the above-mentioned, there is another cutcherry, called the Collector's cutcherry, which has been established in Calcutta ever since the Company

mind the fiercely savage character of the criminal laws in England at this time. Gentoo is the name commonly applied in old English books on Bengal, to the Hindus. In 1754, eleven lascars were tried by a Court of Admiralty at Calcutta for the murder of their English Captain. Of these two who were Christians were condemned and executed; the others being Mahomedans were also condemned, but, as the Council dreaded a disturbance with the Nawab, the convicted Mahomedans were kept in prison "to be producable at any time, if sickness do not take them out of the world." See Long: *Selections from the Unpublished Records of Government, 1748-1767*, No. 134.

had anything to do with the collection of the ground rents."[1]

[1] Bolts: Op. cit., p. 80. There was also a Caste Cutcherry presided over by a Hindu appointed by the Governor. Verelst: *View, etc.*, p. 27.

The account of the Court of Cutcherry given by Bolts closely corresponds with a passage in one of Holwell's letters printed in his *India Tracts*. Holwell adds:—

> "Such was the power annexed to this office (i.e. the office of the Collector or Zamindar), when this gentleman [Holwell] was appointed the head of it, and such had it been for a long term of years preceding that period; a power much too great for *one man* to be intrusted with. Therefore, in the year 1758, at the recommendation of Mr. Holwell, a stop was put to it by the Court of Directors, who appointed three Judges of this court, members of the Board, in monthly rotation. Before this gentleman took charge of this important post, there never had been any register of causes or decrees kept in English, but from that time,[1] a register of the proceedings was monthly laid before the Board at Calcutta, for their inspection, and annually transmitted to the Court of Directors."

Holwell's account of the Collector's functions would appear to indicate that the Criminal and Civil Courts belonged in 1758 to one and the same Cutcherry.[2]

For purposes of administration, the Three Towns were divided into four divisions:—

1. The Great Bazar.
2. Town Calcutta.
3. Sutanuti ("Sutta Loota.")
4. Govindpur.

[1] Holwell was appointed Collector by the Directors in January, 1752. He had left India in 1748, and "had no intention of ever seeing India again; but, finding (as do) many others who return from India with small fortunes that money does not go far in England, as he fondly imagined, he thought it necessary to return and increase his capital, then lying at interest only, in your (the Company's) cash at Fort William." He assumed the office of Collector in July, 1752. Holwell: Op. cit., pp. 120-21. He had originally gone to Bengal as a surgeon's mate on an East Indiaman.

[2] "The Zemindar acts in a double capacity, distinct and independent of each other (with very few exceptions) the one as superintendent and collector of your revenues, the other as judge of the court of Cutcherry, a tribunal constituted for the hearing, trying and determining all matters and things, both civil and criminal, wherein the natives only, subjects of the Mogal, are concerned. He tried in a summary way, had the power of the lash, fine, and imprisonment: he determined all matters of meum and tuum; and in all criminal cases proceeded to sentence and punishment immediately after hearing, except where the crime (or murder) requires the lash to be inflicted until death, in which case he suspends execution of the sentence, until the facts and evidence are laid before the President, and his confirmation of the sentence obtained. He has also the power to condemn thieves, and other culprits, to work in chains upon the roads, during any determinate space of time, or for life. In all causes of property, an appeal lay to the President and Council against his decree." *India Tracts by Mr. Holwell and Friends*, 2nd edition, London, 1764, p. 120.

Under the Collector or Zamindar there was a native official known as "the black collector"—a person accustomed by immemorial practice to supplement his inadequate salary by what he, following native traditions, considered as the perquisites of his office, emoluments which, on scrutiny, would be regarded by his employers as embezzlements. Holwell commenced his labours by an attempt to bring Govindram Mittre, the then "black-collector" to account.

In a later chapter it will be necessary to deal with the subject of the administration of justice under charters granted by the British Crown. The judicatures we are at present concerned with are based on the Company's position as Zamindar of the Three Towns. The jurisdiction of the Courts established at a later date by the charters of the Sovereign of Great Britain extended over the subjects of the British Crown, their dependents, and those who by voluntary submission subjected themselves to that jurisdiction. The Court of Cutcherry, on the other hand, was a judicature which, at least in the ideas of the English, derived its authority from the Mughal Empire, and it was a jurisdiction to which the Mughal's natural subjects, as such, were subject. It was in 1704 perhaps that the Court of Cutcherry was organised, for the Consultations of Council on 18th August of that year show:

> "It is ordered that Mr. Robert Nightingale, Mr. George Redshaw, and Mr. Benjamin Bowcher[1] do meet in some convenient place between the hours of nine and twelve in the morning, every Saturday to hear and determine small controversies, but if anything difficult and of moment happens it is to be heard in full council."

Two years later, 29th August, 1706, it is recorded:

> "A few days ago, there were taken several robbers and thieves; the former have taken and murdered several people, it is agreed what persons we have in custody and what may be taken, that the Gentlemen belonging to the Court do burn such persons on the cheek, and turn them on the other side of the water."

The Council seems to have hesitated in exercising the zamindar's authority in levying taxes to defray public expenditure. In the year 1727, the Council were at a difficulty to provide the funds for the purchase of a building for the Mayor's Court, and a new Jail.

In January they decided that a tax be levied on the inhabitants, but they flinched from putting their resolution into execution, and, as the inhabitants considered it "a hardship to bear the whole burthen and the Company bear no share," in 1731 they wrote home stating that the assessment had not been made. In January, 1733, they say "the assessment of the black inhabitants had made them uneasy." If this assessment was ever made, the onus was probably cast on the shoulders of the Justices of the Mayor's Court.[2]

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[1] Bowcher was Collector from 1st February, 1704, to his death on 24th September, 1705.

[2] In 1748 an attempt was made, but ineffectually, to impose a cess for providing a wharf to the road leading to Sutanuti bazar. See Long: *Selections*, Nos. 27 & 31. In 1755 the European inhabitants defeated an attempt of the Collector to impose a duty of 5 per cent on

In January of 1714 the hearts of the English Government at Calcutta had been enlivened by the receipt of an imperial order (Hasb-ul-hukum) addressed to the Nawab ordering him "to permit the English to trade as formerly in Aurengzeb's time and not to molest them." Political expediency dictated the necessity of a public demonstration of joy.[1] To follow up the advantage as speedily as possible, the Council determined to carry into execution a plan of sending an embassy to Delhi—a plan which Thomas Pitt, Governor of Madras, had conceived nearly six years before, but which, owing to the disturbed state of the country, had been taken up and allowed to drop. After much discussion and several revisions of the appointments, the personnel of the embassy was fixed. The chief was John Surman, a young man[2] of remarkable abilities. A wily Armenian, Khwaja Sarhad went as second, Edward Stephenson[3] as third, and Robert Barker,[4] as Secretary. Surgeon William Hamilton accompanied the embassy as doctor, and in fact the success the diplomatists reaped was very largely due to Hamilton's medical skill in dealing with the Emperor's disease.

The story of the Embassy stands revealed in the *Surman Diary*, the publication of which, with elaborate notes and a valuable introduction, necessitates a revision of some of the most striking details in the accounts of the Embassy that have come to us by tradition. The *Diary*, as Mr. Irvine has pointed out, gives "an almost photographic picture of an oriental Court, seething as usual with intrigue and a mere battle ground of personal ambitions." Khwaja Sarhad loses his title to the fond memory established for him by long tradition in Calcutta, and Mr. Irvine is only faithful to the contents of the *Diary* when he writes: "Sarhad, the shifty Armenian, if left to himself, might have succeeded by his own devious ways: on the other hand, Surman would have certainly done better if unhampered by Sarhad as a companion." The importance of Hamilton's

the sale of houses. *Ibid.*, No. 167. In their General Letter of 2nd February, 1769, the President and Council wrote: "Previous to our coming to a final determination on the method of making and repairing the roads and the appointment of a Surveyor for the management of that business, we thought it necessary to have the opinion of the most able lawyers in the place on three points: Whether and how far we, as President & Council or as a bench of Justices, had a right to cesses or levy any scavengers' rates from the European inhabitants for the purpose of defraying the expenses of making and repairing the roads and drains within the town, and any other expense that might be incurred in regulating the police of the place. Mr. Holmes, the Registrar, was accordingly consulted, and gave it as his opinion that we had a right as Justices of the Peace, to make an assessment not exceeding sixpence in the pound."

[1] "The Husbull Hookum arriving last night under the Grand Vizier's seal ordering the Duan Jaffer Cawne (Murshid Quli Khan) not to molest us but to let our trade pass with the same freedom and privilege we enjoyed in the days of our predecessors it became necessary to make a publick show of rejoicing for that favour from the King which was done in the following manner. After three volleys of small shot from all our soldiers we began the healths of our Queen and of King Furruckseer firing 51 great guns to each health after which we drank prosperity to the Honble. Compy. with 31 guns and success to their trade with 21 guns more and all the ships in the road fired at every health, after this at night we order'd a large bonfire to be made and gave our soldiers a tub of punch to cheer their hearts, we also ordered our merchants to write to their correspondents everywhere of this Husbull Hookum and how greatly we honour and esteem the King's gracious favour and what rejoicings we made at it." *Diary and Consultation Book*, Jan. 4, 1713/14. Wilson: op. cit., vol. II, pt. I, p. 153.

[2] Probably about 25 years old.

[3] Born 1691, Oct. 8, and therefore at this time aged 23.

[4] Probably about 21 years old.

services,[1] which James Mill in a footnote brings into question, is established. The Wazir, whom Mill represents as a mere obstructionist, appears to have been at first unduly neglected by Surman,[2] but, when at last approached, to have acted with both reason and vigour.

The Embassy did not leave Patna until April, 1715. They carried with them instructions from Madras and Bombay as to the privileges desired by those presidencies; the privileges sought for Bengal were as follows:

"That you may know what to ask for, 'tis necessary you be well informe'd of what our privileges are and on what terms we enjoy them.

"Instead off Custom we pay a yearly peeshcash (peshkash) off three thousand sicca rupees into the King's treasury att Hughly, and we pay no other custom or duty on any goods or merchandize which we import or export, nor on treasure coined for us at ye King's mint which was at Rajamoll (Rajmahal) butt is now removed to Muxadavad (Murshidabad).

"Our goods or treasure which we send to our settlements or any off the Aurungs (aurangs) inland, pass on our own dustick *(dastak)* without examination and back to us in ye same manner.

"Our Merchants, Factors or Agents, whom we employ at the Aurungs or elsewhere are not to be molested or called to account by small officers upon frivilous pretences, whilst they continue in our service and are employed for us.

"If our Factors or Merchants endeavour to defraud us the remedy is in our own hands, we take them up and use such meanes as are proper and necessary to make them pay us what they justly owe us.

"Convenient places and parcells of ground were granted us to build and settle factorys on, att, or near severall inland places off note as Hughly, Cossimbuzar, Patna, Dacca, Maulda, Rajamoll, Ballasore, Radnagur, etc. which we still keep possession off, and may settle factorys again att, after the King is pleased to confirm all to us in his Royal Phirmaund *(farman)*.

"We hold and enjoy three towns namely,—De *(dihi)* Culcutta, Sootaloota (Sutanuti) and Govindpore (Govindpur,) paying ye

[1] For the materials for Surgeon Hamilton's personal history see Wilson: op cit.

[2] Holwell supplies another instance of Surman's want of judgment: "When Mr. Surman.....was on his return to Fort William, he pitched his tents in the neighbourhood of Moorshidabad, and having acquired from the Emperor a title and rank in the list of burrahs, some thing superior to that which Jaffier Khan (then Soubah of Bengal) bore, Mr. Surman expected the first visit. Jaffier Khan allowed Mr. Surman's superior title, but considering himself in rank the third Suba of the empire, and Viceroy of Bengal confirmed from the Court, thought the dignity of his post demanded the first visit from Mr. Surman; frequent messengers passed between them, touching this ceremonial, for the space of three days, but, neither stooping, Mr. Surman struck his tents and returned to Calcutta. Thus an injudicious punctilio in Mr. Surman destroyed all future cordiality with a man on whom (from the nature and power of his post) so much depended, for the due execution of those phirmaunds granted by Farrucseer." *India Tracts*, p. 279.

same yearly rent for them into the King's treasury, which the Jemidars (zamindars) paid before they were granted to the English Company. The Grant was made at Burdwan (anno 1698) in a Nishaun (*nishan*) from Sultan Mahumud Azzeem (Muhammad Azim-ush-Shan), ffather off his present Majesty king Furruckseer (Farrukhsiyar) whom God preserve. What we desire more for Bengal is that we may have ye use off the King's mint custom ffree att Muxodavad (Maqsudabad) and Dacca as we had itt att Rajamoll (Rajmahal) and the same ffree use off ye mint att Patna also iff itt may be obtained. We also desire our bounds round us att this place may be enlarged. The additions we desire will amount to eight thousand sicca rupees yearly rent and something more, which, added to near thirteen hundred Sicca Rupees which we pay yearly rent for the three towns, will make about nine thousand four hundred Sicca Rupees per annum: which we desire we may be appointed to pay in one summ yearly into the King's treasury att some certain place, and that we may not be called upon for itt before ye day of payment by any Suba Diwan (diawani-subah) or Collectors off revenues whatsoever.

"That you may, perfectly understand what additions we desire may be made to our present bounds, and be well understood when you petition for them, we herewith send you a list off the towns we now possess and off these we desire may be added to us, with ye rent paid ye for same by ye Jemidars (zamindars) into ye King's treasury, and we have hopes they will be granted to us, because we shall be punctual in paying our rent on ye day, and att the place appointed, which Jemidars are not always.

"It would be a good advantage to the Company's affairs iff the King may be prevailed with to order that the Rupees coined att Madrass may pass in payments off his revenues in Bengall. Endeavour att getting such an order, which we hope may be granted, because Madrass Rupees have ye King's stamp as well as Bengall Rupees and are full as valuable. For they are off equal weight and fineness with them and will always be made so."

Not before February 1st did the Embassy receive the desired *farman*, the delay being to a great extent due to their unwisdom in ignoring the Wazir, the officer through whom their petition should have properly been submitted. Farrukhsiyar granted the English their freedom of trade in return for the yearly *peskhash* of three thousand Rupees, confirmed the purchase of the Zamindari rights in the Three Towns, and sanctioned the purchase of similar rights in the thirty-eight towns mentioned in the petition, exempted Madras Rupees from discount, granted forty bighas of land "in any place they may have a mind to settle factories," and forbade the Governors of sea-ports seizing the cargo of wrecked ships or demanding a "quarter part salvage." The farman is silent as to the free use of the mint at Murshidabad.

On November 16th, 1717, the Governor and Council proceeded in state to Tribeni above Hughli to receive the farman, and the usual rejoicings ensued. Already Murshid Kuli Khan[1] had ceded the point about the customs, but the Imperial farman had not the slightest effect in altering his determination about the use of the mint. In vain Samuel Feake, the Chief of the Cossimbazar Factory pleaded with him. Having read the Imperial rescripts, the Nawab "positively said we shall not have the use of the mint nor liberty to purchase more towns, though both are granted to us by the King." And here, so far as Bengal was concerned, the affair of Surman's Embassy ended. Had the English been able to purchase the towns, their zamindari would have extended from the boundaries of the Dutch factory or Barnagore in the north to Kalpi in the south, and have included on the river bank opposite to Calcutta the villages of Salkea, Howrah (Haurah), Kasundiyah, Ramkrishnapur, and Betor. But beneath Murshid Kuli Khan's scowling countenance, what native would dare to sell his zamindari rights?

In a narrative history of the English in India the story of Surman's Embassy to the Mughal Court would by right of importance occupy a prominent place;[2] in a study of the English occupation of Bengal this story is of no great importance. Elsewhere the privileges secured by this negotiation produced their full effect, but in Bengal the Nawab was strong enough to prevent the Company realising the principal objects for which the Imperial *farman* had been obtained with so much toil and patience. So far as Bengal is concerned, the most that can be said of the results obtained is what has been said by the late Dr. C. R. Wilson, in his Introduction to the *Diary of Messrs. Surman and Stephenson*:[3]

> "In Bengal it placed the local government (the Nawab's) technically in the wrong so long as the farman and the orders of the Emperor were disregarded, and it consequently furnished the English with a standing quarrel which they might take up any time. This they at last did after the catastrophe of the Black Hole, and the with-holding of the rights won by Surman were put forward by Lord Clive, when he broke with Siraj-ud-daulah and entered upon the conquest of the country. The soldier completed, and more than completed, what the ambassador began."

The labour of the Surman Embassy thus, so far as Calcutta was concerned, proved nugatory; but in 1754 an energetic Collector of the

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[1] Mr. Irvine writes (*Journal of the Royal Asiatic Society*, 1897, pp 181-82:—"Murshid Quli Khan, the *diwan* of Bengal, was removed on Bahadur Shah's accession in 1119 H. (1707) and joined that Monarch's Camp on his march to the Dakhin. Murshid Quli Khan was not reappointed to Bengal until the 2nd Muharram 1122 H. (March 2, 1710), after the assassination of Zia-ullah-Khan."

[2] Mill: *History of British India*, vol. iii. p. 23 (edn., 1857). C. R. Wilson attributes the failure of the English at once to benefit by the privileges granted by Farrukhsiyar to other causes besides that of Murshid Kuli Khan's intransigence; viz., complications arising from out of the struggles first with the Ostenders and afterwards with the Marathas, and "by the natural unwillingness of the Company's servants to quarrel with the local government to the detriment of their own private business." Wilson, Op. cit, vol. ii, pt. ii, p. lviii.

[3] This *Diary* forms part ii of the second volume of the late C. R. Wilson's *Early Annals of the English in Bengal*. Dr. Wilson died in London on July 24, 1904, and the 2nd part of vol. ii of the *Annals* was published in 1911, edited by William Irvine (died 1911) to whose memory a splendid edition of Manucci's *Storia do Mogor* forms the finest monument.

Three Towns was successful in obtaining from the local zamindars the possession of an adjacent district. On December the 8th the President and Council wrote home :

> "On the 8th August, Mr. Holwell, in a letter to the Board, informed us he had been at some pains to prevail upon the Proprietors of a spot of ground called Similia to rent it to your Honors for the sum of Rs. 2,281, which he required our permission to take on your account as the situation (being a part of Calcutta in a manner itself) had many advantages and its revenues yielded in its present management more than the sum we should pay, and he did not doubt would produce considerably more when in our hands. We have accordingly given him leave to take possession. But as there are since contested claims to the ground, we have not as yet been able to settle it, but, when we do, we shall duly advise your Honors."[1]

Research may perhaps reveal the nature of the terms on which the Company held the lands occupied by the subordinate factories, but at present that subject remains in obscurity. At the time of Siraj-ud-daula's outbreak in 1756, the Company had factors settled at Balasore,[2] Cossimbazar, Dacca, Jagdea, and Luckypore, the business at each of these places being conducted by a Chief and Council subordinate to the President (or Governor) and Council at Fort William.

In 1756 Calcutta was beseiged and captured by the Nawab Siraj-ud-daula. In 1757 the town was re-captured by force of arms by Admiral Watson and Lord Clive ; but the English elected to hold their capital on other terms than those of military right. At the beginning of December, 1758, Mir Jafar granted the Company a sanad,[3] for the free tenure of the town of Calcutta. The sanad directs that "the rents of the aforesaid mouzas, etc. which adjoin to the factory of the most noble of merchants, the English Company, amounting to 8836 rupees, and something more, from the 1st of Rabbial Sauni, 5th Sun (beginning of December, 1758) are forgiven, to the end that they provide for the defence of their factory, and the safeguard of the seaports there in."

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[1] Long *Selections*, No. 139. See also Long's footnote, *ibid*, p. 53.

[2] In 1718 English factories were open at Balasore, Cossimbazar, and Patna. The Factory at Patna had been reopened in that year. Bengal Public Proceedings, October 8, 1718: "The 2d. received a letter from Mr. Samuel Browne, Chiefe, and Mr. Hugh Barker at Patna dated the 20th ulto. advising us of their having taken possession of the ground granted to the Honble. Company by the King's Royall Phirmaund." Parwanas from Khan Zaman, Subahadar of Behar, and Abdu-l Qadir Khan, *Diwan*, are recited in the Proceedings of July 2nd, 1718. These documents give permission to the English to "resettle" their factory at Patna "according to former custom." The land at Luckypore was held on talukdari tenure.

[3] The *fard-i-sawal*, or petition endorsed on the sanad, runs thus :—"The noblest of merchants, the English Company, represent that the factory for carrying on their trade in the pergunnahs of Calcutta, lying near the sea, and being liable to continual alarms and interruptions from the enemy, for their defence, they have made a tank of water round their factory, and left an esplanade on all sides at the distance of a cannon-shot, and that the mowza of Govindpoor, etc. in the districts of the pergunnahs of Calcutta etc. of the Sircar Sautgaum, belonging to the Paradise of the Nations, the Subah of Bengala dependent on the Khalsa Shereefa and Jaghire of the Sircar, adjoin thereto ; they request that a sunnud exempting them from the payment of the rents thereof, be granted them." Verelst : *View*, etc., Appendix pp. 153-55.

CHAPTER V.

THE MAYOR'S COURT.

In 1693, when the Company in London were devising large schemes for their young settlement at Calcutta, they proposed the establishment of a Court of Judicature which would take cognisance of disputes between British subjects residing at that place. On April 10th, 1693, they wrote:

> "24. We send you with this a short extract of two or three Paragraphs out of our Generall Letter to Bombay and Suratt, by which you will see that we have taken as much care as we can to prevent the irregularityes of such as sail upon our Country permissive ships from Suratt, &c. And now it will be your part to erect such a Judicature in Bengall after the manner you have seen practised at Fort St. George to judge and punish by fines to the Company and otherwise such as shall offend hereafter, wherein we doubt not, but you will proceed with exact justice and great moderation, which is always to be used to the first offenders, besides if you find any refractory you may reduce them to obedience by denying them the priviledge of our passes and dusticks [dastaks] &c."[1]

To this the President and Council at Calcutta replied on December 14th, 1694[2]:

> "By the death of Agent Charnock your Honours are disappointed in your Intentions and Expectation of having a Court of Judicature erected in Bengall and for that reason we presume the Hon'ble President and Councill of Fort St. George took the Commission out of your Honours Packett before it came to us, our Endeavours have been fruitless hitherto in procuring the Nabobs and Duans consents for a firm settlement in this place and we have no hopes of a grant for it so long as this Duan continues."

With this view the Directors concurred, for on May 14th, 1696, they write:

> "Till the Company be settled by Act of Parliament, we think it not very materiall to resettle a Judicature in Bengall, since you may send to the Fort,[3] or send thither for a warrant or bring up any refractory or disorderly persons."

[1] *Court's Letter Book*, vol. ix, p. 257. The Surat letter referred to above is dated 1 May, 1693, and the paragraphs mentioned are Nos. 2 and 3.

[2] Bengal Original Consultations (India Office Records), vol. I, No. 5949.

[3] Fort St. George, Madras.

In 1726, however, the Company again moved in the matter of establishing Courts at their leading Indian settlements.[1] The letter of the Court of Directors, dated 17th February, 17 $\frac{26}{27}$, to the President and Council at Fort William is so full of many points of interest that it is well worth quoting at length:

To Our President and Council of Fort William in Bengal.

1. Upon Application made to His Majesty, We have obtain'd His Majestys Royal Charter for our settlements at Madraspatam, at Calcutta at Fort William in Bengall, and at Bombay in the East Indies to enable Us by Vertue thereof to have our Affairs in all those Places and within the Districts therein mention'd, as also in all the Subordinate Factoryes of those Presidencys managed with greater Authority than ever hitherto, We apply'd to get the Management of the Civil Affairs as near as We could agreeable to the Practice and Methods of the Mayors Court at Fort St. George, which have continued for many years, and as you will see in the said Charter (of which we send you by the Bridgwater an Exemplification under the great Seal of this Kingdom) It begins and goes through first with all the Powers and Authoritys granted and Rules prescribed for that Place, And then proceeds to erect the like Courts and give the same Rules for our Settlements at Bombay and Fort William.

2. The said Charter appoints an Annual Sheriff to be chosen to be the last of your Council, and to return all the Processes of the Court (And nominates nine Persons to be the Court of Mayor and Aldermen, and as such a Court to Try all Civil Causes that may happen) To bring into Court all Persons complain'd of To hold them Bail or Confine them, and on being empower'd by Warrants to Seiz and Sell the Effects to make satisfaction to the several Persons, who by Decree of the Court on hearing the Cause have any Summs of money adjudged to be due to them, And in this the said Court have by the Charter a Power to frame Rules of Practice in the Proceedings.

3. There is a liberty reserv'd in said Charter to appeal from the judgment of the Mayors Court to the President and Council, who are by this Charter made a Court of Record to receive it, and rehear the Cause, And if either Party think him, her or themselves then aggriev'd, they have liberty (in case the Sentence is for one Thousand Pagodas or upwards in Value) to appeal from the President and Council to the king in Council here under certain Conditions therein contain'd.

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[1] The petition for the charters is printed in my Article "Some Records Relative to the Mayors Court." *Bengal: Past and Present*, vol. viii, pp. 809. India Office Records Department. Correspondence Memoranda. Vol. 9.

4. This Charter gives the President and five of the Senior Council a Power to be and Act as Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery, To hold Quarter Sessions, and to proceed to hear, try and punish, in all Criminal Causes, except only of High Treason, as Commissioners of Oyer and Terminer and Gaol Delivéry do in England appointing and Summoning Grand and Petty Jurys for those purposes.

5. We hope this Power will have that good Effect as to prevent all Persons from being guilty of wicked practices to subject them to the judgment of said Court.

6. Likewise a Power is granted by said Charter to appoint Generals by Land and Sea and Military Officers, and to Levy and Train Souldiers and resist Enemys, And further to Act as is therein directed, And therewith is granted an additional Authority to grant Probats of Wills and Letters of Administration on the Goods and Credits of Intestates, or of those whose Executors are not on the Place as by the said Charter is fully directed.

7. You must from the time the Charter is to operate, which is to be within thirty days after receipt hereof, take particular care to swear into the Office of Mayor and Aldermen the Persons appointed thereto, and in case of Death or total absence others as directed, The appointments of the several Persons for Administring the Oaths of fidelity and those who are to take the said Oaths and Oaths of Office are so plainly directed in the Charter that there can be no mistake when once you have but read it over attentively.

8. We had elected a very ingenious and able Person to go along with the Charter to Fort St. George and assist there, and afterwards at Bengall and Bombay in the first setting out to put every thing in a right Method and Trace out the way at first with the Utmost exactness, And had agreed upon giving him a very encouraging Gratification for his pains and the time he must necessarily spend in all three Places, But some unhappy Accidents with a great Indisposition that hath lately seiz'd him has prevented his undertaking the Voyage and consequently the Employment.

9. However that you might not be at a loss or doubtful in any part of your proceedings, We herewith send you two written Books One by the Bridgwater and the other by the Walpole, Entituled Instructions for putting in Execution the East India Companys Charter, First as to the form and Method of proceedings in all Civil Suits, Actions and Pleas between Party and Party, Secondly as to the Method and Form of Proceedings before Justices of the Peace and at a Court of Oyer and Terminer and Gaol Delivery, Thirdly as to the manner and form of Granting Probats of Wills and Letters of

Administration of Intestates Estates, To which is subjoin'd the form of some Oaths necessary to be taken in pursuance of the Charter, and which are not taken Notice of in the Instructions.

10. You will in said Book observe an instance in a Civil Case of prosecuting for a Debt, and a Supposition of all the Accidents that may happen in the whole of the Proceedings, many more than are likely, and if you find them attempted may with prudence be easily check'd so far as found dilatory and purely litigious, Also Instances of all the several Steps that can probably be taken before the Justices of the Peace and at Courts of Oyer and Terminer and Gaol Delivery with variety of forms of Warrants and other Orders, many more than in probability you will ever have occasion for, And the same as to the manner and form of Granting Probats of Wills and of Administrations, wherein the Civilians have taken in as We are told all that can well be said on that Subject, and more than ever you shall want to consult in the Cases that may come before you.

11. We likewise send you along with the said Instructions Two written Copys of the said Charter bound in a Book, one of each for the Common use of the President and Council in Council, and the others for the Mayor and Aldermen at their Court.

12. It will require your utmost care in every step you take for putting in execution the Powers and Authoritys therein and thereby given and granted, which when read over attentively and duly consider'd together with the Instructions before mention'd will be soon render'd easy and familiar, and then with common prudence will doubtless be continued so.

13. If you apply heartily as We earnestly recommend to you to endeavour you will bring the Mayors Court though new with you at present into use and good liking of all the People for doubtless there doth arise among you at times some disputes in the matters of Meum and Tuum, and if you do exercise the other Powers with prudence and Justice (and We must tell You it is greatly incumbent on you so to do, for the very Intimations of Kings are commands and if not obey'd or their Grants not thankfully accepted and made use of as they ought may bring You as well as Us into a Premunire) We cant at present apprehend We have any thing more that We shall want of the Government as to our Settlements in India for the better Government of them, And the Authority We shall now act by being supported by one so much greater than Our own, Will redound greatly to the Honour of the Nation, and part thereof will cast a Lustre on yourselves as the Instruments of putting it into operation.

14. As the Charter directs a Sherriff to be annually elected, so it directs other Officers to be chosen as well in the Court of

Mayor and Aldermen as in that of Oyer and Terminer, but as you have a great many Covenant Servants, We hope they may serve the purposes of both without appointing any other English People into them, or any of them, We would have those most fit at present, or such as are most likely to be so by time and practice to be first put in, wherein one Person may possibly fill up two or more Stations, and though the business they are likely to be employ'd in will be but very little and seldom, Yet as they may think it very hard to officiate without some reward for their labour, Therefore We hereby direct You to appoint proper Fees according to their different Employments, But be sure to take care that they be very moderate and Suited to the Circumstances of the People, who are many of them very poor and can't bear the paying of such as We may here Account but small Fees, whereto We desire you will have a great regard, and send Us a Table of the respective Fees in all Cases for our Inspection and Judgment.

15. Be you particularly careful on your part and let the Mayor and Aldermen know That We also earnestly recommend to them to check the first beginnings of any oppressions, exactions Misbehaviour towards any or the least foul practice of the Attorneys and other Officers of the Court, Keep them all within due bounds of Decorum, and Discountenance all Attemps of prolonging of Suits, In the Instructions are certain distances of times between one part of the Processes and what next is to follow, Let the Court curtail them as much as equitable may be, for Justice may be render'd Sour by delaying, The most expeditious it can be made in reason is thereby the better.

16. We hope you will never have occasion to put in Execution the Powers given you for exercising of Martial Law in time of War and open Hostility, as occasion may be and necessarily require and can legally be done, Therefore you should be very careful in your Proceedings.

17. By the Charter Three of the Mayors Court, the Mayor or Senior Alderman being One, may Try all Civil Causes, Yet We recommend to that Court to have always as many of their Members there in all Judgments to be given by them as possible, not only for the greater Solemnity but also for the more thorough Sifting all matters that shall come before them to prevent as far as possible the least mistake or Error in the Sentence given, as remembring they do in Judgment act in the Place of God towards the People, And according to the Scripture Expression, He that rules over Men must be just ruling in the fear of God.

18. As to the Proceedings in the several Courts of Record, It will be necessary to use Parchment in the several Writings as being most durable and to keep all safe from Vermine, there-

fore We send you Nine Rolls of Parchment, each containing Sixty Skins for use, On which let such moderate Sums be put as to the larger or smaller Pieces wanted, that We may be reimbursed our prime Cost with a small advance for Interest and Risco.

19. Send Us yearly Copy of the Register of your Court Books kept in pursuance of this Charter for our Notice and Observation how you proceed therein.

20. You will find in the Packets a List of the Statutes and some Law Books, which we have been advis'd to send You, as what may give you some light on occasion.

21. This Charter being principally design'd for the Government and benefits of Europeans, and many of the Natives who live with you having peculiar Customs of their own, We are willing they should still enjoy them, so as they live quietly and do nothing that tends to publick disturbance or breaking into the settled Rules of the Place, You must continue to be as hitherto you have been very careful to avoid as much as possible the putting any of the Moors to Death, unless the Crime be of a very high nature such as Murther and Piracy and the proofs thereof be very possitive and plain for fear the Moguls Governours make it a handle for raising Disturbances, of which it may not be easy to foresee or prevent the ill Consequences,

We are

Your Loving Friends

HENRY LYELL, *Chairman*

(and 18 others.)

The Rev. J. Long, in the introduction to his volume of *Selections from the Unpublished Records of Government, 1748-67*, tells us that the records of the Mayor's Court "are deposited with the High Court, but unfortunately all records since 1749 have been lost." He gives us the following account of the expenses of the Mayor's Court in 1753 :

	Rs.	A.	P.
To paid the trustees of the charity school for apartments for the records for 4 months at Arcot Rs. 30 per month	120	0	0
Batta 8 per cent. ...	9	9	6
	129	9	6
To paid for a piece of red taffaty for gowns for the Alderman ...	12	15	3
To paid by order of Court for copying a large book for the court's use...	64	12	9
To paid for wax cloth	1	0	6
Velvet for the chair and cushion and making	37	4	3

In August, 1748, Madras was restored by the French to the English Company. The Company were advised by the Solicitor-General and their own Standing-Counsel, that the capture of Madras by the French had terminated the powers and authorities granted by the Charter of 1723. As a new Charter was thus rendered necessary for Madras, the

Directors thought that they might make use of this occasion, and, while surrendering the charters for Bengal and Bombay, to obtain charters embodying various improvements of which experience had proved the need. The principal addition made was the establishment of Commissioners to serve as a Court of Requests for the recovery of debts not exceeding five pagodas in amount. In their letter accompanying the Charter, the Directors remark:

> "With respect to criminal proceedings, we have nothing to add to the instructions already given, unless it is, that the Legislature in the last Session made an Act of Parliament for better preventing the horrid crime of murder, several copys of which we send you herewith. So, if the Commissioners of Oyer and Terminer think it may be a means to prevent or deter persons from committing that horrid crime, they may, in case of conviction, proceed to judgment and execution, and disposal of the body in the manner that the Act directs."

The Charters of the Mayor's Court[1] thus established four judicatures in Calcutta exercising jurisdiction from the English Crown over British subjects, natives in their employment, and persons who voluntarily placed themselves under the Courts:

1. The President and Council (in 1723 "five of the Council"; in 1753 "all the Council") are Justices of the Peace and Commissioners of Oyer and Terminer and Gaol delivery, and hold Quarter-Sessions.
2. The Mayor's Court.
3. The President and Council, a Court of Record, to hear appeals from the Mayor's Court.
4. After 1753, twelve Commissioners to form a Court of Requests.

Turning to the subject of the law administered by these Courts, it may be said at once that it was the law of England as it stood at the introduction of each of the Charters, *i.e.*, 1723 to 1753, it was the law of England as it stood in the year 1723, and from 1753 onward as the same law stood in 1753. Impey at his Impeachment stated:

> "Among the records I found the instructions sent out by the Court of Directors with that Charter (the Charter of 1753), and expecting, as I really procured, great information from them, ordered them to be copied. These instructions direct the new Court how to proceed against prisoners not understanding English, tells what crimes are misdemeanours, what simple felonies, what within clergy, what capital, and all the distinctions on that head; what punishments are to be inflicted, amongst which transportation is particularised; how to proceed in each case; and gives precedents of indictments for each crime, the oath for an interpreter where the prisoner does

[1] For earlier Charters of the Crown see Cowell: *History and constitution of Courts, and Legislative Authorities in India*, chap. I.

not understand English, directions how to proceed when any Portuguese, Gentoo, or native of India, not born of British parents, happens to be prosecuted for any capital offence, which the instructions say 'will probably often happen'; they are told that stealing goods above the value of forty shillings out of a dwellinghouse, above five shillings privately out of a shop or warehouse, or stable, and from every person above five shillings is capital: they are told that the jury may mitigate the sum so as to make the offence clergyable, and the clerk of the peace is directed to mark the judgment [s] so mitigated to distinguish them. They give precedents of indictments for all these crimes, and add indictments for burglaries, highway robberies, and horse-stealing, as cases 'likely to happen.' In a marginal note they are told in cases where any Act of Parliament makes a crime felony, which was not so at common law, the indictment must conclude 'against the form of the Statute.' They are directed 'to enlarge on His Majesty's princely goodness, who on the humble application of Honourable Company, has thought fit to extend his care and the benefit of his laws to his most distant subjects in the British settlements in the East Indies. This the Director desire 'may be done the first time the Commission is put into execution'."[1]

Sir Gilbert Elliott[2] contended that Sir Elijah Impey was mistaken as to the date of these instructions, and asserted that they were in fact sent out with the Charter of 1723. No evidence is forthcoming to support Sir Gilbert's assertion, and, on the other hand, in a volume of Early Parliamentary Papers (printed) there is to be found "Extracts from the Book of Instructions for putting into execution the E. I. Co's Charter for erecting and holding Courts of Justice, Civil and Criminal, at Fort St. George and the Company's other Settlements in the East Indies, dated the 8th June, 1753, 26th year of the reign of George the Second." These extracts clearly are made from the instructions cited by Impey.

During Impey's impeachment, Mr. Boughton Rous was asked whether he knew "anything of any intention to carry the English criminal law into execution in the town of Calcutta?" He replied: "I have found amongst my papers a copy of a proclamation issued by His Majesty's Justices for the town and district of Calcutta at their Quarter Sessions held on the 3rd June, 1762, in which such an intention is announced." A diligent search for a copy of this Proclamation has been made at the Record Department of the India Office, but in vain [3]

[1] Sir J. F. Stephen: *The Story of Nuncomar and the Impeachment of Sir Elijah Impey*, vol. II, pp. 20-21. Sir J. F. Stephen did not "attempt to verify this statement of Impey's."

[2] The Mover of Impey's impeachment; afterwards the first Lord Minto.

Among the records following will be found "an Account of the several persons who have been prosecuted in the Court of Quarter Sessions in Calcutta, for criminal offences according to the Laws of England, from the 1st of January, 1762, to the 1st of October, 1774."[1] It will be observed that the first case is dated August 27th, 1762, *i.e.*, subsequent to the proclamation mentioned in the preceding paragraph. Out of forty-five cases, in which sixty-two persons were implicated, the natives are in the majority, and in twenty-one cases the sentence was capital. Two cases may be taken as illustrative of the law enforced by the Courts. These I take from Verelst's *View of the Rise, Progress and Present State of the English Government in Bengal*, observing, however, that the first case does not appear in the list abovementioned. Verelst has left it on record as his mature judgment: "as well might we transplant the full-grown oak to the banks of the Ganges, as dream that any part of a code, matured by the patient labours of successive judges and legislators in this island, can possibly coalesce with the customs of Bengal."[2] The first case he cites to prove his point is as follows:—

1. "In the year 1762, a native detected one of his women in an act of infidelity. Throughout the East, women are wholly subject to the will of their master, and every husband is the avenger of his own wrongs. The man, therefore, satisfied of her guilt, proceeded to punishment, by cutting off her nose. He was arraigned at the Calcutta Sessions. He confessed the fact, but urged that he had done nothing to offend the laws and customs in which he had been educated: that the woman was his property; and that, by such customs, he had a right to set a mark upon her, for her infamy; that he had never heard of the laws by which they tried him; dtid they believe that if he had known the punishment to be deaih, he would ever have committed what they now called a crme? The man notwithstanding this defence, was condemned and hanged; for, if the Court possess jurisdiction, they must proceed according to the English laws."[3]

2. The second case is interesting as forming a precedent for the Supreme Court's sentence upon Nanda Kumar ("Nuncomar") on his conviction of forgery. "The amazing extent of public and private credit in Great Britain," writes Verelst in 1773, "has induced our legislators to punish forgery with death. Under this law a native of Bengal was condemned in the year 1768. But so extravagant did the sentence appear, where experience had never suggested the principle, such the disproportion in their eyes between the punishment and crime, that the principal inhabitants of Calcutta expressed their astonishment and alarm in a petition to the Governor and

[1] See Appendix. Sir J. F. Stephen cites this paper but gives a wrong reference.
[2] Verelst: *View, etc.*, p. 134.
[3] Verelst: *View, etc.*, p. 26.

Council; and, upon a proper representation, Rada Churn Metre received a pardon."[1]

Verelst, in his *View, etc.*, devotes a whole chapter to maintaining "the impossibility of introducing English laws into Bengal." He points to native customs absolutely irreconcilable with English principles—polygamy, childmarriages, the customs of the harem, etc., etc.; and reflects upon the fact that in Great Britain "not less than one hundred and sixty felonies are created by acts of Parliament." He recognises that Europeans in Indian settlements must be subjected to British civil and criminal law, and for that reason urges that, with the exception of the few district officers of the Company, Europeans should not be allowed to reside outside the Company's territorial limits. The principles, which his oppressively pompous sentences make it difficult for the reader to follow, are practically these :—

1. The laws of England are the result of centuries of varied experience, and minute science, and are adapted only to a free people.
2. The natives of Bengal are not capable of receiving a free government, and therefore cannot receive the law of a free people.
3. As the natives must be left to their own customs and laws, justice must be administered by native judges: but to prevent "independency," the Governor-General and Council should issue edicts from time to time, for "power must reside in the conquerors."
4. A Court of English justices, assisted by worthy natives, might hold an appellate jurisdiction, but "to invest Europeans with an original judicature throughout the country would be productive of infinite oppression."

The replies of the Collectors to the enquiries addressed to them in 1790, show that the idea of maintaining a British Government in India, and yet leaving the native law substantially unchanged was an idea, which rested on inadequate information both as to the character of Muhammadan civilisation and the actual circumstances of the country. Verelst held the view that English law was a monument of perfection—a view commonly held by Englishmen at that time. To us the eighteenth century criminal law is not an amiable subject for contemplation. Its introduction, as it stood and as it was developing itself, into Calcutta was bound, as in the instance of the punishment of forgery or petty thieving by death, to have deplorable consequences: on the other hand the introduction into Bengal (for British subjects and their dependents) of the English law with all its imperfections and excesses, was a necessary step towards the substitution of a carefully considered criminal and civil code, adapted to the people for whom it was intended,

[1] *Ibid.*, p. 141 and Appendix p. 177. See also collection no 8, India Office Record Department, Parliamentary Branch, and Long: *Selections*, No. 840. Radha Churn Mitra was a grandson of Holwell's old foe, Govindram Mitra, the "Black Collector" of Calcutta.

and patent to expansion and revision, according to the even changing circumstances of the State and the conditions of native life.

The weakness of the Judicatures of 1723 and 1753 arose from the fact that they tended to be in fact but branches of the Company's executive government, and they therefore afforded imperfect means of resistance to the class interests of the Company's servants, at a time when the Company's servants were bidding fair to monopolise the trade of the country.[1] It would occupy more space than the nature of our general subject would justify if we were to undertake a discussion of the charges brought against these Courts by Bolts in his *Considerations*. It may be held that Verelst does satisfactorily meet these charges, but it must also be admitted that in doing so he unconsciously betrayed the weakness of a system under which executive government and judicial authority were combined in the hands of men who had commercial interests of their own to defend.[2] The Aldermen of the Mayor's Court were as a rule anything but what the term "alderman" etymologically implies: they were mostly junior servants of the Company in the days when the Company's servants, without any special training at home, began their Indian career a little more than midway in their teens.[3] Nor was the Charter itself so explicit a guide as occasion required: it left room for doubts as to the amenability to *sub poena* of witnesses residing beyond the Maratha Ditch:[4] and left room for doubts which could not be dispelled without a tedious reference to law authorities in England.[5] It cannot be doubted, however, that Cowell's characterisation of the period covered by the activities of the Mayor's Court is over drawn. The Professor has taken Lord Macaulay rather too seriously.

From the *Sixth Report of the Committee of Secrecy, 1773*, we learn that, where debts had to be realised from natives living outside the limits of the Company's settlements, other methods than recourse to the Mayor's Court were resorted to. "Where the debtor was dependent on, or connected with the Company, in the course of

[1] In 1767, however, the Mayor's Court protected, in despite of the Governor and Council, a Mr. Atkinson who, having obtained the Company's permission to go from Fort Marlborough to China, came instead to Bengal.

[2] Bolts points out: "By the charter of George I., the Mayor's Court had the power of electing their own members to fill up vacancies; and, while such continued to be the practice, that Court was the bulwark of all security with regard to property in the settlement, and might be considered in a great degree as independent. Indeed it was so much so at that time (before the Company had adopted, in so common and frequent a manner, the practice of seizing persons and sending them prisoners to England) that it was deemed inconvenient to the Company who has many decrees given against them, and this was thought the great defect before hinted at, against which, though not expressed, the Company petitioned the Crown, and obtained the Charter of George II., whereby the right of electing Aldermen was transferred from their own body to the Governor and Council, who thereby had the unconstitutional power given them of making and unmaking the judges." *Considerations*, vol. I, p. 8.

[3] On the occasion of Nanda Kumar's trial, the combined ages of the Under-Sheriff of Calcutta, and the acting Persian Translator scarcely amounted to 42.

[4] The eastern boundary of Calcutta.

[5] See *Sixth Report of the Committee of Secrecy, 1773*.

commerce, and residing (as these persons generally did) in the neighbourhood of any of the Company's settlements, the general practice was to lay hold of his person by their own authority, without applying to any Court or Officer of the Government,[1] and they sometimes ventured to exercise the same right, even where the debtor did not fall under that description; but this was an abuse, though generally overlooked by Government. In the former case, the Government tacitly allowed and countenanced the practice of seizing and detaining the debtor, it being much the disposition of the Government to give all encouragement to the Europeans, from whose commerce their country then derived such considerable advantages. In cases where it was not thought prudent to proceed in this manner, the only remedy was by application to Government; but your Committee were informed that there was seldom occasion to make use of either of these ways to compel payment of any debt to the Company or its servants, for that the persons dealing with them reaped so much benefit from that connection, that there seldom arose any dispute between them. . . . . The French and Dutch exercised the same privilege of seizing their debtors, and even continued the practice after the Company's acquisition of the Dewanee."[2]

In 1774 the Supreme Court of Judicature took the place of the Mayor's Court, and at once commenced a conflict between the Judges and the Governor-General's Council as to the Court's right to intervene in causes in which the revenue and the revenue officers were concerned. It is, therefore, interesting to note that a similar conflict had arisen between the older Court and the Collector of Calcutta. In 1753 Holwell protested that "the bulk of the causes that come before the cutcherry are for sums cognizable by the said Court of Requests,"[3] and, on 1st March, 1754, the Mayor's Court write to the Directors, complaining that the Collector refused, at their bidding, to release a native whom he had confined and who was a party to a cause brought into their Court.

[1] By "Government" in this passage the Nawab's Government is meant.

[2] "Your Committee find, by the Secret Consultations lately received by the *Lapwing*, that this practice having been lately prohibited by the President and Council, the French in very strong terms, remonstrated against this order, as a violation of a right which they had always held and exercised under the Country Government; but that the President and Council denied this pretension, and insisted that the French should have recourse to the courts of justice to compel payment of their debts: but your Committee do not find that this dispute has been brought to a conclusion."

[3] Fort William Consultations, 29 October, 1753. See *Bengal: Past & Present*, vol. x.

APPENDIX.

Early Parliamentary Papers relating to India—printed in 1788. Coll. No. 22.

AN Account of the Several Persons who have been prosecuted in the Court of Quarter Sessions in Calcutta, for Criminal Offences, according to the Laws of England, from the 1st of January 1762 to the 1st of October 1774; Specifying the Names and Crimes of such Persons, together with the Dates of such Prosecutions respectively, and which of the said Persons were convicted, and the Sentences pronounced on such convictions.

Serial No.	Date of Prosecution.	Name of Persons tried.	Crime.	Verdict.	Sentence.
	1762				
1	Augst. 27th...	Loll Khan ...	Privately Stealing.	Not Guilty.	
2	Novr. 27th ...	Sook Dev, and Diaram	Murder ...	Do.	
3	30th ...	Enasse Gosaul ...	Felony ...	Guilty of an assault, but not of the Felony.	To be flogged at the Cart's Tail every Monday for a month with a cat of Nine Tails.
4	...	Owen John Soorkeas, Kirporam Mollay	Burglary ...	Not Guilty.	
5	Decr. 1st ...	Brijoo Hazerath ...	Felony ...	Guilty, Stealing, Value 10*d.*	Do.
6	...	L. Granidier ...	Murder ...	Not Guilty.	
7	3rd ...	Allady, Panche	Rape ...	Guilty ...	Death.
8	17th ...	Ramram ...	Murder ...	Pleaded Guilty	Do.
9	...	Caville ...	Burglary ...	Guilty ...	Do.
	1763				
10	Febry. 28th ...	E. Barry, Dooberage	Burglary ...	Not Guilty.	
11	Augst. 27th ...	Mignel Van Colsten ...	Murder ...	Not Guilty.	
12	Septr. 1st ...	Jaffier, Golaum Hossein, Occoor	Burglary ...	Guilty ... / Do. ... / Acquitted.	Death. / Do.
13	Novr. 29th ...	Mary D'Rosario ...	Murder ...	Not Guilty.	
14	30th ...	Bernando ...	Felony ...	Discharged, the Prosecutor not appearing.	
15	...	Diaram ...	Felony ...	Guilty Stealing to the value of 10*d.*	To be whipped at the Public Market Place Four successive Mondays.
16	Novr. 30th ...	Marshall Johnson ...	Assault ...	Guilty ...	To be imprisoned till next Sessions, then left to the Discretion of the Justices to release him, on finding sureties for his good Behaviour.

APPENDIX—*Contd.*

Serial No.	Date of Prosecution.	Names of Persons tried.	Crime.	Verdict.	Sentence.
	1762				
17	Nov. 30th ...	Bridjoo ...	Murder ...	Accessory to the Murder.	Death.
	1764				
18	Febry. 28th ...	Collin Campbell ...	Assault ...	Pleaded Guilty	Fined £100, to be imprisoned One Month, and to find Security for his good Behaviour, himself in £1,000, and Two Sureties in £500 each.
19	May 28th ...	Fras. Russell ...	Forgery ...	Guilty ...	To be whipped round the Town at the Cart's Tail.
20	Septr. 11th ...	Susanna ...	Murder ...	Not Guilty ...	
21	12th ...	Robt. Baker ...	Felony ..	Guity of Stealing to the value of 10*d.*	To receive 100 Stripes with a Cat of Nine Tails.
22	...	Jean La Finesse ...	Assault ...	Guilty ...	A small Fine.
23	Decr. 14th ...	Frederick Hinnings ...	Murder ...	Not Guilty.	
	1765.				
24	Febry. 27th...	Radachurn Metre ...	Forgery ...	Guilty ..	Death. Pardoned.
25	May 27th ...	Shake Sobdy ...	Felony ..	Do. ...	Death.
26	Augst. 27th ...	Contou ...	Murder ...	Do. ...	Do.
27	...	Cooil Mahomed Reza Kedaine Tittaoo Gauzee Ariff Babaaloo Cotubbe Monalda Anunderam and Noon Mahommed	Felony and Murder.	Pleaded Guilty of the Felony.	Death.
28	Novr. 27th ...	Nathanl. Freeman ...	Assault ...	Guilty ...	Fined £50 and to be confined until he find security for his good Behaviour for Twelve Months.
	1766				
29	Febry. 27th ...	Bavauny ...	Murder ...	Not Guilty ...	
30	...	Lallchund ...	Do. ...	Guilty ...	Death.
31	...	Netow ...	Do. ...	Not Guilty ...	
32	May 27th ...	Lallbaharry ...	Do. ...	Do. ...	
33	Augst. 27th ...	Duwahmerand ...	Do. ...	Guilty ...	Death.
34	...	Rhomeney ...	Do. ...	Do. ...	Do.
35	Novr. 27th ...	Manas Romken ...	Rape ...	Not Guilty ...	
	1767				
36	Febry. 27th ...	John Poole Robt. Sherman Laurence Murray	Assault ...	Not Guilty ...	
37	May 27th ...	Betty ...	Murder ...	Guilty ...	Death.

APPENDIX—*Concld.*

Serial No.	Date of Prosecution.	Names of Persons tried.	Crime.	Verdict.	Sentence.
	1767				
38		Anthonia Da Costa ...	Assault ...	Pleaded Guilty.	Fined £20 and imprisoned One Month.
39	Augst. 27th ...	Mark Mathewson ...	Felony ...	Guilty, Stealing, Value 10*d*.	Committed to the Public Gaol for 3 Months, to be publicly whipped through the Town Twice, to receive each Time 100 Lashes on his bare Back with a Cat of Nine Tails; and afterwards to be committed to Bridewell to Hard Labour for 6 Months.
40	Augst. 27th ...	Saml. Farley	Assault ...	Not Guilty.	
41	Novr. 27th ..	Mathw. Callaghan, Price Trumbull, Walter Powers	Felony	Not Guilty.	
42	.....	Ram Gose ...	Murder ...	Do.	
43	.....	Sitteram ...	Do. ...	Do.	
	1768				
44	Febry. 27th ...	Emandy ...	Murder ...	Not Guilty.	
45	Novr. 27th ...	Wm. Macintosh ...	Assault ...	Guilty ...	Fined £20 Stg., and to find Security for his good Behaviour for 12 Months.

N.B.—The Preceding Account is conformable to the Order of the Honourable House, so far as the Documents at the East India House will allow—the Proceedings of the Court of quarter sessions at Calcutta for the year 1762 only commencing the 27th August of that year; and there has been no Proceedings of the said Court received of a later Date than the 27th Novr. 1768.

It cannot be ascertained from any Document in the Company's Possession in Europe, which of the Sentences have or have not been carried into Execution, except that passed on Radhachurn Metre, who was recommended for Mercy, and afterwards pardoned by His Majesty.

EAST INDIA HOUSE, R. HUDSON,

3rd March, 1788. *Pro. Examr. of India Correspondence.*

CHAPTER VI.

THE ENGLISH ACQUIRE THE TWENTY-FOUR PARGANAHS.

THE Treaty, signed on the 9th February, 1757, between Siraj-ud-daula on the one hand and Admiral Watson and Colonel Clive on the other, has been characterized as "neither honorable nor secure." It was not honourable because it "did not punish the Nabob for the outrage by which the war was occasioned, or indemnify the Company for the expense at which it had been carried on;" it was not secure, because, while it was suspected that the Nawab was intriguing with the French, whose advent on the scene was daily expected, it failed to provide against the combination of the Nawab and the French in an attack on the English.[1]

In justice to Clive it is necessary to remember that in the early part of 1757 his position had been extremely critical and he had come to feel that, "if something was not done, the squadron and the land forces would be soon starved out of the country." In the early morning of 5th February Clive conducted a brilliant attack on the Nawab's camp in what is now the Sealdah district of Calcutta; and such was the success of this effort that Siraj-ud-daula withdrew his forces beyond the Salt Lakes. Admiral Watson believing the Nawab to be still far too confident in his superior numbers to be ready to listen to the Select Committee's peace proposals, sent his Flag Captain to Clive, with a letter urging that another blow should be struck before commencing negotiations.[2] On the 9th February, however, the Nawab intimated his readiness to comply with the terms of peace stated by Clive. When the circumstances in which the Treaty was concluded—the military preponderance of Siraj-ud-daula's army, the expectation of the speedy arrival of either Bussy's troops or a powerful French squadron, the want of supplies experienced by the English—are remembered, it becomes obvious that Clive had good reasons for snatching at the opportunity of coming to terms with the Nawab. It is, however, important to notice that the essential claim made by the English was to be restored to the *status quo ante bellum*, and to be allowed to enjoy to the full all the privileges obtained in the past by "phirmaunds and husbhalhookums sent from Delhi."

The text of the Treaty of the 9th February is best studied in Mr. S. C. Hill's *Bengal in 1756-57*. Article III. provides: "All the Company's factories seized by the Nabob shall be returned. All the money, goods, and effects belonging to the Company, their servants and tenants, and which have been seized and taken by the Nabob,

[1] Elphinstone: *The Rise of the British Power in the East*, p. 290.

[2] "Till he is well threshed out, Sir, flatter yourself he will be inclined to peace. Let us therefore not be overreached by his politics, but make use of our arms, which are more to be depended upon, and I dare say will be much more prevalent than any treaties or negotiations." Watson to Clive, 7th February, 1757. Hill: Op. cit., vol. ii, p. 215.

shall be restored. What has been plundered and pillaged by his people shall be made good by the payment of such a sum of money as his justice shall think reasonable."

The Nawab's acceptance of this condition is most unsatisfactorily worded :—"I agree to restore whatever has been seized and taken by my orders, and accounted for in my Sincany."[1] The Nawab, however, had by word of mouth promised a sum for the compensation of losses sustained by private individuals, and it is probable that this and other verbal undertakings on the part of the Nawab account for the perfunctory way in which the subject of compensation is dealt with in the Treaty itself.

In regard to the matter of alliance, Clive had proposed to the Nawab's agents to include in the Treaty an article of alliance between the Nawab and the English against the French, but this proposal Siraj-ud-daula would not adopt. The Nawab, however, wrote to Clive and Watson, protesting that their enemies would be also his enemies, and these assurances were regarded as sufficient.[2] What then the English asked for in February, 1757, was in sum to be restored to the position which they had held previous to the Siege of Calcutta, a sanction for their mint, and that "the villages which were given to the Company by the Firmaun [*farman*], but detained from them by the Subah, be likewise allowed them ; nor let any impediment or restriction be put upon them by the zemindars."[3]

The Treaty entered into with Mir Jafar on 3rd June, 1757 (*i.e.*, prior to the victory of Plassey), differs from the Treaty with Siraj-ud-daula, in that—

1. It excludes the French from establishing settlements in Bengal, Bihar and Orissa.
2. It is definitely a treaty of alliance.
3. It initiates the process of destroying Mughal military power in Bengal by engaging that the Nawab " will not erect any new fortifications below Houghly, near the river Ganges," *i.e.*, it practically places the entrance to the great river-system of Bengal in English keeping.
4. It, in definite terms, compensates the Company for the losses sustained during its war with Siraj-ud-daula.

In regard to the Company's lands, the relevant articles of the Treaty with Mir Jafar run :

"8. Within the ditch[4] which surrounds the borders of Calcutta, are tracts of lands belonging to several zemindars ; besides

[1] Sincany, Ives (*A Voyage from England to India*, p. 115) explains, means "Government books."

[2] Hill. Op. cit., vol. i., pp. cxlviii-ix.

[3] Hill : *Bengal in 1756-57*, vol. ii. pp. 215-17, and Aitchison : *Collection of Treaties, Engagements*, etc., vol. I., p. 181.

[4] The ditch dug by the inhabitants during the Maratha panic of 1742. Wilson : *Old Fort William in Bengal*, vol. I., p. 156.

this, I will grant the English Company six hundred yards without the ditch.

"9. All the land laying to the south of Calcutta, as far as Calpee,[1] shall be under the zemindary of the English Company, and all the officers of those parts shall be under their jurisdiction. The revenues to be paid by them in the same manner with the other zemindars."[2]

When the English took possession of the revenue rights of the Three Towns in 1698, the former holders received pecuniary compensation. The dipossessed holders of the Twenty-Four Parganahs, however, seemed to have suffered without receiving compensation of any kind. In a letter to the Court, dated 3rd November, 1772, Warren Hastings and his Council write :—

"The humane intention shewn in your commands of the 30th June 1769, and recommended in many of your letters since that date, to the rights of the zemindars who have inherited lands from their ancestors, encourages us to solicit your compassion for the antient proprietors of the 24-Pergunnahs, or Calcutta lands which became the Company's zemindarry by the treaty of Plassey, and from which they were consequently dispossessed. A small part of these lands were before that time united within the zemindarries of Burdwan and Nuddea, whose zemindars are amply provided for. The above zemindars and talookdars have continued since that time in a state of extreme indigence ; some of them have large families to maintain. It has been a usual rule of the Mogul Government, when any zemindar was divested of authority, to allow him a subsistence out of the rents of his zemindarry, proportioned to the annual income of it ; this proportion commonly amounted to a tenth. We would not have recommended so large an allowance for these people ; we are persuaded that they will be contented with a much more moderate income, and receive it with gratitude. As this indulgence has been extended to all the other zemindars in both the provinces, since they were placed under your government, we have judged that this representation of the case of those who has been excluded from it would not be unacceptable to you."[3]

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[1] Calpee (Kalpi). The land granted by the *sanad* actually extended to the border of the Azimabad pargana, and thus further south than Kalpi. See Major R. Smyth : *Statistical and Geographical Report of 24 Pergunnahs District,* Calcutta, 1857, p. 68

[2] Aitchison : Op. cit., vol. i., p 186. The text of the Treaty as given in Hill's *Bengal in 1756-57* (vol. ii., p. 384) runs : "That the country to the south of Calcutta, lying between the river and the lake and reaching as far as Culpee, shall be put under the perpetual Government of the English, in the manner as now governed by the country *Zemindars*, the English paying the usual rents for the same to the Treasury."

[3] Apparently nothing was done, for, in October 1776, Hastings writes :—"I think it necessary to mention that I do not propose the appointment of Superintendent of the *bunds* of the xxiv Pergunnahs, but as a temporary measure only. Whenever the ancient zemindars shall be restored to their rights, or the lands shall be let on permanent leases, such

The English lost no time in securing their new acquisitions. On 26th July Clive wrote from Murshidabad to the Court of Directors:

> "It is impossible as yet to form a judgment how much the granted lands will produce you, as the Europeans are quite ignorant of the extent of the country between the river and the lake;[1] but in order to give you some idea of the value, I will venture to estimate it at ten lacs per annum. An officer on the part of the Nabob is already dispatched to Calcutta to begin the survey in company with one of yours."

The Press List of the Ancient Documents preserved in the Imperial Record Department gives the following *precis* of a letter, dated 27th July, from Clive and the Members of Council at "Muxadavad":

> "Informing that the Connago's (Kanungo's) man has been sent on behalf of the Nabob to take an account of the lands, villages, districts, revenues, and other particulars of the territory from the Great Lake eastward of Calcutta as far as Culpee on the South; recommending that, although these men may not be able to trace a proper boundary, it may be well for us to send capable persons to survey the lake, because, as is supposed the lake extends as far as Culpee; then the Company's territory will be almost surrounded by

an office will certainly be unnecessary, as the case of the *bunds* will be best left to the charge of those whose interest will be to keep them in order. The xxiv Pergunnahs are at present the zemindarry of the Company, by the dispossession of the legal proprietors, whose hard case I have long since recommended to the justice of the Company, and mean to propose to the consideration of the Board, whenever the new Settlement shall be under consideration, having been at some pains for that purpose to collect the names of the old proprietors and their descendants with the property originally held by them in the old Pergunnahs." Francis: *Minutes, etc.*, pp. 133-34.

Mr. J. Westland (*Report on the District of Jessore*, 2nd ed., 1874) throws some interesting light on the history of one of the dispossessed proprietors in the xxiv Parganas. Manohar Ray, Raja of Jessore, died about the year 1705 and was succeeded by his son Krishna Ram Ray. Sukh Deb Ray, who succeeded Krishna Ram Ray, was persuaded by Manohar's widow to make over four annas share in the estate to Syam Sundar, brother of Sukh Deb Ray. On the death of Syam Sundar, about 1756, the four annas share became untenanted. "At that time," writes Mr. Westland, "the East India Company received from the Nawab a grant of certain land near Calcutta, and one of the zemindars, whom the Nawab dispossessed in order to make this grant, was named Salah-u-din Khan. This man, representing that Syam Sundar's property had no heirs, requested its bestowal upon himself in requital for the loss of his former zemindari, and the Nawab not unwilling to give what was not his own, bestowed upon him the four annas share of the raja's estates . . . . The four annas share lay mostly within the pergunnah of Saydpur, and was therefore known as the four annas estates, or as the Saydpur estate, both of which names exist to this day . . . . At the time of the permanent settlement it was in the possession of a Mussulman lady Mana Jan (Sala-u-din Khan's widow) and she is noted as having been a very good manager of her property. She brought it in safety through the critical time that succeeded the permanent settlement, and saved it from the dangers which overwhelmed almost all the other zemindars. In 1814 we find the estate in possession of Mana Jan's half-brother, Haji Muhammad Mahsin, who in that year died. Having no heirs, he by will made his estate over in trust for the benefit of the Imambara at Hooghly (Hughli), which has since that time enjoyed its revenues." For Haji Muhammad Mohsin and the Hughli Imambara see an article by Syed Hassain in *Bengal: Past and Present*, Vol. II., No. 1, January 1908.

[1] The Salt Lakes, in recent times much diminished in extent. Up to the time of Warren Hastings the usual route to Dacca lay across the lakes. *Vide Bengal: Past and Present*, vol. V., pp. 171-73.

water, and a communication from Baag Bazar[1] to Kishnapore, on the borders of the lake, will effectually secure Calcutta from any country enemy, and stating that if the boundary can be exactly determined, they are inclined to believe that the Nabob will not only assent thereto, but put us in possession thereof, and confirm the same by ample grants."

In a letter dated 3rd August, 1757, Admiral Watson, who had been requested to provide a surveyor for the newly acquired lands, replied:

> "It appears to me to be a work requiring so much care and exactness, that I know of no one in the squadron capable of it; and, if there were, I am very certain such a performance will require much more time than I shall continue here. But if upon an enquiry in the squadron, you find anyone who will answer your purpose, and is willing to remain in India, I will give my orders for his being discharged."[2]

The Council, however, were able to secure the services of Captain Robert Barker; and, on the day following the receipt of the Admiral's letter, Barker was told off "to accompany the Connegoe's man in the survey of the territory to be granted to the Company, taking with him Captain William Swallow, an artist and a seaman, and to prepare a plan of the course of the Great Lake, sound its depths of water," etc.[3]

Barker's report when completed was sent Home to the Court of Directors and neither the original nor any copy of it can now be traced. The Council at Fort William, however, appointed one of their Senior servants, William Frankland, as Collector of the New Lands and entrusted to him the task of compiling a statistical survey of the newly acquired lands to the south of Calcutta. This survey cost nearly Rs. 50,000, "as it was necessary for Mr. Frankland to carry a great retinue and a large number of servants of all kinds; add to this that the King's Connegoes were maintained at our expence, as well as the gomasthas and other servants belonging to the zemindars, whose accounts we sent for."[4] In forwarding Frankland's report to the Court of Directors the Council write:

> "No. 49 is a general abstract of all the pergunnahs to the southward[5] of Calcutta, and points out in a very circumstantial manner the quantity of ground contained in each of those pergunnahs, the number of villages, markets, zemindars

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[1] Bagbazar. Bagbazar in the northern extremity of Calcutta. A redoubt at this place was the scene of a skirmish during the siege in 1756.

[2] Long: *Selections*, No. 245.

[3] *Press List*, Imperial Record Department, 4th August, 1757.

[4] India Office Records, Letter received from Bengal, vol. IV., p. 101.

[5] Long (Op. cit., p. 157) says that a return of two parganahs to the north of Calcutta was also forwarded. To the north of the town of Calcutta the parganah Calcutta stretched, with the Hughly as its western boundary, to about Titaghur. North of this was parganah Haveli Shahr (corruptly Halishahr), in which the modern Barrackpore and Ishapore are situated.

and farmers, how much ground is assigned over to the Gentoo idols, to servants, etc., what quantity lays barren and uncultivated, and the net number of begahs that pay rent to the zemindars. By which it appears that out of 816,446 begahs the zemindars collect their rents on only 454,804 begahs, the rest being either barren and untenanted, or assigned over to servants, idols, etc.

"The revenue produced by the ground paying rent amounts to Rs. 5,54,604,479 [1] per annum, to which if we add the ground assigned over to idols and what lays untenanted (which in a few years will be cultivated and settled with riots), the Company will be able to collect between nine and ten laack of rupees on the ground to the southward, computing the value of each begah as at present paid, and supposing the pergunnah contain no more than what the zemindars have given Mr. Frankland an account of; but this remains yet to be settled, and will, we flatter ourselves, turn out more when a proper measurement is made of the whole, which ought and must be affected, as the square covers in each begah differ almost in every pergunnah as to the rents collected on them. We have great hopes likewise that by a proper management and encouragement, the value of the grounds in our boundary will in a few years be enhanced, and by that means the rent thereof increased.

"By the above abstract the revenues to be paid the Nawab for the southern lands amounts to Rs. 2,15,000 or thereabouts; but, as we have not entirely adjusted that point, and are in hopes of settling it more to the Company's advantage, we cannot at present precisely ascertain what the gains of this zemindarry will amount to."

For the first sixteen months after coming into possession, the Company's government kept the collections of revenue throughout their newly acquired lands in their own hands. In May, 1759, however, they decided to let out the revenues to farm, and on the 21st of that month the following Rules were issued:

"Notice is hereby given that any person or persons who are willing to farm any of the pergunnahs or parishes in the Hon'ble Company's new lands, may send in their proposals to the Board within twenty days from the date hereof; a lease

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[1] So the figure appears in the India office Records. Long has Rs. 5,46,04,476 per annum—an incredible sum. *Vide Selections* No. 378.

[2] India Office Records, Letters received from Bengal, vol. iv., p. 95 *et seq.*

"The lands of the Twenty-Four Perguannahs, ceded to the Company by the treaty of 1757, which subsequently became Colonel Clive's jaghier, were rated on the King's books at two lack and twenty-two thousand rupees. These lands were, for the space of sixteen months, retained in hand on the Company's account, under the inspection and superintendence of a collector, Mr. Frankland, whose activities, abilities and integrity, in the execution of that trust, stood unimpeached." Holwell: *Interesting Historical Events*, part I., pp. 217-18.

for which farms, if their proposals are accepted, will be granted them for the term of three years on the following conditions:

"That the rents be not increased on the riots of the present tenanted riotty grounds untenanted (or Badgi jemin[1]) and in case any jungles (or patit) grounds are cleared, the farmer is to pay a russud or annual increase for the same according to the payments in the before mentioned term of three years. As soon as the measurement or Jumma-bundy is finished, the farmer is to pay for the increase of lands agreeable thereto. The farmer is not to turn out any riots that duly pay their rents agreeable to their pottahs. No trees are to be cut down without leave. The new farmers are to accept of the balances of the riots with the former farmers. The judicial authority is to be reserved to the Company with all royalties, etc., privileges appertaining to them as proprietors, and lords of the manor. The farmer is not to decide the disputes of caste, nor is he to licence marriages in his district without proper authority. If any of the ryots die without lawful heirs, the farmer is to take a true and exact inventory of his or their effects and send it to the Cutcherry, but is not to deliver or give up the said effects to anyone without an order. The farmer is to observe and obey all such orders as shall be sent him from time to time concerning the Company's business. The farmer is to take proper care and guard his districts with such people as shall be allowed him. He is not to grant lands for road, banks, etc. (Badgi jemin) without leave. He is to collect and receive rents from the ryots as usually have been collected by the former Ezardars[2]; he is also to repair all banks, dams, drains, etc,, as customary."[3]

In June a number of natives came forward with an offer to pay net collections of the past year and an excess of Rs. 1,10,001, and submit to a penalty of forfeiting twice the amount of the excess if it should be proved that they had "increased any tax or sum upon the ryots more than common." On these terms they sought to farm the revenues of the Twenty-four Parganahs for a period of three years.

Holwell comments on this proposal in a minute entered on the proceedings of 11th June, 1759. He maintained that "keeping the lands in our own hands will never lead us to a knowledge of their real value," and, after bestowing unstinted praise on Frankland, said "it is now impossible for any one man with the most extensive talents and integrity, to superintend this revenue in such a manner as to prevent the Company being injured; his attention cannot be everywhere, confidence must be placed in a multitude, and it happens most unluckily that this

[1] *Basi-zamin.*

[2] Ijarahdar.

[3] Long: *Selections,* No. 416. It had been decided on 2nd February, 1758 "that no Europeans be suffered to purchase any of the Hon'ble Company's farms." *Ibid.,* No 340. See "the form of a lease to a zamindar in 1766". Long *Selections,* No. 863.

confidence centres from necessity in a race of people, who from their infancy, are utter strangers to the very idea of common faith or honesty." As to the proposal that had been made, he was apprehensive that the whole body of the lands might by a private confederacy "fall into the hands of people with whom we would not trust any part of our own fortunes, or confidence," and, therefore, he would himself offer Rs. 10,000 more per annum on their terms, "not that I wish myself, or anyone else, in possession of them, on terms so vague and artful." In conclusion he said—

> "On the whole, therefore, I am of opinion that there is no effectual method to arrive at this knowledge, and make your lands yield every advantage to our Hon'ble employers, but by putting them up to public auction in single pergunnahs, under the restrictions already published. People of substance will be the only bidders for an entire pergunnah, the bad and unprofitable parts will go with the good and valueable, and the risque of deficiencies in the rents be guarded against; the expences of collecting will be in a manner reduced to nothing, and this branch of the service be rendered less complicate and intricate by our having 25 purchasers only to account with us, in place of 5 or 600."[1]

To these proposals the revenue farmers,[2] whom the English had found in possession, naturally made objection, and presented the following humble remonstrance :—

> "That the principal part of your petitioners are the ancient farmers of the Company's new acquired lands, and have, with great labour and care, as well as at great expense, cleared the same from jungles, removing the savage inhabitants of the woods, in order to people the lands with human species, and by an indefatigable, unwearied industry of a period of years, have the happiness to see their labours rewarded and the lands flourish; for the still greater encouraging and promoting of which, their ancestors removed themselves and families and planted themselves in the heart of the new farmed lands, where they built their habitation, and by their presence and gentle treatment had the pleasure to see their tenants daily increase, whom they looked upon and treated as part of their family, and who were always ready on the least call to assist on any emergency, by which means all dacoits, thieves, etc, have ever been kept out of these lands; nor would so much of the lands have been barren and waste as there is at present, had not a check been put to our industry by the unjust and exorbitant taxes put upon the lands by the zemindars (or rather by the different Nabobs) by which even the flourishing state we had brought the lands

[1] Long: *Selections*, No. 241. Holwell: *Interesting Historical Events*, pt. I., p. 218; *India Tracts*, p. 173, *t seq.*

[2] Long describes these persons as "Izardars." The word properly is "Ijarahdars."

to has been declining for some years past, and the rents have been constantly decreasing; when, on the joyful news of the Hon'ble Company's being to have possession of them, we were again revived with the pleasing hopes that we should see them rise under our care, not only to that flourishing state they were in some years ago but by the mild and just government of our hoped for new masters we should in a few years have the satisfaction to see every beegah of ground produce its proper harvest to the honour and glory of the Hon'ble Company." [1]

The Council had thus before them in 1759 the problem which was to occupy the attention of the English revenue administrators up to the date of Lord Cornwallis' Permanent Settlement. The choice lay between collecting the revenue direct from the representatives of the cultivators or from the zemindars, or letting the collections out to speculative capitalists to farm. In 1759 the English decided in favour of the second method, Clive being of opinion that the arguments set forth in Holwell's letter were unanswerable. It was resolved unanimously "to throw the pergannahs into fifteen lots, and farm them out for three years certain to the highest bidder at public auction, reserving to the Company the royalties of the lands, as also the judicial power, fines, confiscations, burried treasures, etc." [2] The auction was held at the Town Hall and the results were as follows: [3]

PARGANAS.		Rs.	PURCHASERS.	Rs.
Magurah	put up at	1,02,000	Radakissen Mullick at	1,26,100
Moragatcha	,,	89,000	Mr. Samuel Griffith	1,20,000
Azimabad	,,	71,000	Sookdeb Mullick	80,500
Ghurr	,,	14,000	Chaund Haldar	17,000
Meddunmull and Ekaburpoor	,,	57,000	J. Z. Holwell	72,000
Causpoor	,,	10,000	Edward Handle	15,700
Hattiagur & Meydah	,,	50,000	J. Z. Holwell	51,500
Buridge Hatty and Ektearpore	,,	50,000	Condoo Gosaul	70,000
Mamudamypoor	,,	300	Ramchurn Nye	600
Shawpoor	,,	11,000	Sappulliram Biswas	13,300
Shawnagore	,,	7,000	Ramchurn Nye	10,300
Dokinsagore	,,	2,000	Radakissen Mullick	3,800
Balliabussendry	,,	53,000	Ramsantose Sircar	70,000
Calcutta, Maunpoor, Poycan & Habdishur	,,	45,000	Radachurn Mullick	81,500
Pichacooley	,,	21,000	Bullaram Biswas and Bobany Churn Tagore	33,400
			Sicca Rupees ...	7,65,700

Long: Op. cit., pp. 203-4.
Holwell: *India Tracts*, p. 175.
Long: *Selections*, No. 443. Spelling as given by Long.

The opinions of the Court of Directors on Frankland's report reached Bengal accompanied with directions for the establishment of a Revenue Council. In their General Letter to Bengal of 1st April, 1760, the Directors write :

"94. With respect to the Lands ceded to us, Mr. Frankland's letter is too prolix and not very intelligible, but his account of the different pergunnahs, the grounds and the revenues are judicious and clear. The barren and untenanted lands are very extensive, but through your care and attention, we shall hope for large encreased improvements. Coconut trees will grow in most soils, tho' Bengal we fear falls Northerly for them. We recommend it however to your consideration. Many tracts may be proper for salt, other for paddy, and some may suit the sugarcane ; but as these are matters of such importance to the future prosperity of Calcutta, we will not doubt of your most assiduous application, and we shall entirely and confidently depend upon you. We do not wish to grasp at more than may be equitable or give umbrage to a superstitious and bigotted people, but if among the great parcels of land assigned to priests and idols abuses through neglects may have crept in, such only do we desire you will cut off. In the collection of these Revenues near 800 servants are yearly employed whose wages amount to near Rs. 50,000 per annum, exclusive of large portions of land. This is from ten to fifteen per cent. upon the Revenues, and here perhaps there may be room for Regulations; but still, if this has been established by ancient custom, and a reform may hazard uneasiness or bring an odium upon us, this is not desired.

"95. In all great and extensive branches there should be many checks, and although we do not doubt the honour and fidelity of our servants, yet we have frequently suffered from their inattention, and remissness; and in so copious a field for invention and improvement we cannot be too careful in methodizing a suitable plan.

"96. We, therefore, direct that these new acquisitions be placed under the management of a Committee, to consist of five persons (the second for the time being to be the head, together with, at least two others of Council)), observing that the President is to take the lead whenever he sees it necessary,[1] and all application to or disputes with the Country

[1] In their General Letter of 13th March, 1761, the Court of Directors order that the President be always head of the Committee of Lands, and they grant him 2½ per cent. of the revenues collected as "consulage or commission." It is worth noticing that in 1766 the Court of Directors (General Letter to Bengal, 17th May, para. 17) wrote :—"We observe that when we first took possession of the grant from Jaffier Ally Cawn, of the Calcutta lands, we immediately turned out all those who stood between the Government and the cultivators, and put the farm of the lands up to public sale, in which we make no doubt our servants acted for our interest, according to the best of their judgment; but it appears to have been deemed by the natives an act of oppression, and contrary to the customs of Hindustan. However it was then a partial evil, confined to a small tract of country, and the Company had this to plead in their defence, that their whole territory, lying near to Calcutta, could easily be kept under the general administration of the Presidency, and this might be very justifiable and very proper for so limited an object." Verelst: *View, etc.*, Appendix, p. 137.

Powers are to pass through his authority alone. Regular books are to be kept, and heads opened for the different pergunnahs; these transactions to be introduced upon the General Books under the head of *Rents and Revenues of the New Lands;* regular diaries to be kept of their transactions, entering all the observations, and necessary remarks; the whole to be transmitted to us annually. It will be necessary that you appoint a covenanted servant as Secretary and Accomptant to this Committee.

"97. Their monthly or quarterly accounts are to be delivered to the Committee of Accounts with their diary to be inspected and supravised, who are to certify their opinion. Such accounts are then to be laid before the Board; and, when approved and passed in Council; they are to be delivered to the Accountant, who must then, and not before, bring them upon the General Books. This Regulation will not affect the Collector of Rents and Revenues, who must still have under his charge (unless you have objections) the same confined districts that were under our zemindar[1] before the loss of Calcutta.

"98. You are certainly right to order an exact measurement of all our new acquired lands, but we hope by more than one person and at no great expence. Such persons, if they have judgment, may from their observation of the different grounds, be able to furnish you with many beneficial hints; and, if they strike out new advantages, we shall not be unmindful of their merit. Sensible and judicious is your conduct in pursuing lenitive measures and easing the tenants of real oppressions and burthensome taxes. By adopting these salutary maxims, our acquisitions and Calcutta also, will in time be filled with numerous and useful subjects, attached to our Government, from interest or affection, and the English name be as much revered and respected as it has of late years been deservedly despised and detested, and to our late President, Colonel Clive, we chiefly ascribe this merit. Mr. Vansittart receives a particular mark of our confidence, etc., etc.

"99. The pergunnah of Corry Jurie[2] that yielded formerly forty lacks and now only 2,925 Rupees we agree is a most striking instance of Government oppressions, or such vast tracts of country could not have become a desert; and we remark with pleasure that you are determined to give suitable attention to this important branch of our acquisitions, to render this country habitable, and to people it are your great objects.....

[1] *i. e.*, the Collector of Calcutta.

[2] "The extent of the pergunnah of Corry Jurie is unknown; it reaches as far as Gunga Saugor to the south, and the Sunderbunds to the east; the revenue it formerly yielded, we are informed on good authority, amounted to 40 laacks of rupees, but the greatest part of this pergunnah is now uncultivated, uninhabitated, and overgrown with jungle. The rents of it amount to no more than Rs. 2,925-9-0, and we pay the Nawab only Rs. 562-8-0." Clive: *Proceedings*, 31st December, 1758.

"138. Before your letters reach'd us, we had finished our contracts for silver for this season; and therefore, had we been inclined, it was not in our power to have furnished you with any quantity, but you amaze us in saying that your treasure will be exhausted in the year 1760 with supplys to Fort St. George, and your subordinates, compleating the citadel and the necessary expences of the Settlement. This is really at present past our power to comprehend, and should it prove a truth, your great and dazzling acquisitions will be the ruin of this Company, for it's a striking fact, that altho' we have benefitted upwards of a million sterling by the late treaty, yet not a single shilling of this immense sum has gone in aid to our returns, and by our representation the whole will be bury'd in your citadel."

In reply to these instructions the President and Council, 16th January, 1761, wrote:

"107. The gathering in the Revenues was lodged in the hands of one of the members of your Council, under the title of Collector, who has regularly accounted for all the rents and revenue whilst that method subsisted; and, since the receipt of your commands of this season, dated the 1st April, we have, according to the regulations contained in the 96th and 97th paragraphs, formed a Committee of New Lands consisting of three Members of the Board and two Junior servants, with an accomptant and Secretary, for the greater regularity in carrying on the business of their office. They will keep separate books and annually transmit you their proceedings."[1]

The correspondence between the Governor and Council and the Court shows that the Committee of the New Lands met once in each week. In order to obtain a personal familiarity with the circumstances of each individual parganah, the management formerly in the hands of the Collector, was divided between the members of the Committee. On the 8th April, 1762, the President and Council write to the Court:

"9. The leases of the Calcutta pergunnahs expiring the first of next month, excepting that of Magurah, the Committee of New Lands have met very frequently to consider of the proper method of disposing of them to the Company's best advantage with a view at the same [time] to their further improvement. Plans are prepared for dividing each pergunnah into smaller parcels, and we are agreed that the leases should be for a longer term to make it worth the farmers' while to be at some expence for improving the ground; but, on the other hand, we wish to have a more perfect knowledge of the real produce of the lands, that is—what the labourers reap from the

[1] Previous to the formation of this Committee, there had been a Committee, appointed 21st September, 1758, for the management of the new lands. Messrs. Watts, Frankland and Scrafton served on this first Committee. See *IVth Report of the Committee of Secrecy, 1773.*

grounds, as well as what they pay to the farmers, for we don't find that the *debundee* or rent roll compiled by Mr. Frankland is at all to be depended on, nor that the farmers have been guided by that in collecting the rents from the inhabitants, although by the terms of the leases, it should have been so. We also wish to have an exact measurement of the whole, and indeed we think both those informations very necessary before we let them on a long lease. We are inclined, therefore, to make a trial to acquire this knowledge by keeping the lands for one year in the Company's hands, and only to let the salt pans, which we have reason to think will become a very considerable separate article of your revenues. Mr. Cameron has made a very compleat survey and plan of the outlines of the whole from Saugur round the Eastern limit till he joined the river at Bankabuzar, which is the northern extent of your possession. He will proceed again with all expedition to make an inside survey and measurement of each pergunnah, which will give us a compleat knowledge of the number of acres in the whole and in each pergunnah. In the meantime, we propose that the several members of the Committee of New Lands shall have the care and management of the several pergunnahs in the manner they themselves divided them as in their proceedings of 1761:—that they shall register the number of parishes in each pergunnah, the number of villages in each parish, and the number and names of the inhabitants (and) landholders in each village, with the quantity of ground held by each, the nature and produce of it and the yearly rent it has heretofore been rated at,—and that for the present they shall collect the same rents as were collected by the farmers until we can form a judgment from the registers and measurement how far they may be increased."

The General Letter from Bengal to the Court of 30th October, 1762, shows that the proposal to keep the parganahs in the Company's hands for a year was adopted. This fact would suggest that the Committee of Lands had found cause to call in question Holwell's belief that the putting up of the revenues to farm afforded the simplest means of ascertaining the value of the farms. This belief was based on the assumption that no rational person would commit himself to an obligation to pay a lump-sum in composition for the revenues, unless he could see his way clear to realizing the amount and a certain margin as his own profit from the cultivators. Whatever abstract arguments might be advanced in favour of this view, in practice it was found that the bids for revenue farms made at public auctions, were, as a rule, of a wildly speculative character. If the farm was to last for the three years, in the first year the farmer would rent-rack the cultivators; and, if he found he could neither make a profit for himself or discharge his obligations, he would in all probability abscond; in the second year if he remained he would fall into arrears, and in the third, knowing the remainder of his time to be short, he would be grossly negligent. As the revenue farmer was seldom of the soil race, but a mere stranger in the districts,

there were no ties of local interests to link him with the ryots, and the term of his office was far too short to allow for the growth of confidence. The temptation to make undue profits, if profits proved possible, or else either to abscond or become fraudulently bankrupt, had not been duly considered when it was maintained as plain commonsense that no man would involve himself in obligations to pay a lump-sum if the lands or customs would not produce such a lump-sum and an ample profit for the collector into the bargain. The speculative nature of the bidding excluded the possibility of deriving from the offers made at the auction any just estimate of the value of the lands or the customs.

In 1767 a number of natives offered for the farm of the Twenty-four Parganahs the sum of Rs. 10,00,001, but "the President continuing firm in his opinion that the lands are worth more than the sum offered," the Council judged it "more conducive to the Company's interest to continue the collections in their own hands, under the direction of the Collector General till such a time as the real value of the lands are exactly ascertained."[1] The President at this date was Lord Clive and his opinion will be read with a special interest:

> With regard to the Company's own, or Calcutta lands, I have but too much reason to believe that great injustice has been done to the Company in the collection of those revenues. The Select Committee had in consideration a thorough enquiry into their nature and value, but could not obtain the necessary insight, nor detect the frauds committed, until the expiration of the term for which the lands were rented to the late farmers, which was on the 1st November last. These lands now come under the department of this Board, and your utmost endeavours will not, I trust be wanting to ascertain their real value. If the gentlemen who formerly parcelled out the pergunnahs amongst themselves did not acquire large advantages, it is certain that the servants acting under them did; for I am well informed that the banians of those gentlemen, as well as others, hold lands at the rate of 8 to 12 annas per Beegah while other tenants pay from Rs. 2-4 to Rs. 2-12. From the best information I can get, I find that the Calcutta lands may in a short time be capable of yielding to the Company between fourteen and fifteen lakhs of rupees per annum. Should that be the case, how reprehensible is the conduct of those gentlemen who so shamefully neglected the interest of their employers."[2]

This statement was made by Clive on 19th January, 1767, and he was, in all probability, relying on the researches of Verelst,[3] who contributes to the Proceedings of the Select Committee, 29th April, a minute of great importance on the subject of the Calcutta lands:

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[1] Long: *Selections*, No. 912.

[2] Long: *Selections*, No. 941. See Grant: "*Analysis*" in *5th Report*. Grant describes Verelst's report of 1767 as "the completest and most authentic hustabood investigation ever executed in Bengal."

[3] See India Office Records Department, Home—Miscellaneous, 737.

"By the several accounts taken at different times of the measurement of the Twenty-four-Pergunnahs, it appears that the whole of the lands amounts to 10,82,543 beegahs 15 cottahs of ground, which has been cultivated but on account of Charity lands pretended to be deserted, and others again secreted, not above two-thirds of this measurement have actually paid rents to the Company. A research into the cause of this deficiency, being well convinced that instead of a decrease there has been a considerable increase of inhabitants on the Company's lands, is what has particularly engaged my time and attention.

"On an examination of the Charity Lands, it appears that when the Company received charge of these pergunnahs, the total of the lands assigned for this purpose (an account of which was delivered in by the zemindars themselves)—

	B.	C.	G.
Amounted to	2,17,442	19	8
Since which there has been resumed ...	14,971	1	0
So that the total of charity land would stand at	2,02,481	18	8[1]

instead of which it has by some means, probably by the villainy of the black servants in office, increased since that time to no less than Beegahs 2,63,702-2-8, by which the Company has been deprived of the annual rent of Beegahs 61,220-4-8, most, if not all, of which has most probably been disposed of amongst the black servants in office, or their dependants.

"In the account of these lands, it is said that Beegahs 25,679-13 have been lying uncultivated for a considerable time. As they were originally designed for and appropriated to the immediate maintenance and support of poor people, or to religious purposes, they could be of use only while they were cultivated, and ought immediately as they became neglected by the people who had charge of them, to have been resumed, according to the custom of the country, by the Company. I judge a considerable addition might be made to the revenues by obliging every person to produce the sunnud by which he is entitled to hold these lands. The amount of the lands allotted to the above charitable purposes, after resuming the Beegahs 61,220-4-8, I think is very considerable, for estimating the Beegahs 2,02,401-18-8[2] at the medium rent of the other lands, the annual revenue will be no less than Rs. 3,14,638,

"The amount of ryotty lands, or those which are farmed out, appears in the cutcherry books to be Beegahs 5,91,172-9,

[1] It will be observed that there is an error in substraction, but the figures are given as in Long's *Selections*.

[2] Thus in Long.

producing an annual revenue of Rs. 10,12,305-12; there have, moreover, stood under this head Beegahs 29,363-3-12 said to be uncultivated, but from the several examinations made therein, I am of opinion that it is mostly cultivated, and ought to be brought to the immediate credit of the revenue. It also appears that the lands held by the servants in office and their dependants have been estimated at less rent than they should have been by Beegahs 15,877-5-13, which will likewise be brought to account, as I see no necessity for douceurs where every man employed by the Company receives his monthly allowance, nor can I trace by what authority they held them at the low rate they have hitherto done.

"Under the head of commar,[1] or lands cultivated by contract, there appears to be Beegahs 1,98,305-19-12. The amounts of these lands must ever be uncertain, as the rents being paid in the products of the land, their value depends wholly on the sale of such products. However estimating them on a medium by what they have hitherto yielded, their rents will amount to Rs. 2,91,842-10-11.

"These together with the batta[2] of rupees, buzzy Jumma[3] or collections made in the pergunnah cutcherries, salamies[4] on the weddings and visitation of the dees, called diderry,[5] farms of tuffauls,[6] salt and wax duties collected in the markets and ghauts, interest on money advanced for cultivation, repairs of dykes and bridges, rents of the collarys,[7] the 15 dees, etc., of Calcutta town, are none of them included in the estimation I have laid before you. They also require a particular scrutiny, as well as the expences attending the collections; and I am perfectly sensible that many lands are still held at a low unequitable rent, though the intricacies and delays attending these matters having prevented my finding them out.

"As it will be impossible to fix the just value of the lands until their measurement and products can be ascertained, I would recommend that as many capable surveyors as could be procured should be employed on this business. They should be directed to form a register of all the ryots; the quantity of land each holds and the usual products, when each ryot might have inserted in his potta the measurement of his lands and

[1] *Commar*, correctly *Khamar*.

[2] *Batta*. Exchange charges on various kinds of the rupees. The word is also used to mean sustenance allowance granted to the troops.

[3] Bazzy Jumma. *Bazi-jama*, *i.e.*, lands held on various tenures, but exempt from revenue.

[4] *Salamies*. *Salami* a gift by way of compliment, or in return for a favour.

[5] *Diderry—dihdari* (dih=village).

[6] *Tuffauls*. Verelst defines a tuffaul as "collection of callarrys, or salt pans."

[7] *Collarys*. *Khalari*—places in which salt is made.

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> the annual or monthly rents he is to pay ; this will prevent the impositions of the black servants, or if you farm the lands, any oppressions of the farmers.
>
> H. VERELST."[1]

Through the transactions recorded in the present chapter, the English Government professed a lively interest in the welfare of the cultivators. This has been instanced in the Rules for farming lands published on 21st May, 1759—a document which has been quoted. The Collector's orders of 1767 direct the native officials: "the article of increase in the Hustabood you are to make a strict enquiry into, and what can be collected without injury to the ryots you are to collect and forward to me, and you are to be very particular in giving to me an account of the state of your pergunnah; what improvements it will admit of, and what further benefits can accrue to the Company without laying the ryots under any hardships, it being the Company's intention that they should enjoy ease and comfort."[2]

Of the persons described as zamindars, the English at this time entertained grave apprehensions. The Council write to the Court, 8th September 1760:

> "Without the greatest care being taken to prevent zemindars from carrying on long balances and defrauding the Government under various pretences, your collections would soon dwindle to a sum insufficient to defray their own charges, the authority of the administration would be despised, and the several rajahs and zemindars would assume to themselves an independent power, after they had fleeced the people and fattened upon the spoils of the public."[3]

In 1767 the Board took into consideration a joint proposal made by Raja Nubkissen and a member of the Ghosal family, to farm the Calcutta towns for three years at thirteen lakhs per annum. This offer the Board rejected on the ground that "Nubkissen's present situation gives him so great an influence in the country that the ryots might be alarmed and apprehensive of oppression."[4]

The "nett revenue clear of all charges" derived by the English from the Calcutta lands, including the older zamindari of the Three Towns, is indicated by the following figures, supplied by Verelst.[5]

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[1] Long: *Selections*, No. 946. Verelst, the grandson of Cornelius Verelst, the noted flower-painter, "arrived" in Bengal on 16th July, 1749, was second of Council at Jugdea in 1756 and Sub-Secretary at Fort William in 1757. In 1760 he was sent to Chittagong as Chief. In 1762 (11th March), his name appears as the last of the signatures of a protest against Vansittart's policy. In 1763 he attempted an expedition to Manipur, but got no further than Khaspur in Kachar. In 1765 he came to Calcutta and was a member of the Select Committee. In the same year he was appointed Supravisor of Burdwan and in the following year of Midnapur. His inquiries into the Calcutta lands commenced towards the end of 1766.

[2] Long: *Selections*, No. 957.

[3] Long, No. 885.

[4] *Ibid*, No. 951.

[5] Verelst: *View, etc.*, p. 73. Compare *Fourth Report of the Committee of Secrecy, 1773.*

May to the end of April.		Cur. Rupees.
1760-61	Cash received.	730,591
1761-62	do.	597,355
1762-63	do.	486,352
1763-64	do.	740,473
1764-65	do.	979,349
1765-66	do.	602,459
1766-67	do.	801,571
1767-68	do.	1,116,395
1768-69	do.	1,030,464
1769-70	do.	1,022,845

Verelst explains that the apparent variation during the years 1760-1766 was owing to the irregular payments of the sum of Sa. Rs. 2,12,332 which was due first to the Nawab and latterly, as will be explained, to Lord Clive, "the revenues themselves having undergone no great alteration." The marked increase of the three last years must be regarded as the result of Verelst's organization of the revenues in 1766.

Before concluding it will be necessary to say a few words on the subject of Lord Clive's Jagir.[1] On his creation as an Omrah of the Empire, Clive had expected that the usual jagir, or assignment of the revenues of a selected district, would be granted him for the support of his newly acquired dignity, and early in 1759 he wrote to the Seths, the great Murshidabad bankers, a letter in which he expressed his disappointment and asked them to use their influence to procure a jagir for him. On the 20th February the Seths replied that they had made an application to the Nawab, who, however, would not grant one in Bengal, or in Orissa, "which is very poor," but in Bihar.[2]

In the same year, 1759, Prince Mahomed Ali Gohur (afterwards Emperor Shah Alam) with the design of supplanting Mir Jafar in his government, entered Behar, at the head of an army, which at one time was supposed to number 40,000 men. The Prince at once sought to induce Clive to desert Mir Jafar, but, so far from wavering in his alliance, Clive gatherd together a force of 500 Europeans and 2,500

[1] *Jagir* (jai—place, gir—taking). The Commissioners appointed in 1776 by Hastings to report on the land revenues, divide jagirs into two kinds:

1. Assignments of particular lands in order to defray State expenses, *e.g.*, the fleet at Dacca.
2. Assignments for the support of individuals—
   Altamgha—hereditary and unconditional.
   Zati —"Zatee," personal and for a single life.
   Mashrut —"Mushroot," conditional on the performance of specified services.

Harington: *Elementary Analysis*, vol. ii., p. 66. See also an article by W. Irvine: *Journal, Royal Asiatic Society*, 1896, pp. 520-21.

[2] *Calendar of Persian Correspondence*, Calcutta, 1911, No. 48. See also Auber; *Rise and Progress of the British Power in India*, 1837, Vol. I., p. 75, and *A letter to the Proprietors of the East India Stock from Lord Clive to which are added the opinions of the Hon. Charles York and Sir Fletcher Norton on his Lordship's Jaghire*, London, 1764 (Reprinted 1764), and *The Opinions of Mr. James Eyre, Mr. Edward Haskins, Mr. E. Thurlow and Mr. John Dunning on the subject of Lord Clive's Jaghire; to which are added his Lordship's letter, etc.* London. (No date). For the *Sanad*, etc., connected with the Jagir see Aitchison: *Treaties, etc.*, Vol. I., Appendix.

sepoys and set out for Patna. Having relieved that citadel, Clive returned to Murshidabad, where the Nawab Mir Jafar, either out of gratitude, or as a means for securing or confirming Clive's fidelity, bestowed upon him the jagir of the lands known as the Twenty-four Parganahs. It has been seen that when those parganahs were entrusted as a zamindari to the Company, the revenue to be paid annually into the Nawab's Treasury, by the Company, was fixed by the *sanad* at Rs. 2,22,958-10-2-3. The effect of Clive's acquisition of the jagir was that the Company's fixed revenue quota, instead of being payable to the Nawab's Treasury became payable to Lord Clive. When the Company in England, at a later time, chose to quarrel with Clive, they raised the question of the legality of this transaction ; but it must have been obvious to any disinterested person that Mir Jafar's right to bestow the Jagir on Clive stood on precisely the same ground as his right to bestow the zamindari on the Company. It has been said that " Clive was man of the world enough to know that his position as at once servant and landlord of the Company was an impossible one,"[1] but it does not appear that Clive was ever conscious of standing in this double position. The criticism seems to be based on a misunderstanding, for what Clive received was not a " quit-rent " on lands let to the Company, but an assignment of the revenues. Had the Company, as the result of some political misunderstanding, determined to withhold the payment of the revenues due from them, Clive would have been simply a sufferer without means of securing redress. To suggest that as jagirdar he could have deprived the English of their zamindari, or treated them as a landlord might treat tenants at will, is to misunderstand what is meant by the term jagir. By a *sanad* from the Nawab, dated 23rd June, 1765, and a *farman* from the Emperor of the same date, the jagir was confirmed to Clive for ten years from the 10th May, 1764; after the expiration of this term, or on Clive's death if occuring within it, the jagir was to vest in the Company as an *altamgha*[2] or unconditional and perpetual gift.

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[1] *Cambridge Modern History*, vol. VI., page 557.

[2] *Altamgha*—a royal gift, "so called from two Turkish words signifying *red* and *seal*, such grants having been formerly sealed with a red seal."—*Field*.

CHAPTER VII.

THE CEDED LANDS.

Mir Jafar by his first treaty with the English, in addition to the promise of an extension of the Company's Calcutta lands, had offered compensation to the extent of Rs. 1,77, 00,000 to those whose property had suffered in the siege of Calcutta. In addition to the obligations entered upon in the treaty, the new Nawab had pledged himself to a donation of £ 600,000 to the army and the navy and payments to various English officials amounting to Rs. 53,90,000. During the first period of his rule, he managed to pay a large portion of the restitution money and also of the donation to the army, but his own financial position became troubled, and the pay of his own army fell into arrear. He was soon driven to the necessity of pledging his jewels to the Company's Government at Calcutta, and in 1758 was compelled to offer portions of the revenues of Burdwan and Nadia as "tuncaws" *(tankhwahs)* or assignments for the realisation of his dues.[1]

Before the English Government actually broke with Mir Jafar, and entered into negotiations with Mir Kasim, Governor Vansittart went so far as to ask for a donation to the Company of the faujdari (military district) of Sylhet and the province of Chittagong; but Mir Jafar respectfully declined to part with these lands.[2]

It cannot be doubted that Holwell, and in turn Vansittart, honestly believed that the Nawab, whom the English had enthroned after Plassey, was a person in whom no confidence could be placed. They held that he was not only incompetent, but also treacherous, and they had some reason to believe that while by public profession he was their ally, he had been guilty of intrigues with their enemies the Dutch, and with the Mughal prince, Ali Gohur.[3] Moreover, until

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[1] *Third Report of the Select Committee*, 1773, p. 311. In July 1758, Luke Scrafton, the Agent at the Murshidabad Durbar, writes: "As soon as the pooneah is passed, the Raja of Burdwan will pass a writing fixing the dates on which he will make the several payments for next year; when this is settled, permit me to recommend it to your Honour, etc., to order the revenue to be paid in Calcutta, and whenever he is a few days beyond his agreement, to march a company of sepoys into his country, and when once he is thoroughly intimidated, he will be very regular in his payments. It will be necessary to look on the province as the Hon'ble Company's for these two years, and not to permit the Government (*i.e.*, the Nawab) to interfere in any but Phousdary affairs till the Company's tuncaws are paid." Long: Op. cit. p. 147. Scrafton suggested that the Raja of Nadia ought to be threatened "with loss of caste and such corporal punishments as are in practice among these people." *Ibid.* No. 357. *Tan* literally 'body': *khwah* 'need,' hence *tankhwah*. See Irvine: *Journal of the Royal Asiatic Society*, 1896, Article: "The Army of the Indian Moghuls."

[2] *Calendar of Persian Correspondence*, Imperial Record Department, vol. I, no. 386. See Long: *Selections*, No. 391.

[3] *Vide* Vansittart: *A Narrative of the Transactions of the English in Bengal* (1766); Scrafton: *Observations on Mr. Vansittart's Narrative* (1767); Holwell: *An Address from J. Z. Holwell, Esq. to Luke Scrafton* (1776).

1765, when Clive returned to Bengal, it was believed that Mir Jafar had been responsible for the murder of the harmless members of Ali Verdi's family.[1] It was resolved, therefore, that Mir Jafar should be deposed, and that Mir Kasim should take the old Nawab's place on the *musnud*. It was agreed with the latter (September 27th, 1760):

> "For all charges of the Company and of the said army and provisions for the field, etc., the lands of Burdwan, Midnapore, and Chittagong, shall be written and granted. The Company is to stand all losses, and receive all profits of these countries, and we will demand no more than the assignment aforesaid."

On October 27th, 1760, quietly and without the least disturbance, Mir Kasim Khan was placed on the *musnud*. On 8th January, 1761, Amyatt caused a minute to be entered on the proceedings of the Select Committee, in which in the strongest terms ("breach of faith," "odium," "assisted to dethrone a man whom we were bound to support by the most solemnities divine and human," etc.) expressed, on behalf of himself and two other members, an entire disapprobation of the late revolution.[3]

At its start the Government of Mir Kasim Khan was full of bright promise. Within a short time the new Nawab was able to pay so large a sum to his English creditors that the Government at Fort William were enabled to remit two and a half lakhs of rupees to Madras—a sum which arrived at the latter place "very opportunely for the service of the Army before Pondicherry." In fact, however, Mir Kasim was straining the resources of the revenues to an impossible degree of tension; and it is probable that from the very first moment of his elevation to the *musnud* his attention was fixed on procuring the means to drive the English out of Bengal. Although made Nawab by the English Governor, Mir Kasim knew very well, that among the members of the Council at Fort William he had mortal foes, and possibly no friend save Warren Hastings. It was, as Verelst afterwards expressed it, "impossible that Mir Cassim should rest the foundation of his government upon our support."[4] Realising that, in course of time, there must be war to the death the Nawab set himself to husband his resources, and to increase the rigour of the revenue system.[5]

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[1] "In justice to the memory of the late Nabob Meer Jaffier, we think it incumbent on us to acquaint you that the horrible massacres wherewith he is charged by Mr. Holwell, in his *Address to the Proprietors of the East India Stock* (page 46) are aspersions on the character of that Prince, which have not the least foundation in truth. The several persons thus affirmed and who were generally thought to have been murdered by his order, are all now living except two, who were put to death by Meeran without the Nabob's consent or knowledge." Letter of Clive and the Select Committee, Sept. 30th, 1765.

[2] Aitchison: *Collection of Treaties*, etc., vol. I, p. 215.

[3] Firminger: *Diaries of Three Surgeons of Patna* (1909), p. 5. Amyatt, whom Verelst regarded as setting an example of personal moderation, was murdered by Kasim Khan's officers in 1763.

[4] Verelst: *View, etc.* p. 47.

[5] Francis (*Minutes, etc.* p. 23) writes of Mir Kasim: "His principle is said to have been that whatever the ryots paid should be the property of government, thereby totally

Clive and his Secret Committee, in a letter dated January 24th, 1767, describe the paramount cause of the Company's troubles in the days of Mir Kasim's rule. "We," they wrote to the Court of Directors, "now come to your instructions relative to the inland trade, which you very justly consider as the foundation of all the bloodshed, massacres, and confusion, which have happened of late years in Bengal."[1] The inland trade referred to here is defined by Vansittart as "trade carried on by private persons, on their own credit and bottom, in commodities produced in the country, and again sold in the same country. ... The private trade consists of goods not fit for exportation, but which are again sold in the country ; or it consists of articles which are funds appropriated, and paid into the exchequer of the country (i.e. the Nawab's) government."[2] With this inland trade the East India Company had no direct concern, and not one of the charters of privileges secured by the Company could possibly be held to confer on the Company's servants, as private merchants trading on their own behalf, the free trade privileges which had been secured for the export or import of goods of the public company. Vansittart very forcibly observes: "It never could be intended by the Mogul King that private foreign merchants should be upon a better footing than private native merchants. If any set of foreign merchants could deal in all goods produced in the country, and sold in any part of the same country, free from all duties, while at the same time all duties were paid by the natives, the foreigners must, in consequence, keep the whole trade to themselves, and also the Government of the country must lose the whole of the duties."

Luke Scrafton, who had had a hand in the trick by which Clive duped Omichund (Amirchand), and who had been posted at Murshidabad as Resident after Plassey, writes in his *Observations on Mr. Vansittart's Narrative*:

> "The general idea at this time entertained by the Servants of the Company was that the battle of Plassey did only restore us to the same situation we were in before the capture of Calcutta; the Subah was conceived to be as independent as ever, and the English returned into their commercial character, with no

excluding the zemindars. His officers acted accordingly. Their fear of him was so great, both from his skill in accounts and the rigour of his government, that his orders were punctually obeyed ; so that partly from the direct produce of the lands, and partly by fines and confiscations, it is believed that for two years, he drew almost double the ancient revenue from the country. His short administration may rather be deemed a regular pillage, than a system of government." In the *IVth Report of the Committee of Secrecy, 1773* (p. 3,) it is stated that in 1760 Mir Kasim "laid an additional tax of 1¼ annas or $\frac{5}{32}$ parts of the original crown rents; and estimated this addition at Sicca Rupees 4,50,164-2-9, which being added to the former revenue of 1,32,82,960-2-17-1, made the whole of these revenues in his time amount to 1,37,33,124-5-6-1 or £1,792,172 sterling." In arriving at this last sum it seems to have been forgotten that if in the time of Ali Verdi Khan, Rs. 1,32,82,960-2-17-1 was the total revenue, when Mir Kasim came to the *musnud* the revenues of Chittagong, Midnapore, and Burdwan were assigned to the English, and that therefore Mir Kasim's increase cannot be simply added to Ali Verdi Khan's revenue in order to discover the former's total revenue.

[1] Verelst: *View, etc.*, Appendix, p. 44.

[2] Vansittart: *Original Papers*, vol. 1, p. xxvii.

other alteration in their situation than a full indemnification for their losses, and a small acquisition of territory, which it was thought might defray the military expences of their garrisons, grown too burdensome to be supported by their trade alone; if the forces were to take the field in support of the Subah, it was to be at his expence."

This passage no doubt represents the *theory* arrived at of the Company's position in regard to the Nawab, but it completely misrepresents the actual situation. In the full confidence of the English power, of which the event of Plassey was eloquent, the majority of the Company's servants, from the Governor down to the youngest of the juniors,[1] had become merchants on a large scale, sometimes even forming companies for trade with one another, and employing European agents in frontier districts which, but a few years before, had been traced on no published map.[2] In April, 1762, Warren Hastings, then a member of the Council, wrote:

"The oppression committed under the sanction of the English name, and through want of spirit in the Nabob's subjects to oppose them ... This evil, I am well assured is practised all over the country by people falsely assuming the habits of our sepoys or calling themselves our gomastahs ... I have been surprised to meet with several English flags flying in places which I have passed on the river. I do not believe that I passed a boat without one. By whatever title they have been assumed (for I could only trust to the information of my eyes, without stopping to ask questions), I am sure their frequency can bode no good to the Nabob's revenues, the quiet of the country, or the honour of our nation, but evidently tend to lessen each of them ... You are sensible, Sir, that it is from such little irregularities, too trivial perhaps for publick complaint, and continually repeated, that the country people are habituated to entertain the most unfavourable notions of our government, and by them the English credit suffers much more than by matters which are made of greater consequence in the debates between the Nabob and us."[3]

With a view to coming to an agreement on the vexed subject of the inland trade, Vansittart, accompanied by Hastings, visited the Nawab at Murshidabad in October, 1762. A very reasonable plan was discussed, and agreed to; but the Council at Calcutta were

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[1] William Bolts is the person whose history would most amply illustrate this period. Expelled from India, he ultimately joined the Austrian Company. The letter-books of Richard Barwell, now in the possession of the Calcutta Historical Society, show how Barwell built up for himself an enormous fortune by trade of all kinds, and was thereby enabled to secure his advancement by bribes lavishly scattered on influential people in England. Vansittart's private trade formed a cause of real embarrassment to him when this matter of the inland trade became a burning topic of politics.

[2] See, for instance, the map included in Bartholomew Plaisted's *Journey from Calcutta by Sea to Busserah, and from thence across the Great Desert in 1750.* London, *1757.* This map is reproduced in *Bengal: Past and Present*, Vol. IV.

[3] Vansittart: *A Narrative of the Transactions in Bengal*, vol. II, pp. 80-81.

anxious to challenge the validity of the Governor's proceedings, and Mir Kasim was soon given to understand that he was dealing, not with Clive, but with Vansittart. The growing fury of the Nawab increased as he came to realise that without the consent of a Council, which detested him, the offers of the Governor were valueless. In one letter he writes to Vansittart of "your servants and men of low character," in another "I have no resource but to make use, as you do, of expressions tending to dissolve our friendship." In the sequel, Mir Kasim stole a page from the *Arabian Nights* in which a faithful maid, instead of wiping the chalk off her master's door, chalks all the other doors. Called upon to remit the duties on the private English trade, Mir Kasim remitted all duties, for Europeans and Natives alike, for the space of two years. The news of this act, received by the Council at Fort William with amazement and indignation, was soon followed by reports of open violence from Gaya, and information that the Deputy at Dacca had completely stopped the transit of English goods through his district. Instead of at once declaring war, the Council determined to send Messrs. Amyatt and Hay on deputation to the Nawab. These gentlemen were murdered, and the bloody series of events commenced which culminated in the massacre of the English at Patna—a tragedy which, in deliberately perpetuated horrors, eclipses that of the Black Hole, of which Macaulay wrote "Nothing in history or fiction, not even the story which Ugolino told of the sea of everlasting ice, after he had wiped his bloody lips on the scalp of his murderer, approaches the horrors which were recounted by the few survivors of that night."

Deplorable as is the chronicle of Vansittart's governorship, the period is not without a real importance, and that importance is best estimated by a comparison of a map executed in Bengal previous to Plassey, with a map prepared in Vansittart's time. The rush of English traders through the province brought Bengal to the knowledge, and within the operations, of a civilisation which gradually emerged from the disorders in which it had its first rough beginnings. It may be said with confidence that the period of British rule in Bengal, which is marked by the governorship of Vansittart and Verelst, deserves an attention which it has not as yet received at the hands of historians, who, almost to a man, have been content to leave these years a mere gap covered over with some such phrases as "the lowest pitch in Anglo-Indian history," "the only period which throws grave and unpardonable discredit on the English name," etc. Vansittart's initial error was due to the policy of changing Mir Jafar for another—a policy he had inherited from the amiable but none too competent Holwell. His translation from Madras to Calcutta had awakened personal jealousies among the Bengal servants, and the breach of faith with Mir Jafar, to whom allowance for an almost impossible position was not granted, and the subsequent betrayal of Ram Narayan substituted a moral cleavage for a personal one. Compelled by his lofty situation to play the part of political purist, as a private trader and, above all, as one whom the Revolution had enriched, Vansittart could not appear as a model of consistency.[1] His abilities would no

[1] Elphinstone: *Rise of the British Power in India*, p. 383.

doubt have made him a highly successful colonial Governor in our own day; but in the Bengal of those times the strong, and perhaps even the brutal, methods of Lord Clive were necessary to secure order at the Council Board, and subordination in the public service.

War having been declared with Mir Kasim, Mir Jafar was once again proclaimed Nawab. In the agreement of July 6th, 1763, the restored Subah, undertook "to confirm to the Company the cession of the provinces of Burdwan, Midnapore, and Chittagong, made by Meer Cassim, either by Jagheere, Sunnuds, or such deeds as may secure the property of them, in the strongest manner, to the Company." [1] Had the Nawab, on the basis of this obligation, created the three ceded districts English zamindaris, their history would, for a few years at least to come, have been somewhat different from what it actually was. The formal treaty, however, on July 10th, 1763, ran

> "I do grant and confirm to the Company, for defraying the expences of their troops, the Chucklas of Burdwan, Midnapore, and Chittagong, which were before ceded for the same purpose." [2]

Lord Macaulay, in his *Essay on Warren Hastings*, has said that up to 1772, "the only branch of politics about which the English functionaries busied themselves was negotiation with the native princes. The police, the administration of justice, the maintenance of order, were left to this high functionary," *i.e.*, the native Naib Diwan of Murshidabad. The authority of Mr. Westland, as that of a professional revenue servant and an antiquarian of established repute in Bengal, is in this matter even greater than that of Lord Macaulay. "I am aware," writes Mr. Westland, "that direct government is usually dated from 1772, but what the English did before 1781 can hardly be dignified by the name of internal administration." [3] Mr. Baden-Powell writes in one place of his *Short Account of the Land Revenue and its Administration in British India*,[4] "1765-1772 (when British rule began):" in another "when the province of 'Bengal, Bihar, and Orissa' was granted to the English Company in 1765, at first no attempt was made to conduct the administration by British officers."[5] The tendency has thus been to ignore completely

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[1] Verelst: *View, etc.*, Appendix, p. 158.

[2] Aitchison: Op. cit., vol. I, p. 218.

[3] Westland: *Report on the District of Jessore*, 2nd edn., p. 54. Mr. Westland's Report is a most valuable work based on the Collectorate records of Jessore. Unfortunately the records actually preserved at Jessore only begin with the correspondence of a Mr. Henckel who was appointed Judge and Magistrate at Moorley in 1781. Mr. Westland apparently had no knowledge of the correspondence of Robert Wilmot, who was Supervisor of Jessore in 1769, in which much information about that district is to be found.

[4] Second edition, p. 43.

[5] Op. cit. p. 155: In a footnote Mr. Baden-Powell corrects an error, "inadvertently left at page 393 of vol. I." of his *Land Systems of British India*. In the amended passage it is stated quite generally "our direct Revenue control did not begin till 1772." It may be observed that on p. 155 of the smaller work, Baden-Powell speaks as if the District Supervisors became Collectors, before Warren Hastings' time. This is a mistake; and it is also inaccurate to speak of Hastings as "Governor-General" in 1772. He took office as Governor and President of Fort William on April 13, 1772. The office of "Governor-General" was a creation under the Regulating Act of 1773.

the Ceded Districts, which in 1765 together with the Calcutta lands yielded a very considerable proportion of the total revenues of Bengal. It has been usual to follow up a criticism of the Company on the score of its delay in taking up the direct administration, by remarks on the subject of the ignorance of its servants of all matters concerning revenue, when at last, in obedience to the command to "stand forth as diwan," they assumed the immediate government of the country. It is indeed true that the English were somewhat slow in "standing forth as diwan" in the lands of "the Diwani portion," but the explanation is supplied by Verelst, who writes that, in 1765, the Council "very wisely determined to assume the slow but certain conviction of experience for their guide, giving their first attention to those provinces, the revenues of which had been subject to the administration of Europeans from the first cession of those lands by Mir Kasim in 1760. The event corresponded to their views. In the year 1769 the condition of these last-named provinces formed so striking a contrast to other parts of Bengal, where the oppression of the ancient government was universally felt, that foreigners as well as natives began earnestly to wish for a more extensive reformation." [1]

Attention must now be devoted to each of the Ceded Districts in turn:

Chittagong.

It has been already mentioned that Chittagong is fallaciously included in the *Ain-i-akbari* as a portion of the Mughal dominions.[2] A part of the extensive Hindu kingdom of Tipperah, Chittagong seems to have become for a time a possession of the Afghan kings of Bengal. During the struggle between the Mughal power and the Afghan kings, Chittagong was seized by the kings of Arracan in whose hands it remained to the close of the sixteenth century. According to a somewhat questionable tradition, the Magh chief, who, held Chittagong on behalf of the Arracanese king, in 1638, visited Dacca, and made over the district to the Governor, Islam Khan, and by this circumstance the name of Islamabad, applied by the Mahomedans to the principal town, is explained. It is certain that in 1666 the Governor Shaistah Khan despatched a fleet and an army, and that Chittagong having then been laid siege to and captured, from that time forward, formed one of the frontiers of the Mughal province of Bengal. Here also the Portuguese had once a settlement; Chittagong being their *Porto grande*, as Satgaon, a little to the N.W. of Hughli, had been their *Porto piqueno*.[3]

In December, 1760, Chittagong having been ceded to the English Company by the Nawab Mir Kasim, the Council at Fort William

[1] Verelst: *View, etc.*, p. 75.

[2] Beames writes: "This Sarkar was not conquered till the reign of Aurangzeb about the year A. D. 1665. The present names of the parganahs, dating from the conquest only, do not in any way correspond with those given in the *Ain*, and to those, like myself, familiar with the district do not recall any of the local names now current." *Journal of the Royal Asiatic Society*, 1896, pp. 134-35.

[3] See Caesar Frederick's travels A. D. (1563-81) in Hakluyt's *Voyages* (Everyman's Library, vol iii. pp. 236 & 237. *Bengal: Past & Present*, vol. ii, pp. 383-84 and vol. iii, p. 18.

appointed Harry Verelst Esq.[1] to be Chief of Chittagong, Messrs. Thomas Rumbold and Randolph Marriott to be members of his Council, Mr. Walter Wilkins to be assistant to the factory, and Gokul Chand Ghosal[2] to be *diwan*. The party, so composed, reported their arrival from Seetacoond on 3rd. January, 1761, and two days after they received formal charge from Muhammad Riza Khan himself. On May 22nd, they write that "after an infinite deal of trouble we have at last got a full and particular statement of the revenues of this province. The villainous intention of those people that had the management of the revenues here before in endeavouring to secrete from us and make as intricate as possible whatever they could, has delayed it (*i.e.* their report) thus long." A letter from Verelst and his Council, dated 16th February, gives an account, designed for transmission to England, of the newly acquired territory:

> "The province of Chittagong extends in lattitude to the southward of the capital (Islamabad) about fifty miles to a river called Cruz Colly, which extent to the Southward is bounded by the sea. To the Westward, from the said river, is a range of mountains that stretch to the S.E. and E., and divide the Chittagong District from the Kingdom of Arracan; to the N.E. and N. the mountains still continue, and divide the province from that of Tipperah; to the N. N.-W and N.W. it is bounded by a river called the Burrah Fenny, which empties itself into the sea, a little below the pass; from the above river to one that runs by the capital, commonly called the Chittagong river, we judged the coast lay N.-W. and S.-E., so that to the Westward S. W. the province is terminated by the Bay of Bengal. As near as we can see, the quantity of land cultivated is about 400,000 *connys;* but a very considerable part of it lays free of rent, having been lands given in charity. The Measure of the *conny* is twelve *nulls*, each *null* eight *covids* (*i.e.* cubits). The soil in general is very fertile, especially in the plains and valleys, but interspersed with sandy hills and some rocky mountains, which are covered with a high wood, and many of them about the boundaries yield variety of good timbers. The land is capable of producing great quantities of wheat and rice, and all other kinds of grain, cotton, wax, oil, timbers of various sorts, and some elephants' teeth. The manufactures at present are but very indifferent, but will admit of great improvement. The government of the Moors, in this as well as in all other

[1] Verelst "arrived" in Bengal on the 16th July, 1749, and in 1756 he was second at the Factory at Jugdea, and from thence joined the refugees at Fulta. Rumbold was in after years Governor of Madras and was created a baronet. R. Marriott, who had some success in an expedition to Tipperah, was the first in Council to propose Mir Jafar's restoration. He got into trouble in connection with the mint at Benares, and incurred Lord Clive's wrath. In after years he was Chief at Balasore.

[2] For notices of the Ghosal family see Cotton: *Memorandum on the Revenue History of Chittagong*; Beveridge *The District of Bakarganj*.

parts of the Mogul Empire, has prevented such improvements in the produce, manufactures, and commerce of the province as the country is capable of affording. But as the inhabitants will now be encouraged from that sloth and indolence they have ever been used to, we make no doubt but that in a few years greater advantages than at present can possibly be expected will accrue to the Company; to promote which (your Honour etc., may depend) will be our chief study."

In this letter, the Chittagong Council report that they have already despatched a letter couched in friendly terms to the Court of Arracan, and they go on to suggest that a *sanad* to enable them to take possession of Tipperah would be "inconsiderable to the Nabob of Muxadavad," the great distance of that province "from the capital having for several years past screened the bad disposition of its inhabitants from paying any revenue worth mentioning." They "had reason to believe" that such an acquisition would "admit of a passage through the mountains of Iconko into Thibet and the Northern part of China."

The Report of 5th June, 1761 gives an account of the history and existing condition of the revenues.

"Boozzoog Oomed Cawn, *(Buzurg Umed Khan)* son of Shaistah Cawn,[1] uncle to Aurangzib, conquered the country from the Muggs [*Maghs*] in 1072 Bengal Era (1666 A.D.) No rents being then collected, the expences for maintaining the province were paid from Dacca; and in this state it remained for many years, until the inhabitants greatly increasing and improving the lands, such cultivations were made over to the Zemindars to support the keeping up of a force for the protection of the country. As they were more capable of doing so, the sums drawn from Dacca on that account became less and less; and, in course of time, the governors here, finding the advantages arising from the lands to be considerably more to the zemindars than what they were originally designed for, instead of allowing them the whole of their lands for the maintenance of their troops, now only granted a part for that purpose, and rents were collected for the remainder, as also from all new inhabitants that in future came to settle in their government." [2]

From the report it appears that Mir Hadi, who was Governor about 1120 B. S. (1713 A. D.), returned the revenues of the Chittagong district to the authorities at Murshidabad as amounting to Rs. 68,422-10-7½, and that this sum was known as the *ausil jama*. In reality the Governor collected Rs. 1,75,458-0-2½.

[1] For notices of Buzurg Umed Khan see Sir R. C. Temple's edition of the *Diaries of Streynsham Master*, vol. I, p. 301, vol. ii, p. 280.

[2] H. J. S. Cotton: *Memorandum on the Revenue History of Chittagong*, Calcutta, 1880. The original document was inspected by the present writer in 1909. It is torn and much defaced.

Under a succession of governors increases were levied to the extent that in 46 years, each rupee of the original jama was increased to Rs. 3-13-10½ and the total jama stood at Rs. 3,31,529-1-15. Muhummad Riza Khan, it was said, had actually collected Rs. 3,37,761-1-11¾. In addition to the *mahl* or land revenue there were other collections, and the following is perhaps an approximately correct account of the existing *jama* of the district at the time when it passed under English administration.[1]

	Rs.	A.	P.
Mahl Mahomed Reza Khan	3,37,761	1	11¾
Sowah	43,975	10	1
Mutferkat	2,127	2	0
Ezafa talkat hazarean	3,842	4	0
Nowabad	9,382	4	9½
Saiar kesbah	760	7	14½
Baze duffah	36,541	15	11
Russool nuger	9,528	2	6½
Total ...	4,43,918	15	14¼

This survey of the increase of the land-revenues under Mughal rule evoked from the Council at Calcutta the order (24th June, 1761): "As Chittagong rents have been continually raised, raise them higher; but consult for the Company's interest and the happiness of the inhabitants."

That Verelst's revenue dealings were "direct" cannot be doubted. At an early stage of his residence, he caused a notice to be published throughout the district requiring that "all persons possessed of perwannahs and grants executed by former governors should bring them to the cutcherry on or before the 1st of April, Bengal Style, in order that their right to the same might be examined into, confirmed, and registered; ..... any person neglecting to comply with the order should forfeit all right to any lands he might lay claim to, for performance of which they were allowed one month and a half." Knowing that "lands once given in charity are generally held sacred," he sought the Governor's opinion as to whether or no it would be wise to make resumptions. The answer was: "Charity lands are to lapse to the Company on the death of the present holders, except in particular cases." Waste lands were granted for three or four years revenue free, and progressively increasing revenue to be settled at the expiration of that time.

For the period between 4th January, 1772, and August, 1778, with the exception of a volume of Commercial Correspondence with Luckypore,[2] there are no local records preserved at Chittagong. In his

[1] For explanation of the revenue jaigir, see Cotton: Op. cit. p. 7.

[2] At Luckypore the Company had held lands by talukdari tenure sir
iperial Record Department. Home Department Government of India Re
oceedings. June 28, 1759.

published work, Verelst writes: "Mr. Verelst was appointed to the chiefship the beginning of 1761, and quitted it in 1765. This province being exposed to frequent alarms, the revenues must fluctuate more than those in secure situations. But it may deserve to be remarked that the Subahdars of Bengal seldom received more than two hundred thousand rupees revenue."[1] The amounts received by the English in these early years are stated by Verelst as follows:—

			Curt Rupees.
Jan. 1761 to April 1762.	Cash received ...	...	7,28,508.
May 1762 ,, 1763	do. ...	...	4,67,368.
,, 1763 ,, 1764	do. ...	...	4,20,474.
,, 1764 ,, 1765	do. ...	...	4,04,721.
,, 1765 ,, 1766	do. ...	...	3,66,158.
,, 1766 ,, 1767	do. ...	...	3,78,830.
,, 1767 ,, 1768	do. ...	...	4,22,766.
,, 1768 ,, 1769	do. ...	...	4,32,540.
,, 1769 ,, 1770	do. ...	...	3,98,835.

During his term as chief at Chittagong, Verelst went far into Kachar on a military expedition to Manipur. Little of Kachar is heard of again in the English records until the beginning of the nineteenth century.

The cession of the Diwani lands in 1765 did not affect the direct character of the Company's administration in Chittagong. Here there were no "black collectors" to be superseded by European covenanted servants of the Company.

In 1773, when the Provincial Comptrolling Councils of Revenue were established, Chittagong was left outside their jurisdiction, and its Chief and Council continued to correspond directly with the supreme Revenue authority at Fort William.

In the administration of criminal Justice, the Chief was invested with the superintendence of the Faujdari jurisdiction. To the Faujdar it belonged to pronounce the future, or judgment, and this was submitted, in course, to the Naib Nazim, for confirmation. When the orders of the latter had been received it remained for the Chief to see those orders executed. The Chittagong records show that on certain occasions, when the order from Murshidabad enjoined the infliction of such penalties as multilation or impalement, the Resident was tempted to procrastinate, awaiting advice from his superiors at Fort William, before proceeding to extremities.[2]

Midnapore.

The chaklas of Midnapur, Jelesore,[3] Hijili and Tamluk had originally formed part of the Mughal subahdari of Orissa,[4] but, after having for a

[1] Verelst: *View, etc.*, p. 74.

[2] Cotton: Op. cit., Appendix iv, pp. 221-22.

[3] The *Imperial Gazetteer* spells the name Jaleswar.

[4] *Vide* McNeile: *Village Watch*, p. 55 *et seq.*

time been in the hands of two Mahomedan adventurers, were subjugated and annexed to the province of Bengal. Hijili and Tamluk did not come under the Company's administration until the grant of the Diwani in 1765, and, although they now form a subdivision of the Midnapur district, they were from 1765 to at least 1774, governed as a part of the Hughli district.

Having acquired the sanad for their occupation of Midnapur, the Governor and Council despatched Mr. John Johnstone to that place. He seems to have established himself peacefully within the old fort, but within a few months he was besieged by the Marathas from Cuttack.[1] On 7th, March 1761, however, the Council were able to report to the Court of Directors:

> "The Midnapore province being now free from troubles by the retreat of the Mahrattas to Cuttack, and a good force being kept there under the command of Captain Knox, we imagine the investment formerly provided at Ballasor may for the future be carried on with equal convenience and more security at Midnapore, and have accordingly transmitted to Mr. Johnstone your list of investment received per *Lord Mansfield* with directions to use his endeavours to comply with it. The revenues he is appointed to collect will supply him amply with money for that purpose, and the expences of Ballasore factory will be saved."[2]

Midnapur thus replaced Balasor as the Company's commercial headquarters in this part of the country, but the Resident's revenue functions were held to be of greater importance than his commercial activities. The near presence and the ever threatening movements of the Marathas as well as the lawless condition of the country, necessitated the preservation of a strong military control in the handis of the Resident. "His power for good or evil," writes the local historian, "was far greater than is now exercised by the Collector of the largest district in Bengal; and, so far from being a mere merchant or factor, responsible only for the safe and profitable investment of the Company's advances, he was at once a statesman, besides being the chief executive authority in the district. It is very probable that the business of the Company's investment occupied but a small portion of his attention, his consideration being mainly directed to the sage and tranquil settlement of the revenues, or the expulsion from the district of gangs of robbers and dacoits; to the destruction of a hostile French armament, or a skilful negotiation with the Marathas."[3]

In regard to the administration of criminal justice, the Resident at Midnapur possessed the same power as that entrusted to the Chief at

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[1] Long: *Selections*, No. 543.

[2] At Balasor, Surgeon J. Bristow had lately been Commercial Resident, but in 1760 the Governor and Council did not think it worth while to appoint a European officer to succeed him, and determined to rely on the Faujdar. *Calendar of Persian Correspondence*, vol. i, no 1451. In 1766 Randolph Marriott was appointed Resident at Balasor.

[3] J. C. Price: *Notes on the History of Midnapore as contained in the Records extant in the Collector's Office.* Calcutta, 1876, vol. i, p. 4.

Chittagong; *i.e.*, he was empowered to arrest robbers, dacoits, and disturbers of the peace, and was vested with the superintendence of the Faujdari courts. The police-stations (*thanas*) were under his direction, and while the subordinate revenue-collectors (*tehsildars*) gave their assistance to the thanadars, the latter would at times be required to assist the tehsildars.

On 9th July 1768, the Resident wrote to the Collector-General: "Some very horrid murders have lately been committed here. The perpetrators are now in prison; the facts have been fully proved upon them, and are now confessed by themselves. What would you have me do with them? I wish to hang them for the sake of example, but do not think it would be proper to proceed to that extremity without your approbation." To this the Collector-General replied, on the 19th July: "Having spoken to the President concerning the murders mentioned in your letter of the 9th instant, he thinks an application to the Board unnecessary, and that the perpetrators ought to be tried in the Fousedar's Court at Midnapore; where, if the facts are proved, they must be condemned to death; in which case I desire you will order their execution to be made in such a manner as may be most likely to deter others in future." In regard to the cutcherry courts, when in 1771, the Directors sent out a number of recommendations for reforms, the Resident informed the Government at Calcutta that these recommendations were unnecessary in the case of Midnapur, since "all the judicatures in that district were under the authority of the Resident and persons appointed by him in every pergunnah; that all cases in inferior districts were reported to the Resident and every case duly registered in the phousdar's cutcherry, so that there were no arbitrary fines or impositions, or any undue authority exercised, independent of the Resident."

The Resident again exercised a direct authority in regard to the revenues. In the General Letter from Bengal to the Court, 12th, November, 1761, the Council wrote:

> "Mr. Johnstone has shewed the same assiduity in his department of Midnapore and we must do him Justice to remark that he has had, of all, the most difficult task, that province being made up of two districts of a great number of separate zemindars, everyone endeavouring to conceal the true value of his possessions. However Mr. Johnstone got into his hands some of the former years' accounts, and, having procured from them an insight into the several articles of the revenue of each zemindary, the amount paid to the Nabob, with such encreases as at present seem reasonable, appears to be Sicca Rupees 6,65,854-9-10, but here also we may hope for annual improvements."

In 1762 Burdett succeeded Johnstone as Resident, and in 1764 Anselm Beaumont, a wealthy free-merchant of Calcutta who had been rewarded by a post in the Company's service as an acknowledgment of his services on the occasion of the Siege in 1756, relieved Mr. Burdett at the Residency. Beaumont had pleaded "that the granting of leases

for a term of years is the only method to encourage the cultivation of waste lands," and he had sought permission to form a hustabood, or actual valuation of the lands. On the 6th November, 1764, Governor Vansittart and his Council wrote:

> "We observe that from the time the Company were first put in possession of the province of Midnapore we have met with the greatest obstruction from the zemindars in the collection of the rents, and have always found them ready to join our enemies whenever they have an opportunity: we think, therefore, that the Company's possessions in that country would be much better secured and the rents ascertained by entirely annulling the authority of zemindars and allowing them a fixed income for their maintenance by assignments of lands, and appointing officers everywhere on the part of the Company to collect the rents immediately from the ryots."

Hugh Watts, who had succeeded Beaumont, as Resident, in October, commented on this proposal:

> "The annulling of the authority of the zemindars and allowing them a fixed income, and appointing officers on behalf of the Company to collect the rents from the tenants, I am afraid, would be very prejudicial to the country. They are so reduced that it is out of their power to do harm to the Country's affairs, and if encouraged (which granting leases will do), they well may be of great service. The assignment or allowance for their maintenance also to the zemindars and chowdries, with the charges of collections, must greatly exceed the increase of the revenues; for, if such a scheme takes place, and the lands made the property of the Company, I believe I do not exceed in saying that about 3,000 families in justice should be maintained by us; that is, so many would be deprived of lands which they have either held for many generations or have bought of the zemindars. Since this country has been ceded to the Company it has flourished, and will continue to do so as long as the zemindars and talookdars find either mildness of our government; but, if we are too hard or oppressive, there is great reason to expect it will rather decline."

In accordance with this advice, the Government, 11th December, 1764, decided that so long as the zamindars paid their tashkhis with regularity, it would be unnecessary to put into execution the resolution of removing them from the collections and placing them on pensions. In the year following, the Council decided that Midnapur was not a place of sufficient importance to justify the presence there of a member of the Board, and in consequence Watts was recalled, and Thomas Graham, who had served as assistant to W. B. Sumner in forming the revenue settlement of Burdwan, was sent to Midnapur, and a little later on Midnapur was brought under the superintendence of Harry Verelst. Against this reduction in the dignity of his office, Graham protested; his letter concludes:

"As to your proposition of letting the lands upon more advantageous leases than have hitherto been granted, it must proceed from your not being sufficiently advised of the constitution of this province. There is no part of the land occupied by farmers; the whole is possessed by the hereditary zemindars, who derive their rights from original sunnuds granted to their ancestors. By these they are entitled to the residue of the rents, after paying the Government revenue; and, when the increase is added to their former payments, I do not apprehend that there will remain for their appropriation more than a scanty maintenance, which, were they to be dispossessed of entirely, must always be allowed them."[1]

It may be observed that Graham, in obedience to orders received from the Select Committee, made a circuit of the Midnapur and Jellesore districts, and the records bear witness to the exertions he made to encourage ryots to settle in the waste lands. The primary object of the circuit was the acquisition of information relative to the value of the lands, so that any future increase in the revenue might be made without oppression of the cultivators. Government expressed a hope that the Resident would make a circuit of his district once in each year.[2]

The foregoing extracts from the Midnapur records show that the principal preoccupation of the early English rulers in that province was with the various local zamindars. The records also show that the term zamindar was very loosely employed. We hear, for instance, of "the Midnapore zemindar"—a lady, the Rani Shiromani. On her were dependent a number of parganahs, each of which had its own particular zamindar.[3] Again in the Cosijura (Kashijora) parganah, out of 3,700 families resident therein, 1,500 are styled Khushnishans, and are thus described by the Resident:—

"Some of them have real sunnuds from former kings, nabobs, or zemindars, for the whole of their possessions, and some for part; some have forged themselves sunnuds, and others pretend they had sunnuds formerly, but have lost them by fire or robbery, and other accidents; and all, when they had once possessed themselves of any lands, whether by grants or by forgery or by bribery or fraud, have never failed to combine together to prevent the zemindars from making any resumptions. Mr. Watts, during his residence, appointed five persons to examine into the claims of these Khushnishans, and Mr. Graham added another to the number. These persons accordingly made some inquiries; and some of the Khushnishans having been convicted of forgery, the Rajah insisted on rents from them. He has not, however, been regularly authorised to

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[1] Firminger: *Bengal District Records, Midnapur*, vol. i, p. 42.

[2] *Ibid.* p. 48.

[3] *Bengal: Past & Present*, vol. x, p. 296.

do it, nor has the greater part of the claims been examined into, nor any final resolution taken concerning any of them. I have, therefore, added to the number of inquirers one person more, whom the Khushnishans themselves desired; and to these seven persons, consisting of the tehsildar, two ameens, the deputy chowdry, the deputy cauzy, and the two canoongoes, I have issued a perwannah to the following purport; that they are to examine into the claims of all the Khusnishans; that were they unanimously agreed concerning the justice of anyone's claims, the Rajah is to grant him a fresh sunnud witnessed by them; that were they unanimously agreed concerning the injustice of claims, they must give a writing to the Rajah, under their hands and seals, permitting him to seize the lands in question; that the Rajah, having received the said written permission, may seize the lands whenever he pleases, unless the possessor will consent to take a pottah and pay rents in the same manner as other ryots; that where any of the aforesaid seven persons differs in opinion from the rest concerning the justice or injustice of a claim, it is to be referred to my decision, and that they are to send me weekly accounts of their proceedings. By this means a considerable quantity of lands may be added to the Company's malgoozaree, and there is a very little danger of anyone's being deprived of his just rights. With your permission, therefore, I shall pursue the like method in every other pergunnah, and where the like complaints may be made to me, I shall likewise inform myself as perfectly as possible of the number of Khushnishans in every pergunnah, and it may hereafter be worthy of consideration whether a great part of those who have sunnuds ought not to be subjected to the payment of some rents, suppose half of what is paid by other ryots."[1]

Soon after establishing themselves at Midnapur, the English discovered that to the westward there was a large tract of country, which, although within the boundaries of the province[2] was in the hands of zamindars who had paid little or no revenue at all since the time of the Maratha troubles when Ali Verdi Khan was Nawab. At the beginning of 1767, therefore, Graham despatched Lieutenant John Fergusson on an expedition, the object of which was to bring the zamindars of these "Jungle" or "Western" districts to order. The military proceedings thus initiated ultimately extended to districts, which properly formed part of Burdwan. The records,[3] which afford ample illustrations of the difficulties of this task in a country covered with wild forest growth and subject to sudden and extensive inundations, show with what combined tact and firmness the work was carried out.

[1] Firminger: Op cit, p. 144.

[2] Part of these unexplored lands really belonged to the chakla of Burdwan.

[3] Two volumes of the District Records of Midnapur have been published by the Bengal Secretariat Record-room. Some scattered notices are to be found in the *Calendar of Records of the Select Committee at Fort William in Bengal*, Calcutta *(Bengal Secretariat Record-room)*, 1915.

These jangal chiefs are not inaptly described as "rebellious freebooters," and their subjects as "chuars ... bred up as much for pillaging as cultivating." On the other hand, the English officer had to be careful lest his own soldiery might not "prove a weightier grievance to the country in general than those freebooters we are aiming to make sensible of their duty." In 1781 some of these zamindars, in describing their country, write, "it is a jungle; that their rents are a kind of quit-rent collected from their pikes and chuars; they are surrounded likewise by jungle zemindars, on the east by Bogree and Bishnupur; on the north by Pachet [Panchkot or Panchet]; on the west by Singbhoom; on the south Damudar Bhanza the Moharbunj Raja; that all these are more mighty than they, and from whom they frequently suffer depredations, notwithstanding the redress upon application from Midnapore."

It is interesting to notice that on 17th September, 1761, the Select Committee took into consideration the question whether or no "the properest step to prevent the Mahrattas from committing their usual ravages in Bengal will be to carry the war into their own country." As a result of their debate, they wrote to Mr. Hay at Patna:

"Sir,

"At a Select Committee held this day, the state and manner in which we should employ our forces during the rainy season has come under our consideration. From the advices we have had it is scarce to be doubted that the Maharattas will enter the country and commit their usual ravages, if no method is fallen upon to prevent them. We are of opinions that the most effectual step we can take for that purpose, and also to distress them and secure to ourselves tranquility will be to get up an expedition on foot against Cuttack.

"We, therefore, desire you will consult with the Nabob, and learn from him the value of the rents of the country lying between Jellasore and Cuttack, and what part of it he will be willing to make over to the Company to defray the expences of such an expedition, the success of which we have no reason to doubt, and which will, not only secure to him the total ancient possession of the Soubahs of Bengal, but also be a considerable addition to his revenues, and a grim barrier against future invasions of the Mahrattas.

"We are, etc."

On April 8th, 1762, however, the Select Committee wrote to the Court of Directors:—

"Gentlemen,

"In our last we informed you of our resolution to prosecute our design against the Marhattas at Cuttack, but the Nabob not

having sent the troops he promised nor given us a sufficient assurance of a reimbursement of the expences of the Expedition, and the Mahrattas not attempting any disturbances in our districts, we did not judge it expedient to make ourselves principals in the operations against them, but wrote the Nabob that, whenever he should resolve upon the recovery of the Province of Cuttack out of the hands of the Mahrattas, we should be ready to give him such assistance as he might apply to us for, on condition of his paying the expence.

"We are etc,

"P. Amyatt,
"John Carnac."

Verelst, when governor, endeavoured to secure the possession of Cuttack by negotiation with the Marathas, but the design was not executed. Such an acquisition would have linked up the Northern Circars with Bengal, afforded a secure communication by land with Madras, and also afforded a much needed protection to shipwrecked mariners in the Bay.[1]

In 1765, Graham laid before Lord Clive's eye, ever ready to gloat over evidence calculated to incriminate the leading members of his predecessor's Council, a tale of unlawful increments derived from revenue gleanings and increased civil charges.[2] The records, however, provide no means for testing the truth of Graham's indictment.

Midnapur was not visited by the Committee of Circuit in 1772, but in August of that year the Resident, Edward Baber, was ordered to publish an advertisement inviting proposals for farming the Midnapore and Jellasore lands. He replied (1st Sept., 1772):

[1] See the *Genuine Memoirs of Asiaticus*. Reprint, 1909, for an account of a shipwreck in this part of the coast.

[2] In addition to the Midnapur District Records, No. 737 of the India Office Record Department's "Home Miscellaneous" should be consulted. The following letter exhibits Clive's methods in a somewhat sinister light:

[To H. Verelst].

Dum Dumma,
29th December, 1765.

Dear Sir,

I know very well Mr. Senior's condition with the Rajah of Burdwan to receive 1,50,000 Rupees, and that he received a part through the hands of Mr. Graham. and my intelligence says that this Mr. Graham also received more than one lack on his own account. The Rajah can make you accquainted with these matters, and I wish you would come at them, because it may be necessary to have such anecdotes to frighten people into their duty to the Company, if no other use be made of them.

I hear a certain gentleman employs spies to watch all our actions—your's and Sykes in particular, but we may serve them as Scipio did those sent by Hanibal—lead them at noon-day through every department in which we are concern'd and then dismiss them, telling them they may go and tell their master all they know.

I am, dear Sir,
Your affec. Friend & Servant.
Clive.

"In the regulations which accompanied the advertisement, I observe that the collector's servants and dependents of all denominations are prohibited holding farms or having any connections. I beg leave to ask whether the present zemindars of the province may be permitted to turn farmers; for, if they are not, there is nobody in the country to make proposals, the whole of it being in the hands of hereditary zemindars, who derive their right from original sunnuds granted to their ancestors. This particular circumstance relative to these provinces may probably merit your particular attention. In Lord Clive's administration the Select Committee had the same intention of farming them, but it was not carried into execution on this account."

In 1773, when the English collectors were withdrawn from the districts, the administration of Midnapur began to enter into a period of change; the district was then placed under the jurisdiction of the newly formed Provincial Council of Revenue at Burdwan, whither in 1774 its Resident was transferred, and a native officer, denominated Naib, was placed in charge of the local business.[1] Three years later, however, Mr. J. Peiarce, was sent to Midnapur to revive the office of Resident, a separate Commercial Resident being appointed to relieve him of the care of the commercial interests of the Company. In 1778 Midnapur was separated from the Burdwan province, and in 1781, when the Provincial Councils were abolished, the local Diwani Adalat was entrusted to a separate Magistrate.

The following statement as to the Midnapur revenues is derived from Verelst's book:

May to the end of April—					*Curt. Rs.*
1760-1761	Cash Received	...	...	...	1,16,925
1761-1762	do.	...	...	...	8,37,983
1762-1763	do.	...	...	...	7,43,330
1763-1764	do.	...	...	...	7,48,777
1764-1765	do.	...	...	...	5,90,932
1765-1766	do.	...	...	...	7,32,055
1766-1767	do.	...	...	...	10,05,882
1767-1768	do.	...	...	...	8,84,390
1768-1769	do.	...	...	...	9,75,051
1769-1770	do.	...	...	...	9,02,149

Burdwan.

Since April, 1758, the English had been in possession of tankhwahs, or assignments of revenue in districts of the Rajas of Burdwan and Nuddea. Of Tilok Chand, the Burdwan Raja, the Company's servants had some unpleasant experiences in the times

before Plassey.[1] They were now especially desirous of maintaining good terms with him, since they looked to him for supplies of workmen to labour on the building of the New Fort William. Burdwan being easily accessible from the Presidency and yet not being an English commercial station, the President and Council were unwilling to send European officers to reside there, and their hope was that they would be able to leave nearly the whole of the administration in the Raja's hands. In July, 1759, Mr. Hugh Watts, who had gone to Burdwan on the business of the assigned revenues, had opportunity to discover the lawless conditions of the place. He writes to Governor Holwell:

Hon'ble Sir,

In former letters I have acquainted you of the insolence of the Rajah's forces. Their behaviour for many days past in confining the Izardars[2] and attempting to seize the treasure as it is brought to the cutcherry has, not only given me great trouble, but prevented my collecting more money. The day before yesterday they stopped Gocool Mojumdor in his palanquin, and threatened to confine him. This day Sook Lall, a jemadar, killed one of my sepoys, who was then unarmed in the town. I sent to enquire the reason, but could get no answer, therefore I sent a subadar with 30 sepoys to bring him to me, but to make no disturbance. Before they reached the house, 7 or 800 forces were gathered, who presented their matchlocks as my sepoys were advancing. On this intelligence, I sent orders to the Subadar to retire to the Rajah's cutcherry, and I detached Lieutenant Brown with about 200 men to his assistance, with orders to avoid engaging, if possible; but before Mr. Brown could speak to them, they began firing. This occasioned an action; in which, I am sorry to say, we have been greatly worsted, the sergeant and about 50 sepoys killed upon the spot, Mr. Brown and some others slightly wounded. Since the return of our forces to their quarters, I have intelligence that the enemy were increased to 5,000 strong, and premeditated an open rupture by seizing upon the treasure. These are the Rajah's unpaid discontented forces with other malcontents that harass the inhabitants, and disturb the peace of this province. Everything is quiet at present, and I believe will continue so. I cannot give you a more particular account this night, but will write again tomorrow.

I am, etc.

Hugh Watts.

[1] In 1755 the Burdwan Raja had closed all the Company's factories within his district, Long: *Selections*, Nos. 147 & 151.

[2] Ijaradars, i.e. revenue farmers.

Having read this letter the Council agreed "that a detachment of 130 European and 300 Sepoys do proceed to Burdwan to be joined by a party of 300 Sepoys under the command of Lieutenant Nollikins, now on the other side of the river." [1]

The sanad granted by Mir Kasim for the cession of Burdwan to the Company appears on the Public Proceedings of the President and Council for November 17th., 1760. It runs thus in the official translation:

> "To the Zemindars, Canoongoes, Talookdars, Tenants, Husbandmen, and chief Villagers of the pergunnah of Burdwan, etc., the zemindaree of the Rajah Tilluck Chand, in the districts of the Subah of Bengal,
>
> "Be it known that, whereas divers wicked people have traitorously stretched forth their hands to plunder the subjects, and waste the royal dominions, for this reason the said Pergunnah, etc., is granted to the English Company in part disbursement of their expences, and the monthly maintenance of five hundred European horse, two thousand European foot, and eight thousand sepoys, which are to be entertained for the protection of the royal dominions. Let the above officers quietly and contentedly attend and pay to the persons appointed by the English Company the stated revenues, and implicitly submit in all things to their authority; and the office of the Collectors of the English Company is as follows:—
>
> "They shall continue the zemindars and tenants in their places, regularly collect the revenues of the lands, and deliver them in monthly for the payment of the expences of the Company and the pay of the abovementioned forces, that they may be always ready cheerfully and vigorously to promote the affairs of the King. Let this be punctually observed. Dated the 14th. of the month Rubbe-ul-awal 1st. Sun., answering to the month Cartic 1176, Bengal style." [2]

The circumstances of Raja Tilak Chand at this time must have been those of great distress. Holwell ascribes the Raja's inability to meet the revenue demand to the shameless way in which he was fleeced by Mir Jafar, but it must be remembered that in saying this Holwell is defending the policy of substituting Mir Kasim for Mir Jafar.[3] It is more important to notice that for some months past the Marathas from Orissa had been making raids into Western Bengal,[4] and the Burdwan districts had suffered with special severity from this

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[1] Long: *Selections*, No. 468.

[2] *Ibid.* No. 481. Aitchison, op. cit. vol. i. pp. 216-17. For Shah Alam's confirmation, 12th August, 1765 See *ibid.* vol. i, p. 228. The sanad is for the parganah, but what had been promised was the chakla.

[3] Holwell: *India Tracts*, p. 84.

[4] Clive's departure seems to have given the sign for the Maratha movement.

cause. The Raja's accounts, laid before the Council on December 18th compute the loss inflicted by the ravages of the Shahzada's army and the Marathas at Rs. 7,93,080-3-9.[1]

On 7th November, 1760, the Governor ordered Tilak Chand to repair to the Presidency and bring with him his accounts.[2] Eight days later the Raja was threatened that, if he would not come of his own accord, troops would be despatched to bring him thither by force; and again two days later he was informed that, in consequence of his disobedience, the Company had decided to deprive him of his zamindari.[3]

In the meanwhile the Nawab had announced that the Rajas of Burdwan and Birbhum were alike unreliable, that it was his intention to chastise them, and that he "would like to send for the old zemindar of Burdwan and place him in the situation held by his ancestor's."[4] Towards the end of the month, however, Tilak Chand undertook to send a capable person to the Presidency to explain affairs, and that his own visit would not be long delayed.[5] The Council, who still maintained a hope that the Nawab would execute his promise of chastising the Raja, while sending W. B. Sumner to Burdwan to investigate the accounts, and providing troops to secure the peace of the district, attempted to assure the Raja that he need have no fear, provided "he acted in the right way, and attended to the adjustment of the Burdwan affairs."[6] A native official of the name of Bia Ram was to receive the Burdwan papers from the Ray Rayan, and the revenues paid direct to an officer of the Calcutta Government. Not all of these measures were taken, for in December we find the English still talking about sending troops, and on the 19th of that month, the Governor congratulates the Raja on "his turning a deaf ear to his former ill-advisers" and on his "reformed conduct."[7]

On December the 16th Rajchandra Ray, the Burdwan vakil, arrived at the Presidency, and two days later the accounts were laid before the Council. The Raja's future payments were then settled as follows:[8]

To be paid in the course of the ensuing four months.

	Rs.	A.	P.
Khalsa, Jaghir and Chouth	26,37,937	6	9
Sundry allowances on Durbar charges etc. to the Sircar	2,18,182	0	9
Total ...	28,56,119	7	6

Long: *Selections*, No. 487.
Calendar of Persian Correspondence, Imperial Record Department, No. 559.
Ibid. Nos. 578, 589.
Ibid. No. 598.
Ibid. No. 601.
Ibid. No. 620.
Ibid. No. 694.
Long: *Selections*, No. 487.

Deduct—	Rs.	A.	P.
The pergunnah called Bealan,[1] now belonging to the Company	38,750	7	1
The Sattimaul[2] or the duties on piece goods, which the Nabob Jaffir Ally Khan ordered not to be collected	1,16,711	1	9
Total ...	1,55,461	8	10
	27,00,657	14	8

To be paid in 5 years, in consideration of damages done to the country by the Marathas and the marches of the army:—

	Rs.	A.	P.	Rs.	A.	P.
In the year 1168 or 1761 ...	1,50,000	0	0			
,, 1169 ,, 1762 ...	1,70,000	0	0			
,, 1170 ,, 1763 ...	1,70,000	0	0			
,, 1171 ,, 1764 ...	1,70,000	0	0			
,, 1172 ,, 1765 ...	1,84,062	0	0			
				8,44,062	15	0
				18,56,594	15	8
Old Balance due according to Raja Tilluck Chand's account, being the remains of Rs. 16,51,872-15-10				1,81,390	1	2
				20,37,985	0	10
Whereof the Royroyan received in the year 1167 or 1760 from August to September, according to the Rajah's account ...				10,02,700	12	0
				10,35,284	4	10

Kistbundee of the year 1167 or 1760.

Poos ending the 10th January 1760 ...	2,85,000	0	0
Maug ,, 10th February ,, ...	2,75,000	0	0
Pagoun ,, 10th March ,, ...	2,50,000	0	0
Cheyt. ,, 10th April ,, ...	2,25,284	4	10
Sicca Rupees ...	10,35,284	4	10

It was the unanimous opinion of the Board that this settlement was far from representing the real value of the Burdwan lands, but

[1] Ballea, one of the Twenty-four Parganas, in which the fort of Budge-Budge was situated.

[2] Seti-mal.

they were constrained to be content with it, seeing "how many of the zemindars have taken part with the Shahzada, and how near Burdwan was being persuaded to take the same course."

The correspondence of 1761 is full of the Council's complaints against the Raja, and counter-complaints, probably of a fictitious character, of the Raja against Major White, the officer to whom had been entrusted the task of driving out the Marathas and subjugating the rebellious Raja of Birbhum. In February the Council pointed out to Tilak Chand that of Rs. 2,85,000 due from him, Rs. 50,000 had been received with one chalan, 31,000 with another, while the third chalan, for 79,000 had arrived unaccompanied by cash; and the January kist was now overdue.[1] On the following day the Governor and Council wrote to the Nawab, whose interests were much affected by the unsatisfactory state of things at Burdwan, that now at last they were sending "a person with troops and cannon" to receive the arrears of revenue, and the Raja was informed that Mr. Sumner was on his way to Burdwan "to collect the money and, with a few troops to secure the country and drive out the Mahrattas."[2] This, however, was only another feint, for on February the 9th, the English informed the Raja that, his Vakil having undertaken that "Ramdhan Naj shall come to Calcutta in seven days with what remains of the *quist*," although, if he (the Raja) will not keep stationary at Burdwan or remit his dues, "Mr. Sumner will certainly be sent." This threat is repeated on Feb. the 11th with, however, the explanation added, that Mr. Sumner's arrival "will be beneficial not disastrous to the country." In reply to this Tilak Chand remarked "it would be disastrous to send Mr. Sumner." The Governor and Council at this time were not without grounds for suspecting that the Raja had tampered with their correspondence with Major White. The Raja still absented himself from Burdwan, and even the Raja's own Diwan pressed the Governor to send a native Tahsildar to Burdwan.

At the end of March, the arrival of Mr. Sumner at Burdwan is announced to take place in two days' time, but on April 3rd. the Raja's revenue officials were at Calcutta, and a kistbandi made for the closing and ensuing years. Ten days later Tilak Chand wrote to thank the Governor for recalling Mr. Sumner. On the 13th. Sumner is "shortly to proceed to Burdwan," and the intimation is repeated a week later.[3] The reason why Sumner is being sent back is that "Ramdhan Naj gives information that the country is disaffected, and that, in consequence of some evil rumours, the managers of districts and the tenants are fleeing from the Raja's zemindari." "Mr. Sumner will act in accordance with the Raja's wishes, and assist in the collection of the revenues." The troubles alluded to may have had the effect of changing the Raja's mind: it may be hoped that the letter he wrote, saying that "Mr. Sumner's arrival has much rejoiced him,"

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[1] *Calendar of Persian Correspondence*, No. 877.

[2] *Ibid.*, Nos. 884 and 885.

[3] *Ibid.*, Nos. 894, 910, 914.

was not a mere idle compliment. On June 15, 1761, the Raja wrote to complain of "the hardships he had suffered at Mr. Sumner's hands."[1]

In the General Letter from Bengal to the Court, 12th November 1761, Sumner's deputation is thus described:

> "72. ... Mr. Sumner was appointed in the month of March to proceed to Burdwan, and soon after the Rajah, by his principal Vakeel, proposed to encrease the Maulgazary[2] (or Government's share of the revenues which now belongs to the Company) to Rs. 25,20,661-8-0 for the present Bengal year, and for the next to make it 28,56,119-7-6. This we thought so considerable an augmentation that we had determined to accept of these terms, and Mr. Sumner was accordingly recalled; but, upon his arrival, and informing the Board that, by some lights he had procured into the state of the revenues, he imagined that upon a scrutiny, more advantageous terms could be made for the Company, he was directed to return to Burdlwan, and impowered to make a full examination into the rea produce of the Country. This commission he fulfilled with great diligence and much to our satisfaction and on the 15th June laid before the Board his proceedings at large in twelve papers of which No. 7 is the computation of the whole produce of the Burdwan Province, being Forty one Laak fifty Eight Thousand Seven hundred and Seven Ruppees, fourteen Annaes, and two Pice (Rs. 41,58,707-14-2). No. 10 is a state of the malguzary being what the Rajah is obliged to pay every Year, except in cases of devastation by public enemies amounting to Sicca Rupees Thirty Laaks (Sa. Rs. 3000000) and for which Mr. Sumner took the Rajah's acknowledgement but it being customary in this country for the Nabob to demand a further sum from the different rajahs over and above the malguzary in any case of extraordinary expence, as raising new forces, building fortifications, &c. it appeared to Mr. Sumner that we might reasonably make some demands of this kind for the present year because the Rajah by the troubles in which he engaged at the time of our taking possession really put us to an extraordinary expence and because the assistance he now has of English troops will enable him to discharge a great part of his own, accordingly after some objections he signed another acknowledgement for two Laaks and a half to be paid on that account. A ballance of more than five Laaks of last year's revenues remained unpaid at the close of the Year, and which the Rajah and his Officers declared to be outstanding in the country on account of the troubles, of these Mr. Sumner collected a part and for what remained due at the time we made the agreement with the Raja for the new year he took another

[1] *Ibid.*, Nos. 937-38, 989, 1057-59, 1092, 1100, 1106, 1128, 1148, 1157, 1172, 1202, 1215, 1223, 1237, 1248-49, 1312, 1322.

[2] Malguzari.

obligation the amount four Laak eleven thousand eight hundred fifty seven Rupees Thirteen Annas and four Pice (Rs. 4,11,857-13-4). The whole state of the moneys to be received from Burdwan for the present year is therefore as follows:

	Rs.	A.	P.
For the Malguzary	30,00,000	0	0
For Expences of the Troops	2,51,000	0	0
For last year's ballance which however is to be collected from the ballances outstanding in the Country or else to be made good by the Rajah or his Principal Officers so as not to interfere with this year's produce ...	4,11,857	13	4
Total ...	36,61,857	13	4

"After this plain Detail of the advantage which the Company will receive from Mr. Sumner's diligence in the execution of this Trust it is needless to add anything in his favor. Upon his return to Calcutta the collection of the Money according to to the Kistbundee or Monhtly proportion settled was left in charge to Mr. Graham who went with Mr. Sumner as assistant, and we have the pleasure to acquaint you that to this time the payments of the thirty two laaks and an half have been made very regularly, the collecting in the old Ballance meets with some difficulty, but we shall insist on all deficiencies being made good by the Rajah and his officers, and we promise ourselves that upon the whole there will be a smaller balance outstanding at the end of this year than is usually admitted in this country notwithstanding the disadvantages the Burdwan country has labored under this year by reason of the troubles which were not quelled till March, and by reason of the large arrears due to the Rajah's own troops amounting to Rupees (Rs. 4,50,000) as Per No. 9 in Consultation of the 15th June, disadvantages which it will not be subject to another year."

While all these transactions were in progress the English had been turning a deaf ear to their native advisers. In November, 1760, the Governor had been informed by Soliman Bey "that the Burdwan Rajah is entering men into his service; that 15,000 peons, pikes and robbers and others are already in pay and others are daily entering."[1] In the same month the Nawab himself wrote: "I am informed that the zemindar of Burdwan has bad intentions, and has conferences with the Beerboom Rajah, and they have agreed to act in conjunction. I hope that you will send troops to Chuckla Burdwan, Midnapoor, Islamabad [Chittagong], to take possession of them, and that nothing can accrue from their bad intentions."[2] Again in December,

[1] Long: *Selections*, No. 504.

[2] *Ibid*, No. 506. Mir Kasim writes (*Ibid*, No. 508): "It is my intention to send for the old zemindar and give him a surpan, and make him happy by reinstating him in the zemindary."

after having repeated his warning, the Nawab insists: "You write that the Burdwan zemindar is but a young weak man and his people of no consequence, and, regarding the good of his country, you have prevented the troops from going to Burdwan, and sent them to Midnapoor. The Burdwan zemindar has entered sepoys into his service, and his intentions are evil, but that will avail nothing. Till he has dismissed his troops, come to you, and settled everything, his writing and speaking will not satisfy us. The zemindars will before you be submissive, and comply with everything you propose; but they are all deceit, and only wait an opportunity to surprise you."[1] In January, 1761, Mir Kasim wrote: "I am informed that Shu Bhut Mahratta with 2 or 3,000 horse and as many foot has joined the Beerboom Rajah, and the Burdwan zemindar acts in conjunction with them."[2]

All these warnings were based on fact. When Captain Martin White was on his way to join Major Yorke in the expedition against Birbhum, he had, on the 29th. December 1760, to deal with the Rajah of Burdwan's army, amounting to some 10,000 men in arms. Without the loss of a single man, White inflicted a complete defeat on the Raja's forces, leaving 500 killed on the field.[3] The English, however perhaps wisely, chose to look upon the Raja as still their friend. On January the 16th the Council reported these doings to the Court:

> "101. Of the Revenues of your late valuable acquisitions of Burdwan, Midnapore, and Chittagong, we can give you but an uncertain statement. The Burdwan Rajah, persuaded by the reports of some ill designing persons round him, that it was our design to turn him out from his zemindary, seemed inclined to take the part of the disaffected rajahs. How expedient soever it may be hereafter to have an exact measurement of that extensive province and to divide it out into small parcels, yet it was by no means our present intention, being unwilling to give the Rajah any reason to take part with the enemies of the Government at a time when the country was already full of commotions. We endeavoured therefore, by all possible means to continue him in the zemindary, with which appearing satisfied, he sent one of his principle officers to settle a Kistbunda or stipulation of payment for the remainder of the present Bengall year ending the 10th April, the whole amount of the said Kistbunda was Sicca Rupees 1,03,584-4-10, as is entered at large in our consultation of the 18th December.
>
> "102. These terms, we are sensible, were much below the real value of the lands, and much to the Rajah's advantage; but, in consideration of the present want of money here, and at Fort St. George, and for other reasons more particularly mentioned in the said consultation, we thought it prudent to accept of them, and reserve to a future opportunity the establishing

[1] *Ibid*, No. 516.
[2] *Ibid*, No. 537.
[3] *Ibid*, No. 558.

such regulations as might seem more beneficial to the Company. But it is now again doubtful whether even these payments will be made according to agreement, for the Rajah, under pretence of being obedient, seems to have carried on a private correspondence with the other disaffected Rajahs and it is fortunate we should have had so early an opportunity of putting him to the proof.

"103. A detachment which was sent to take possession of Midnapore under command of Captain Martin White, was ordered, that service performed, to march to join Major Yorke, who is proceeding, in conjunction with the Nabob, against the Beerboom Rajah. The road from Midnapoor to the place where the two parties were to join happens to lie through the town of Burdwan. Captain White had the most positive orders to regard the country as a possession of the Company's and the Rajah as their friend, which orders he strictly adhered to, but the Rajah, who no doubt had designed to prevent the junction, of our troops, opposed with all his force the passage of our detachment over a river near Burdwan. Captain White deferred as long as possible the coming to extremities, but when he found himself obliged to it, it did not cost him much to give the Rajah's forces a total defeat. They dispersed, abandoning the town and Captain White proceeded on quickly to the place of his destination. We have had no advices from the Rajah since, and doubt not that this accident will have good effect, and it certainly gives us a very just reason for putting the zemindary upon that footing we think the most convenient, and such measures we shall take when circumstances will admit of it.

"104. Of the Country of Midnapoor our troops took quiet possession, but, this district consisting of a number of zemindaries, the regular payment of its Revenue can't depend on the idea they have of our Force. We have got an account of the Revenue, as entered in the Books of the Government, amounting to Rs. 5,30,063-2-4 as per No. 43 in the packett, but we look upon this as a very uncertain computation, and hope to be better informed from Mr. John Johnstone, who is sent to Midnapoor for that purpose.

"105. We have got a like account of Chittagong Revenues, amounting to Rs. 5,04,148-6-6 as per No. 44. Mr. Verelst is gone thither with the other gentlemen, as mentioned under the 6th head of Servants, and we hope soon to receive a satisfactory account of their enquiries and regulations."

From March, 1761, may be dated the establishment of an English revenue official at Burdwan. Unfortunately Burdwan has no locally preserved district records of earlier date than 1786, when Burdwan was made a collectorate, and we are, therefore, without the assistance provided at Chittagong and Midnapur. The English official at Burdwan is styled a Resident, but it is probable, the desire of the

Council to make the Raja as much as possible answerable for the management of his districts to some extent differentiated the character of the Resident of Burdwan's functions from those of the Resident at Midnapur. At the beginning of the new revenue year (1763), Mr. John Johnstone,[1] was sent to Burdwan to make a new arrangement with the Raja. The General Letter from Bengal of 30th October, shows that this gentleman made a settlemet for thirty-four lakhs of sicca Rupees, in addition to the outstanding balances. Mr. Johnstone was much employed on this occasion in reducing the numbers of the Raja's disorderly troops. Here again may be seen at work the process, which, in the first chapter of the present work, has been called "the virtual conquest of Bengal." Major White's victory had made possible a peaceful disarmament of the country power, although the appearance of waging war with the Raja had been, as far as possible, carefully avoided.[2] In 1763, when Mir Kasim made war on the English, many of these disbanded troops found service under his allies.

Under Johnstone's administration the system of putting up the revenue collections to farm at a public auction was introduced, a measure of which the Court of Directors expressed their disapproval in their General Letter of 17th May, 1766. In this Letter, the Directors say:

> "In the province of Burdwan, the Resident and his Council took an annual stipend of near Rs. 80,000 from the Rajah in addition to the Company's salary. This stands on the Burdwan account, and they carried that pernicious principle even to sharing with the Rajah of all he collected beyond the stipulated malguzzary, or land revenue; overlooking the point of duty to the Company, to whom properly everything belonged that was necessary for the Rajah's support."

After making an admission that the method of auctioneering the revenue to farmers, might have been justified by circumstances in the instance of the Calcutta lands, the Directors, go on to say:

> "When large provinces fall under our government, such as Burdwan, we could not think the same conduct should have been observed, but you should have made the best terms

[1] John Johnston. A son of Sir James Johnston (the 'e' is both often omitted and inserted) had been in charge of a gun at Plassey, and accompanied Col. Forde in his campaign in 1759: He was Resident at Midnapur in 1760, and stood a siege by the Marathas at the Midnapur Residency. In 1765 he was one of the most prominent civil servants accused of corruption by Clive. He was prosecuted in England by the Court of Directors, but the cause was abandoned by order of the Court of Proprietors. See *Bengal: Past & Present*, vol. viii, pp. 392-93.

[2] "Mr. Johnstone reduced the Najdean force, which had previously been a considerable army, maintained at the cost of three lakhs per annum, and with the sanction of Government fixed the sum of Rs. 1,03,360 as an annual allowance to the Raja out of the gross jumma of the estate for their support." McNeile: *Report on the Village Watch*, p. 82. Cf. Long: *Selections*, Nos. 954-55.

you could with the Rajah for the mulguzzary or land revenues. Particular local circumstances might have required deviations from the general rule—such as the incapacity of the Rajah, which might have been remedied by putting proper ministers about him; and experience has convinced us they have either erred in judgement or their duty to the Company. For after all the various experiments of putting the farms up to public sale, by which means many families seem to have been utterly ruined, of keeping the lands in the hands of the Company, which you call Coss *(khas)*, and the various methods that have been tried, find the collections brought to the Company's credit for the year 1764 are five laaks less than what were paid in Ali Verdi Cawn's time in 1752."

In this letter the Directors state that it was precisely from the Burdwan transaction that "we have acquired the most experience of the nature of the collections of the revenues." This consideration gives a special weight to the words in which Verelst expresses his judgment on the farming system as at first practised under the English administration :

"On my arrival at Burdwan, and inspecting the state of the revenues and collections for the preceding as well as the present year, I was surprised to find a large decrease of the revenues from our first taking possession. The rents of the province, according to the *jummabundy*, or rent-roll of 1168 or 1761, amounted to Rs. 37,24,474-10-8, which, by the outcry (*i.e.*, public auction) of 1169, were increased to Rs. 529,034-1-11, also by *Chaukeran*[1] *malguzarry* affairs (or lands allotted for servants, resumed this year) Rs. 1,03,825, making in all Rs. 43,57,334-0-7, out of which Rs. 3,785-4-4 were deducted for the Rajah's *Nuncar*[2] in one of the pergunnahs. The sum, therefore, due was Rs. 43,53,548-12-3, of which were collected from the farmers Rs. 34,60,985-1-8. For the year 1170 or 1763, the same *jummabundy* and with some small articles of increase, came to Rs. 44,81,035-10-15, of which were collected Rs. 37,19,464-9-4. The very great balances of these two years, amounting to Rs. 16,54,134-12-6, made the Honourable Board sensible of the impossibility of the then farmers complying with their agreements, and that the lands could not be made to produce anything equal to the valuation in consequence of the outcry in 1169. They therefore issued an order, whereby those who chose it might relinquish or keep their farms on making good the balances out of their private fortunes, and that such as were not able should have their farms taken from them, and their goods sold to do it. Many were glad to take advantage of the first order, although certain ruin attended it; and many more were obliged

[1] Chakaran, plural of *chakar*, a servant.

[2] Nankar.

to submit to the latter, by which lands to the amount of Rs. 2615-4.4 became coss (*khas*). The advantages of collecting in that manner were so evident, that it was resolved to endeavour to farm them out again for the third year on the best terms that could be procured. The examples, however, of the two former years were sufficient to prevent men of substance and credit from offering themselves; so that only to the amount of Rs. 5,80,429-4-0 was taken at a considerable discount from the former Jumma or valuation, although the most profitable were selected out of the whole by the Muttorseddees, who were well acquainted with what they would produce. The rest, amounting to Rs. 20,35,934-4-0, still continued *coss*, and *sheikdars*, or collectors were appointed to them, people in every respect as unworthy and infamous in their characters as the purchasers of the year 1169, who had been just dismissed, by which the expences in collecting were very considerably increased. The *jummabundy* of 1171, including an increase this year of Rs. 3,013-9-16 amounted to Rs. 44,84,040-4-11, out of which is to be deducted Rs. 12,744-4-18 for losses sustained by hail, etc., so that Rs 44,71,304-15-13 remained due; of this sum was only collected Rs. 35,12,393-3-0, so that there appears to be a balance for the—

first year of	...	...	Rs.	8,92,563-10-15,
second year of	...	...	,,	7,61,571-1-11,
third year of	...	...	,,	9,58,911-12-13,

making altogether for the three years for which the lands were sold at an outcry, a deficiency in the estimation made from the sale of 1169 of Rs. 26,13,046-8-19. Out of the balance of the third year, the sum of Rs. 5,54,124-6-14 arises from the Coss lands only,—a sum much larger than the amount-advances bid at the outcry, not a rupee of which can ever be recovered, as the revenues of those lands are collected by servants appointed for that purpose, whose duty it was to pay into the treasury only what they receive from the tenants, on settling whose accounts no further demand could be made upon them.

"From the above account you will observe how very short of what was estimated in 1169 the real produce of the province has been, and how little prospect there was of its mending; nor do I think it can be otherwise whilst the same plan of an outcry is pursued The being put into immediate possession of the lands, of which the purchaser is to have the sole collection, independent of the Raja and his officers, or the Chief and Council, on his agreeing to pay into the cutcherry a certain sum, is a sufficient inducement for men of desperate fortunes, such as have no method of livelihood, and who, by their malpractices in other parts, were incapable of getting employment, to come and offer themselves as purchasers,

thereby securing an immediate subsistence, and hoping by their oppression to get some profit, even should they buy in the lots too dear to obtain anything by them in a fair way, and, as the sale was public, no bidder could there be consistently objected to. With these views, they cared not what they bid; and while the old farmers, who had possession, perhaps, from father to son for many years past, continued to rise in their offers, and probably exceeded the real value of the lands, rather than be turned out of what they had esteemed their estates and habitations, and insulted by newcomers; these last always thought they could afford something more. Thus the greatest part of the province fell into the hands of a set of rapacious wretches, who revelled in the produce of the lands which ought to have been paid into the cutcherry; the consequence of which was, that, at the close of the year 1170, a most enormous balance was incurred, as has been above remarked, and the ryots, who had been oppressed by the head-farmers, and many ruined, were obliged to desert their lands, which became uncultivated. The substantial farmers, who, rather than quit their habitations, had purchased at the outcry, at an exorbitant rate, were obliged to relinquish their farms on making good the balances out of their private fortunes, by which many were ruined, whilst all the satisfaction that could be obtained from the others, was to turn them out, without hopes of ever recovering anything from them.[1] * * * After the heavy losses and real detriment the first outcry had proved of to the whole province, I was greatly surprised to find, on my arrival here, that it had been again exposed to public sale. However, purchasers had only been found for about 22 laaks of rupees, so great was the prejudice taken at the former sale, and the whole of that very considerably under the *Jummabundy* of 1169, excepting the farms lately held by Messrs. Johnstone, Hay, and Bolts, on which a great advance was bid; the rest of the province, for which there

[1] The Committee of Circuit in 1772 held that long leases were essential to the good working of the farming system. In 1776, the Court of Directors ordered that the leases should be for one year only, although the local experience of their servants favoured longer leases, and the Directors' orders were frequently disobeyed. Verelst elsewhere in the letter under quotation in the text, writes: "If the leases are granted for so short a time, it only serves as an incitement to ill-disposed people to take them; having no concern in the future success and welfare of the country, they pay no regard to anything but enriching themselves at the expence and to the detriment of the industrious Ryot, by which the lands soon become neglected and uncultivated It is a known custom here for the farmers, who are desirous of increasing the number of their tenants, and promoting the good of their country, to assist them from time to time with money towards purchasing the necessary implements for cultivation, as well as to support their families till the produce of their lands enable them to support themselves, and which I have never known repaid in less than three years. It is not, therefore, to be expected that people in the above circumstances should attempt improvements at a certain loss; on the contrary, when the lands are disposed of at a moderate rent to substantial and creditable people, to be held in perpetuity, it becomes their own interest, equally with that of government, to encourage the cultivation."

were no bidders, became *Coss* [*khas.*] The statement of the revenues of the lands is as follows :—

Christian Æra		Bengal Æra		Rs.	AS.	P.
1760	or	1167	...	10,14,242	1	4
1761	,,	1168	...	11,66,910	3	10
1762	,,	1169	...	12,72,854	0	15
1763	,,	1170	...	12,72,854	0	15
1764	,,	1171	...	9,12,237	1	5

"By which you will observe the great difference in the *Jumma* or valuation of them, between 1169 and 1171, the first and the last years of the outcry, besides the almost certainty, from the distress the lands were left in, of their decreasing as much again in their value, if continued to be collected in this manner, and attended with a very considerable addition of expence in servants, etc., that must be employed in that service."[1]

system for that of "an outcry.'
instance of the fallacy that not till 1772 did the Company's servants exert themselves in direct revenue administration. Verelst's method was to abolish the public sale, and instead "to engage men of substance and character" to take charge of the collections, "with a promise, that if they exerted themselves in the improvement, they should never be dispossessed, but meet with all due encouragement and favour from the Company." The lateness of the season compelled him to give immediate possession; and in return, the newly-established revenue-gatherers undertook to realise and pay in an equivalent to the yieldings of the previous years, to give progressive increase in the second and third years, in the fourth to pay what had been yielded in 1167 B.S., and after that to "subject themselves equally to others to any general increase or tax upon the province."

A further and equally significant instance of direct administration is to be found in the action of the Company's servants in regard to the *Bazi Zamin*, or lands granted rent-free for the maintenance of religious or charitable persons or public institutions. Verelst tells us that his predecessor, Mr. Johnstone, had "taxed the whole of this land at 9 annas per bighah, without regard to what was really applied to the purposes it was intended for, except some which Mr. Marriott had cleared during his short stay at Burdwan." Verelst finding that many of these lands were in fact uncultivated, and that where productive they formed "a nursery of indolence," for altogether unworthy persons, while undertaking to admit claims properly substantiated, secured from the Rajah, in whom the right of reversion of such alienations was vested, the reversion of all such exemptions as would fall to him by death of the holders, until a sum amounting to one half of the whole should be

[1] Verelst: *View, etc.*, Appendix, No. 131, pp. 214-16.

obtained. This he designed to be kept as a fund for the support of "such invalided sepoys and others as have, or may suffer in our service."[1]

The frequent orders of Government, for a scrutiny of sanads and claims,[2] and a just valuation of the lands, had never been complied with, for the system of disposing of the collections by public auctions was supposed to have the merit of freeing the Government from the necessity of minute and painful inquiries into ancient records and the toil of exact land measurements. Johnstone, who had advocated the farming system, held that "the outcry" would, by economic law of competition, reveal the value of the lands, as it was to be presumed that no man would purchase at a loss. Experience proved here in Burdwan, as at a later date it was to prove elsewhere to Warren Hastings, that speculation does not confine itself to the limits dictated by prudence. In justice, however, to the Company's servants, it must be said that the farming system was the method recommended to them by the native officials, on whose trained experience they were bound to set great reliance. "On examining into the circumstances of the principal farmers of the province," writes Verelst, "I found that the most considerable part of the land was farmed by the *Muttaseddees*, and those the most principal selected out by them; it is through these people we are to acquire a knowledge into the state of the country, the revenues and the customs in collecting; and while they, by being such extensive farmers, have so large an interest, they do their utmost, not only to keep us ignorant, but also to deceive us in points of the greatest consequence; besides which, being themselves capable, and, no doubt, guilty of great frauds, in their accounts, they are under the necessity of conniving at the same in others, to prevent a detection in themselves. They are very sensible how these arguments may be used against them, and are the more cautious of letting it be known what lands they have, giving different people in their families for securities. This is not only the custom of the heads, but is followed by every petty Mohooree in each office; exclusive of which, the infamous practices used by them to obtain lands at the outcry at under-rate, are most notorious."[3] The system of public sales, could at the best, only reveal the value of lands with which Government was already acquainted; but "the great quantity of lands, in possession of the different Muttaseddees, have been selected out of the whole province as the most profitable, containing more cultivated lands, and producing a greater profit than is by most people imagined; these they ever kept amongst themselves, to prevent their real value being known."[4] During the

[1] Verelst: *View, etc.*, Appendix, p. 214.

[2] Cf. Long: *Selections*, No. 590.

[3] Verelst: *View etc.*, Appendix, p. 217. Verelst explains "Mohooree" as "any writer, or under-clerk, among the natives of Bengal"; "Muttaseddee" as "a general name for all officers employed in taking the accounts of Government, or any person of consequence."

[4] Verelst: Op. cit., Appendix, pp. 217-18. Verelst recommended—

(i) That "such Muttaseddees as hold a large quantity of lands should be obliged to quit them, or their offices, and that nobody holding any post be permitted to farm, except it be a very small quantity for the conveniency of their house and family."

period 1758-1772 there came into existence a new Bengal landed aristocracy which owed its wealth to founders who had been revenue servants of the Company or *banians* of the Company's servants.

It must, however, be remembered that it was the native officials alone, who, in these early days, made great fortunes, thanks to the Company's ignorance of the country and the opportunities afforded by the system of farming out the collections. The names of Johnstone, Hays and Bolts are vested with an unenviable reputation, which the burking of an enquiry tended to enhance. It may, however, be said that not a few of the charges recklessly brought against the Company's servants by their employers, prove, on investigation, to rest on a perverse misconstruction of a system which had always allowed certain privileges to the officers of the Government. The sums which we find Sumner and his assistant, Graham, were compelled to refund were in fact recognised perquisites of their offices. It must also be admitted that when a Government puts up at public auction advantages which are to be asserted by the bidders' free offer, it can hardly be a matter of complaint if those who know best the value of what is offered bid "at an under-rate." An auctioneer, who puts no reserved limit on his lots, is hardly in a position to claim that he is cheated, if after he has accepted a bid the supposed paste jewels prove to be real diamonds. The moral argument might be advanced that the auctioneer's assistants had had the opportunity of making themselves better acquainted with the worth of the lots, and that their duty as servants was to have informed their master in good time to prevent his making mistakes. But what is to be said of the moral rights of an auctioneer who underpays his assistants, on the ground that their opportunities of making advantageous bids at his sales will compensate for the scantiness of their wages—an auctioneer who says, "My only chance of ever knowing whether these jewels are paste or diamonds is the offer you may choose to make"?

The Resident's duties at Burdwan were primarily of an officer entrusted with the supervision of the revenues; but he was also concerned with the courts of justice. Verelst gives us the following account of the local courts, and tells us "the like administration prevails in nearly all the provinces of Bengal."

> "*Sudder Cutcherry*.—In this court are received all the land-rents and revenues of the province, all accounts relative to them adjusted, all purchases and sales of land and property confirmed, all differences between landlord and tenant heard and determined, and from hence all orders respecting the rents and revenues are issued.
>
> *Buxey Dustore* [Bakhshi Dastur.]—This court superintends the conduct of all the forces, guards, and other persons

(ii) That "an account should be made in every *pergunnah*, and every village, *haut*, etc., in it, of its *jumma*, and the exact measurement of its lands, and as much of this last as possible by surveyors to be appointed" by the Board. Hat (corruptly "haut,") a market held at stated times.

employed for the protection of the province in general, the prevention of thefts and disturbances of the peace of the inhabitants; and all orders respecting such persons are issued from this office; at the same time it provides for their pay and obedience.

Fousdarry.—The jurisdiction of this court is wholly confined to criminal matters, and the judgment of capital offences.

Burrah Adaulat.[1]—Is a court of meum and tuum for all demands above 50 rupees, and does not interfere in any claims under the amount of that sum.

Ameen Dustore.—Is, in a great measure, a court subordinated to the Sudder Cutcherry, as all complaints are first made to the former, and referred from thence to the latter. They relate entirely to the business of the revenue, and the conduct of those employed in the collections.

Chootah Adalat.—Takes cognizance of all suits for debts not exceeding 50 rupees.

Bazee Zemin Dustore.[2]—Is a court for settling all differences relative to charity lands and other public supports. Each person's property in claims of this kind are ascertained, and from hence all orders respecting them are issued.

Bazee Jumma Dustore.—This court takes cognizance of adulteries, abortions, and other crimes, that more immediately concern the peace and happiness of private families, grants, for lands and public works for the accommodation of travellers, such as tanks or ponds of water, serais or resting places, etc., are issued from this court.

Karidge[3] *Dustore.*—The landholders' accounts, when settled, are sent to this Court for payment; and in such cases where the debtor is incapable of paying the amount, a power is lodged in this court to compromise the debt."[4]

It may be inferred that at Burdwan, prior to the advent of the English, no records were kept by these courts. Under the supervision of the English Residents, the proceedings and the evidence given were recorded, and the sentences inflicted were approved either by the Nawab or the Raja on the one hand and the Resident on the other.

Verelst's doings at Burdwan belong to the "days of small things." The concluding paragraph of the letter just quoted will bring this truth home to the reader.

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[1] Adalat, a court.

[2] Bazi=Miscellaneous. Dastur=custom, practice, but also used to denote a sub-divisional district, or group of parganahs.

[3] Khiraj or Kharaj=tax, tribute.

[4] Verelst: *View, etc.*, Appendix, pp. 219-20. Cf. Long: *Selections*, No. 956.

"From the vicinity of Burdwan to the Presidency, I cannot think the appointment of a factory any ways necessary. One person toreside on the spot, who will, in conjunction with the Raja and his officers, sign all papers, and issue all orders which regard the collections, is fully sufficient, and which is at present the duty of the Council in rotation. A Supra-visor may, as he sees occasion, go there to settle and regulate any matters that may occur, or send his directions from hence. If it is urged that these gentlemen preside over the several courts of justice, and thereby relieve the poor, I must remark, that in so very large a district as this province, it is impossible to have the greatest part of the complaints brought to Burdwan. It is, therefore, customary to issue directions to the Sheikdars, etc., in the pergunnahs at the head of the petition, ordering them to enquire into it. Besides which as the gentlemen are obliged to inform themselves through the servants and Banyans appointed to each office, I do not think it so necessary to have that number, as one might equally well attend to causes of any consequence."[1]

No doubt "one person to reside on the spot" in so large a district as Burdwan does not afford evidence of an adequate internal administration, but, if on this ground we chose to abide by Macaulay's statement, it must be remembered that even after 1772, and indeed after 1781, other large districts in Bengal could but claim a solitary collector and his assisant. As to criminal judicature, Lord Macaulay's view might be more easily defended; it was in this respect English energy most lamentably held fire; yet, on the other hand, it was no small thing that, when the Company's servants in 1772, received the mandate to "stand forth as Diwan," they had for nearly eight years past a varied experience of revenue affairs gathered in the lands granted to them by Mir Kasim.

The following is Verelst's statement of the Net Revenues of Burdwan:—

May to April.				Curt. Rs.
1760-1761.	Cash received.	...	...	607,482.
1761-1762.	do.	...	...	38,41,987.
1762-1763.	do.	...	...	39,49,167.
1763-1764.	do.	...	...	39,86,101.
1764-1765.	do.	...	...	36,29,789.
1765-1766.	do.	...	...	35,67,854.
1766-1767.	do.	...	...	42,88,171.
1767-1768.	do.	...	...	41,49,471.
1768-1769.	do.	...	...	41,58,387.
1769-1770.	do.	...	...	39,48,037.

Verelst points out that in the first year, "only a small part of the revenue was brought into the Treasury," and also "the duties upon salt made within the province, which in former years made a part of these revenues, were, after the establishment of the Society in the year 1765, paid into the Treasury of Calcutta."[2]

[1] Verelst: Op. cit., Appendix, p. 219.

[2] *View, etc.*, p. 72.

CHAPTER VIII.

THE GRANT OF THE DIWANI OF BENGAL, BIHAR AND ORISSA, 1765.

"I observed to him [Lord Chatham] that it was necessary for him to determine whether it was an object for the Company or the State; for I was persuaded, if the State neglected it, the Company, in process of time, would secure it for their greater quiet and safety, exclusive of gain." **Walsh to Clive, 26th November, 1759.**

Lord Clive arrived in Calcutta, on his second period as Governor, on the 3rd of May 1765, but in the past half year, the Calcutta Government, under Spencer's brief regime, had done much to increase the Company's power. Feeling that he was possessed of a mandate "to cleanse the Augean stable" Clive, but for an unfailing belief in his own personal power, might well have been dismayed by the thought he was about to pit himself against a Council which could credit itself with the completion of a difficult war, the increase of the Company's territory, and an improved treaty with the Subahdar of Bengal. A farman from the Emperor, dated December 29, 1764, had assigned to the Company "the country of Ghazipoor and the rest of the Zemindari of the Rajah Bulwant Singh, belonging to the Nizamut of the Nabob Shujah-ul-Dowla; other regulation and government thereof we have given to their disposal, in the same manner as it was in the Nabob Shujah-ul-Dowlah's. The aforesaid Rajah having settled terms with the chief of the English Company, is, according thereto, to pay the revenues to the Company."

In February, 1765,[1] moreover, the old Nawab Mir Jafar had died, and his son, Najm-u-daulah on February 20th entered into a treaty by which he signed away one of the most important elements of sovereignty.

"IV. I do confirm to the Company, as a fixed resource for defraying the ordinary expenses of their troops, the Chucklahs of Burdwan, Midnapoor and Chittagong in as full a manner as heretofore ceded by my father. The sum of five lacks of sicca rupees per month for their maintenance, was further agreed to be paid by my father and I agree to pay the same out of my treasury, whilst the exigency for keeping up so large an army continues. When the Company's occasions

[1] Mill says (*History of British India*, vol. iii, p. 250) that Mir Jafar, "after languishing several weeks at Calcutta, returned to Moorshedabad, loaded with disease, and died in January 1765." Mir Jafar seems to have returned to his capital on December 19, 1764, and on December 20 he ordered Nanda Kumar "to manage the business of the country and revenues." Mir Jafar died on February 6, 1765. Imperial Record Department: *Calendar of Persian Correspondence*, vol. i, p. 377. During the administration Vansittart, Nanda Kumar's treacherous and criminal character had been exposed.

will admit a diminution of the expenses they are put to, on account of their troops, the Governor and Council will then relieve me from such a proportion of this assignment as the increased expenses incurred by keeping up the whole force necessary for the defence of the provinces will admit of: and, as I esteem the Company's troops entirely equal thereto and as my own, I will only maintain such as are immediately necessary for the dignity of my person and government, and the business of my collections throughout the provinces."

The second article bestowed on Muhammad Riza Khan the office of Naib Subah, in which was vested the management of the Subahdari, and of this trust he was not to be dispossessed without the consent of the Company.

So affairs stood on Clive's arrival in May. Having set in motion his principal machinery of reform—the Select Committee,[1] Clive started up-country on June 25. He had already, on the occasion of a visit from the Nawab, turned a willing ear to the tale of how the Naib Soubah had depleted the treasury of Murshidabad by payment of presents to the English who had come thither as a deputation on the occasion of the Nawab' accession. Clive's present business at the capital, however, was not to listen to complaints, but to prepare for the virtual cession of the whole civil authority of the Nawab to the English Company.

"Regulating the country government was the next object of our attention. We found the Nabob highly dissatisfied[2] with those plenary powers vested in Mahomed Reza Cawn, who by virtue of the treaty acted in quality of prime minister and enjoyed uncontrolled authority. This unlimited sway, lodged in the hands of a single person, appeared dangerous to the present establishment, which we thought it becoming to maintain, as having been formally ratified by the Governor and Council. To amend the very obvious defects in the treaty without reversing the principles on which it was founded, was consistent with equity, whilst it met with the Nabob's own approbation,[3] and the most effective means of doing this seemed to us to consist in an equal partition of ministerial influence. As Mahomed Reza Cawn's short administration was irreproachable, we determined to constitute him in a share of the authority, at the same time that we associated with him men of weight and character; so that each became a check

[1] This Committee, which had been given extraordinary powers during a crisis Clive turned into a permanent organ of government. *Vide* Mill: *History of British India*, vol. iii, p. 275: (5th edition) 1858.

[2] In the margin of the copy of Verelst's *View* in the possession of the present writer Archibald Swinton, who played no small part in the events of this period, writes against the above passage: "No doubt he (the Nawab) was; but he had far greater reason to be dissatisfied with his situation afterwards."

[3] Swinton asks: "Who gave away the Nabob's treasures, in the Nabob's name against his will, for the appointment of himself to plenary power, diametrically opposite to the Nabob's inclinations?"

upon the other. Accordingly we fixed on Juggut Seat [Seth] and Roydullub [Rai Durlabh], for the reasons assigned in the Proceedings: and we now have pleasure to acquaint you that the business of the Government goes on with unanimity, vigour and dispatch."[1]

Ten years earlier, the idea of "regulating the country government" would have seemed to the Company's servants the dream of a madman. Lord Clive was now to regulate the affairs of the Mughal himself. The Company in England had expressed its disapproval of the recent acquisition of new territory, and therefore in the treaty between the Nawabs of Oudh and Bengal on the one hand and the English Company on the other, dated August 16, 1765, it was agreed:

"4. The King (Shah Aalum) shall remain in full possession of Korah, and such part of the province of Illah-abad as he now possesses, which are ceded to His Majesty as a royal demesne for the support of his dignity and expenses.

5. His Highness (*i.e.*, the Nawab of Oudh) Shuja-ud-Daula, engages in a most solemn manner to continue Bulwant Singh in the Zemindaries of Benares and Ghazepore, and all those districts he possessed at the time he came over to the late Nabob Jaffir Ally Khan and the English, on the condition of his paying the same revenue as heretofore.

6. It being firmly resolved to restore to His Highness the country of Benares and the other districts now rented by Bulwant Singh, notwithstanding the grant of the same from the King to the English Company; it is, therefore, agreed that they shall be ceded to His Highness in the manner following:—*viz.*, they shall remain in the hands of the English Company with their revenues, till the expiration of the agreement between Bulwant Singh and the Company, being on the 27th November next; after which His Highness shall enter into possession, the Fort of Chunar excepted, which is not to be evacuated, until the 6th article of this treaty be fully complied with.

7. His Highness shall allow the English Company to carry on a trade, duty-free, through his dominions."[2]

By articles of Agreement, dated August 19, 1765, it was arranged that the Nawab of Bengal, Najm-u-daulah, should pay to the Mughal

[1] Clive and the Select Committee to the Court, September 30, 1765. Hastings (Consultations, 11th July, 1772,) thus defines the office of "Naib Subah" or "Naib Nizam": "According to its original constitution, (it) comprehends the superintendency of his (the Nawab's) education, the management of his household, the regulation of his expenses, the representation of his person, the chief administration of justice, the issuing of all orders and the direction of all measures which respect the government and police of the provinces, the conduct of all public negotiations, and execution of treasuries, in a word, every branch of executive government."

[2] Aitchison: *Treaties etc.*, vol. i, pp. 89-91.

Emperor the sum of twenty-six lakhs of rupees per annum, in regular monthly payments of Rupees 2,16,666-10-9, the first payment to be made on September 1, 1765.[1] As the English Company were to be security for the payment of this sum, the Emperor Shah Alam, on August 12, had already made over to the Company,[2] "the dewannee of the provinces of Bengal, Bihar and Orissa, from the beginning of the Fussal Rubby of the Bengal Year 1172 as a free gift and ultumgan [*altamgha*] without the association of any other person, and with an exemption from the payment of the customs of the Dewannee, which used to be paid to the court."

This grant of the Diwani necessitated a new agreement between the Nawab Najm-u-daulah. On September 30, the Nawab agreed to accept the annual sum of sicca rupees 5,386,131-9-0 as "an adequate allowance for the support of the Nizamut."[3] Of this sum, Rupees 36,07,277-8-0 was to be expended on the maintenance of troops for "the support of my dignity only," and this expenditure was to be controlled, not by the Nawab himself, but by an official named in the treaty.

Lord Clive's estimate of the importance of the new acquisition is set forth in the following passage of the General Letter from Bengal to the Court of Directors, 30th September, 1765:

> "22. The perpetual struggles for superiority between the Nabobs and your Agents, together with the recent proofs before us of notorious and avowed corruption, have rendered us unanimously of opinion, after the most mature deliberation that no other method can be suggested of laying an axe to the root of all these evils than that of obtaining the dewannee of Bengal, Bihar and Orissa for the Company. By establishing the power of the great Mogul, we have likewise established his rights; and his Majesty, from principles of gratitude, of equity and of policy, has thought proper to bestow this employment on the Company, the nature of which is the collecting of all the revenues, and defraying all the expenses of the army, and allowing a sufficient fund for the support of the Nizamut, to remit the remainder to Delhi, and wherever the King shall reside or direct. But as the King has been graciously pleased to bestow on the Company forever such surplus as shall arise from the revenues, upon certain stipulations and agreements expressed in the sunnud, we have settled with the Nabob with his own free consent that the sum of 53 lacs shall be annually paid to him for the support of his dignity and all contingent expenses, exclusive of the charge of maintaining an army, which is to be defrayed out of the revenues ceded to the Company by this royal grant of

[1] Op. cit., vol. i, p. 229.

[2] Op. cit., p. 227.

[3] Some misleading conclusions have been formed by writers who ignore the fact that this sum does not represent the Nawab's gross personal income, but what was allowed *out of the revenues* for "the support of the Nizamut."

dewanny ;[1] and indeed the Nabob has abundant reason to be well satisfied with the conditions of this agreement,[2] whereby a fund is secured to him, without trouble or danger, adequate to all the purposes of such grandeur and happiness as a man of his sentiments has any conception of enjoying ; more would serve only to disturb his quiet, endanger his government, and sap the foundation of that solid structure of power and wealth, which, at length, is happily reared and completed by the Company, after a vast expense of blood and treasure.

"23. By this acquisition of the Dewanny, your possessions and influence are rendered paramount and secure, since no future Nabob will either have the power, or riches sufficient, to attempt your over-throw, by means either of force or corruption. All revolutions must henceforward be at an end, as there will be no fund for secret services, for donations, or for restitutions. The Nabob cannot answer the expectations of the venal and mercenary, nor will the Company comply with demands, injurious to themselves, out of their own revenues. The experience of years has convinced us that a division of power is impossible without generating discontent, and hazarding the whole ; all must belong either to the Company or the Nabob. We leave you to judge which alternative is the most desirable and the most expedient in the present circumstances of affairs. As to ourselves, we know of no other system we could adopt, that would less affect the Nabob's dignity, and at the same time secure the Company against the fatal effects of future revolutions, than this of the Dewanny. The power is now lodged where it can only be lodged with safety to us, so that we may pronounce with some degree of confidence that the worst which will happen in the future to the Company will proceed from temporary ravages only, which can never become so general as to prevent your revenues from yielding a sufficient fund to defray your civil and military charges, and furnish your investments."

It is necessary to pause at this stage, in order to show that the momentous transfer of the office of Diwan from the Nawab to the Company was no original idea of Lord Clive.

In he General Letter to the Court, of December 31, 1758, the President and Council write (para. 9) :

"The success in Bengal has acquired us so great a reputation at the Court of Delhi, that the Vazier has several times addressed himself to the President to use his interest with the Subah to

[1] Contrast this statement with the terms of the Agreement with Najm-u-daulah.

[2] Swinton comments : "By this is to be understood that he would rather have this sum than less; and, in short, that he consented to be called Nabob on these terms rather than not be Nabob at all. The next section gives a more just statement of the case, acknowledging that a division of power is impossible without generating discontent and hazarding the whole, and that all must belong to the Company or the Nabob."

comply with the Royal mandate in paying the revenue due to the Mogul from his Subahship; and you will observe in the book of correspondence by letters from Setaub Roy the Vazier's agent, that the Court is extremely desirous of appointing the President the Collector of this revenue, amounting to 50 laack of rupees annually. The person invested with this employ, who is stiled the King's Duan, is the second man of rank in the kingdom; such a dignity annexed to your Presidency would give extraordinary weight to the Company in the Empire, which nothing could be able to remove; however, though repeated proposals have been made to the President, yet, at this critical conjunction, he has been under the necessity of evading them, and managing his answers in such a manner as to protract time in the expectation of a more favourable opportunity. The accepting this employ might occasion jealousy on the part of the Subah, and we are unwilling to cause him any dissatisfaction at a time when our small force is engaged another way, especially as you, Gentlemen, give us so little hopes for reinforcement from home."

The suggestion that the English should become Diwan thus originated in 1758 with the Mughal, and, as will be seen, it was pressed on the English again in 1761 and 1763. Lord Clive, however, had reasons for hesitancy over and above those explained in the foregoing extract. He had been, in fact, on the point of proposing to Pitt that the Diwani should be accepted in the name, not of the Company, but of the English Nation. On the 7th January, 1759, he wrote to Pitt:

"So small a body as two thousand Europeans will secure us against any apprehensions from either one or the other (Mir Jafar or Mir Miran): and that in case of their daring to be troublesome, enable the Company to take the sovereignty upon themselves.[1] There will be the less difficulty in bringing about such an event, as the natives themselves have no attachment whatever to particular princes; and as, under the present Government, they have no security for their lives or properties, they would rejoice in so happy an exchange as that of a mild for a despotic Government; and there is little room to doubt our easily obtaining the Moghul's sunnud in confirmation thereof, provided we agreed to pay him the stipulated allotment out of the revenues, *viz.*, fifty lacs annually. This has of late years been very ill-paid, owing to the distractions in the heart of the Moghul Empire, which have disabled that court from attending to their concerns in the distant provinces; and the Vizier has actually wrote to me, desiring I would engage the Nabob to make the payments agreeable to the former usage; nay, further, application has been made to me from the Court of Delhi, to take charge of collecting this payment the person entrusted with which is

[1] These assertions it is interesting to compare with Col. James Mill's "Scheme for an Expedition under the Imperial [*i. e.*, the Austrian] Emperor for dethroning the Nabob of Bengal," drawn up in 1746. Bolts: *Considerations*, vol. iii, p. 16 *et seq.*

styled the King's Dewan, and is the next person both in dignity and power to the Soubah. But this high office I have been obliged to decline for the present, as I am unwilling to occasion any jealousy on the part of the Soubah; especially as I see no likelihood of the Company's providing us with a sufficient force to support properly so considerable an employ, and which would open a way for securing the Soubahship to ourselves. That this would be agreeable to the Moghul can hardly be questioned, as it would be so much to his interest to have these countries under the dominion of a nation famed for their good faith, rather than in the hands of people who, a long experience has convinced him, never will pay him his proportion of the revenues, unless awed into it by the fear of the Imperial army marching to force them into it.

"But so large a sovereignty may possibly be an object too extensive for a mercantile Company; and it is to be feared they are not of themselves able, without the nation's assistance to maintain so wide a dominion; I have therefore presumed, Sir, to represent this matter to you, and submit it to your consideration, whether the execution of a design, that may hereafter be still carried to greater lengths, be worthy of the Government's taking it into hand. I flatter myself I have made it pretty clear to you, that there will be little or no difficulty in obtaining absolute possession of these rich kingdoms and that with the Moghul's own consent, on condition of paying him less than a fifth of the revenues thereof. Now I leave you to judge whether an income of upwards of two millions stirling, with the possession of these provinces abounding in the most valuable productions of nature and art, be an object deserving of public attention; and whether it be worth the nation's while to take the proper measures to secure such an acquisition—which, under the management of so able and disinterested a minister, would prove a source of immense wealth to the kingdom, and might in time be appropriated in part as a fund towards diminishing the present heavy load of debt under which we at present labour."[1]

[1] *The Life of Robert Clive, collected from the Family Papers communicated by the Earl of Powis.* By Major-General Sir John Malcolm, G. C. B., F. R. G. S., London, 1836, vol. ii., p. 121 *et seq.* Walsh, a relation of Clive's, by whom this letter was submitted gives an account of his interview with Pitt, in a letter dated 26th November, 1759. Pitt regarded the proposal as "very practicable," but of a "very nice nature." "He mentioned the Company's charter not expiring these twenty years; that upon none of the late transactions it had been enquired into whether the Company's conquests and acquistions belonged to them or the Crown, and the judges seemed to think to the Company: he said the Company were not proper to have it, nor the Crown, for such a revenue would endanger our liberties, and that you have shown your good sense by the application of it to the public. He said the difficulty of effecting the affair was not great under such a genius as Colonel Clive; but the sustaining it was the point, it was not probable he would be succeeded by persons equal to the task." "I observed to him that it was necessary for him to determine whether it was an object for the Company or the State, for I was persuaded that, if the State neglected it, the Company, in process of time, would secure it, that they would even find themselves under a necessity to do it for their greater quiet and safety, exclusive of gain. He seemed to weigh that: but, as far as I could judge by what passed then, it will be left to the Company to do what they please."

In 1761, the Emperor Shah Alam, on his way to Delhi, offered to Major Carnac, who was "in attendance on the stirrup," a confirmation of all existing privileges enjoyed by the Company and the grant of the Diwani, provided that the Company would guarantee the remission to Delhi of the Emperor's share of the revenues.[1] At that time, however, the strain between the English civil and military authorities had reached its highest tension, and Governor Vansittart, who had characterised Carnac's conduct as "unbecoming and arrogant" was not prepared to accept a boon coming through such a channel. On the 9th March, 1763, the Court expressed its approval: "Your refusal of the Dewanee offered by the King" wrote the Directors, "was certainly very right, and we are well satisfied with the just and prudent reasons you give for declining that office." It may be mentioned that on March 11, 1762, in a letter of protest against Vansittart's act in substituting Mir Kasim for Mir Jafar as Nawab, Coote, Amyatt, Carnac, Ellis, Batson and Verelst, had urged the Court of Directors either to accept the offer Shah Alam had made of the Diwani, or to sanction an expedition to Delhi in order to subdue the rebels to the Emperor's authority. Holwell's comment on the first offer of the Diwani is as follows: "With regard to the offer of the Dewanee, the objections against it were strong and unanswerable, unless we could have been invested with the Soubadaary as well."

The letter in which the Court of Directors acknowledged the gift of the Diwani breathes their usual *sancta simplicitas*. They—on May 17, 1766—approve of the acquisition as terminating a state of things in which the Company was gradually sinking to decline, while their servants in Bengal were "laying hands upon everything they did not deem the Company's property"; but they admitted that they were alarmed by the contemplation of added responsibilities. They write:

> "We observe the account you give of the office and power of the King's Dewan, which in former times was 'the collecting of all the revenues, and after the defraying the expenses of the army, and allowing a sufficient fund for the support of the Nizamut, to remit the remainder to Delhi.' This description of it is not the office we wish to execute. The experience we already have had in the province of Burdwan convinces us how unfit an Englishman is to conduct the collection of the revenues, and follow the subtle native through all his arts to conceal the real value of his country, and to perplex and elude the payments. We, therefore, entirely approve of your preserving the ancient form of government, in upholding the dignity of the Soubah.
>
> "14. We conceive the office of Dewan should be exercised only in superintending the collections and disposal of the revenues; which, though vested in the Company, should be

[1] *Calendar of Persian Correspondence*, vol. 1, Nos. 1291-92. Auber: *Rise and Progress*, vol. 1, pp. 82-83. Holwell: *India Tracts*, p. 92.

officially executed at the Durbar, under the control of the Governor and the Select Committeee. The ordinary bounds of which control should extend to nothing beyond the superintending the collection of the revenues, and the receiving the money from the Nabob's treasury to that of the Dewanny or the Company; and this we conceive to be neither difficult nor complicated; for that at the annual *Poonah* (punia) the Government settles with each Zemindar his monthly payments for the ensuing year: So the monthly payments of each Zemindar, which must be strictly kept up, and if deficient, the Company must trace what peculiar province, Rajah or Zemindar has fallen short of his monthly payments, or, if it is necessary to extend the power farther, let the annual *Poonah*, by which we mean the time when every landholder makes his agreement for the ensuing year, be made with the consent of the Dewan or Company. The administration of justice, the appointment of officers, zemindarrees, in short, whatever comes under the denomination of civil administration, we understand to remain in the hands of the Nabob or his ministers."

The Court of Directors imagined that all it behoved their servants to do was to lie beneath the tree and let the ripe fruit tumble into their open mouths. They would take the produce of the people's labour, and, in return, offer the people no protection against injustice and oppression. Fortunately for our national honour the Court was asking for what was impossible. The English were soon to learn that if they were to accept the revenues, they must undertake the care of the country.

It has been observed by James Mill that the dual system of government which the accession of the English to the Diwani for a time established was the "favorite policy of Clive, to whose mind a certain degree of crooked artifice seems to have presented itself pretty congenially in the light of profound and skilful politics."[1] The dual system presented itself in a different way to Clive on the one hand and Verelst on the other. While Verelst honestly believed that the ancient institutions could be revived and made to do good work, Clive regarded the Nawab's authority as a "name and a shadow," and when he spoke of "throwing off the mask" (i.e. declaring the Company Subah of the provinces), he, in as many words, admitted that his system was one of artifice. So far as the Nawab's power and wealth was concerned, he was aware that the English had, so to speak, sucked the orange dry, but he imaginad that the skin and the pulp left behind on the table, would serve to delude the other foreign guests in Bengal into the idea that the English had not as yet devoured everything worth eating.

That the power had in reality passed into English possession, Clive never doubted. The Select Committee, in their Consultations of 10th

[1] Mill: *History of British India*, (5th edn.), vol. iii, p. 305.

September, describe the Company as having "come into the place of the country Government by His Majesty's grant of the dewanee." In a letter, dated 16th January, 1767, the Governor and Select Committee write: "We are sensible that since the acquisition of the dewanny, the power belonging to the Soubah of these provinces is totally and in fact vested in the East India Company. Nothing remains to him but the name and shadow of authority." Under the system which Clive established the English were to do the work, but the Nawab's shadow was to cover it all, so that all that the English did was in outward seeming to emanate from the Nawab himself.

> "This name, this shadow, it is indispensably necessary we should seem to venerate. Under the sanction of the Soubah, every encroachment that may be attempted by foreign powers can effectually be crushed, without any apparent interposition of our own authority;[1] and all real grievances complained of by them can, through the same channel be examined into and redressed. Be it, therefore, always remembered that there is a Soubah; and that, though the revenues belong to the Company, the territorial jurisdiction must still rest in the chiefs of the country, acting under him and this Residency in conjunction. To appoint the Company's servants to the office of Collectors, or indeed to do any act by any exertion of the English power, which can easily be done by the Nabob at our instance, would be throwing off the mask, would be declaring the Company Soubah of the provinces. Foreign nations would immediately take umbrage: and complaint preferred to the British Court might be attended with very embarrassing consequences. Nor can it be supposed that either the French, Dutch or Danes, would readily acknowledge the Company's Subahship, and pay into the hands of their (*i. e.*, the English) servants the duties upon trade, or the quit-rents of these districts which they have long been possessed of by virtue of the royal phirmauns, or grants from former Nabobs."

The acquisition of the Diwani, it must be observed, had no immediate effect on the condition of British administration in the ceded lands (*i. e.*, Chittagong, Midnapur and Burdwan). The executive organised at Murshidabad for the collection of the revenues in what was now known as the "Diwani portion" had no jurisdiction in the three districts of Chittagong, Burdwan and Midnapur, for the possession of which the Emperor Shah Alam had granted a separate *farman*, confirming thereby the past acts of Mir Kasim and Mir Jafar. The districts which made up the Diwani portion are enumerated by James Grant as follows:[2]

[1] And yet the Nawab now had no effective army of his own.

[2] Grant: *Analysis of the Finances of Bengal.* Included in the *Fifth Report from the Select Committee on the Affairs of the East India Company, 1812*, p. 336. It must be observed that No. 17 "Mahomedameenpore," as described by Grant, p. 391, is a partition of the old sarkars of Satgaon and Salimabad.

1. Rajeshay [Rajshahi].
2. Dinagepoore [Dinajpur].
3. Bheerbhoom [Birbhum].
4. Purneah.
5. Rungpore [Rangpur].
6. Dacca.
7. Nuddeah [Nadia].
8. Hidjelee [Hijili].
9. Rajemahal.
10. Sylhet.
11. Jessore.
12. Mahmoodshay [Mahmudshahi].
13. Lushkerpoor [Laskkarpur].
14. Rokinpore [Rokanpur].
15. Edrackpore [Idrakpur].
16. Futtehsing.
17. Mahomedameenpore.
18. Silberis [Salburi].
19. Chunakly.
20. Bishenpore [Bishnupur].
21. Pachite [Pachet].
22. Tipperah
23. Ichangurpore [Jahangirpore] elsewhere Grant writes "Jehangeerpoor."]
24. Zemindary Khurdeah.

It has been noticed that Lord Clive had appointed at Murshidabad a Council of Control for the administration of the affairs of the Nawab. Muhammad Riza Khan, who had been appointed Naib Subahdar by the agreement of 1764, was entrusted by the English with the office of Diwan to the Company. This individual, to whom the Company allowed a prince's income of nine lakhs per annum,[1] has been credited by Grant with "honour, sagacity, moderation, *locally understood*," and is described by the same authority as "the great defaulter."[2] Jagat Set (Seth), the head of the great Jain firm of Shroffs or bankers, was according to Grant "solely interested in the benefit of money dealings, which were great in proportion to the gross receipts of cash from the country."

The Native officers, however, were not suffered to do their work unchecked by the supervision of a resident British official. There had previously been Residents at the Durbar[3] but, after the acquisition of the Diwani, such importance was added to the post that it practically became a new one, and was assigned to one of the most senior of the Company's servants. The duties of this officer were: [4]

[1] *Fourth Report of the Committee of Secrecy, 1773*, p. 8. Roy Durlabh was allowed 2 lakhs per annum, and Shitab Roy at Patna Rs. 99,996. The latter was also granted a monthly allowance of Rs. 25,000 by Lord Clive and the Select Committee. In 1771 the Court of Directors ordered Muhammad Riza Khan's salary to be reduced to five lakhs per annum.

[2] *Analysis* [5th Report, p. 250]. Grant's opinion is that Muhammad Riza Khan, who, he says, had confessed to having in two years incurred a balance of 2 krores of rupees of the Bengal revenues, was a wholesale plunderer. Grant also holds 'that the actual system of revenue in Bengal was from the beginning (1765) taken upon mistaken grounds. It is a baseless fabric reared in ignorance, corruption, chicanery of the natives, intended to conceal from superficial popular view or perhaps ultimately to destroy the symmetry, convenience and simplicity of the outward structure."

[3] Luke Scrafton held this office after Plassey, and was succeeded in it by Warren Hastings; the office is recognised by the Treaty with Mir Jafar, 10th July, 1763, Article VII.

[4] *Vide* Verelst's *View, etc.*, Appendix, p. 136-37.

1. To "execute officially" the disposal of the revenues.
2. "To stand between the administration and the encroachments always to be apprehended from the agents of the Company's servants" and to "prevent the oppression of the natives."
3. To correspond monthly with the Select Committee through the channel of the President, and to forward copies of this correspondence with its enclosures to be sent to the Court of Directors.

At first the Resident at the Durbar[1] held also the lucrative post of Chief of Cossimbazar, but on 20th November, 1767, the Court sent the following order:

"Being convinced that the employments of Resident at the Durbar and Chief of Cassimbazar cannot from the importance and extent of the business of each department, be properly executed by one person, we, therefore, direct that they be from this time forward separated, and that some other member of Council be appointed to the said chiefship. We do not make this regulation from any failure of attention on the part of Mr. Sykes, with whose conduct we are perfectly satisfied. And in consequence of the extraordinary trouble and attention which the resident at the Durbar must necessarily have in the due execution of that important post, we direct that he be allowed four shares and a half (*i.e.*, in the commission of 2½ per cent. on the revenue collections);[2] but this is to be

[1] The first to hold the newly constructed office was Francis Sykes, afterwards created a baronet. In addition to his official salary, he in two years received £35,757-18-0 as commission on the revenues, about £6,200 from the *mathaut*, or additional cesses, and close on £2,000 in complimentary donations at the time of the *punia*. He enjoyed a sumptuary allowance of £4,450 and a residence at Maidapur in the suburbs of Murshidabad. He had also been a private trader on an extensive scale. For the resident's sumptuary allowance of Rs. 1,000 per mensem, see Long: *Selections*, No. 801.

[2] The history of this commission is as follows: On November 20, 1767, the Court of Directors, in forbidding their servants to take part in inland trade and condemning their salt monopoly, directed that an allowance of 1½ per cent. commission on the Diwani revenues, which had hitherto been received by the Governor, as compensation for his relinquishing his share in the salt trade, should cease on 1st September, 1767. The Court continue: "As the trade of our servants is to be confined to the articles of import and export only, in which they will be considerably affected by the great demands for extending the Company's investments and considering the great increase of business in which our principal servants are necessarily engaged, and which demand their utmost care and attention, we are come to a resolution to give them a reasonable encouragement to exert themselves with zeal and alacrity in their several departments, but which they are to look upon as a free gift from the head of their employers to them annually, so long as the present revenues shall remain with the Company, and their behaviour shall continue to merit such a reward. That you draw out an annual account of the sums received from the Dewannee, deducting thereout the stipulated payments to the King and the Nabob, and the allowance of the Nabob's ministers, also the revenue of the provinces of Burdwan, Midnapur and Chittagong, and the Calcutta pergunnahs from which are to be deducted Lord Clive's *jaghire* and the ordinary charges of collection. Upon the amount of the said nett revenues, you are hereby indulged to draw a commission of 2½ per cent" The sum so obtained was to be divided into 100 shares, which were to be distributed as under:—

The Governor	31	shares.
The Second in Council	4½	"
The rest of the Select Committee not having a Chiefship ...	3½	"
" " Council " " ...	1½	"
The Resident at the Durbar	4½	"

understood to be in full, and instead of such shares as are assigned, as above mentioned, to his rank in Council, or as a member of the Select Committee."

In addition to the general supervision of revenue affairs, the Resident at the Durbar inspected the Courts of Justice at Murshidabad. The Resident and the Nawab received appeals from the district courts, caused inquiries to be made, and ultimately decided the causes so brought before them. Sykes seems even to have increased the number of courts at Murshidabad. In October, 1770, Muhammad Riza Khan in company with the Resident at the Durbar, asked for the President and Council's directions as to the administration of justice. In reply the Governor and Council gave it as their opinion that the administration of justice should be continued "on the same footing as formerly, but that the Council of Control should interfere as there should be occasion," adding that "every transaction relative to the Government should ultimately come before the Council." The Murshidabad Council of Control therefore resolved:

> "That in all criminal cases throughout the province, the trial should be transmitted to them for their approbation before the sentence be executed; that all causes relative to property in land and to the revenue, shall be tried in the country Government courts; that two courts should be established by the Council of Control, consisting of all the members of Council, to revise the proceedings of the country courts, and finally to determine upon them."[1]

It is, therefore, not possible to say with Lord Macaulay even in regard to the Diwani portion, that "the police, the administration of justice, the maintenance of order" were left to "the Naib Subahdar." It would, however, be too much to say with James Mill, that "the phirmaun (*farman*) of the Dewannee, which marks one of the most conspicuous eras in the history of the Company"[2] constituted "them masters of so great an empire, in name and in responsibility, as well as in power."

The Chiefs of Cossimbazar, Patna, Dacca and Chittagong were not to have shares. The Court reserved to itself the appropriation of the remaining shares, a reservation which the Select Committee disregarded. In the benefit of this commission, the principal military officers were also included. The whole subject is dealt with in great detail in the *4th Report of the Committee of Secrecy, 1773*. I may take this opportunity to say that I do not see how Mr. P. E. Roberts (*The Cambridge Modern History*, vol. vi., p. 566) arrives at the figures he gives as to Verelst's salary and commission. Verelst's salary, according to this letter from the Court, was £3,000 per annum, not £4,800 as stated by Mr. Roberts, and Verelst's shares in the commission must have reached to more than the £45,800, mentioned by him.

[1] Proceedings of Murshidabad Comptrolling Council, October, 1770.

[2] James Mill: *History of British India*, vol. viii, p. 286. On December 29, 1767, the Select Committee write to the Resident at the Durbar:

"We are sorry to observe in these regulations you have made the Honourable Company coadjutors to the Government, whereas it has ever been our intention to acknowledge the latter as principals, and content ourselves with enjoying our privileges under them, in like manner with the other European nations trading in Bengal. This we now repeat, and desire that you will be no means, in future, to make the Company appear as a principal in any measure or act of government." Bolts: *Considerations*, Appendix A., vol. iii, p. 168.

Lord Clive's metaphor of a man wearing a mask aptly characterises the situation. The Court of Directors were insisting on their servants in Bengal maintaining an attitude of non-intervention in the administration, while their servants, anxious to venerate the shadow of the Nawab's no longer extant authority, were actually ruling under the guise of superintending or giving advice. The mask was not discarded till long after the whole world knew whose was the face behind it.

The net revenues of the Diwani portion in these early years are given in the *Fourth Report of the Committee of Secrecy, 1773.*

	1765-1766	1766-7	1767-8	1768-9	1769-70	1770-1	1771-2
	£	£	£	£	£	£	£
Murshidabad ...	937,864	1,149,469	1,091,823	1,138,629	962,730	820,438	1,227,345
Bihar ...	150,854	6,68,180	551,110	623,084	459,246	446,175	461,461

It may be observed that the Select Committee, and not the Council, represented the Company's supreme authority in matters of revenue. Clive had undoubtedly carried on the activities of the Select Committee beyond the term set for its existence, but, in their General Letter to Bengal, 12th January, 1769, the Court of Directors wrote :

"9. We have experienced such great advantage from the establishment of a Select Committee that, although the ends for which it was first instituted are happily obtained by the establishing of peace, tranquility and subordination, yet we find the nature of those important charges which now fall under the management of our servants requires that they should be conducted by a small number, and we therefore confirm the Select Committee, and their department and powers are to be as follows :—

"10. They are to conduct everything that relates to the Country Government, either with respect to the Duannee or the Company's political interests with the neighbouring powers together with the military operations depending thereon. They are to negociate with the Soubah and the country powers, but to conclude no treaty of Commerce or alliance without the approbation of the Council at large. They are to superintend the collection of the revenues arising from the Duannee, but without the power of disbursing them, nor do the revenues arising from the Company's other possessions fall under this jurisdiction, their general superintending power ceased with the abuses that gave rise to that power with which they were entrusted; and all other branches of the Company's affairs fall under the General Department. The members of this Committee are to stand conformable to Lord Clive's appointment, *viz* :—

Harry Verelst ...	... President
John Cartier ...	... Second
Col. Richard Smith ...	... Third, but not to rise
Mr. Francis Sykes ...	... Fourth
Mr. Richard Becher...	... Fifth.

"11. We have in the foregoing paragraph directed that the military operations shall be conducted under the orders of the Select Committee but the Supreme Military power is vested in the Board at large, conformable to the usual practice. We have already in our letter of 24th December, Para, 54, expressed our sentiments on the nature of your power over the military, not only that it is supreme, but that you may delegate your authority to any civil servant you please, and that the highest officer in our army must obey that civil servant in the same manner he is bound to obey the orders of the President and Council; and, upon any doubt or disobedience, or indeed for whatever cause may appear sufficient to the majority of the Council, they may dismiss any officer, be his rank what it will, without assigning such officer any other reason but your own pleasure, reserving the justification of your conduct to us, from whom you derive authority, and to whom alone you are accountable.

"12. Upon the decease or coming away of Colonel Smith, no other military officer is to succeed him in the Select Committee but the Commanding Officer for the time being is to be consulted upon military affairs only, at which time he is to have a seat and voice at the Board as the 3rd in the Committee."

It will be convenient to conclude this chapter with a succinct statement of the Company's position in Bengal at the end of the year 1765.

1. The Company had acquired the right to defend by military force the three Mughal provinces of Bengal, Bihar and Orissa. Within those geographical limits there were vast districts into which the Mughal arms had never penetrated, *e.g.*, the wild western lands. Only a part of Orissa came into the English sphere, for the Marathas remained masters of Cuttack till 1803. In the East the Assam Valley remained independent, Goalpara or Rangamati representing the most advanced outpost of the Empire. Assam was not annexed by the Company till 1826, and Kachar till 1830, Cooch Behar was annexed in 1773, but subsequently became a feudatory sovereign State. By the surrender of Benares in 1765, Clive had given proof of his sense of the just extent of the English occupation. In 1762 Eyre Coote, Carnac and three members of Council (of whom Verelst was one) had prepared to march the English forces to the gates of Delhi, but Clive, referring to his bold plan,[1] wrote (September 30, 1765): "My resolution, however, was and will always be to confine our acquisitions, our conquests, our possessions, to Bengal, Behar and Orissa; to go further is in my opinion so extravagantly absurd no Governor-General, no Council, in these times can ever adopt it unless the whole system of the Company's interest be first entirely remodelled."[2]

[1] Holwell: *India Tracts*, p. 97.
[2] Elphinstone: *Rise of the British Power in India*, p. 447.

2. Calcutta was held in free tenure and in the adjacent Twenty-four Pergunahs the English held the position of Zamindar.

3. In the Ceded Districts, *i. e.,* Burdwan, Chittagong and Midnapur, they had been in the direct management of the revenues, and had directly administered every function of government, save that of criminal justice (which, however, they had supervised from 1760).

4. For the rest of Bengal the Company was Diwan; and as the Nawab was a minor, they had appointed a Naib Subah of their own preference, and every matter of importance came before the Resident at the Durbar for decision.

5. As Diwan the Company not only administered the land revenue, but controlled and collected customs, its commercial supremacy was now beyond all question.

CHAPTER IX.

THE ADMINISTRATION OF HARRY VERELST.

On the 26th of January, 1767, Lord Clive departed from Fort William, leaving his friend Harry Verelst to succeed him in the Presidency and Governorship of Bengal.

According to the accepted version of the history of the English in Bengal, the Company remained content with the gift of the Diwani in 1765, and it was not until 1772 that any attempt was made to set up a competent English administration in Bengal. To quote Lord Macaulay again "the only branch of politics about which the English functionaries busied themselves (*i.e.* up to 1772) was negotiation with the native princes. The police, the administration of justice, the details of the collection of the revenue, were almost entirely neglected." From the previous chapters of the present work it will have been seen that this view ignores altogether the history of the Ceded Districts of Bengal, where the Company, from the very first moment of their possession, had been exceedingly active in the matter of the details of the revenues. It is not possible to defend Macaulay's statement by pleading that the Ceded Districts were comparatively of small account. Again if stress be laid on the fact that even in the Ceded Districts the authority of the Nazim in criminal justice was maintained, it must be replied that in this respect Macaulay's choice of the year 1772 is indefensible, for the Nazim retained that last vestige of sovereign power until the time of Lord Cornwallis. After giving weight to the consideration of the history of the Ceded Districts, the question remains: How far can it be asserted that Macaulay's generalisation is true of the Diwani portion?

It has been seen that in 1765, Nanda Kumar (popularly known as Nuncomar) whom the old Nawab Mir Jafar had selected to hold the office of Deputy or Naib Subah, was displaced, and Muhammad Riza Khan appointed in his stead. To Muhammad Riza Khan, Macaulay says, "the collection of the revenue, the administration of justice, the maintenance of order were left." This statement, however, is very far from representing the facts; for, in the first place, the Company established a powerful functionary of their own at Murshidabad. It is true that until the details of the business were better understood, this functionary, the Resident at the Durbar, relied on the Naib Subah's information, and sedulously employed the Naib Subah as the ostensible principal in business affairs; but, in actual practice, the Resident saw to it that, when the will of the Company and the will of the Country-Government were at issue, the will of the Company prevailed. In the second place, it must be observed that, with the express purpose of checking the influence and power of the Naib Subah, the Select Committee at Calcutta set over Muhammad Riza Khan a Council of Control. In the administration of justice, it was so arranged that every transaction of importance should come before the attention of the Resident at the

Durbar, and in 1769 (15th September) the Court of Directors authorised Commissioners to "make strict and speedy enquiry into the proceedings of the courts of justice throughout their settlements," and provided "that if any extraordinary powers have interfered to interrupt the course and administration of justice, they should without delay, correct all such abuses; and in particular .....they should procure the entire abolition of the ancient custom of witholding under the name of chout, a large share of all property recovered in the courts; and that if they should find the established courts so imperfectly constituted as not to be adequate to the right administration of justice, they should apply to the Government and obtain firmauns for erecting such new judicatures as should appear most adequate to that purpose."

In regard to the collection of the revenue, the theory of the conjoint Government was illustrated by Lord Clive and the Nawab taking their seats together in 1765 on the musnud at the punya, *i.e.* the annual meeting of ceremony of the chief revenue officer with the chief revenue payers. It would, however, be a gross absurdity to conceive it as even possible that the Company could have taken over the administration of the revenues of the Diwani portion with the ease with which the incoming manager of a London theatre today takes over the management from his predecessor. The revenues were not only in themselves a subject of almost infinite complication and difficulty, but for years past their administration had been rendered almost desperate by oppression in some places and absolute neglect in others. The only persons who could throw light on this dark subject were the native officers, and they, realising that when once their inherited skill and concealed sources of information had been exposed, would be liable to dismissal, were in no hurry to afford the explanations required of them. Having accepted the Diwani, or general control of the revenue collections, the English therefore, deliberately adopted a policy of *festina lente*. They felt that in the Ceded Lands, they had already benefited by an experience which in the course of time they might apply to the lands of the Diwani Portion, but for the present they resolved to avail themselves of the services of a Naib Diwan, and to collect their revenues by means of the indigenous machinery of the aumils, tehsildars, etc. etc. Such delay as there was in applying "direct" measures to the Diwani portion is to be explained, not merely by the reluctance or inability of the Company to substitute English for Native collectors, but by the anxiety of the Company to avoid the great expense of the notoriously unpopular measure of an exact valuation of the lands by an actual survey. So long as faith was placed in the farming system or conjectural valuations on the basis of recent accounts so long "direct" administration was bound to tarry in its coming. When, however, the Comptrolling Council of Revenue at Murshidabad was instituted in 1770, the Naib Diwan at once appears in the Consultations, not in the character of a representative of an independent country ruler, but as a Company's salaried servant.

There can be no doubt that Verelst regarded the system of Government inaugurated by Clive as not only the best but as the only possible one under which the Company could maintain its privileges. For Clive the Nawab's government was but a "masque," a "shadow," a "name";

for Verelst the Nawab's power was something more akin to a reality; and with earnestness and eloquence he pleaded with the members of his Council that every symbol of the Nawab's independent rule should be treated as sacred. Yet even Verelst saw clearly that circumstances, rather than intentions deliberately formed, had compelled the acceptance in 1765 of the Diwani declined by the Company in 1760, and he saw too the grave evils involved in a state of double government. Writing on December 16, 1769, he says: "Our circumstances impelled us forward, and the grant of the Dewanny became as much an object of necessity as it was of advantage. Thus we insensibly broke down the barrier betwixt us and government, and the native grew uncertain where his obedience was due. Such a divided and complicated authority gave rise to oppressions and intrigues unknown at any other period; the officers of government caught the infection, and being removed from any immediate control, proceeded with still greater audacity. In the meantime we were repeatedly and peremptorily forbid to avow any public authority over the officers of government in our own names, and enjoined to retain our primitive characters of merchants with most scrupulous delicacy. The consequences are but too evidently exemplified in the decline of commerce and cultivation, the diminution of specie, and the general distresses of the poor: a train of evils which could have only sprung from the above causes, since every advantage of a long and uninterrupted tranquility had been on our side."[1]

In the meanwhile, however, the marked improvement of the revenues in the Ceded Lands was leading the Court of Directors to modify their original opinion that their English servants were absolutely unfit for revenue work, and also to depart from their policy of non-interference with the native agents in the lands of the Diwani portion. The extent to which the Court of Directors were now ready to criticise the administration of the country powers and to urge its own servants to intervene may be indicated by the following passage from their letter of 11th November, 1768:[2]

> "11. It gives us great satisfaction to see that the Dinagepur [Dinajpur] ballance has not arisen from a depopulated or oppressed state of the country, but solely from the villainy, profusion, and folly of the Rajah and his Ministers. We cannot suffer such a depredation of the revenues, and shall not think the ministers to do their duty, if the balances of Dinagepore, Houghley and Purnea are not all recovered, and we are astonished at the lenity of the Nabob and Mahmud Reza Cawn in not having made some severe examples of

[1] Verelst: *View, etc*, Appendix, p. 122. In their letter of March 16th the Directors expressed their disapproval of a suggestion made by Lord Clive that the Governor should make an annual tour through the provinces. They write: "The majesty and dignity of the Government still resides in the Nabob and his ministers, and they are known to the inhabitants as the power to whom they are accountable. Great violence or oppressions will most probably reach the ear of the Resident at Durbar who can immediately exercise his influence to get them redressed. But, if the Governor carries with him in his tour the authority of the State, it gives an idea of divided government."

[2] By the *Lioness*.

these great offenders. There has always been a most dishonourable practice of fining for crimes—which is unbecoming all well administered Governments, because the excess of the crime is an exemption from punishment, that is to say, if the farmers and governors exact by oppression enough to stop the Court of Justice against them, they escape and the example remains to others to do the same. The Nabob and his Ministers should early in their administration have made some severe examples, not by pecuniary mulcts, but by inflicting the severest punishment the custom of the country permits; then others would have been deterred; and, if they suffer Merza Souchat Roy and the Dinagepore ministers to escape the hand of justice, it will be such a relaxation of government as will be productive of many bad consequences. The comparison between the state of Dinagepore under a fixed government and Purnea under almost annual change, the affluent state of the talooks in Burdwan compared with the yearly experience Mr. Rumbold has had in Bahar, all point out the great utility of letting the lands on long leases; this, which has been so frequently recommended to you, you nevertheless omit, and particularly on this occasion wherein you are highly culpable. We mean in the Burdwan province, the value of which being now so thoroughly investigated, ought immediately to have been farmed out on long leases. We direct you to practice it in future in Burdwan, and would have you recommend it to the Nabob and his ministers to do it for the other parts of the country where the value of the lands has been ascertained.

"12. For the recovery of the large ballance at Dinagepore there seems to require nothing but severity to those ministers of the Rajah who have abused their power. Purnea requires, not only the punishment of Souchat Roy, but a thorough investigation, such as has been made in Burdwan, and a long continued protection to restore the country from the miserable state to which a succession of rapacious governors have reduced it. We hope one or more of our most experienced servants have been engaged in this, and they may be assured of distinguishing marks of our favour, if they acquit themselves to our satisfaction."

On June the 30th, 1769, the Directors set their signatures to a letter, which they conceived to be of so great an importance that they engaged a special ship, the *Lapwing*, to carry it to Bengal. The contrast between this letter and the laconic acceptance of the Diwani scarcely five years earlier is most marked. The suggested changes in the Faujdari Courts, the native law of inheritance, hoarded coin, etc., are significant of the transference of sovereign power in Bengal.

"13. We have attended to the several informations and proceedings on the subject of the revenues, and from the result of our

observations we see reason to flatter ourselves that with care and industry great improvements may be made in the Duannee collections. We find the revenues of the Calcutta lands, as well as of Burdwan, Midnapore and Chittagong, have been considerably augmented, and this encrease gives us a sensible pleasure, because we perceive the number of inhabitants have encreased at the same time, which we regard as a proof that they have found in those Provinces, a better security of their property and relief from oppressions; and it is with particular satisfaction we can attribute these advantages, to their being more immediately under the Company's management, and under the constant and minute direction of our covenanted servants. The like abuses which have been corrected in these districts, are still severely felt, thro' all the Provinces of Bengal and Bahar, where the numerous tribes of fougedars, aumils, sikdars, &c. practise all the various modes of oppression which have been in use as long as the Moorish Government has subsisted. To correct abuses of so long a growth, will require much time and industry; and, above all, a patient and moderate exertion of the powers invested in us by the grant of the Dewannee; for we do not mean, by any violent and sudden reform, to change the Constitution, but to remove the evil by degrees, by reducing that immense number of idle sycophants, who, for their own emolument, and that of their principals, are placed between the tenant and the Public Treasury, and of which everyone must get his share of plunder, the whole mass of which must amount to a most enormous sum: among the various informations we have received on this subject we have particularly attended to Mr. Sykes' letter relating to Dinagepore, entered in your Select Committee's Proceedings of the 10th February 1768. This letter exhibits, at one view, a very ample description of the abuses we are speaking of, and which we wish to eradicate.

"14. Our intention is to proceed in this work without taking off from any of those profits and emoluments, which have usually accrued to the zemindars, who have inherited lands from their ancestors, much less to add any thing to the rents to be collected from the tenants; on the contrary we mean to better the condition, both of the one and the other, by relieving them from many oppressions, which they now labour under.

"15. But a plan of reformation, of so extensive a nature, cannot be effected by one man, it must be the constant attention of many; and for this purpose, we have resolved to establish a Committee, of some of our ablest servants, for the management of the Dewannee revenues at Muxadavad (Murshidabad), for the Bengal Province, and at Patna, for that of Bahar.

"16. The Gentlemen to be so appointed, shall be Comptrollers for the management of the Duannee revenue under your direction, and they are to have so many other of our junior covenanted

Servants for assistants, as from time to time may be found necessary to be sent into the several Provinces, to correct abuses and maintain the intended reformation.

17. The object of this Council must be first to inform themselves of the real state of the collections in every part, that is to say, what rents are at this time actually paid by the tenants, and what was paid formerly, what is the nature of the cultivation, and what the chief produce of each district; and whether, in that respect, there seems a prospect of improvement. They are next to inform themselves of the amount of the charges of collection for some years past, in as particular a manner as possible; and you are then to judge how many of the aumils and other officers, among whom those immense sums have been divided, may be spared. This saving, as far as it can reasonably be carried out, at the same time that it will be a profit to the Company in point of Revenue, will likewise be a relief to the tenant, for it cannot be doubted but that these numerous instruments of power lay the inhabitants under contribution in various secret ways, over and above what appears upon the face of the accounts.

'18. In this information you are to proceed with a moderate, steady and persevering spirit of enquiry, looking rather to the prevention of frauds for the future, than to the punishment of those offences which have already passed, and which, if not justified, are at least much palliated by the immemorial custom of the Moorish Government.

'19. The Council so to be appointed at Moorshedabad and Patna, are to have the controul of all the Business relating to the revenue, but Mahmud Reza Cawn or some other principal person of the Country must be appointed Naib Duan for the Bengal Province (that is the Company's Deputy) and all the business must be carried on through the Naib and under his seal and signing, and in like manner Shitabroy, or some other principal person at Patna, for the Bahar Province.

'20. The Council of Revenue are to sit daily or as often as may be necessary for the most minute attention to this important branch of business. The Naib is to give his advice and opinion upon the measures necessary to be taken, the officers and collectors requisite to be sent to the different districts, and the orders and powers to be given them, but the Council are to consider and determine the whole and no appointments are to be made, nor the Naib's seal put to any orders without their approbation, and copies of all such orders and appointments are to be entered upon their diary or a book apart, and to be transmitted regularly to England.

"21. We have said in a former part of this letter, that we have no view to prejudice the rights of the zemindars, who hold certain

districts by inheritance, but when any of these die without heirs, the lands are to be let for a term of years and upon such conditions as may encourage improvements in the cultivation. In like manner where lands lie waste you should propose terms for settling them giving the undertakers every advantage possible to enable them to proceed in a work so beneficial to the community in general and yeilding to the Company in process of time a certain increase of revenue.

"22. To sum up the whole of this subject in few words:—our meaning is to save what we can of the long salaries now paid to idle dependants appointed to nominal but useless offices by the Country Government, and to lead you to such a knowledge of the real state of the rents and cultivation of the several districts as may enable you to keep the tenants free from imposition and extortion, and to give every possible encouragement to the husbandman and the manufacturer.

"23. The annual Reduction of the Coin is certainly one great source of oppression for it puts it into the power of the collector to charge the tenant with what discount he pleases upon all the money collected under pretenee that the Rupees are of a former date, although equal in weight and fineness. But having wrote you fully on this subject the 11th November last we refer you to those directions and hope that you have succeeded in your endeavours to reform this arbitrary practice.

"24. In answer to what we wrote you in our letter of the 16th March 1768, concerning laws of inheritance for the better security of private property, you refer us to a report from Mr. Sykes and the Ministers at Murshedabad, and we find from Mr. Sykes' letter (entered upon your Select Committee Proceedings of the 6th October 1768) that he has not been acquainted with any instances of the estates of deceased persons being seized by the Government, but that whatever confiscations of this nature or other fines may have accrued are brought to the public account, and are a part of the revenue let out under the title of the Fougedary of Murshedabad.

"25. We apprehend this to be a revenue of a very dangerous nature; for, if the decision of the Fougedar against the estate and property of individuals are to bring profit to himself, it may fairly be supposed that his judgment will be biassed by self-interest.

"26. What we wrote you on this subject in our letter of the 16th March 1768[1] we particularly intended to lead to a reform of that practice, which we understood prevailed under the Moorish Government, of confiscating to the Nabob's use the whole estate of deceased persons who had at any time been employed in the service of the Government, which practice we suppose

[1] See *Bengal: Past and Present*, vol. xi, p. 226.

had its original in this sort of reasoning—that as these Officers during their administration did certainly abuse their trust and make their fortunes out of the public money, so it was just that the Government should take it again at their death.

"27. But as this custom, as far as it prevails, must be productive of various acts of injustice and oppression, and must naturally occasion money to be hoarded and secreted in such manner as perhaps never to be brought again to light, to the great detriment of the general interest of the community, we therefore wished the practice to be totally abolished and the whole country to be acquainted by public advertisement that no man's property is to be touch'd without due course of law, that where any man is detected and convicted of defrauding the public he shall be punish'd severely and obliged to make ample reparation, but that this should not be attempted by the arbitrary will of any minister.

"28. Such an assurance might we hope be the means of opening some hoards of money and thereby assisting the Currency of the Country.

"29. Before we close this subject we cannot help remarking that there seems to us to be great danger and impropriety in having the powers of revenue and the powers of justice in one, and the same person, which seems to be the case in the Officers of the Fougedary, and, as we apprehend, in most other of the public offices of the several districts. This will be an object worthy of further enquiry and if the case is as it appears to us those powers should be separated and distinct lines drawn.

* * * * * *

"35. The vast increase of charges in every department is another object requiring extraordinary powers of reformation, and the establishment of a better mode of collecting the Duannee revenues no less so, not only as it immediately affects the Company's interests, but as being essential to the ease and happiness of the people, the security of their property, and the consequent encouragement of cultivation and manufactures.

'36. The directions we have hitherto given upon these important points have produced in return many arguments but few effects, and as by this mode of proceeding we may never be able to establish the necessary regulations we have resolved to appoint Commissioners to proceed to India to carry our orders into execution without loss of time.

'37. We have accordingly appointed Henry Vansittart, Luke Scrafton, and Francis Forde Esqrs. to be our Commissioners for the said purpose with powers as expressed more fully in their Commission which will be notified to you upon their

arrival. But that you may be acquainted in general with the nature of it, you are to understand that the Government of all the Settlements is left in its usual course and channel, but the Commissioners have a superintending and controuling power over the whole in like manner as if we the Court of Directors were ourselves present upon the spot; and they are to proceed from Presidency to Presidency to make the desired Orders and Regulations. They will advise with you so far as they judge necessary upon the several matters which they shall be instructed or shall think fit to take under their consideration; and, as they are fully acquainted with our sentiments upon every subject, they will explain more particularly our designs and wishes, which we are persuaded you will adopt upon conviction, without putting them to the necessity of making use of the authority with which they are invested.

"38. The union of interests between the nation and the Company by the participation of revenues under the present agreement with the Government having made us in some measure responsible to the public for our conduct, it became necessary that His Majesty should be informed of our intention in appointing this extraordinary Commission, and we have had the satisfaction of receiving the Royal approbation with a strong recommendation to pursue every measure for the reform of abuses and the due management of the important interests which we have in charge in the several parts of India."

H. M. frigate, the *Aurora*, on which the Commissioners mentioned in the foregoing paragraphs embarked, September, 1769, reached the Cape, and sailed from thence on St. John's day, December 27th. It would seem that the Captain, Lee, disregarding Vansittart's protest, took the risk of making for the Sofala Gulf at a particularly dangerous season of the year. After leaving the Cape, the Frigate was never again heard of.[1] The story of what befell the Directors' instructions belongs to the chapter in which the administration of Governor Cartier will be reviewed.

Having sent out their Commissioners in 1769, on the 23rd March of the following year the Directors prescribed rules for the conduct of their affairs in Bengal by the normal agency of their Governor and the Select Committee and Council.

"179. Having taken into our most serious consideration the magnitude and importance of the management of our affairs depending on your Civil Establishment, and that the administration thereof may be conducted to the greatest advantage

[1] With the Commissioners perished the Rev. William Hurst, a man of great scientific attainments (*Vide* Hyde: *Parochial Annals of Bengal*, pp. 133-4.); Midshipman Pitcairn, the discoverer of the island that bears his name; Falconer, the author of a poem called the *Shipwreck*, and Arthur Vansittart, a son of the Senior Commissioner. *Vide* Grand: *Narration of the Life of a Gentleman long Resident in India* (Calcutta Historical Society's reprint, 1910, pp. 35 and 276; *Gentleman's Magazine*, vol. xli. (1771) chronicle. p. 190.

of the Company and the prosperity of all under their protection, we have fully instructed the Commissioners to carry the following Resolutions into execution :—

That with the Governor and exclusive of the Military Commander the Council of Bengal shall consist of nine members and no more.

That none of the Council be permitted to act as Chiefs of any of the Subordinate factories, but shall all constantly reside at Calcutta, the Resident at the Durbar (if that office shall be filled by a Counsellor) and the Military Commander excepted.

That no member of the Council shall have any employ annexed to that Station, but that all offices be executed by the senior servants not members of the Board.

And that the said Council be formed into proper Committees, that the controul, superintendency and direction of the Company's affairs at the Presidency and Subordinates may be faithfully and impartially transacted to their greatest benefit and advantage, and you must, therefore, comply with such instructions and directions as they shall think proper to give relating thereto until you shall receive our orders thereon.

" 180. Besides the foregoing regulations, it is our pleasure that our Governor of Bengal, Commander in Chief for the time being, and three senior members of our Council be a Select Committee, with power to make regulations concerning peace and war, and negotiate with the Country Powers, but not finally to conclude any treaty, until the terms and conditions of such treaty shall have been first approved by our Governor and Council. The Governor singly shall correspond with the Country Powers ; but all letters, before they shall be by him sent, must be communicated to the other members of the Select Committee and receive their approbation. And also all letters whatever which may be received by the Governor in answer to, or in the course of his correspondence, shall likewise be laid before the said Select Committee, for their information and consideration, and all the proceedings and correspondence must be regularly entered on their consultations and sent home in duplicate.

(Regulations follow for a redistribution of shares in the Commission on the Revenues.)

Relying on an ambiguous passage in one of the Court's letters, Verelst, who on Clive's departure from Calcutta on January 26th, 1767, had succeeded to the Governor's chair, put into execution a plan for establishing English "supravisors" in each of the more important of the districts belonging to the Diwani portion. As it may in a very

real sense be said that the effective occupation by the English of the lands of the Diwani portion commenced with the mission of the Supravisors to the districts in 1769, it is important to trace the original scope and intention of this measure.

On the 24th May, 1769, Richard Becher, the Resident at the Durbar, addressed to Governor Verelst a letter which, in view of later history, is of importance. After saying, "it must give pain to an Englishman to have reason to think that since the accession to the Dewanee the condition of the people of this country has been worse than it was before; and yet I am afraid the fact is undoubted," he proceeds to state the causes of this decline. The first of these causes, he stated to be "the mode of providing the Company's investment; *the exportation of specie*[1] *instead of importing large sums annually.*" Here a large subject for discussion is suggested, and one which forms a very predominant topic in Verelst's letters to the Court of Directors. The second cause—the existing method of the revenue collection, however, is far more intimately connected with the present enquiry. Becher writes:

> "The strictness with which the collections have been kept up, and the destructive method of employing aumils, I shall now give my sentiments on as full as I am able...In Aliverdy Cawn's time the amount of the revenues paid into the treasury was much less than what comes in at present, but then the zemindars, shroffs, merchants etc., were rich, and would, at any time when an emergency required it, supply the Nabob with a large sum, which they frequently did, particularly when he was at war with the Marattoes. The custom then was to settle a Malguzarry with the different zemindars on moderate terms: the Nabob abided by his agreement: the zemindars had a natural interest in their districts, and gave proper encouragement to their ryotts; when necessary would wait for their rents, and borrow money to pay their own malguzzary punctually. There were in all the districts shroffs ready to lend money to the zemindars when required, and even to the ryotts,—which enabled many to cultivate their grounds, which otherwise they could not have done. This mode of collection and a free trade, which was carried on in such a manner that the ballance proved yearly in its favour, made the country flourish, even under arbitrary government and at a time when a large tract of it was for years

[1] It would appear from John Macgregor's *Commercial Statistics* that the exportation of specie to India from England in 1765 was £157, 415, and after that nil down to 1798. Neither Verelst nor Becher seems to have been aware that in the old days it had been an often repeated complaint that the despatch of the revenue from Murshidabad to Delhi left Bengal exhausted of specie. Mandeville in 1750, (quoted by Hunter: *Annals of Rural Bengal*, p. 305) states that the payment of the revenue at Delhi "sweeps away all the silver, coined or uncoined, which comes to Bengal: so that after such treasure is gone from Muxadavad there is hardly currency left in Bengal to carry on any trade, or even to go to market for provisions and necessaries of life, till the next shipping arrives to bring a fresh supply of silver."

together annually invaded by the Marattoes, who burnt and destroy'd all they could come at, the poor inhabitants flying for shelter to the principal cities, European factorys, &c. The swelling of the rivers at the approach of the rains always obliged the Marattoes to retire, and the inhabitants were again secure till January. They having encouragement set immediately to work, and endeavoured to get their crops in and sent to market before the time return'd for the apprehended invasion; in so much that even under such circumstances the country was in a flourishing state, and the zemindars &c., able to pay the Nabob his requisition (account his extraordinary expence in keeping so large an army to oppose the Marattoes) the enormous sum of one Crore at one time, and fifty Laacks at another, besides paying the Malguzzary. I mention this only with a view of showing what this fine country is capable of under proper management. When the English first received the grant of the Dewannee their first consideration seems to have been the raising of as large sums from the country as could be collected, to answer the pressing demands from home and to defray the large expences here. The zemindars not being willing or able to pay the sums required, aumils have been sent into most of the districts. These aumils on their appointment agree with the Ministers to pay a fixed sum for the districts they are to go to and the man that has offered most has generally been preferr'd. What a destructive system is this for the poor inhabitants! The aumils have no connection or natural interest in the welfare of the country where they make the Collections, nor have they any certainty of holding their places beyond the year; the best recommendation they can have is to pay up their kistbundees punctually, to which purpose they fail not to rack the country whenever they find they can't otherwise pay their kists and secure a handsome sum for themselves. Uncertain of their office, and without opportunity of acquiring money after their dismission, can it be doubted that the future welfare of the country is not an object with them? nor is it to be expected in human nature. These aumils also have had no check on them during the time of their employment; they appoint those that act under them, so that during the time of the year's collection their power is absolute. There is no fixed hustabood by which they are to collect, nor any likelihood of complaints till the poor ryott is really drove to necessity by having more demanded of him than he can possibly pay. Much these poor wretches will bear rather than quit their habitations to come here to complain, especially when it is to be considered that it must always be attended with loss of time, risk of obtaining redress, and a certainty of being very ill used should the aumil's influence be sufficient to prevent the poor man's obtaining justice, or even access to those able to grant it to him. On this destructive plan, and with a continual demand for more

revenue have the collections been made ever since the English have been in possession of the Dewanee. Many other errors might be taken notice of, but I am afraid of tiring your patience, and I hope what I have represented will convince you of the necessity of alterations in the plan of collecting the revenues, as well as that of providing the Company's Investment &c."

Becher then proceeds to suggest the reforms he conceived necessary in order to obviate the abuses and evils described. His opening sentence forestalls a favourite contention of Philip Francis' Revenue Plan of 1776:

"Permit me here, Sir, to assure you that I do not aim at acquiring credit to myself by an increase of revenue during the time of my residence at the Durbar, but to adopt such maxims as will relieve this country from it's present oppressed state, and put the ryotts in that state of ease which will encourage cultivation, the benefit of which our Hon'ble Employers will reap in future, and happy shall I be if I can in any degree contribute to so desirable an object. Whenever the Court of Directors shall think proper to avow the management of the Revenues, I think it cannot admit of doubt, that the plan to be pursued through the whole country should be the same as is now practis'd at Burdwan; vizt. letting the lands out to farm for at least three years, with an assurance that those who behave well, and give proper encouragement to their ryotts, should always have the preference in remaining farmers of those lands when their leases expir'd. This method, and English gentlemen appointed to superintend the Collections and the administration of justice, has occasion'd the province of Burdwan to flourish, when the countrys adjacent to it under the Government of the Ministers are in a very declining state. In my idea, the only probable way to induce a man of the country employed in the Collections, to study the welfare of the country, is to make it his interest to do so; and the nearer the plan you adopt for collecting the Revenues approaches to this standard, the wiser it is. Other necessary steps to be taken are, to have as great a check on the Collector as you possibly can, and to endeavour to fix the rate of Collection in such a manner, that the ryott may know as early as possible in the season, what the Collector has a right to demand of him, and no further demand should be made on any account whatever. The present destructive scheme of adding demand on demand under the name of Matote,[1] has been a material cause of the present distress'd state of the country, and I wish the word could be abolish'd and never heard of more. As we cannot at present proceed on the same plan as is practis'd at

[1] See above p. xxxix.

Burdwan in the districts under charge of the Ministers, in my opinion the plan most likely to be prosecuted with success, will be to leave the Collections in the hands of the zemindars of the districts where such zemindars can find proper security for the payment of their Malguzzary. I cannot help thinking the zemindars have a very natural interest in the welfare of their districts and are of course more likely to give encouragement to the ryotts than any aumil that can be sent. I am at the same time sensible that many of them have behaved ill, and that they are most of them ruined men; I am therefore not for putting the revenues to risk by trusting any zemindar who cannot give sufficient security, but where they can I think they have a more equitable claim than any other to advantages that may arise from making the Collections. Still, I wish every check to be put upon them that can consistently be; they should know that on proof of any oppression, they should forfeit their zemindary for ever; they should likewise settle a hustabood for their several districts which should be made publick in them, and a copy of it deposited in the Colcha [*Khalsa*] Cutcherry, in case of complaint to be referred to; even a man in behalf of the Government with the approbation of the Resident may be sent to watch the zemindar, and observe the state of his country; but, as in many districts there will still be a necessity of sending aumils, I would recommend care in the choice of the men, and every check that can be thought on to prevent their being guilty of oppression on the ryotts or defrauding the Sircar of its just revenues. The aumils should not have the power to appoint all those that act under them, especially the person next to each who should be appointed by the Sircar, and have a right to keep copies of all papers, be acquainted with every transaction, and encourag'd to give information, by hopes of preferment. Immediately on the arrival of the aumil in the district he should be order'd to form a hustabood, with the assistance of those under him, on the most equitable terms between the Government and the ryott; a copy of the hustabood to be sent to the city, and deposited in the Colcha Cutcherry and the contents to be made publick through the Districts so that every ryott may know what he has to pay, and not be in continual fear of further demands which certainly is a great damp to industry. You'll observe, Sir, the bunderbust settled every season has exceeded the collections by many lacks, and that of what remain'd as a balance very little has been recover'd, so that in reality the settlement is merely chimerical. I would refer it to your consideration whether it would not be better to settle the bunderbust at a lower rate, equal to what has been paid into the Treasury in any one season since we have been in possession of the Dewanee. Such a settlement would, I apprehend, enable us to make an abatement for the relief of the inhabitants in some particular tax which bears hard on them, and at the

same time by proper checks, and constant attention to the conduct of those employ'd in making the collections to prevent their frauds, I am of opinion the Company would receive a larger real income from this country than they have already done; at the same time that the country would flourish; and I am not without hopes of being able during the approaching season to pay into the Treasury sums of money recover'd from former aumils. My endeavours shall not be wanting, and I own it will give me pleasure if I can gain credit in this way. I shall also submit it to your consideration how far the Company are bound by the ties of honour and justice to make some provision towards the payment of the large sums owing by the different zemindars, &c. You are acquainted with my opinion on this subject, as I gave it in relation to the debts of the Rajah of Burdwan. Many families now in ruin would be reliev'd if any plan could be adopted for the payment of even a part and I think it would greatly tend to enhance the name and credit of the Company."

In June, 1769, Governor Verelst was visiting Murshidabad, and then in collaboration with Becher, he drew up a lengthy letter, dated June 30th, which appears on the Consultations of the Secret Committee of 8th July following. This letter shows that considerable deductions of revenue had been allowed the zemindars in consideration of the distressed condition of the country, but that, despite these drawbacks the writers were sanguine as to the realisation of an increased revenue.[1]

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[1] This letter throws much light on the condition of the Diwani Portion in 1769, e. g.,

Rajshahi was divided in 1768 into twelve divisions or zilas, and was "let out to people who engaged to pay into the treasury Rs. 26,94,602-15-13, which they have complied with." In 1770 Becher discovered that the ziladars had collected more than was due and oppressed the ryots. An abatement was made of Rs. 93,602-15-13, and a three years' settlement made with the Rani Bhawani, for

1769 ...	...	...	...	...	Rs. 26,01,000
1770 ...	...	...	...	...	„ 26,76,000
1771 ...	...	...	...	...	„ 27,51,000

The Rani was "as soon as possible to let out all the districts to farm for three years," acquainted that, "in case of deficiency in the payment of her malguzzary, she will be deprived of the right as zemindar." "Dulibe Roy" was appointed "to keep a watchful eye that the malguzzari is regularly paid."

Dacca. A deduction of Rs. 26,350 was found to be necessary, since "three years ago Mahomed Ally, Zemindar of Nodullahpoor, was dismissed on an occasion of some European being killed by his people near Bakarganz," and the new Zemindar has been unable to pay the third year's portion of the nuzzeranee imposed on him.

Birbhum. "The collection is left to the zemindar...He is fairly assured that on the least deviation he will forfeit his right, and his country put into other hands." The settlement was as follows:

For 1769	...	...	...	...	Rs. 7,25,000
„ 1770	...	...	...	...	„ 7,68,400
„ 1771	...	...	...	...	„ 8,11,879-3-10

Nadia. The Rajah "having behaved very ill in retaining a large sum from his malguzarry, and (if the general voice is to be credited) having neglected the good of his country, and distressed the ryotts, we are of opinion the most elegible method to be pursued for the security of our employers and the welfare of the ryotts of these districts, would be to deprive

In regard to Purnea they write:

"The province of Purnea being a very large and fine country, but at present in want of lenient measures to encourage the inhabitants, we thought it would be a great point gained if we could get a person appointed to manage the collections in that district on whose integrity and moderation we might have reason to depend, which would give a confidence to the ryotts. With this view we proposed to the ministers sending Mahomed Ally Cawn, Phoujedar (faujdar) of Houghly, a man generally reckoned of an excellent character. The Ministers acquiesced with our recommendation, and we had the pleasure immediately to find the good effect, that many of the ryotts of Purnea who had come with complaints, on hearing of Mahomed Ally Cawn's appointment, returned well pleased home, saying they did not doubt having justice. This district being considerable, and one that will, we are persuaded, under proper management admit of a large increase in a few years, we have thought proper, notwithstanding our confidence in Mahomed Ally Cawn, to appoint Mr. Ducarel to go to Purnea, and to assist in such a plan for conducting the collection in that district as will best tend to the improvement of the country, the care of the ryotts, and the benefit of our employers. We have great hopes from the experience that gentleman attained in the Province last year, and from the opinion we entertain of his abilities, that he will be of great service in forming a proper plan and procuring the necessary accounts to ascertain a real value of the province."

This appointment of George Gustavus Ducarel to Purnea formed the precedent for the institution of Supravisors in the other districts of the Diwani Portion. In July, 1769, this measure was taken into consideration by the Select Committee, and Verelst's plan was adopted on August 16th, 1769. The names of the Supravisors and their districts, as ultimately determined are as follows:

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the Rajah of power, and let the country out to farm for three years. As a great part of the Nadea country lies no great distance from Calcutta, people of substance there were willing to become farmers; and the ministers, as well as we, judged it right to close with their proposals, which are to pay into the treasury in the present year eight laacks of Sicca Rupees; in the year 1767, eight laacks fifty thousand, and in 1768 nine laacks per annum for his expences, and a proportion of the charges of the Khellatt, etc."

Rangpur. The late aumil, Syed Mahomet Cawn, had been disgraced. "The country is represented to be in a declining state."

Dinajpur. In July 1768, an aumil ("Buzi Mohun Metre") had been appointed on exceptional conditions, *viz.* "no fixed agreement was made, but he was to settle a bunderbust on his arrival, to examine all charges of collecting, and strike off what appeared superfluous; he was to be allowed a fixed sallary, and whatever collections were made were to be brought to the credit of the Sircar, except the absolutely necessary charges and his sallary." It was found that "he may not have been guilty of any fraud, but he certainly has not executed the important commission entrusted to him."

Rajmahal, "having suffered much from the mountaineers" was allowed an abatement of Rs. 12,140. The Nawab and the Resident requested the Governor to direct that a battalion of sepoys should be stationed here. Verelst: *View, etc.,* Appendix p. 224.

1. CORRESPONDING WITH MURSHIDABAD

Dacca.—Thomas Kelsall, who as Chief had a position superior to the other Supravisors, and in fact had a Supravisor under his orders for Sylhet—John Sumner.
Hughli.—William Lushington
Birbhum.—Alexander Higginson.
Tippera.—Walter Wilkins.
Purnea.—George Gustavus Ducarel.
Dinajpur.—H. Cottrell.
Jessore.—Robert Wilmot. (Succeeded by J. Shakespear & W. Rooke.)
Nadia.—Jacob Rider.
Rajmahal and Bhagalpur.—William Harwood.
Rajshahi and Nattor.—C. W. Boughton-Rous.
Rangpur.—John Grose.

2. CORRESPONDING WITH PATNA.

Saran and Champaran.—Edward Golding.
Shahabad.—Charles Lloyd.
Tirhut.—James Inglish Keighly.
Rohtas,—Henry Palmer.
Monghyr.—Nathaniel Bateman.

The instructions drawn up by Verelst for the guidance of the Supervisors are worthy of study as they not only lay down the duties of these important officers, but also embody the results of the experience of one of the ablest, if not the ablest, of the Company's servants in the period preceding the governorship of Warren Hastings.

1. Each Supravisor was to collect a "summary history of the 'province' assigned to his charge, in which the form of the ancient constitution was to be compared with the present; an historical account given of the leading families with a statement of their connections, established privileges, etc., and "in short every transaction which can serve to trace their origin and progress, or has produced any material changes in the affairs of the provinces." The Supravisors were not to embarrass themselves with "records more remote than those of the reign of Sujah Cawn, as, at that era of good order and good government no alterations had taken place in the ancient divisions of the country, and the confusion, which is now apparent has been posterior to those times." It was supposed that the public cutcherries would be found to be filled with the materials for the compilation of these histories; and the Supravisors were admonished, in dealing with verbal information, to distinguish between "the private bias of individuals and the real state of facts."

2. The Supravisors were in every case to draw an exhaustive report on the state, the produce, and capacity of the lands, "derived from genuine authorities, and confirmed by an accurate inspection" on their part. It was assumed that in setting about this task, they would doubtless find at each sudder or principal cutcherry a document, or

documents, described as a general and a particular hustabood, that is to say a revenue-roll, with the number of *bighas* or measures of lands, according to original surveys; but they were warned all such records, "instead of satisfying, must stimulate curiosity;" "for the contents of it are merely adapted to the private interests of the zemindars, filled with representations designedly disguised to square with their offers and accounts with government, loosely, unfaithfully, and partially formed in every instance." In fact, the existing hustabood would supply "little more than a progressive history of the present dismemberments, and only suggest to you the degree of oppression which the multiplication of collectors and charges, has, on that account, from time to time, brought upon the ryotts."

Having made himself acquainted with the existing hustabood, the Supravisor was to proceed to gather information necessary for the formation of a new and accurate one. For this purpose he was himself to visit each division, and call upon its zemindar or local head-collector; and, after having made inquiries of the greater land authorities, to proceed to the subdivisions and examine the subordinate offices.[1] In doing this, the opportunity was to be seized to impress upon the ryott "in the most forcible and convincing manner, that the tendency of your measures is to be his ease and relief; that every opposition to them is rivetting his own chains, and confirming his servitude and dependence on his oppressors; that our object is not the increase of rents, or the accumulation of demands, but solely, by fixing such as are legal, explaining, and abolishing such as are fraudulent and unauthorised, not only to redress his present grievances, but to secure him from all invasions of his property."

By this laborious but highly necessary personal inspection, the Supravisor would find himself in a position to "bring his investigation home to the zemindar." The instructions, therefore, place in the hands of the newly appointed district officers some general information in regard to the methods adopted by the zamindars for deriving clandestine profits from their holdings.

3. The Supravisors were to ascertain "the amount of the revenues, the cesses, or arbitrary taxes, and of all demands whatsoever which are made on the ryot, either by Government, Zemindar, or Collector, with

[1] The Supravisor was ordered to procure in each subdivision "a list of the *pottahs* as distributed to every ryot, and supposed to contain the quantity of land possessed by each and the amount of rent with which it is charged." Thus "he would be enabled to ascertain how far the *Hustaboods* given in by the collectors of the grand divisions differ from the *Hustaboods* of the lesser, from the principal down to the smallest subdivision. And by taking the sum of any number of *pottahs* in any particular place, and comparing the amount of those *pottahs* with the amounts specified in the *Hustaboods*," he would "arrive at a medium certainty of the excess or deficiency of the lands and revenues as rated therein. And

between the zemindars, "the fear of losing their zemindarry or employment" was to be held up to them, and should the Supravisor be confronted with strong and obstinate association, the Governor, upon a representation of the facts, would take steps that "every delinquent be made sensible that there is no room for lenity where collusive oppression is continued in defiance of all restriction."

the manner of collecting them ; and the gradual rise of every new import." Under this head of inquiry is included :—

(*a*) An exact account of every particular tax or cess, "noting in what particular part of the country the burthen falls, where partial exemptions are allowed, and what is the equitable proportion to the whole."

(*b*) An account of "the variety of demands which the collector, from the aumil and zemindar to the lowest type, impose without any colour or license from the government; some of which have been so long exacted and paid, that the ryots begin to imagine the oppression is sanctioned by government, and is not the mere fraud of the collectors." Accounts were, therefore, to be obtained of the numbers and expences of "darogahs, cutwalls and pykes, maintained for the protection of the tenants," who, too often had become "the instruments of their oppression." In this connection, it was necessary also to ascertain "the expence and management of gauts and public markets, with the duties collected at each upon the inhabitants or traders."

(*c*) "The amount of what the zemindar receives from the ryot, as his income, or emolument; wherein they generally exceed the bounds of moderation, taking advantage of the personal attachment of their people, and the inefficacy of the present restrictions upon them, since the presence of the Aumil more frequently produces a scene of collusion than a wariness of conduct."

4 Under the head of the Regulations of Commerce, the instructions continue :

"Equal intricacy and familiar combinations will be formed to oppose your progress in this work. The power, the artifice, the complicated connections of public and private agents, pycars and dellols,[1] will all unite in preserving their usurpations on the manufacturer and ryot; which they have hitherto done by precluding their access to our tribunals, and destroying every kind of intercourse between them and us." The Supravisor was to open his discoveries with "an estimate of the production of every district, both in quantity and kind ; the amount of manufactures and the number of manufacturers employed in every branch, with the annual dues collected on them ; not confining yourself to the

[1] "Pykars" are agents who make purchases of country-thread in the different bazars of the country, and procure cloths for the merchants in the city. An advance of money is made by the merchant, and the Pycar enters into an agreement to deliver to him a certain number of bales of cloth of certain dimensions, quality, and number of thread within a specified time. He distributes the money among the weavers, and superintends the work, and for his trouble receives a small commission of about 2½ per cent." Taylor : *Sketch etc., of Dacca*, pp. 186-8. The Dellol (*dallal*) was a broker, or agent between the purchaser and the pykar (*paikar*).

present time, but recurring to past years; that, at one view, you may discern their state of increase or decrease; and by remarking the prices and qualities at different periods, you will in like manner become acquainted with the improvement or decline in the quality. Your next consideration is to find the channels through which the several articles, produced by the joint-labour of the manufacturer and cultivator, have been diffused. The proportion which fell to the shares of the English, French, Dutch, and other foreigners, as well as to the native merchant likewise what was retained for the consumption of the districts themselves; concluding this research with a comparative view of the rise and fall in the demand, and stating the balances of the trade as it occasionally varied in favour of one or the other merchant. After you have advanced thus far, the most difficult and consequential task still remains for you to surmount; which is, to lay open and abolish the several species of imposition which are practised by gomastahs, pycars, dellols, and the whole chain of agents through whose hands the articles of merchandize pass from the loom of the manufacturer, or the store-house of the cultivator, to the public merchant or exporter; so that clandestine agreements and extraordinary demands may no longer exist, to the utter despondency of the poor; but a way being opened for them to deal with the fair trades, their industry may be quickened by the certainty of their profits.

5. In the administration of justice the Supravisors were "to enforce justice where the law demands it, checking every composition by fine or mulct; and where any disputes arise in matters of property," they were to "recommend the method of arbitration to any other." They were not only to see the requirements of the law and justice executed, but to extirpate corruption, and abolish arbitrary fines. The local officers were to be called upon to produce their credentials, and usurpers of judicial authority to be sent about their business. Records of all cases were to be kept at the sudder cutcherry, and a monthly return sent to Murshidabad.

In revenue matters again, the Supravisors were, not merely to report but, to take immediate action whenever their inquiries resulted in a detection of frauds. The instructions take notice of several ways in which it would be found that the zamindars had abused their advantages,[1] and the Supravisors are authorised to take steps so that "the

[1] *View, etc.*, Appendix p. 232. "Besides these advantages which the zemindar possesses by the secret appropriation of land, and has secured to himself by partial *kustaboods*, he has an originally allowed title to the freehold of some lands, and to the engagement of some perquisites; but abuses have crept alike into them all. The meaning and intent of his being indulged with such exclusive possessions was to supply his family with the necessaries and conveniencies of life. Under the name of *Nejaut* and *Nankor* (*nijjot* and *nankar*), one spot was to yield him rice, another was allotted to him as pasture; a particular tank was to afford him fish and water; and, in like manner, distinct spots were given up to him for every

zamindars' emoluments of every kind be reduced to fulfilling the purposes for which they were granted, and there bounded." The holders of taluks, jagirs, and lakhiraj lands were to be given a reasonable time in which to display their title-deeds; forfeiture of the lands to government was to be the penalty for undue delay; and transfers of taluks, unconfirmed by deeds signed by the Nawab, were to be regarded as void and the lands forfeited to government.

It will be of interest to quote at length what is said in the instructions on the subject of various kinds of tenure, for these remarks are based upon the experience of the English during the first period of revenue administration.

> "The increase in the number of talooks (*taluks*) has been highly impolitic, and detrimental to the general prosperity, and to the diffusion of population in the country. The tenants of a *talook* are possessed of so many indulgencies, and taxed with such evident partiality and tenderness in proportion to the rest, that the *talooks* generally swarm with inhabitants whilst other parts are deserted; and in addition to the natural desire of changing from a worse to a better situation, intices ments are frequently employed by the *talookdars* to augment the concurrences to their lands. They have also, by faction, made considerable encroachments, and most probably possess extensive tracts beyond the original grants. Now it ought to be remembered that the welfare and good of the whole was never intended to be sacrificed to the enriching of a few, perhaps worthless, individuals, who can shew no pretence to these particular advantages, but a prostitution of their integrity to their avarice. Your aim must, therefore, be to remove all distinctions, to bring every man upon a footing with his neighbour, to lighten the burthen on the whole, by making it equal and impartial, and to enforce the surrender

distinct article of consumption. Though this indulgence was confined to this purpose only, there is just cause for supposing that he has extended his claims, and availed himself of opportunities to lay his hands on the revenues of the government, and on the property of ryots, where he has no foundation of right, nor colour of pretence.

"The Nuzzer-anna (*nasarana*), which is called Sedee (Bengali *Sedi*), and consists both in provisions and money, is an instance of it; and neither he nor his attendants move from one place to another, without demanding and exacting it from the inhabitants of his district; a custom which ought to be permitted only under restrictions, and in a manner that the ryots may not wantonly be despoiled, but the demand limited to a reasonable contribution.

"Another considerable source of profit to him is the levying of fines at will, which is a power that ought to be totally extinguished. He likewise raises large sums from duties collected in the markets, and assumes an authority over the ryots to require their labour gratuitously, which sometimes might be allowed, were not the poor labourer too often taken under this pretence from his own immediately necessary duty, to attend the mere arbitrary pleasure of his zemindar, who receives large presents out of the various productions of the district, which, though intended originally for his own private consumption is often sold by his dependants. Added to these, he generally claims a *batta* on rupees at an arbitrary valuation, which is an illegal perquisite, and ought to be discontinued in future. These, and all such excesses in the zemindar which can not be here mentioned, as they will open to you as you proceed, should be retrenched; and all his emoluments of every kind be reduced to fulfilling the purposes for which they were granted, and there bounded."

of lands unlawfully possessed. "*Jagheers* (*Jagirs*) are always, as *Talooks* are sometimes, rewards to particular persons; but differ from them in being gifts of the crown, confirmed only by the Nizam. The grants are either hereditary or expirable with life; the same accounts are to be taken of them.....

"As to charitable or religious donations, the lands so sequestered are to be estimated with regard to their extent, productions, and value; if the amount appears to exceed the endowment of the institution, the overplus should be brought to credit; if the institutions are decayed or perverted, they should be entirely abolished, and the revenues re-assumed by government.

"The *Coss* (*Khas*) lands, which are superintended by government for want of farmers, are specified in the accounts of the Sudder Cutcherry. As it imports us to know whether accidental causes, or the malversations of the managers of such lands, have been the primary cause of their decay, you will make a full and circumstantial report thereof. And as it may be apprehended that ever since their falling into the hands of government, the time and the attention of the public officers have been employed rather in gleaning the small remains of substance from them, than in nourishing and recovering them from distress, their conduct should be examined. The truest test of it will be your ascertaining the produce of the lands under the last farmer before they became *coss* (*khas*), and what has been received from them since; which will point out the improvement or decrease by their superintendance. And, if it should be found that the lands have been falling instead of rising in value, there can be no doubt of the unfitness of such men, nor any hopes of seeing the *coss* lands peopled, cultivated, and prospering under their hands. After a due consideration of their present state, public notice should be given that we are ready to receive offers for farming them at a term of two, three, four or five years, at an annual increasing rent, at the end of which period they are to pay the same as other lands, and to be subjected to all orders, which may be occasionally issued by government for the regulation of the revenues, and the country in general.

"The *Comar* (*khamar*) lands, having no native tenants, are cultivated by contract. The custom and terms of contract are various in different districts, but in general, there is one settled rule. An advance in money is made by the zemindar to the cultivator, by the help of which he tills and improves the lands. When the crops are cut and gathered in, they are generally divided between the cultivator and zemindar; from one-third to one-half to the cultivator, and the

remainder to the zemindar; when the former accounts with the latter for the amount of the advances, which are often taxed by the zemindar with a heavy interest, or fraudulently exceeded by an arbitrary valuation, far below the market price of the goods or products of the lands, in which he is paid. Your object is to inform yourself what the cultivator really received for his labour, and in what he is injured; and secondly, what the zemindar embezzles and secretes from government by an under-valuation of the productions of the soil which he thus receives, sinking the amount of the returns; and by other means which serve to deceive us, and obstruct the progress of cultivation in these lands. In all which, I apprehend, you will find no difficulty, if you only ascertain the amount and market price of these products, and compare them with what the zemindar brings publicly to the credit of government; and comparing the accounts of the zemindar with those of the cultivator, it will expose the total of his undue acquisitions, enable you to penetrate through the arts of concealment, and give you a thread by which to unravel the whole gradation of collusive fraud in this particular. As the unequal diffusion of inhabitants has been the cause of this scarcity of cultivation in different parts, every expedient should be used to encourage people to settle on the *Comar* and waste-lands, that they may be converted ryotty. The great towns, whose populousness only serves to propagate poverty and idleness, might undoubtedly afford numbers of useful hands, who in their present situation are either a burthen or a pest to the community. These should be sought out, and taught to apply to culture, setting such prospects and expectations in their view as will engage their consent. The *talooks* and *jagheers* will likewise be found to contain many idle, and these unserviceable hands, who may, in like manner, be induced to transplant themselves to these lands, and become farmers.

"Lastly, I shall speak of the ryotty lands. The quantity in measurement as well as revenue, will appear from the several pottas granted, after the enquiry before recommended; and the amount product in kind you will acquire by ascertaining what is really produced on some portions of land of each different soil, which you may select for this purpose, and so draw a general medium of the product of the whole ryotty.....

"You will doubtless readily meet with an account of waste or uncultivated lands; they stand recorded in the cutcherries; but here you will probably find a large field of collusion; for whatever lands have been once wrote from the revenue under this head, though possibly deserted but for a short time, little has seldom been brought on again to the public credit. This will

> appear by your taking accounts of the waste lands, as they stand recorded at different periods of time, and from them noting their gradual increase or decrease. Nothing can ascertain the present state of those lands so well as a local investigation. You will probably find them to be a fund to the zemindar or collector, for their creatures or dependants, who enjoy many flourishing and fertile tracts thus denominated; all which should be immediately resumed."

From the passages already quoted it will have been seen that a tender regard for the ryot is a constant note in these instructions. "The truth," writes their author, "cannot be doubted that the poor and industrious tenant is taxed by his zemindar, or collector, for every extravagance that avarice, ambition, pride, vanity, or interferance may lead him into, over and above what is generally deemed the established rent of his lands. If he is to be married, a child born, honours conferred, luxury indulged, the nuzzer-annas, or fines, exacted even for his own misconduct, all must be paid by the Ryot. And, what heightens the distressful scene, the more opulent, who can better obtain redress for imposition, escape; while the weaker are obliged to submit." To the mind of Verelst the institution of Supravisors was but taking advantage of a great opportunity on behalf of humanity. "Amongst the chief effects, which are hoped for from your residence in that province, and which ought to employ and never wander from your attention, are to convince the ryot that you will stand between him and the hand of oppression; that you will be his refuge and the redresser of his wrongs; that the calamities he has already suffered have sprung from an intermediate cause, and were neither known nor permitted by us; that honest and direct applications to you will never fail in producing speedy and equitable decision; that after supplying the legal due of government, he may be secure in the enjoyment of the remainder; and, finally to teach him a veneration and affection for the humane maxims of our government."

In the great debate with Warren Hastings, Francis contended that the anxiety of English officials to acquire an exact knowledge of local investigation arose from an anxiety to wring the utmost out of the land short of effecting the ruin of the country. Certainly such a charge cannot be brought against this scheme of Harry Verelst. His period of rule as Governor has been characterized by harsh phrases, and it is, therefore, but justice to quote in this place the appeal which he addressed to his newly appointed district officers, for the words, formal and grandiloquent as they have seemed to some, surely reveal a warm heart and elevated mind:

> "Your commission entrusted you with the superintendence and charge of a province, whose rise and fall must considerably affect the public welfare of the whole. The exploring and eradicating numberless oppressions, which are as grievous to the poor as they are injurious to the government; the displaying

of those national principles of honour, faith, rectitude, and humanity, which should ever characterize the name of an Englishman; the impressing the lowest individual with these ideas, and raising the heart of the ryot from oppression and dependency to security and joy, are valueable benefits which must result to our nation from a prudent and wise behaviour on your part. Versed as you are in the language, depend on none, where you yourself can possibly hear and determine. Let access to you be easy, and be careful of the conduct of your dependents. Aim at no undue influence yourself, and check it in all others. Great store of integrity, disinterestedness, assiduity, and watchfulness is necessary, not only for your guidance, but as an example to all others; for your activity and advice will be vain, unless confirmed by your example. Carefully avoid all interested views of commerce, or otherwise, in the province, whilst on this service; for, though ever so fair and honest, it will awaken the attention of the designing, double the labour of developing stratagems, and on removing burthens and discouragements with which the commerce of the country in general has been loaded. You have before you a large field to establish both a national and a private character; lose not the opportunity, which will be temporary only, for your whole proceedings will be quickly revised; a test which the Board considers due to themselves, as a confirmation of the propriety of their choice; to you, as an act of justice to your conduct; and to the public, for the security of its interests. As the extent and importance of your trust are great, so in proportion will be the approbation or censure, arising from your good or ill-conduct in it, be attended with unusual distinction or particular severity. Sentiments which I convey to you, to shew the degree of confidence the Board repose in your integrity and abilities; but by which I mean not the remotest suspicion, either in them or myself, of your disappointing their expectations."[1]

The correspondence of the several Supravisors with their Chief, the Resident at the Durbar, has apparently never received the attention it deserves, it is necessarily full of the most valuable materials for a history of Bengal at the epoch of the commencement of English rule. From the first the Supravisors were hampered in their work by the native revenue collectors, who represented that the attempts of the English officials to gather statistical information were calculated to put a stop to the collection of the revenue. Mr. Becher, who expressed his approval of the scheme, seems to have been much influenced by these representations. On the 10th October, 1769, he pleaded for a delay in executing the plan:

[1] The instructions are printed in Verelst's *View, etc.*, Appendix, p. 134.

To the Hon'ble Harry Verelst, Esq.,
President and Governor, and the Gentlemen of the Select Committee.

Calcutta,
The 10th October, 1769.

Gentlemen,

I take the liberty to acquaint you with my sentiments at large on the proceedings of your Board on the 16th of August, but shall chiefly confine myself to reasons for delaying the execution of the intended plan untill the close of the present year's collections, at least in every district where *aumils* are employed. If you, Gentlemen, concur with me in opinion, there will be time sufficient for more extensive annotations in the letter of instructions; but permit me here to declare that I think the plan excellent, the instructions drawn with a masterly hand, and that they will redound much to the credit to those who have concerted and prepared them. On my part, Gentlemen, be assured of hearty concurrence and the exertion of my utmost endeavours that your humane and noble design may be effectually carried into execution.

That it may be so many points are necessary to be considered—

First, the proper division of Bengal into zilas or districts, so that every part thereof may come within the inspection of one or another of the Supravisors: as the appointments stand at present, many places of importance, and where enquiry is absolutely necessary, are omitted. An account of such a division as appears to me proper is preparing and will be laid before your approval and amendment.

Secondly, the mode you would choose to adopt for the collecting the Revenues the ensuing season; how far the Supravisors are to be engaged in that branch; what degree of power they are to be invested with, and whether you will not have people appointed on behalf of the Country Government to accompany the Supravisors; if this is thought expedient, the selection of proper men, fixing their appointments, and the share you design they should have in the Government are matters to be discussed and settled.

Thirdly, the research for such records at the City as may assist the Gentlemen in their enquiries and preparing them to be delivered with the instructions.

Fourthly, inducing the Ministers to join heartily in our scheme, which I think very essential to its success. That most of the dependents on the Ministers will try every art to frustrate our endeavours admits not of a doubt, but their efforts will be weak

and vain, if the Ministers, and the Nabob in particular, are hearty in our cause. I have, since my residence at the Durbar, induced the Nabob to concur in measures that tended to lessen his authority. I doubt not of being able to effect the same in the present case, if time is allowed to convince him of the propriety of the scheme and a degree of delicacy observed. I think the interest of the Company materially concerned, and that it is political to show Mahomed Reza Cawn every mark of respect we can, without deviating from our plan of reformation, and I further think he has a claim to this from the indefatigable pain he takes, and the services he has rendered the Company.

"Many reasons may be assigned why the Supravisors should not proceed into the districts before the close of the present year's collections, or the month of April next. A few will, I hope, suffice to convince you, Gentlemen, of the propriety of this delay.

"*1st.*—It is proposed that the Gentlemen should not interfere with the collections, but by these instructions they are to make enquiries relative to every branch of the Revenue, which it is impossible for them to do, unless the records and every account of the collections are laid before them, and unless the persons employed in the different branches attend to explain their account, which cannot be done without their neglecting the respective parts of the Revenues under their charge.

"*2ndly*—The people who have undertaken the payment of Revenues for the present year, being most of them likely to be sufferers by the very unfavourable season, will embrace every opportunity to evade payment or get off their bargains. The arrival of the Gentlemen in the districts will give them a fair opening, as it will unavoidably create a divided power, and they will plead that they have not sufficient authority to oblige those under contract with them to comply therewith. The people of the districts naturally artful, will also catch at the opportunity of Gentlemen arriving in the height of the collection to evade their payments by preferring numberless complaints to the Supravisors, the justness or impropriety of which the Gentlemen cannot be competent judges of, not being sufficiently acquainted with the manner of making the collections. Much inconvenience must therefore arise, and I fear loss to the Revenue.

3rdly—The people at present in the districts will look at the Supravisors with jealous eyes, and withhold every information they possibly can, whereas by selecting proper men against the ensuing season, and holding forth to them the hope of reward and honor, in case of good behaviour, they might be of the most essential service to the Gentlemen in their enquiries. These reasons only, Gentlemen, have so much weight with me, that I do not hesitate to give my opinion for delaying to send

the Supravisors untill the time mentioned. No prejudice can, I think, accrue from this delay, but the intermediate time may be well employed in such preparations as will be most likely to ensure success to the plan.

I long since declared my wish to see every district in these provinces let out to farm, and superintended by Gentlemen in the Company's service; in short that the whole country might as soon as possible be put on the same footing as Burdwan, as far as circumstances would admit. I have endeavoured to pave the way for such a system by recommending to farm Nuddea, Raje Shahy and Purnea districts. The approaching season I did purpose forwarding the farming scheme by adding some other countries to those already farmed, and still hope that plan will be pursued, being conscious that it is the most eligible for the interest of our employers, and to render this fruitful country as flourishing as it ought to be. By the tenor of your instructions, and the restrictions therein laid on the Supravisors, in the article of trade, you seem to mean their appointments as temporary. Give me leave, Gentlemen, to differ in opinion with you on that point. I think their appointments should be permanent, and that when we have once adopted the plan of sending English Gentlemen into the Districts, they should be continued there, and invested with such a degree of power as may be judged necessary for the well conducting the collection of the Revenues, carrying on the trade of the country to the general benefit, and answering the other good purposes intended by the new adopted plan. Much may be urged in favour of restricting Supravisors on the article of trade; the Gentlemen being perfectly disinterested would certainly be a great point gained, but to have them act as we would wish, they must have a view to advance their fortunes in a reasonable degree, which must arise either from fixed allowances or advantages of trade; the latter, I apprehend, will be judged the most proper; and, from the established good characters of the Gentlemen appointed Supravisors, I flatter myself they would not aim at monopolies, but content themselves with the advantages accruing from a free, fair, and equitable trade, which would prove a benefit to the districts they are to superintend. These Gentlemen will have every inducement to act with zeal in their employs, if proper emoluments are to be derived from them. What credit may they not gain by well executing the trust reposed in them? Can any business be so pleasing to a good heart as that of contributing to the relief, care and content of thousands, and the benefit of those it serves? A man that will not be swayed by such motives as these you will find it difficult to restrain; that there is not any such I sincerely hope.

For the same reasons that I recommend delay in the commencement of the plan in the Bengal districts, I am of opinion that no

time should be lost in appointing Supravisors to the Bahar and Bagylpoor provinces, this being the proper season for such Supravisors to enter on their employs, those provinces being by all.....in a declining state, in great want of present abatements and lenient measures in order to recover their former flourishing situation. And should you, Gentlemen, be very anxious to make a trial in Bengal as early as possible, it does not occur to me that there is any material objection against sending the Gentlemen who are appointed Supravisors for the farmed districts to their respective stations before the close of the season. Mr. Ducarel in particular, having been twice in Purnea, is known and respected there, and would, no doubt, support the farmers in their just rights. The two Gentlemen also nominated to Raje Shahy and Nuddea might, I think, with some alteration in their instructions, proceed to their appointments, after having been a certain time at the Durbar, sufficient to be furnished with every necessary information they can obtain from me and from the Ministers. I also take the liberty to recommend that the other Supravisors be with the Resident at the Durbar at least six weeks before they proceed to their several stations, and it shall be my business to prepare every information that can be procured, and is likely to be of use to them in the execution of their important trust.

I am to request, Gentlemen, that you will please to admit of alterations in the appointments of some of the Assistants. Mr. Anderson I would wish to remain at the Durbar, as from his knowledge of the Persian language, he would be a very useful Assistant there. Mr. Ducarel is himself so well versed in the language, as to have no occasion for the Assistants in that way, and, if you think fit, Mr. Jacamb may accompany Mr. Ducarel to Purnea, instead of Mr. Anderson. I must also request that Mr. Rooke may remain at the Durbar, he having begun a set of books which he keeps in a very neat and correct manner; it was his request as well as mine that he may be permitted to stay on as an Assistant under the Resident, at least till he has compleated the present sett.

The season for the heavy collections approaching, I am to request that the business, on which, with your permission, I came to Calcutta may be taken into consideration as soon as you conveniently can, and that I may be permitted to return to my station at the Durbar, as I am of opinion my presence will be absolutely necessary there to prevent considerable balances being incurred. Indeed it is with great concern, I am again obliged to represent that from almost the whole country complaints are continually made of the great want of rain in the proper seasons, and apprehensions expressed of a scarcity of grain. It is generally said that so unfavourable a season has not been known these many years. A famine is dreaded,

and how the Revenues may be reduced I can't take on me to say; but I assure you, Gentlemen, that whilst I hold my present station, I will exert my utmost abilities to prevent every ill-effect that can possibly be avoided in such calamitous circumstances.

I am, etc.

Richd. Becher.

In the following year, when the Supravisors had reached their several districts, Becher succeeded in getting the powers entrusted to them reduced, and it was the first step taken by the Comptrolling Council of Revenue of Murshidabad (October 29, 1770) to restore the Supravisors to the position intended for them by Verelst, and to recall their rivals, the *aumils*, from the districts.[1]

The action of Verelst in appointing the Supravisors, it may be observed, met with the approval of the Court of Directors, who on 10th April, 1771, wrote—"It is with pleasure we observe that the appointment of Supravisors to examine into the state of the provinces (under the instructions which our late President has with so much judgment and fullness laid down for their guidance) may be productive of so general a reformation of the abuses, which are the immediate object of our concern, that we have little to add to our preceding orders and regulations. We, therefore, wait with impatience for the issue of the Supravisors' researches, in full hope that our President and Council will have adopted such measures as shall unite with our views, not only for the Company's interest, but for the good of the country from which we receive so great an advantage."

In 1772, however, the Directors thought it necessary to provide against the possibility of the Supravisors obtaining an undue influence

[1] See Consultations of the Comptrolling Committee. Oct 29th, Nov. 30th, 23rd and 26th, 1770. (India Office Records. "Factory Records: Murshidabad. Vol.I.) On Oct. 30th, 1770, the Select Committee write to the Court: "17. From the very serious representations of the Resident of the Durbar and Mahmed Reza Cawn, we were at length with much difficulty induced to withdraw from some of the Supravisors that controuling authority which the Committee intended should be invested in them all. We thought that an adherence to the original plan more suitable to the consisting dignity of Government than a change, which might, if an Association really existed, inspire the accomplices with fresh confidence. The Resident at the Durbar, on the other hand, assured us that the collections could not be carried on, if the controuling power was continued to those Gentlemen, that it would interrupt the business, and create pretexts for balances, that the active power was the only effectual one, and that it was too great to be entrusted all at once; and he further urged the distresses of the conjuncture, and insufficiency of your funds, which he thought made it an unfit season for experiment, offering it as his opinion, at the same time, that it would be most expedient to commence by slow degrees, first to invest a few of the Supravisors with the active power, and confine the rest to the administration of justice and the improvement of themselves in the knowledge of the country. Many other forcible arguments, which are recorded in our proceedings (June 28th), were urged on this occasion, and we, thereupon, at length gave our consent that the controuling power should for the present be only invested in Messrs. Kelsall, Graham, Vansittart, Ducarell, and Stewart. But in this our intention has been frustrated by orders since issued by the Council in their Secret Department confirming the controuling power to all the Supravisors which was originally vested in them." This letter is signed by J. Cartier, Claud Russell, and Charles Floyer.

in their several districts, and on Jan. 28th, they ordered that "no Superintendent of the collection of the Revenues be permitted to have charge of any particular district for more than two successive years, and that during his continuance in such a station, he be not directly nor indirectly engaged or interested in carrying on any trade in that district committed to him." On the 7th of April, 1773, however, the Court wrote:

> "45. As the sending our junior servants into the provinces as Supravisors has not been attended with the wished for success, but has enabled them to monopolize the whole trade of the country, we, therefore, direct that they may be withdrawn as soon as possible, and we leave it to you to substitute some other plan of making yourselves acquainted with the exact value of every district, and for giving relief to the inhabitants, till we shall be able to send your compleat regulations for conducting this hand of our affairs which we have now under consideration."

CHAPTER X.

THE ADMINISTRATION OF JOHN CARTIER, 1769-1772.

"On December the 24th (1769) after the last harvest of the year had been gathered in, Mr. Verelst laid down his office, without having conveyed to his masters a single intimation of the true nature of the impending famine."[1] So writes Sir William Hunter. The Council, as a matter of fact, had on September 30th, warned the Court of Directors that "the revenues of the provinces of Bengal and Behar were expected to fall short, owing to the very unusual scarcity of grain," and on the 23rd of November had spoken of "the melancholy prospect before our eyes of universal distress for want of grain." "As," they continue, "there is the greatest probability that this distress will encrease, and a certainty that it cannot be alleviated for six months to come, we have ordered a stock of grain sufficient to serve our army for that period, to be laid up in proper store-houses; and we have taken and shall persue every means in our power to relieve the miserable situation the poor inhabitants must be involved in from this dreadful calamity; but we cannot flatter ourselves that all our endeavours will prevent very fatal effects being felt, or that humane means can check its baneful influence." This letter of the 23rd November, Sir William Hunter notes, "is not signed by the President, but by Mr. John Cartier, the second in Council, who was to succeed him," and Sir William conjectures that "Mr. Verelst's omission to sign was probably intentional, as he took part in the proceedings, and signed another letter of the same date."[2] As Verelst was about to lay down office,[3] it is possible that he may from the first have assigned to the person who was to succeed him the measures required by the anticipated famine. The omission of his signature to a general letter to the Court may have been the result of an oversight, and it should be observed that the almost invariable practice with the Council

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[1] *Annals of Rural Bengal*, p. 22.

[2] Mr. P. Dias informs the present writer that the copy preserved at the Imperial Record Department is signed by Verelst. On October the 23rd, 1769, the Secretary to the Government (Ed. Baber) addressed the Collector-General (Jas. Alexander): "The alarming accounts which the Hon'ble President and Council have heard of the distress of the country for want of grain from the great drought that has prevailed, and the melancholy prospect that this distress will increase, have determined them to take every measure in their power to provide against the fatal consequences that are to be apprehended. None can be more fatal than monopolies of grain at such a juncture, and it is greatly to be feared that they will be aimed at. I have, therefore, the commands of the Hon'ble President and Council to acquaint you that they have particularly recommended to you to exert your utmost endeavours to detect and prevent, as much as lies in your power, so fatal a measure." Copies of this letter were issued to the district revenue officers. Such measures, of course, could not have been executed without Verelst's sanction.

[3] Verelst resigned on the 26th Dec., 1769.

was that a member might express dissent in a separate minute, but, to preserve the appearance of unanimity, he would sign the general letter, whether or no its contents met with his whole approval. It is extremely unlikely that on the occasion a majority of the Council insisted on sending home a letter disapproved of by the Governor; but Sir William Hunter's theory does in fact imply that Cartier took a serious view of the situation, which Verelst sullenly ignored.

Of the famine of 1770, Hunter does not err when he tells us that John Shore's "poetry adheres as closely to the facts as many men's prose."[1]—

> "Still fresh in memory's eye the scene I view,
> The shrivelled limbs, sunk eyes, and lifeless hue;
> Still hear the mothers' shrieks and infants' moans,
> Cries of despair and agonizing groans.
> In wild confusion dead and dying lie;—
> Hark to the jackall's yell and vulture's cry,
> The dog's fell howl, as midst the glare of day
> They riot unmolested on their prey:
> Dire scenes of horror, which no pen can trace,
> Nor rolling years from memory's page efface."

Writing in 1772, Warren Hastings sets down the loss of population due to the ravages of the famine as "at least one-third of the inhabitants of the province," and he alludes to "the laboured descriptions in which every circumstance of fact, and every art of language, have been accumulated to raise compassion, and to excite indignation against your servants, whose unhappy lot it was to be the witnesses and spectators of the sufferings of their fellow-creatures."

When it is remembered that at the time of the great famine in Orissa in 1866 "the principles and methods of relief administration were still unsettled and unformed," and that the Commission of 1800 has been said to have "for the first time reduced to system the administration of famine relief,"[2] it will at once appear somewhat ruthless to blame the English in 1769-70 still labouring under the disadvantages of the double government, for their want of experience and skill in providing relief for famine-stricken districts.

It is significant that James Mill, who seldom fails to make use of any opportunity for exposing the ignorance or the incapacity of

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[1] *Annals of Rural Bengal.* Hunter is wrong in describing Shore's verses as the only non-official account we have of the famine. A lengthy account was communicated by "J.C." to the *Gentleman's Magazine,* vol. xii. 1771, and was subsequently included in the *Annual Register,* 1771. See also Col. T. D. Pearse's letter to General Pattison, *Bengal Past and Present,* vol. II, p. 317. Charles Grant, who first arrived in Bengal in June 1768, and who in 1769 was living in Becher's house at the Moti Jheel (at Murshidabad) describes the famine in his *Observations on the State of Society among the Asiatic subjects of Great Britain,* 1797. G. F. Grand (*Narrative of a Gentleman*) re-iterates the charges brought against individual English officials, while Capt. J. Price repudiates the same in his *Five Letters from a Free Merchant in Bengal,* 1777.

[2] Strachey: *India: its Inhabitants and Progress.* 2nd edn., p. 245.

either the Company or its servants, should have been content to dismiss the subject of the great famine with these few words:—"The first year of his (Cartier's) administration was distinguished by one of those dreadful famines which so often affect the provinces of India—a calamity by which more than a third of the inhabitants of Bengal were computed to have been destroyed."[1] The reserve of Adam Smith in his *Wealth of Nations* is also significant.

The belief that the famine of 1769-70 was largely due to the unscrupulous commercial transactions of the Company's servants, gained a rapid and wide acceptance. John Shore (afterwards Lord Teignmouth), in a note to his poem, writes: "Ignorance and prejudice have attributed the famine to the averice and machinations of the English, and Sir Francis Sykes, who left Bengal eighteen months before the famine commenced, has been calumniated as the author of it. Whoever knows the country of Bengal, knows that no art can produce a famine there." Scandal so heavily attached itself to the unfortunate Sir Francis Sykes, that Bishop Barrington, in virtuous indignation at all he had heard said on the subject, declined to visit the Baronet, until at last Shore was able to enlighten the Bishop, the fact being that Sykes had left Bengal a year before the famine commenced Even Becher, who did so much to relieve the sufferings of the inhabitants, found the stigma attached to his reputation, and in 1772 had occasion to express to the Directors his inability to understand how the Society for trading in salt, betel-nut, and tabacco, established under Clive in 1765, could be supposed to have produced "that dreadful calamity—the late famine in Bengal in 1769-70."[2]

The Court of Directors, however, expressed their conviction that "the ryots were compelled to sell their rice to those monopolizing Europeans," and they inferred that these "could be no other than persons of some rank in our service, otherwise we apprehend that they would not have presumed on their having influence sufficient to prevent an inquiry into their proceedings." Being thus convinced, the Directors professed themselves astounded that these persons should have dared "to counteract the benevolence of the Company, and entertain a thought of profiting by the universal distress of the miserable natives, whose dying cries, it is said, were too affecting to admit of an adequate description." It seems that charges, but without naming the offenders, had been actually advanced by Becher and Mahomed Reza Khan, and that these charges were never submitted to an official investigation. On the other hand, the Directors, in their letter of the 29th August, 1771, write:—

> "Notwithstanding we observe that Mahomed Reza complained of a monopoly of rice being carried on by other persons, we have received information that he himself, in the very height of the famine, has been guilty of great oppressions; that he has been guilty of stopping the merchants' boats loaded with rice and other provisions intended for the supply

[1] Mill's op. cit., vol. III, p. 486.

[2] *Life of Lord Teignmouth*, by his son, vol. I., p. 47.

of Muxadabad (Murshidabad), and has forcibly compelled owners to sell their rice to him at a price so cheap as 25 to 30 seers per rupee, and resold it afterwards at the rate of 3 or 4 seers per rupee, and all other eatables in proportion, and that, although it is affirmed this conduct of Mahomed Reza Khan has operated in the destruction of many thousands of people, yet it has been overlooked by those in power, who ought to have prevented him from acting in a manner so inhumane, and so very unworthy the station which he fills as Naib Dewan of the Province of Bengal."

It may be that after so long a flight of time it would be impossible at the present day to investigate these charges and countercharges; but it may be believed that it was neither the apathy nor the criminal greed of the accused officials which gave rise to the charges brought against them, but that ill-considered attempts to preserve at least a sufficiency of grain within their own particular districts rendered the Supravisors and others open to the charge of creating "corners." The records in regard to similar catastrophes at other times give great weight to such a conjecture.

It is now neccessary to revert to the subject of the orders sent out from the Court on the *Lapwing* in 1769. As the Government at Fort William were in almost daily expectation of the arrival of the Commissioners expressly appointed to carry the Court's orders into execution, some six months were allowed to pass by without anything being done to establish the two Comptrolling Councils of Revenue. At last, on June 19th, 1770, the Council, by a formal motion resolved "to take into consideration on Wednesday next, the 27th instant, the orders of the Hon'ble Court of Directors of the 30th of June 1769, per *Lapwing*." This resolution awakened the jealousy of the Select Committee, if indeed a similar feeling on the part of the members of that Board had not in reality been a cause of the delay in putting the Directors' orders into execution. It has been already explained that the Orders by the *Lapwing* were addressed to the whole Council, while hitherto matters concerning the Diwani revenues had been administered by the Select Committee. The resolution of the Council to take the Orders of the Directors into consideration thus gave rise to a protracted debate as to where "the supervising power in the Government was placed." A record of opinions expressed on this occasion will be found in the letter of the President and Council to the Court dated 8th September 1770, and it will be unnecessary to deal with the details of the discussion in this place. In accordance with the Directors' orders, the Council appointed two Comptrolling Councils of Revenue:—

(1) at Murshidabad:—

Messrs. R. Becher (*Chief*).
J. Reed.
J. Laurell.
J. Graham.[1]

[1] J. Graham whom we have met with at Burdwan and Midnapur.

(*a*) At Patna

Messrs. J. Alexander (*Chief*).
G. Vansittart.[1]
R. Palk.[2]

In communicating these appointments to the Court, the Council say: "The instructions with which they are furnished are taken entirely from your orders, and we have conformed strictly to what we judge the spirit of your intentions in these new appointments." They repudiate any wish to "annul the authority of the Select Committee or to dispute about the power of the Board," and state that their sole object has been to execute the orders addressed to them "for the better regulating the collections of the Dewannee."[3] The Select Committee, on the other hand, complained to the Court that they had been robbed by the Council of their right to supervise the revenues.

On the 25th of April, 1771 the Court of Directors declared their sentiments on the subject of the Select Committee's opposition to the measures of the Council. The Directors write:

"1. Since closing our letter of the 10th instant, we have more fully considered the conduct of our Governor and Council and Select Committee at Bengal, and we entirely disapprove the opposition given by our Select Committee to a measure, which was positively ordered by the Court of Directors; and for the speedy accomplishment whereof the *Lapwing* Packet was despatched expressly to your Presidency.

"2. And as so alarming a disunion amongst our servants may be attended with consequences of a very serious nature, we cannot omit the present opportunity of testifying our displeasure against those persons who have opposed the execution of our orders.

"3. It is, therefore, our pleasure, and we do hereby direct that Mr. Becher be dismissed from our Council at Bengal, that Mr. Claud Russell, and Mr. Charles Floyer be immediately removed from our Service in Bengal and that they do return to Madras with all convenient dispatch, where they are to take rank in the stations they would now have held in the Company's Service respectively, in case they had remained until this time without interruption on the Fort St. George Establishment.

"10. We are truly sorry after having entertained the highest opinion of the abilities and good conduct of our President,

[1] George Vansittart, a young brother of the former Governor of Bengal.

[2] R. Palk—perhaps a son of the Madras Governor of the same name.

[3] The Council took the opportunity of protesting against the action of the Select Committee in withdrawing the powers entrusted to the Supervisors as such by the whole Council.

Mr. Cartier, that he should in any shape incur our displeasure, but we cannot pass over his late conduct in joining a resolution to retard the execution of our orders, which, if they had been vigorously enforced, would, we cannot doubt, have tended much to the public welfare, and reflected honour on every individual who might have had the execution of them. We, therefore, direct that Mr. Cartier do continue in the Government of our Presidency of Fort William till the departure of the last ship of the season for Europe after the arrival of Mr. Hastings in Bengal, on or before which time it is our pleasure that Mr. Cartier do resign the Government to Mr. Hastings."[1]

In a subsequent letter (24th. November, 1772) the Court shows its appreciation of the conduct of the members of Council who had stood out against the Select Committee. The permission granted to members of Council to hold chiefships at the subordinate factories—a most retrograde measure—must have been exceedingly pleasing to persons who were, as Richard Barwell was pre-eminently, great private merchants:—

"9. Having revised and maturely considered of the orders given in the 179th Paragraph of our Letter of the 23rd March 1770 for confining the residence of the members of the Council to the seat of the Presidency, and not suffering any of the Board, the Resident of the Durbar excepted, to act as chiefs of any of the subordinate factories; and finding that, notwithstanding our well intentioned views expressed at the time of establishing the abovementioned dispositions, that they have not been attended with those salutary effects we then hoped they would produce, we can no longer desist from revoking, and do hereby revoke, the aforesaid orders, confiding that thereby the regularity of the Government in Bengal will be greatly promoted and the intolerable monopolies carried on in the country so oppressive to the inhabitants and prejudicial to our revenues and investment—particularly the raw silk will be totally extirpated.

"10. Upon this repeal of our said Directions, and in consequence of the essential services and merits of Mr. Richard Barwell whilst he was at Bauleah and on other occasions, we hereby direct that he be appointed to the chiefship of Dacca, if he shall make that appointment his choice.

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[1] Becher resigned the Company's service in January 1771, before the order for his dismissal arrived in India. He had been nominated by the Court (March 23, 1770) to succeed Cartier as Governor. Floyer and Russell had been brought by Lord Clive from Madras in 1765 to supersede the Bengal civilians. Russell had left Bengal before this order arrived, and Floyer returned to Europe in preference to returning disgraced to Madras. Floyer returned to the Madras Presidency in 1775 as Chief of Masulipatam. Grand: *Narrative*, p. 65.

"11. And as the conduct of Messrs. Reed and Lane in support—a proper obedience to the orders—of the Court of Directors per *Lapwing* in 1770 was meritorious, we direct that they be preferred to the chiefships of the subordinate Factories on the first vacancies that shall happen after your receipt of this letter, in proof of our constant desire to distinguish those who shall maintain the propriety of a due execution of such orders."

Writing of Cartier in 1772, Col. Thomas Deane Pearse, "the Father of the Bengal Artillery," describes the late Governor, as "a man of good character, and amiable in the extreme;" but adds "there never was a governor less capable, less active, less resolute. Much I fear the distress of the country is beyond even Mr. Hastings' abilities to restore."[1] Cartier's administration is signalised by the incidence of the terrible famine and consequent disasters and the conflict between the two arms of his government—the Select Committee and the Council. It must also be noticed that the establishment of two Comptrolling Councils of Revenue so far from the Presidency, in the days of slow and often interrupted communications, involved a most serious weakening of the Governor's central power. But Verelst had already called attention to the feebleness and want of system in the government at Fort William. In a farewell letter to his Council, he had written at the end of 1769:

"You are no strangers to a want of method which reigns here in the affairs of this government. The whole weight of business is confined to two departments—the Committee and the Council. Our time is consequently taken up with debating, preparing, and dictating on the subjects that come before us. Our decisions are retarded, and the springs of government relaxed. The attention and memory are unnecessarily burdened; neither of these departments are thoroughly defined or understood.....The Court of Directors themselves are at a loss where the precise line of each is drawn; sometimes attributing to the Council what belongs to the Committee, and again transferring from one to the other, without rule or distinction. It is well worth your consideration, Gentlemen, to adopt some better plan for the administration and for the dispatch of business. This can only be done by dividing the burden, which now rests upon a single body, amongst the separate departments, and bringing each object of deliberation into a compact compass. Was the number of the Board increased to sixteen, the business distributed to district committees, and whatever is prepared in these inferior departments finally referred to the President and Council, it is obvious how much utility and convenience would result from

[1] "Memoirs of Colonel T. D. Pearse." *Bengal: Past and Present*, vol. II, p. 317. Grand (*Narrative*, p. 33). speaks of "the placid Mr. Cartier, then Governor, with a Council as inefficient as himself."

it. The Governor, who is head of all departments, and ought to superintend the whole, would be relieved from that intricate diversity of objects, which things, as they are at present conducted, he is obliged to comprehend at one view, and that generally at a time when his constitution has been previously impaired by long residence in this climate."[1]

In the same letter, Verelst lays his finger on the weak spot of the English administration—the commercial preoccupation of its members. While the official salaries of members of council were inconsiderable, the position of chief of a subordinate factory was one which afforded its occupant an easy opportunity of making a fortune by private trading. Consequently the Senior Servants of the Company, when nominated to the Council, retained their posts at far distant factories, and but seldom attended at the Council Board, and, in their absence, questions of the greatest importance would be decided by the juniors residing at the Presidency. At the same time the juniors at the Presidency would, for obvious reasons, be unwilling to sit in judgment on complaints brought before the Council against the conduct of their powerful seniors at the factories, to whose lucrative positions they hoped to succeed in course of time. In March, 1770, the Directors ordered that the members of Council should, with the exception of the Resident at the Durbar, be excluded from the up-country chiefships, but in November, 1772, as has been seen, this order was cancelled.

In a minute, dated 19th September 1766, Clive had remarked to the Select Committee "where such immense revenues are concerned, where power and authority are so enlarged, and where the eye of justice and equity should ever be watchful, a Governor ought not to be embarrassed with private business. He ought to be free from every occupation in which his judgment can possibly be biassed by his interest." To this obvious piece of reasoning a somewhat dramatic effect had been given, when Lord Clive, surrounded by his Council, made his appearance at the Mayor's Court, where the Governor solemnly entered into a penalty-bond not to receive any other emoluments than those of his public office—its salary, recognised commissions, and perquisites.

In 1769 Verelst saw very clearly that the exclusion of the Governor from private trading was a policy which needed to be extended to the members of Council.[2] While the pay of a councillor was comparatively small and the total income of the chief of a subordinate station depended on his capacity in trading, it was impossible to bring

[1] Verelst: *View*, etc., Appendix p. 124.

[2] "It is notorious," Verelst writes (op. cit. App. p. 124), "that, at times, the agents of the lowest servants have domineered over the ryot, and kept the officers of government in a state of awe and subjection, and it cannot be supposed that more respectable names are not equally misapplied. It would be as easy to change the genius and manners of the people as to prevent the banians, and followers of men in station, from abusing their master's name. Chastisement may deter the oppressor for the moment; but, in such cases,

the most experienced heads to the Council Board. The same reflection was applicable to the Select Committee, whose members, with perhaps the solitary exception of W. B. Sumner, all obtained appointments far from the Presidency.

During Cartier's administration several steps towards decentralisation were taken. In March 1771, a Comptrolling Committee of Accounts for the control and direction of every department of the Company's affairs in Bengal and Behar was appointed, and also a Comptrolling Committee of Commerce. The appointment of Comptrolling Councils of Revenue at Murshidabad and Patna has already been noticed. On April 1st 1771, a Comptrolling Committee of Revenue[1] met for the first time at the Presidency, and held sessions until the 10th October, 1772, when it was superseded, as will be seen in the next chapter, by Warren Hastings' first Revenue Board. The creation of this Comptrolling Committee of Revenue at the Presidency terminated the existence of the office of Collector-General with whom the Chiefs of Chittagong, and the Residents at Burdwan and Midnapur had hitherto corresponded.

It was during the year 1771 that the growing dissatisfaction of the Directors with the Naib Diwan, Muhammad Riza Khan, came to a head. At an earlier time the good opinion of the English in regard to that important functionary had been expressed in terms of endearment similar to those which Fagin, the Jew in Dickens' *Oliver Twist*, was wont to confer on himself. Muhammad Riza Khan seems to have enjoyed the full confidence of successive Residents at the Durbar, and it would appear that the Directors were in the end influenced by unfavourable reports sent home by non-official advisers. On August the 29th[2] therefore, the Directors record their censure on the conduct of the Naib-Diwan, and in the 21st paragraph of their letter announce the famous resolution "to stand forth as Duan, and, by the agency of the Company's servants, to take upon themselves the entire care and management of the revenues." In the 13th paragraph Muhammad Riza Khan is charged with corrupt practices in connection with a monopoly of salt; the 18th paragraph charging him with "cornering" the grain during the famine has already been quoted; the 19th paragraph relates to balances of the Dacca revenues alleged to be left unadjusted since the time when Muhammad Riza Khan was Nabob at that place. The letter then continues:

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ends. vereist: *view, etc.* Appendix. Mill's ridicule of the argument that large pay is a security for pure service is hardly in touch with the facts. The difficulty was this: it was desirable to keep the Senior Servants at the Presidency in order to form a strong administration, but to do this would have been to place them at a great disadvantage to their juniors, and promotion to the Select Committee or Council, would in this case have been a punishment and only nominally promotion. H. H. Wilson's note on Mill's argument is sound, but it overlooks the facts.

[1] The proceedings of this body are preserved complete at the Bengal Secretariat Record Room.

[2] *Bengal: Past & Present*, vol. XI, p. 228.

"20. When we expected that the influence and protection of the Company would have had such happy effects throughout the provinces of Bengal as would ensure to us a considerable increase in the revenues of the Dewanny, we cannot but be deeply affected to see ourselves disappointed in that reasonable expectation and to experience such a reverse as now appears by the great diminution of those revenues, particularly in the province of Bahar. Indeed, when we turn our view to the flourishing state of Burdwan and the increasing revenue of that province, under the immediate inspection of our servants, we cannot but conclude that the diminution of the Dewanny revenues must have been owing to the misconduct and malversation of those who had the superintendency of the collections.

"21. But as we have further reasons to suspect that large sums have, by violent oppressive means, been actually collected by Mahomet Reza Cawn, on account of the Dewanny revenues, great part of which he has appropriated to his own use, or distributed amongst the creatures of his power and the instruments of his oppressions, we should not think ourselves justified to the Company or the public were we to leave him in future the management of the Dewanny collections; and as the transferring the like trust to any other minister could yield us little prospect of reaping any benefit from the change, we are necessitated to seek by other means the full advantage we have to expect from the grant of the Dewanny. It is therefore our determination to stand forth as Duan, and by the agency of the Company's Servants, to take upon ourselves the entire care and management of the revenues. In confidence, therefore, of your abilities to plan and execute this important work, we hereby authorize and require you to divest Mahomet Reza Cawn and every person employed by or in conjunction with him or acting under his influence of any further charge of direction in the business of the collections; and we trust that in the office of Duan you will adopt such regulations and pursue such measures as shall at once ensure to us every possible advantage and free the ryots from the oppressions of zemindars and petty tyrants under which they may have been suffered to remain, from the interested view of those whose influence and authority should have been exerted for their relief and protection.

"22. From the grounds that we have to suspect that Mahomet Reza Cawn has abused the trust reposed in him and been guilty of many acts of violence and injustice towards his countrymen, we deem insufficient the depriving him of a station which may be made subservient to the most corrupt purposes; it is therefore our pleasure and command that you enter into a minute investigation not only of the causes

to which the decrease of revenue may be ascribed, but also into Mahomet Reza Cawn's general conduct during the time the Dewanny Revenues have been under his charge. And, as the several complaints and accusations already noticed to you, are of a nature too serious to be suffered to pass over without the most rigid enquiry, we have directed our President to order him to repair to Calcutta there to answer to the facts which shall be alleged against him, both in respect to his public administration and private conduct. And while we enjoin you to pursue your researches with unremitting care and attention, we expect you to obtain not only a just and adequate restitution of all sums which may have been withheld from the Circar or the Company, either by embezzlement or collusion, but also the redress of such injuries as individuals may have sustained by the exercise of his power or the effects of his avarice.

"23. As such appearance of corrupt practices in the administration of Mahomet Reza Cawn leave us room to apprehend that he may have been equally unfaithful in the discharge of the trust he held under the Nabob, we further direct that you make a full and strict enquiry concerning the application of the large sums which have passed through his hands on account of the annual stipends paid to successive nabobs in consequence of the Treaty in 1765 for the maintenance of their family and the charge of sepoys for the support of their dignity and if it shall appear that any part thereof has not been duly accounted for by him, we require you to demand and receive for the benefit of the Circar the amount of all such sums as he may have withheld or applied to his own separate use.

"24. Though we have not a doubt but that by the exertion of your abilities and the care and assiduity of our servants in the superintendency of the revenue the collections will be conducted with more advantage to the Company and ease to the natives than by the means of a Naib Duan, we are fully sensible of the expediency of supporting some ostensible minister in the Company's interest at the Nabob's Court to transact the political affairs of the Circar and interpose between the Company and the subjects of any European Power in all cases where they may thwart our interest or encroach on our authority. And as Mahomet Reza Cawn can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge, the selection of some person well qualified for the affairs of government and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob to succeed Mahomet Reza as minister of the Government and guardian of the Nabob's ministry; and we persuade ourselves that the Nabob will pay such regard to

your recommendation as to invest him with the necessary power and authority.

"25. As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and ensure his attachment to the Company. We therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three Laaks of rupees, which we consider not only as a munificent reward for any services he shall render the Company but sufficient to enable him to support his station with suitable rank and dignity. And here we must add that in the choice you shall make of a person to be the active minister of the Nabob's government we hope and trust that you will show yourselves worthy of the confidence that we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company.

"26. As the disbursement of the sums allotted to the Nabob for the maintenance of his household and family and the support of his dignity will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependents of the Court, but that the whole amount be applied to the purposes for which it was assigned by us."

The arrest and trial of Muhammad, Riza Khan, which took place in the first year of Hastings' rule, have been described in the various histories of the time, and it is generally admitted that the ex-Naib-Diwan established his innocence although it is the express purpose of Grant's *Analysis of the Finances of Bengal* to exhibit him as "the great defaulter." The proceedings on the trial, 12th February to 13th September, 1773, are preserved in a separate volume at the Bengal Secretariat, but it is improbable that any student has been at pains to analyse their contents. The proclamation, issued in Calcutta on the 11th of May, 1772, may be said to mark the close of the first chapter of the Company's revenue administration. [1]

[1] On 16th April, 1773, the Directors wrote: "As to any hopes which Mahmud Reza Khan may entertain of profiting by changes in the Court of Directors, those hopes must speedily vanish: for, however different their sentiments may be in some particulars, they heartily concur in the propriety and necessity of setting him aside and of putting the administration of the Company's affairs in the hands of persons who may be rendered responsible in England for their conduct in India. .. ..If the abolition of the office of Naib Dewan, and stepping forth as principals should in any degree alarm your European neighbours, we rely on your prudence for removing every improper jealousy that may be entertained on that account."

"Notice is hereby given that the Honorable the Court of Directors have been pleased to divest the Nabob Mahomed Reza Cawn of his station of Naib Dewan. The Honorable the President and Council have in consequence directed that the charge of the office of Dewan shall for the present be assumed, and the duties of it performed by the Chief and Council of Revenue at Murshidabad. All Zemindars, Fouzedars, Aumils, Naibs, Teshdars, Officers of public Cutcherries, Chobeydars, Mundals, Ryots, and inhabitants of the Country in general are, in consequence, now informed that the Chief and Council have this day entered on the charge of their office; and strict injunction is hereby conveyed that application is to be made to them in all matters which in any way relate to the Dewannee, as ample authority in that department is, for the time being, vested in them. To obviate the plea of ignorance on the part of individuals with respect to such branches of business as appertain to the office of Dewan, the Chief and Council have been pleased hereunto to annex a particular list thereof, and they now signify that they expect the strictest attention and most implicit obedience be paid to this their publication and order, and that any deviation from the Regulation here laid down will incur the severest resentment of Government.

List of the several Branches of Business appertaining to the Dewannee.

The appointment of Aumils into the Mofussil.

The Collections of Districts and whatever belongs thereunto.

Bundabust of the Pergunnahs.

The examination of Dewannee Sunnuds, under the signature of the Nazim for Talooks, charity lands, and religious endowments of Bermoter,[1] Dewoter,[2] etc.

The investigation and forming of a Hustabood of the districts.

The incorporating or separating one district from another.

The Constituting and dismissing of Zemindars with the concurrence of the Nazim.

The cultivation of the country, and whatever tends to increase its revenue.

Taking cognizance of complaints against the unjust demands of Aumils and Zemindars, which occasion the desertion of the Ryots.

The ascertaining the boundaries of each zemindary, and adjusting the complaints of disputants not deserving of capital punishment.

The investigation of Talooks, and adjusting the rights of Talookdars.

The issuing of Perwanas to enforce payment of the revenue; and the calling out of the Mofussil, on the complaints of the oppressed."

This proclamation, as has been said, marks the close of the first chapter of the English administration. During the events belonging

[1] Brahmottara, land granted revenue-free for the maintenance of Brahmans.

[2] Devottara, land granted revenue-free for the maintenance of idols, temples, etc.

to this chapter, the Company had come to see that it was impossible to remain mere passive receivers of the revenues of the vast territory which had come under their influence. During the terrible year of the famine, the Mughal machinery had in a sense done its work, as the following official figures pathetically reveal :—

Bengal Year.		Rs.	A.	P.	G.
1175 (1768-69)	Nett Collections ...	1,52,54,856	9	4	3
1176 (1769-70)	Year of dearth, which was productive of the Famine in the following year ...	1,31,49,148	6	3	2
1177 (1770-71)	The year of the Famine and Mortality	1,40,06,030	7	13	2
1178 (1771-72)	... 1,57,26,576 10 2 1				
Deduct the amount of deficiencies occasioned in the revenues by unavoidable losses to Government	... 3,92,915 11 12 3				
	...	1,53,33,660	14	9	2

Thus, as Hastings pointed out in 1772, "notwithstanding the loss of at least one-third of the inhabitants of the province, and the consequent decrease of the cultivation, the nett collections of the year 1771, exceeded even those of 1768." The old machinery might serve at a time of distress to keep the revenue by violent means up to the standard of a time of plenty, but in the meanwhile the country was perishing. It was necessary, therefore, to substitute responsible human agents for the working of a governmental machine. To "stand forth as diwan" was the logical development of a situation Verelst had but incompletely appreciated, when, in 1769, he wrote :

"Experience must convince even the most prejudiced that to hold vast possessions, and yet to act on the level of mere merchants, making gain our first principle ; to receive an immense revenue without possessing an adequate protective power over the people who pay it ; to be really interested in the grand and generous object—the good of the whole and yet to persue a narrow and partial end, are paradoxes not to be reconciled and highly injurious to our national character, dangerous to the best defended establishment, and absolutely bordering on inhumanity. The people give us the labour of their hands, and in return, we owe them our protection. Common prudence as well as the laws of Society, require that those obligations are reciprocal, or the tie must soon be dissolved ; for the firmest security of every Government is the affections of the people ; and for obtaining them, there never, perhaps, presented a more favourable field than what the English possess in Bengal. The mildness of our Government, properly diffused through these provinces, will form so conspicuous a contrast to Mommedan despotism, that it must bind them to our cause for ever."[1]

[1] *Verelst* : Op. cit., Appendix. p. 122.

CHAPTER XI.

THE EARLY ADMINISTRATION OF WARREN HASTINGS.

Warren Hastings, appointed to succeed Cartier in the chair of Governor and President of Fort William, arrived at Calcutta, about the 20th of February 1772, but it was not until April 13th that Cartier made over the keys of office.[1] The new Governor brought to his task an intimate experience of Bengal and a familiarity with the Persian and Hindustani languages. At the age of seventeen he had made his first arrival at Calcutta, and after three years spent as a "writer" at Calcutta, he had been despatched to serve as a commercial assistant in the Cossimbazar Factory. From Cossimbazar an easy ride would have brought Hastings into Murshidabad, where, until January, 1756, the masterful Ali Verdi Khan kept court. When in 1756, Siraj-ud-daulah ordered the English Factory at Cossimbazar to be seized, Hastings, who before this time had been promoted to the council of the Factory, was made prisoner. Released from confinement, Hastings made his way to join the refugees from the sacked Fort William, at Falta, where in September, he attached himself to Clive's troops on their way to recapture Calcutta. After Plassey he was sent to Murshidabad on special duty, and, in August 1758,[2] succeeded Luke Scrafton as Resident at the court of the Nawab. In 1760 he was promoted to the Council Board at Fort William, and there he was consistently and almost solely the supporter of Governor Henry Vansittart. In November 1764, he resigned the Company's Service, and, in February 1765, sailed for England by the *Medway*. The fortune he had acquired during fourteen years of service was but a moderate one, and Hastings, always prodigal with his money, soon found it necessary to seek for re-appointment. His first application was rejected, but in 1769, thanks to the kindly offices of Lord Clive, he was nominated Second of Council at Fort St. George.

This very brief survey of Hastings' earlier Indian career will suffice to remove a serious misconception. Writers of Anglo-Indian history have too often felt it to be their duty to imitate Macaulay's picturesque phrases, and consequently we have been told that Warren Hastings worked his way up to recognition by the kind of industry that would entitle a wholesale draper's assistant to a junior partnership in the business. As a matter of fact, although Hastings must, during his time at the Cossimbazar Factory, have acquired a technical

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[1] Cartier remained in Calcutta, occupied in his private affairs, till the end of the year.

[2] The formal appointment was dated 14th November, 1759. *Bengal: Past & Present*, vol. iv, p. 627.

knowledge of sericulture and of the various kinds of cloths required for the Comany's investment, his work first as Resident and then as a member of Council, brought his powerful mind to bear upon all the essential problems involved in the development of a British Empire.[1]

On August the 28th 1771, the Court had drawn up and signed the memorable letter in which they ordered the President and Council "to stand forth as Diwan and by the agency of the Company's servants to take upon themselves the entire care and management of the revenues." The effect of this decision cannot be expressed better than in the words of James Mill. "The change," he writes,[2] "was enormous, which it was the nature of this decree to procure. It was a revolution much greater, probably, than any previous conjuncture—than even the change from Hindu to Mahommedan masters, had been able to create. The transition from Hindu to Mahommedan masters had only changed the hands by which the sword was wielded, and favours were dispensed; the machine of government, still more the texture of society, underwent feeble alterations; and the civil part of the administration was, from conveniency, left almost wholly in the hands of Hindus. A total change in the management of the revenues more deeply affected the condition, individually and collectively, of the people of India, that it is easy for the European reader to conceive. It was an innovation by which the whole property of the country, and along with it the administration of justice, were placed upon a new foundation."

On the 13th of April, Hastings had entered on his office of Governor; on the 14th this edict of the Court of Directors reached him. Mill has observed that "the Directors appear to have had no conception" of the nature of the change they had dictated. Not only had they ordered their servants to assume openly the management of the revenues, but they had abolished the office of Naib Diwan, at a time when the Nawab himself was a minor. They had, as the Committee of Circuit expressed the matter, "been pleased to direct a total change of system, and have left the plan and execution of it

[1] It is true that when Hastings was appointed to succeed Scrafton, the collection of the assigned revenues of Burdwan and Nadia were, without his knowledge, transferred from the Resident to a native official at Hughli, and this official was none other than Nanda Kumar ("Nuncomar"). Hastings writes in protest to Clive "I never had the least suspicion that the transferring of the Burdwan and Nuddea affairs to Hughley proceeded in the least from any ill opinion of my conduct or capacity, but that it would be construed as such by everybody here, as it was universally believed that I was appointed at Moradbaug (a suburb of Murshidabad where the Resident had his dwelling) principally for those collections." It was, however, due to Hastings' technical knowledge of Mughal custom, that the discovery was made in time that for the Twenty-four parganas the English had only secured a *parwana* from the Nawab—a deed which would not be binding on Mir Jafar's successor. The requisite *Sanad* was obtained by Hastings' action. The motive for removing the collection of the assigned districts from Murshidabad to Hughli was not distrust of Hastings, but an anxiety lest the great men at Murshidabad should take offence at the sight of so much treasure being conveyed under their eyes to the English Treasury.

[2] Mill: Op. cit., vol. iii, p. 365.

to the discretion of the Board, without any formal repeal of the regulations which they had before framed and adapted to another system—the abolition of which necessarily includes that of its subsidiary institutions, unless they shall be found to coincide with the new."[1]

A Governor possessed of less self-confidence than Hastings might have availed himself of this lack of positive instructions to postpone even the consideration of the large measures the new policy required; but to Hastings the very want of direction in detail would have been welcome as affording him a wider freedom in action. As interpreted by Hastings the determination of the Directors involved the re-union of the Nizamat and the Diwani, but in English hands. In his letter of November the 3rd he pointed out that "while the Nizamut and the Dewannee were in differrent hands," the "efficacy" "of the Nizamut courts" "was destroyed by the ruling influence of the Dewannee." He took it for granted that the separation of the two functions of government existed no longer, and this assumed reunion consequently formed the basis of Hastings' regulations of 1772.

On May the 14th, 1772, the Governor and Council came to a determination as to "the constitutional ground work of all their subsequent proceedings," and their decision may be summarised as follows:—

1. The lands were to be let out to revenue farmers for a period of five years.
2. A Committee of Circuit, consisting of the Governor and four members of the Council, was to be appointed to visit the principal districts and form the five years' settlements.
3. The Servants of the Company employed in the districts under the designation of "Supervisors" or "Supravisors" were henceforth to be termed "Collectors."
4. In each of the several districts a native officer, under the title of Diwan, should be appointed to inform or check the Collector.
5. That no banian or employe of the several collectors should be permitted to farm any portion of the revenues.
6. Presents to the Collectors from zamindars and others, and from the ryots to the zamindars were forbidden.
7. The Collectors and their banians were forbidden to advance money to the ryots.

In June the Committee of Circuit thus constituted set out on their labours. Mill follows a curious mistake made by the compilers of the *Fifth Report* of 1812 when he says that Hastings, though a

[1] *Sixth Report of the Committee of Secrecy, 1772*, p. 18.

member of this Committee "did not proceed," for Hastings himself, in a letter to his friend, Josias Dupré, the Governor of Madras, writes: "On the 3rd June I set out with the Committee. We made the first visit to Kissingurah (Krishnagar), the capital of Nuddeah [Nadia] and formed the settlement of the district, farming it for five years. We proceeded next to the City [i.e. Murshidabad] where we arrived the last of the month, here a variety of occupations detained me till the 15th of the last month—two months and a half. This period was employed in settling the Collections, and the government of the districts dependent on Murshedabad, which were large, very numerous, and intricate; in reducing the Nawab's stipend from 32 lacks to 16; and in forming a new system for conducting the business of the Dewannee or revenue."

The members of the Committee of Circuit were :—

The Governor, Warren Hastings.
Samuel Middleton,[1]
James Lawrell.
John Graham,
Philip Milner Dacres.

On August 20th, the Committee of Circuit, at Cossimbazar (for Murshidabad) made an important recommendation, to which effect was given in the October following. In the place of the existing Comptrolling Council of Revenue, they recommended a Board of Revenue, consisting of the whole Council, should be formed at the Presidency. The Khalsa *(Khalisah)*, or Exchequer, was also to be removed from Murshidabad and brought down to Calcutta. At Cossimbazar also the Committee drew up regulations for the administration of justice which will be considered at the conclusion of the present chapter.

An explanation of the motives for making so great a change was in a special degree necessary, for the Governor had, as has been already noticed, availed himself of the opportunity, afforded by the Company's failure to accompany their general order with instructions in detail, to assume that the order to abolish the office of the Naib Diwan and to place the collections in the hands of the Company's servants, authorised him to abolish the Councils of Revenue, created by the Company's orders, at Calcutta, Murshidabad, and Patna, and to establish the head seats of justice and revenue at a place where the Governor and Council could personally and directly control the

[1] Had been Resident at the Durbar since the departure of Richard Becher in June 1771, and was now acting as Diwan, Mahomed Reza Khan having been placed under arrest, and brought in a state of honorable captivity to Calcutta for an investigation of his administration. Middleton was not in attendance at Krishnagar, and he only joined the Committee on July the 7th. Middleton "arrived in Bengal on 24th August, 1753." He had been dismissed for signing a former protest made by Clive and others against the insulting language of the Court of Directors in regard to their servants, but was pardoned by the Court's General Letter of 23rd March, 1770. He is favourably mentioned in the *Seir Mataquherin*, He is often confused with a much young civilian Nathaniel Middleton ("Memory Middleton.") See *Bengal: Past and Present*, vol. iii, p. 394 and vol. iv, p. 365.

work in hand. No doubt the logic was cogent, but the Court of Directors were a body of men who seldom evinced any regard for abstract argument, and were seldom ready to draw distinctions in favour of a servant gifted with the initiative faculty, between the spirit and the letter of their written orders. In effecting the great changes of 1772, Hastings knew, better than any man, that what he enterprised would be judged by his masters at home by the coarse and ready method of calculating in pies and gandas, the increase or the decrease of the revenues. He knew too that at every step he would be treading heavily upon the feet of fellow Company's servants in Bengal. In a letter to his friend, the Governor of Madras, written shortly after his return from the labours of the Committee of Circuit, he confessed that the powers entrusted to him "tend to destroy every other that I am possessed of, by arming my hand against every man, and every man's of course, against me."

On September the 15th Hastings left Cossimbazar to return to Calcutta. Middleton remained behind to enter upon his newly defined duties as "Resident of the Durbar, Collector of Rajeshai, and Chief of Cossimbuzar." Dacres, Lawrell, and Graham continued the circuit, visiting Dacca (Oct. 1-Nov. 27), Rangpur (to Dec. 30th), Dinajpur (to Jan. 26th), Purnea (Feb. 2-9), and Rajmehal (18th Feb.).

On October the 13th, 1772, the new Committee of Revenue assembled for the first time, with Warren Hastings as President. On March 12th, 1773, the Committee was joined by Messrs. Dacres, Lawrell, and Graham, returned from the arduous duties of the circuit. Before the arrival of these gentlemen, the remaining members of the Council had been employed in preparing five years' settlements for Hughly, Midnapore, Birbhum, Jessore, and the Calcutta lands. "These," Hastings explains (significantly leaving Chittagong out of account), "together with the district allotted to the Committee of Circuit, compleat the whole of Bengal, excepting Burdwan, where the lands are already lett in farm, on leases of five years, which do not expire till the end of the Bengal year 1182 (A. D. 1775.)"

The proceedings of the Committee of Circuit at Krishnagar are of importance, as what was done there, under the eye of the Governor, was intended to form "an idea of the plan on which the settlement of the whole province will be formed." In response to a public advertisement calling on would-be farmers to make offers, a number of proposals had been received, but these the Committee found to be "expressed in so vague and uncertain a manner, and differed so widely from each other in form, that it was impossible to make a comparison, or to ascertain the proportional amount of each; and the few only that were intelligible, contained very low and disadvantageous terms." Contrary to their original intention, the Committee decided to have recourse to a public auction. Before doing this, however, they set about the formation of "an entire new hustabood or explanation of the diverse and complex articles which were to

compose the collections." This examination afforded an opportunity for distinguishing between those articles of revenue which "were of long standing and has been chearfully (*sic*) submitted to by the ryots," and those which "appeared most oppressive to the inhabitants, or of late establishment." Under the former, Hastings, in his letter of November 3rd, 1772, includes:—

1. Duties arbitrarily levied by the zemindars and farmers upon all goods and necessities of life passing by water through the interior part of the country.
2. The *Bazee Jumma* [*bazi jama*] or fines, petty crimes or misdemeanours.
3. The *Haldarry* [*haldari*] or tax upon marriage, "which yielded a trifling revenue to the government, was very injurious to the State, and could only tend to the discouragement and decrease of population—an object at all times of general importance, but more especially at this period, from the great loss of inhabitants which the country had sustained by the late famine, and the mortality which attended it."

Although it was perceived that the abolition of these unconstitutional cesses would temporarily decrease the revenue, yet it was hoped that in time the most satisfactory effects would ensue from a measure designed to encourage the free course of trade and the increase of population and to promote the general ease of the country.[1]

The Committee also took steps "to secure the inhabitants the quiet possession of the lands, whilst they held them on terms of cultivation." The *amilnamas*, or leases granted to the farmers, were to record in precise terms the exact claims upon the ryots, and all demands not covered by the *amilnamas* were to subject the farmer to the severest penalties. The ryots, on the other hand, were to receive from the farmers pottas (pattahs), in a form drawn up by the Committee, in which the conditions of the holding and the dues of revenue, under its several heads, were to be recorded faithfully. Steps were also taken, by providing a regular allowance (establishment) for the cutcherries of the district, to bring the charges of collection within a known limit.

While the sale of the farms was in process, the Rajah or Zamindar of Krishnagar put in a belated proposal for the farm of the district. The sales, as far as they had been proceeded with, showed that the Rajah's offer was far from being equitable, and the Committee moreover felt that its honour had been pledged by the acceptance of offers already made. For these reasons, "joined with the well-known subtle and faithless character of the Zemindar" it was determined to reject

[1] The Commision of 1776 reported that by this kindly designed measure some quite innocent sources of revenue were, together with those of a noxious kind lost to the Government, and that the ryot often did not benefit, as the zamindars, etc., continued to collect, but not to pay over their receipts to the Treasury.

his proposals. This incident, however, occasions in Hastings' account of the doings of the Committee some remarks on the rights of zamindars and talukdars which, in view of future debates on the subject, are of importance.

Hastings points out that there were but two modes of dealing with the zamindars and talukdars.

1. "To let the lands to farm ; to put the renters in entire possession and authority over them, obliging them to pay each zemindar or talukdar a certain allowance or percentage for the subsistence of himself and family."
2. "To settle with the zemindars themselves on the footing of farmers, obliging them *first* to enter into all the conditions of a farmer's lease ; *secondly* to pay the same revenue that could be expected from the farmers ; *thirdly*, to give responsible securities ; and *fourthly*, to admit a reserve in favour of government for making, during the course of their actual lease, an exact hustabood (valuation from accounts), or a measurement of their possessions, in order to ascertain their true value at a future settlement, should the present accounts be found to be fallacious, or concealments suspected."

To the first mode Hastings makes the objection that its adoption would expose the zamindars to an unfair risk. In the first place it would reduce them to the position of mere pensioners, and tend to efface their claims as proprietors. In the second, as the farmers made good their hold on the estates, the original zamindars would pass away, and during the succession of minors, the inheritance would be involved in obscurity, doubt, and controversy. "To expose the zemindars and talookdars to this risk, is neither consistent with our notions of equity, nor with your [*i.e.* the Directors'] orders, which direct 'that we do not by any sudden change alter the constitution, nor deprive the zemindars, etc., of their antient priviledges and immunities."

In favour of the second mode, Hastings argues :

> "From a long continuance of the lands in their families, it is to be concluded they have rivetted an authority in the district, acquired an ascendency over the minds of the ryotts, and ingratiated their affections. From causes like these, if entire deprivation were to take place, there could not be expected less material effects than all the evils of a divided authority, prejudicial to the revenue, and desertion and desolation of the lands. Whereas from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, provided their value is not of too great an amount, solid advantages may be expected to accrue. Every consideration then sways us, where it can be done with the prospect of the advantage before mentioned, to adopt the second mode in settling with the inferior zemindars and talookdars.

"*First*, an equivalent revenue may be thereby obtained, with security for its punctual payment.

"*Secondly*, the converting them into farmers establishes the government's right of putting their lands on that footing, whenever they shall think proper; the awe of which must constantly operate to secure their good behaviour and good management.

"*Thirdly*, the clause of scrutiny to which they are subjected, will also have the same tendency, at the same time it may be strictly put in force where there is cause to suspect concealments, or a prospect of increase to the revenue."

Having adopted this argument on behalf of the second mode, the Committee, while, for the reasons mentioned, refusing the proposals of the Zamindar of Krishnagar, exempted the taluks in the district from public auction, and formed a settlement with the talukdars on the basis of an exact valuation of their lands. On the completion of the entire settlement, the Committee, selected for each district a "fixed diwan," to co-operate with and check the collector in the superintendency of the revenues.

At Cossimbazar, close to Murshidabad, the Committee of Circuit dealt with the settlement of the province of Rajshahi and the neighbouring hazuri districts and taluks. The offers of the farmers and zamindars having been compared, those of the latter were found to be the most advantageous. The following passage introduces a famous person in the native annals of Bengal :—

"A settlement for five years was accordingly concluded with the Ranny Bowanny [Rani Bhawani] the zemindar of that district, whose substance, credit, and character rendered the conditions of her offer the more desirable, especially as she consented to the Committee's plan of sub-dividing the lands into fourteen lots or farms, and engaged to deposit the farmers *cabooleats* [*kabuliyats*] or agreements as a collateral security with her own, for the actual payment of her rents. No other proposals being given in for the Eastern Division of Radshahy, it was in like manner farmed to the Zemindar, whose knowledge of, and long established reputation in, the country enabled her to make far more advantageous offers for this also than any other person; and we doubt not that we shall realize the whole of the revenue from these important and extensive districts, which will receive an advantage, besides a reduction of the expence of the collections, in being thus united under the hereditary and ancient Proprietor."

It was found necessary to appoint five additional collectors for these districts, owing to "the intricacy of the Huzoor-zilahs which have been distributed among them."

The settlement of Mahmudshahi and Jessore, which had been entrusted to Mr. Lane, a member of the Board, was completed before August the 10th. That of Birbhum, Bishnupur, and Pachet [Panchkot] was settled by the Council on an increasing revenue, on a plan similar to other farmed lands. At Hughli the determination of the Council to let the lands in small farms, was modified by offers for large lots, which proved too tempting to be resisted, while, at the same time, the pleas of a number of talukdars and petty zamindars were accepted, and lands granted to them on terms similar to those accorded to their compeers by the Committee of Revenue at Krishnagar. The Calcutta lands were found to be "compleatly farmed," but "some of the farmers have flown off from their engagements and absconded"—a feature in the system of revenue farming which gives weight to Hastings' remark that the zamindar would not so easily run the risk of losing his inheritance "by eloping from his district, which is too frequently practised by a farmer when he is hard pressed for the payment of his balances and is frequently predetermined when he receives his farm."

The five years' settlement formed in 1772 was, thus, based on two leading ideas.

1. That the letting of the revenues in farm to persons making voluntary offers was an eligible method of discovering the real value of the lands.
2. That a settlement with the established zamindars and talukdars, on conditions similar to those required from the farmers, was preferable to letting the lands to other persons.

These principles are further explained by Hastings in a minute entered on the Proceedings of Council, 22nd April, 1775.

> "When the zamindaries are of moderate extent, the zamindars attend to the management of their own business, and agree to reasonable terms; it is certainly better that the revenue should be settled with them than with any other persons. This was the opinion of the late Administration, and, if I am not mistaken, stands frequently recorded on their proceedings. In the five years' settlement a greater portion of the country was actually farmed to the zamindars themselves than to other persons, but objections occurred to prevent this plan from being universally adopted. None of the zamindars are men of substance, nor, in general, is there any other means of recovering their balances than by the sale of their lands; and the depriving them of their inheritance, even when done with the strictest justice, is always attended with some degree of odium, and is an act of severity which the late administration wished to avoid. Where the zamindars are minors, and where they are themselves incapable of, or inattentive to business, the settling of rents with them is subjecting them to be deprived of their inheritance by the misconduct of their servants, upon whom the fear of their

master's zamindaries being sold cannot be supposed to have so much influence as the hope of present profit. In some parts of the country, especially on the frontiers, there is no security against balances by a sale of the lands, because purchasers are not to be found. How reasonable soever it appears that the zamindars should not be solicitous for the good condition of their own estates, yet it is frequently a maxim of their policy to let them rather fall to decay in order to reduce their jumma (their rated revenue). The zamindars, especially in large zamindaries, have often been found to possess an influence, which they have exercised to the oppression of the ryotts, the injury of Government, and the interruption of the peace of the country, and to destroy this influence has been deemed a desirable object. These are what I recollect of the arguments which occurred to prevent the farming to the zamindars themselves from being adopted as the general plan for the settlement of the revenue, and I know not how they can be obviated, till by proper regulations and a course of time, the landed property in the country is put upon a more desirable and more permanent footing."

The Committee of Circuit were concerned with the Company's commercial affairs as well as the high problems of the administration of revenue and justice. At Cossimbazar, for instance, they took into consideration the subject of the decline in the silk investment. Samuel Middleton, on being relieved of the supervision of the revenue collections throughout the whole of the Diwani portion, was placed in charge of the Cossimbazar factory—a business he was to negotiate as well as the revenue affairs of Rajshahi. Thomas Pattle,[1] who had been commissioned to hold an inquiry into the silk provision at Bauleah, was appointed Commercial Resident at that place, revenue collector of Lashkarpur, and second of Council at the Cossimbazar Factory. A newly appointed collector of Bhushna, Mahmudshahi, etc., was also to be Commercial Resident at Comercolly, and third at Cossimbazar, while Richard Phipps, Superintendent of the Rangpur filature, was to be entrusted with the charge of the revenue collections in Goraghat and Idrakpur, under the superintendence of the Collector at Rangpur. In regard to Maldah it was determined that "the undermentioned districts which lye contiguous to Maulda, and in which the Resident represents that a number of weavers and other dependents of the Factory reside, shall be formed into a collection, and put under the Resident of Maulda Factory, which will not only contribute to promote the success of the investment, but also prove a fund for supplying its resources. "This commixture of commercial with governing occupations serves to show that the Committee of Circuit forms an intermediate landmark between two stages in the Company's history. The Committee assigned

[1] See *Bengal : Past & Present*, vol. I, p. 160.

to the Superintendent of the Murshidabad *pachotra*[1], or inland custom house, in addition to his original duties, the collectorship of Rokanpur, Amberabad, Thana Katwah, and Salburi; and to the Superintendent of Murshidabad mint[2] the Collectorship of seventy-six hazuri taluks. In each of these two cases the revenue to be realised was estimated at Rs. 6,50,000.

The Committee of Circuit also endeavoured to put into execution the Court's orders for an inquiry into the scandals connected with the Famine of 1769-70. On the 25th July, 1772, the Committee published a proclamation calling on all persons able to give evidence as to the alleged monopolies in grain to do so; but it would seem that the only result of this proclamation was that Devi Singh, the victim of Burke's unscrupulous declamation at the Hastings Impeachment, and in 1772 the Diwan of Purneah, was sent down a prisoner to Calcutta, accompanied by documents from the Collector [G. G. Ducarel] which, not only established his innocence, but are witness to his endeavours to administer relief to the sufferers.

Hastings' most questionable policy in appointing Nanda Kumar's son, Gurudas, to the office of Diwan of the Nawab's household led the Committee, while at Cossimbazar, to enter into a review of long standing charges of forgery and treason against Nanda Kumar.

The General Regulations for the administration of justice proposed by the Committee of Circuit during their stay at Cossimbazar,[3] and subsequently brought into force, are based on the ancient division of authority between the Nizam and the Diwan. To the Nizam, as the supreme executive power, was apportioned the criminal, and to the Diwan, the civil jurisdiction. Following this distinction, the Committee recommended that in each district two courts should be established, viz.:

1. *Mufassal Diwani Adalat or Provincial Court of Diwani* exercising jurisdiction over all disputes concerning property, real or personal; all causes of inheritance, marriage, and caste; all claims of debt, disputed accounts, contracts, partnerships, and demands of revenue. Claims to zamindaris were, however, reserved for decision by the President and Council. In this Court, the Collector was to preside on the part of the Company "in their quality of the King's Dewan," and was to be assisted by a Provincial Diwan nominated by the President and Council, and by the ordinary officers of the Cutcherry.[4]

[1] William Byam Martin.

[2] James Irwin.

[3] Colebrooke: *Supplement to the Digest*, pp. 1-13.

[4] At the head seat of Government a member of Council was to preside in the local subordinate Diwani Adalat. See Art. VIII.

2. *Faujdari Adalat*, exercising jurisdiction over all cases of murder, assaults, frays, quarrels, adultery, and breaches of the peace. Here "the Kazi or Mufti of the district and two Moulavies [*maulvis*] shall sit to expound the law, and determine how far the delinquents shall be guilty of a breach thereof; but the Collector shall also make it his business to attend to the proceedings of this court, so far as to see that all the necessary evidences (witnesses) are summoned and examined; that due weight is allowed to their testimony; and that the decision passed is fair and impartial, according to the proofs exhibited in the course of the trial; and that no cause shall be heard or determined but in open court regularly assembled."[1] This Court was empowered to inflict corporal punishment, labour on the roads, etc.; but where capital punishment was required, the confirmation of the sentence by the Nizam was necessary.

At the Presidency of Fort William superior Courts were to be established.

1. *Dwiani Sadar Adalat* to receive and determine appeals from the Provincial or Mofussil Diwani Adalats; "the president, with two members of the Council, shall preside therein, attended by the Diwan of the Khalsa, the head Kanungos and other officers of the Cutcherry; in case of the absence of the President, a third member of the Council to sit; that is to say, not less than three members to decide an appeal; but the whole Council may sit if they chuse it."

2. *Nizamat Adalat.* "A chief officer of Justice, appointed on part of the Nazim, shall preside in the Nizamut Adalat, by the title of Daroga Adaulut, assisted by the Chief Kazi, the Chief Mufti, and other capable Moulavies; that their duty shall be, to revise all the proceedings of the Faujdari Adaulut; and in capital cases, by signifying their approbation or disapprobation thereof, with their reasons at large, to prepare the sentence for the warrant of the Nazim, which shall be returned into the Mofussil, and there carried into execution; that with respect to the proceedings in this Court, a similar control shall be lodged in the Chief and Council, as is vested in the Collectors in the districts; so that the Company's Administration, in the character of the King's Diwan, may be satisfied that the decrees of justice, on which both the welfare and the safety of the country so materially depend, are not injured, or perverted, by the effects of partiality or corruption."

The effect of the Regulations so far was not to institute new courts of justice, but to transfer the Courts of Appeal from Murshidabad to

[1] At the head seat of Government a member of Council was to preside in the local Faujdari Adalat. The method of appointing the officers of the local Faujdari Adalats was settled in July, 1773. The Darogha of the Sudder Nizamat Adalat the Kazi-ul-Kazaat and the Chief Mufti recommended persons for appointment but the parwanahs were not issued until they had received the sanction of the Governor-General.

Calcutta, to vest in the Collector the right to preside in the local civil court of his district, and to prevent miscarriages of justice in the local criminal court. The right of the Nawab, or Nazim, to confirm or to alter sentences of death was carefully preserved. The highly miscellaneous duties of the Collector must have been considerably increased by the regulations which imposed upon him the charge of the records and the transmission of abstract registers of causes heard to the Presidency.

The regulations of 1772 were designed to provide for the reformation of a number of long-felt abuses, *e.g.*

1. Under the breakdown of the Mughal system the local courts, beyond easy reach from Murshidabad, had tended to fall in abeyance, and, in their default, the revenue officers of the zamindars and other local magnates had in practice exercised a jurisdiction to which they had no lawful title.[1] The Courts of Justice had tended to become resorts open only to the rich, while the poor brought to them were liable to be ruined by the expenses of the journey and the neglect of their lands during their absence. In practice also it was usually found impossible to assemble the council of jurisconsults, which the Mughal law required when the Kazi and his colleagues were unable to arrive at a unanimous decision; not being able to obtain a decision from the jurisconsults, the Kazi had been wont to enforce his own personal opinion.

2. The failure of the ancient courts to preserve full and proper records of their proceedings.

3. The imposition of "detestable," yet authorized, fines and commissions as payments of debts enforced by the Courts. Under the Regulations of 1772, the faujdari bazi jama, a species of fine held to be particularly obnoxious, was abolished, and the Kazi and Muftis were granted monthly salaries in lieu of their former increments by fines levied. The 35th Regulation deserves to be quoted as throwing a lurid light on the internal condition of Bengal:

> "That, whereas the peace of this country hath, for some years past, been greatly disturbed by bands of decoits, who not only infest the roads, but often plunder whole villages, burning the houses, and murdering the inhabitants: and whereas these abandoned outlaws have hitherto found means to elude every attempt, which the vigilance of Government hath put in force, for detecting and bringing such atrocious criminals to justice, by the secrecy of their haunts and the wild state of the districts which are most subject to their incursions; it becomes the indispensible duty of Government to try the most rigorous means, since experience has proved every lenient and ordinary remedy to be ineffectual. That it be, therefore, resolved, that every

[1] The 11th article gave the Farmer of a parganah authority to decide in disputes not exceeding Rs. 10.

such criminal, on conviction, shall be carried to the village to which he belongs, and be there executed, for a terror and example to others; and for the further prevention of such abominable practices, that the village of which he is an inhabitant shall be fined, according to the enormity of the crime, and each inhabitant according to his substance; and the family of the criminal shall become slaves of the State, and be disposed of, for the general benefit and convenience of the people, according to the discretion of the Governor."

In their covering letter, the Committee of Circuit explain that "the decoits of Bengal are not, like robbers in England, individuals driven to such desperate courses by sudden want; they are robbers by profession and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them." The writers admit that "the ideas of slavery, borrowed from our American colonies, will make every modification of it appear, in the eyes of our countrymen in England, a horrible evil," but they point out that in India the condition of slavery is one of mild domestic subordination, and that therefore reduction to the state of slavery would be no real degradation for persons who in a state of liberty were by ancestral calling robbers and enemies of society.

The 9th Regulation shows how the Collectors were intended to serve as the protectors of the wronged:

"That as nothing is more conducive to the prosperity of any country than a free and easy access to justice and redress, the Collectors shall at all times be ready to receive the petitions of the injured; and further, to prevent their being debarred this access from motives of interest, partiality, or resentment, in the officers or servants of the Cutcherry, that a box shall be placed at the door of the Cutcherry, in which the complainants may lodge their petitions at any time or hour they please. That the Collector shall himself keep the key of this box; and each court-day, have such *arzees* as he may find in it, ready in his presence by the *Arizbeggy* of the Cutcherry."

In April, 1773, the Government established a General Bank for the Province of Bengal—a design which it was believed would prove to be "of the greatest utility and convenience not only to the Company in drawing the receipts of their revenues from the out-districts to the Presidency, but also to private merchants in making their advances to the aurungs,[1] and otherwise in facilitating and rendering secure the course and circulation of their trade." The Court of Directors, however, expressed disapproval of the plan on which the Bank had been established, and this measure proved to be but a short-lived experiment.[2]

[1] Aurangs.

[2] The Regulations for the Bank are given by Price; *Notes on the History of Midnapore*, pp. 201-206.

The question now remains : how far were the measures adopted successful ? It may be observed in the first place that in defending his early administration, Hastings, in 1776, makes a special plea of pressing circumstances under which the Committee of Circuit framed its policy. In a minute entered on the proceedings of Council, 29th May, 1776, Hastings writes :

> " Before the Gentlemen of the Majority lay down their plan which they would have adopted in assessing the revenues, let them reflect on the state in which they would have found the country ; the effects of the famine had been felt with unequal severity in different provinces ; some districts were almost depopulated, others had hardly suffered by that calamity ; the state of Bengal was totally changed ; the ancient hustaboods or valuations of the lands could no longer be depended upon ; the distresses of the people in many places called for a remission in the rents, the exigencies of the Company at the same time would scarcely admit of a diminution under such embarrassment. Are the Gentlemen of the Majority absolutely certain that they would not have let lands to farm on a reduced but gradually increasing rent, and for a fixed term of years ? Are they certain that they would have considered themselves better qualified to judge of the real value of the lands than those who offered to farm them ? Would they have informed a zamindar or farmer who proposed to pay a revenue of twenty lacks of rupees that he had offered five lacks too much ? And do the savings and economy of their Administration encourage them to think that they would have conducted the affairs of Government at a far less expence than any of their predecessors ? When they declare that they would have proportioned their demands to abilities of the people, I have a right to ask them by what rule their ability could have been ascertained ? When they assert that they would have collected a less revenue, I have a right to expect that they will point out how the service of Government might have been reduced in the same proportion ? Until this is done the Company perhaps will consider their plan of government as merely chimerical, and class it with schemes for paying the National Debt or reducing the land tax in England."

The criticism of the settlement of 1772 was, however, based on the fact of the progressive balances of revenue unrealised, and the heavy sums to which necessary remissions amounted to. While Hastings exposed unfairness in the financial statements put forward by his adversaries, and denied that "the actual collections had" fallen so short as would be imagined from the style of the unrealised revenue to some extent were due to an over-valuation of the lands. He pointed out the inconsistency of the majority who at one moment charged him with having in the years 1772-74, obtained a less revenue than his

predecessors, and the next accused him of having exacted from the country more than it could bear. In 1773-74 the total revenues of Bengal and Behar amounted to Rs. 2,30,76,415, and if the profits arising from the sale of salt and opium were added, to above 245 lacks. Compared with this the former years had produced—

				Rs.
1768-69	...	...	...	2,65,99,065
1769-70	...	...	...	2,33,44,847
1770-71	...	...	...	2,40,84,559
1771-72	...	...	...	2,55,12,069
1772-73	...	...	...	2,22,78,356

In a minute on the Proceedings of Council, 8th March, 1775, from which these figures are extracted, Hastings writes :—

> "It is true that the lands were let in general too high, but the excess cannot prove a real loss to the Company, nor was it to be prevented. The exact value of the lands was known only to the Zemindars and old farmers, from whom it was not to be expected that they should part with their knowledge. To find out the real value the most probable method was to let them to the highest bidders; and the fairest and the only means which would not admit of conclusions against the characters of the gentlemen concerned in forming the new settlement was to dispose of the farms by public auction. This proved, however, such a source of competition that lands in general were overrated, especially in Nuddea [Nadia]. Where this happened, abatements have been allowed, that is to say, the excess which ought not to have been put upon the rents, if it could have been avoided, has been taken off, and a competent knowledge has been obtained of the stated capacity of the lands, throughout the provinces, which will be of great advantage in forming the next settlement when the term of the present shall have expired."

The Majority were on scarcely safer ground when they descended from the high ground of exact statistics to the consideration of the corrupt dealings of the revenue servants. It has been seen that the Committee of Circuit had distinctly ruled that no banian or native dependent of the Collectors were to be permitted to hold revenue farms. In a minute, dated 15th September, 1775, the Majority formulate a charge on this score, which amounts to an indictment of the Governor-General, on the ground of grossly corrupt dealing. They write:

> "When we affirm that farms to the amount of 13 lacks and a half per annum, and contracts for providing the Company's investment to the amount of 16 lacks more, could not have been heaped upon the Governor's Banian, or his son, or his brother, entirely for their own profit, we do not pretend to

give the gross and palpable proof of a communication of interests between the master and his servant; this perhaps is impossible. The Court of Directors, however, will observe that in all the abuses already proved, the Banian is constantly the ostensible man in whose name the farm or contract is held by his master. Mr. Fleetwood's banian is nominal farmer of Sharigar: Mr. Thackeray's of Silhet: Mr. Christie's of Banjora and Apole: Mr. Barton's of the salt-farm of Belloa; and we have reason to believe that not less than one-third of the Company's lands in these provinces are, or have lately, been held by the banians of English gentlemen. The Governor's banian stands foremost and distinguished by the enormous amount of his farms and contracts, to say nothing of the large sums standing in his name in the accounts of money received from the Rannies of Rajeshay and Burdwan, which have either been proved by the production of original papers at the Board, or by witnesses upon oath. Our opinion of Mr. Hastings will not suffer us to think that a participation of profits with his servant would have been repugnant to his principles. To assert, as he does, that it would have been opposite to his interest seems too extravagant to deserve an answer."

It seems to have been a fact that Thackeray[1] did actually farm the revenues of Sylhet under the name of a native agent, and it is certain that he was censured for so doing by both the Court of Directors and the Governor General, but although Thackeray is spoken of as a Collector, he probably for technical reasons was exempt from the restriction made by the Committee of Circuit. Christie was, not a Collector, but a private merchant. The Governor's banian was most certainly under no restriction, and Hastings quite candidly writes:

"The reasons which prevailed on the late Board to grant the pergunna of Baharbund to Cantoo Baboo, my servant, will appear in the Consultations of the 12th and 14th July, 1774 in the Revenue Department. To those I refer: you will find that this is not a part of the Zemindary of Ranny Bowany [Rani Bhawani] nor ever in her possession, but a mehal or district, depending immediately on Government and being on the frontier of the province; that no kind of indulgence was shewn to my servant in this grant, but an advantage procured for Government, by the peshkush or fine to be paid, and by the security which the collections of it would naturally derive from being in the charge of a man of business and property. The sunnud was never granted, though ready drawn up and in my possession, from the time of the order of Council; nor, of course, the peshkush paid,

[1] W. Makepeace Thackeray, grand-father of the novelist. Thackeray was succeeded at Sylhet by that most interesting person—the Hon. Robert Lindsay. See Firminger: *District Records of Sylhet* (Assam Secretariat Press).

because I chose to defer the confirmation of it till the assembly of the new Council. The Majority in their separate meeting of the 17th instant have thought proper to deprive Cantoo Baboo of this grant, for reasons which they are yet to seek; one indeed they have assigned, namely, that the person in whose name it was granted was described as a man of credit and property, but proved on enquiry to be a boy of 10 years of age. You, Gentlemen, need not be told that it is the constant practice of the Gentoos to register all deeds and contracts in the names of their sons. Loknaut Nundee, the nominal zemindar, is the son of Cantoo Baboo whom the Board intended by that description."

Hastings goes on to say that he had permitted Kantu Babu to quit many of his farms, that "many of his farms were taken without my knowledge, and almost all against my advice," that he (Hastings) had no power to prevent Kantu Babu holding farms, and that the babu was in fact in possession of his taluks before his arrival.[1]

In the 77th paragraph of their General Letter of 4th March, 1778, the Court of Directors wrote:

"In our letter of the 5th February, 1777, you were informed that, although it was our wish rather to prevent future evils than to enter into a severe retrospect of past abuses, yet, as in some of the cases before us, we conceived there had been flagrant corruption, and in others great oppressions committed on the native inhabitants, we thought it unjust to suffer the delinquents to pass wholly unpunished, and therefore authorized you to take such steps as you might think proper to be pursued on the occasion, acquainting you at the same time that we should, if necessary, return you the original covenants of those of our Servants who had been concerned in the undue receipt of money, in order to enable you to recover the same for the use of the Company; and, having reconsidered the subject, we hereby direct, that you forthwith commence a prosecution in the Supreme Court of Judicature against the persons who composed the Committee of Circuit, or their representatives; and against Mr. Grueber, Mr. Barwell, Mr. Barton, the representatives of Mr. Sheeles, and all other proper parties; in order to recover, for the use of the Company, the amount of all advantages acquired by the several persons above mentioned, or any of them, from or upon the account of any contracts made for Salt, or for the provision of Salt, or for letting of Salt lands or Farms in the Districts of Dacca, or elsewhere, in the Provinces of Bengal, according to the opinion of the Company's Standing Counsel and Solicitor, transmitted to you by dispatches dated the 5th of February, 1777.

[1] See Para 27, General Letter of the Court to Bengal, 15th April, 1776.

"78. You already have been furnished with the report of our Solicitor (confirmed by our Standing Counsel) concerning prosecuting the above-named persons; and before the receipt hereof, we trust the arrival of our Advocate-General Sir J. Day will have enabled you to avail yourselves of his assistance in conducting such prosecutions."

It will be of interest to read Hastings' own account of the success of his early measures. He writes:—

"I can add nothing to the reasons recorded in the proceedings of the Committee for the removal of the collections to Calcutta. It has exceedingly added to my labours; but I have hitherto every reason to be pleased with the change. The Board of Revenue at Moorshedabad, though composed of the junior servants of the Company was superior, before their alteration, to the Governor and Council of the Presidency. Calcutta is now the capital of Bengal, and every office and trust of the province issues from it." "The officers are completely established, and the business in as good train as could possibly be expected after so great a revolution. We have found it adviseable also to form a new and distinct department for the business of the revenue, with a separate council house, secretary, and officer; and it is with pleasure I can add that this department is as regular, and as much in train as if it had existed since the days of Job Charnock."[1]

So Hastings wrote in the commencement of 1773; but the system he had established in the previous year was not to remain in tact for long. His government had, as has been seen, abolished the Revenue Council at Murshidabad and Patna, and the collectors had been given a constitutional position. That Hastings had his misgivings as to the collectors the following extract of a letter to J. Dupré (6th January, 1773) proves:—

"Who was it who said that he had given such laws to his people as they were capable of receiving, not the best that could be formed? On a similar principle, we have suffered one capital defect to remain in our constitution—I mean the collectors. Do not laugh at the formality with which we have made a law to change this name from *supervisors* to *collectors*. You know full well how much the world's opinion is governed by names. They were originally what the word *supervisors* imports, simple *lookers on*; but though this change has taken place before I arrived, yet I found to my astonishment that they were known to the Court of Directors only in their original character. It was necessary to undeceive the Company; and, to that end we have called those officers by a title which will convey the true idea of their office. It was

[1] Gleig: *Memoirs of the Life of the Rt. Hon. Warren Hastings*, vol. I. p. 271.

once intended to withdraw the collectors entirely. They monopolize the trade of the country; and, of course, prevent the return of the specie by trade, since they trade with the amount of their perquisites. These perquisites I believe to be an oppression on the people and an obstruction of the revenue. They are most of them agents of their own banyans, and they are devils.[1] And as the collectorships are more lucrative than any posts in the service (the government itself not excepted whatever it may prove hereafter), we cannot get a man of abilities to conduct the official] business of the presidency without violence; for who would rest satisfied with a handsome salary of three or four thousand rupees a year to maintain him in Calcutta, who could get a lack or three lacks, which I believe have been acquired in that, and live at no expense in the districts? But whatever motives we had for recalling these officers, it appeared that there were among them so many sons, or *eleves* of directors, and intimates of the members of Council, that it was better to let them remain than provoke an army of opponents against every act of administration, by depriving them of their emoluments. They continue, but their power is retrenched; and the way paved for their gradual removal, and the Court of Directors have sufficient arguments furnished them to order their recall immediately."[2]

In transferring from Murshidabad to Calcutta the seat of the supreme courts of justice, the head seat of revenue administration and the Khalsa, Hastings was instituting a policy deliberately designed to make the last named place the capital of British Bengal. If Job Charnock is to be considered the founder of Calcutta as a seat of trade, Hastings may be regarded as the founder of Calcutta as the political capital of the British Empire. Although the Great Proconsul was to find himself compelled to acquiesce in a return to old arrangements, and to revive for the time being the importance of Murshidabad, his determination to make Calcutta the capital was never relaxed and in the end was fully accomplished. In the letter of November 3rd to the Court of Directors, he points out the advantages of the change:

1. "While the controuling and executive part of the revenue, and the correspondence with the collectors, was carried by a Council at Moorshedabad, the Members of your Administration had not an opportunity of acquiring that thorough and comprehensive knowledge of the revenue which can only result from practical experience."

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[1] This sentence is ambiguous, and an able Hindu writer in the *Calcutta Review* understood it to mean that Hastings regarded the Collectors as "devils." By "they," Hastings means the banians.

[2] Gleig: op. cit., vol. I., pp. 268-69. Among the Orme MSS, preserved at the India Office will be found "Regulations proposed for the Government of Bengal, composed by Mr. Hastings about the year 1765." See Hill: *Catalogue of Manuscripts belonging to the Library of the India Office*, vol. ii part i. *The Orme Collection.* Oxford, 1916.

2. "This change will afford great relief to the inhabitants of the provinces, in opening to them a more ready access to justice, insomuch that appeals from the decision of the inferior courts may now be made directly to the Presidency, whereas formerly they were first transmitted to the Council at Moorshedabad, and from thence an appeal lay to us."

3. "Another good consequence will be the great increase of inhabitants and of wealth in Calcutta, which will not only add to the consumption of our most valuable manufactures imported from home, but will be the means of conveying to the natives a more intimate knowledge of our customs and manners, and of conciliating them to our policy and government."[1]

In concluding the present chapter, it may be observed that the policy of Hastings in 1772, although it was to be radically affected by

[1] The following statements, which accompanied a letter of Hastings to the Court of Directors in 1775, shows the state of Calcutta trade during the years 1769-74. (Proceedings of Council, 22nd April, 1775).

1. CALCUTTA CUSTOMS HOUSE COLLECTIONS.

Years.	Gross duties.	Net duties.	Paid into the Treasury.
	C. Rs. A. P.	C. Rs. A. P.	C. Rs. A. P.
1769	2,62,765 12 3	2,37,960 12 6	2,24,306 5 3
1770	1,46,801 1 6	1,20,034 4 6	1,44,901 5 6
1771	2,06,166 6 3	1,83,526 13 3	2,01,650 13 6
1772	2,34,792 5 6	2,05,515 4 9	3,07,542 0 0
1773	3,39,484 12 3	3,04,818 11 3	3,06,192 0 0
1774	4,41,045 2 9	4,00,966 12 9	4,08,992 15 6

Calcutta Custom House,
The 1st January, 1775.

Errors exempted.
W. BENSLEY,
Custom Master.

NUMBER OF VESSELS ARRIVING IN THE RIVER HUGHLI.

Years.	No. of Vessels.	Tonnage.	Increase of Tonnage Annually.
1770	95	23,831	—
1771	81	25,070	1,239
1772	115	26,184	1,114
1773	161	37,037	10,833
1774	147	43,935	6,898

N.B.—The number of arrivals in the year 1774 being less than the foregoing year, and the tonnage more, is owing to the many small coasting vessels being put down in the account for the year 1773, and not included in last year.

H. WEDDERBURN,
Master Attendant.

the order given by the Court of Directors in 1773 for the withdrawal of the English collectors from the country districts, met with the approval of that capricious governing body. On April the 16th, 1773, they wrote to their Governor in Bengal:

5. "Your attention to the settlement of the Revenues as a primary object has our entire approbation, and it is with the utmost satisfaction we observe that the farming system will be generally adopted; more specially as the researches and discoveries made in the two preceding years must have nearly ascertained the value and produce of the lands, so that imposition on the part of the farmers respecting the value of the lands and oppression of the tenants may, we hope, be easily avoided.

6. "The extirpation of Mahmud Reza Khan's influence was absolutely necessary, and the apprehending of Shitabroy equally so, as the latter had been too long connected with Mahmud Reza Khan to be independent of him; but, if that had not been the case, it would have been absurd to continue a Naib Dewan in the province of Bahar after abolishing that office in Bengal; and as to any hopes which Mahmud Reza Khan may entertain of profiting by changes in the Court of Directors, those hopes must speedily vanish, for however different their sentiments may be in some particulars, they heartily concur in the propriety and necessity of setting him aside and of putting the administration of the Company's affairs in the hands of persons who may be rendered responsible in England for their conduct in India.

7. "Your choice of the Begum for guardian to the Nabob we entirely approve; the use you intend making of Nundcomar is very proper, and it affords us great satisfaction to find that you could at once determine to suppress all personal resentment, when the public welfare seemed to clash with your private sentiments relative to Nundcomar.

10 "If the abolition of the office of Naib Dewan and stepping forth as principals should in any degree alarm your European neighbours, we rely on your prudence for removing every improper jealousy that may be entertained on that account."

CHAPTER XII.

THE PROVINCIAL COUNCILS AND THE FAUJDARS.

In their General Letter of the 7th of April, the Court of Directors ordered the English Collectors to be withdrawn from the interior, and the Governor and Council were authorised "to substitute some other plan" of making themselves "acquainted with the exact value of every district and for giving relief to the inhabitants, till you shall be able to send your complete regulations for conducting this branch of our affairs which we have now under consideration." This decision necessitated a thoroughgoing reconstruction of the system established in 1772. It may be noticed in passing that the Court of Directors had expressed in 1769 an opinion on the subject of the Commercial Residents of a very similar kind to that on the subject of the supervisors in 1772.[1]

On November 23rd, 1773, the Board of Revenue met to consider the revision of the system of 1772, which the letter of the Court of Directors necessitated. Already the Council were feeling the burden which the centralising system of the previous year had placed on their shoulders, and yet, at the same time, they foresaw the grave evils which would be bound to ensue from a second revolution following so speedily on the first. They had recourse therefore to a scheme part of which would, they hoped, prove of a permanent nature, while the rest would be but temporary and would admit of modification or complete suppression as the event proved to be necessary. The following is a summary view of the plan.[2]

1. As permanent Establishment.

1. The districts forming the existing collectorships to remain, with such variations as would render them more easy of control, etc.

2. Each district to be superintended by a diwan or amil, except such as have been let entire to the zemindars or responsible farmers, who, in such case, were to be invested with that authority.

3. A Committee of Revenue to be formed at the Presidency, consisting of two members of the Board, three senior servants below Council, to meet daily, form resolutions and orders for current

[1] On March 17th, 1769, the Court wrote: "26. The great abuses committed by the English Residents throughout the Provinces in the carrying on their private trade induced us to order these Residents to be withdrawn; but now that we flatter ourselves we have rooted out these baneful monopolizing principles, we shall not be averse to restoring the Residencies where it is absolutely essential to the provision of the Investment. If you, therefore, deem it necessary to re-establish a Company's servant in the Residency of Malda, you have our permission, but no other residencies are to be established without our express order."

[2] Proceedings of the Board of Revenue, Nov. 23rd., 1773. *Vide* Harington: *Analysis*, vol: II, p. 29: Colebrooke: *Supplement*, p. 200, *et seq.*

business of the districts, and to report on such extraordinary occurrences, claims, and proposals, as might require the orders of the superior Council, which are to be laid before the Council in their Revenue Department.

4 The Diwan to correspond with the President of the Committee and the Ray Rayan.

5. Orders to the Diwans to be written in the name of the President and the Committee, sealed with the Khalsah seal.

6. Occasional Commissioners, or Inspectors, to be deputed for special local investigation; to be chosen from the Company's Servants, not by seniority but elected freely by the Board in consideration of their knowledge of the language and moderation of temper—a single adverse vote of a member of the Board excluding from appointment. The salary of such a Commissioner to be Rupees 1,500 per mensem. The Commissioners not to take with them into the districts banians, or, without, special permission, servants or dependents; not to lend or borrow money, purchase or sell articles in the districts, or farm taluks, appear as securities, nor to suffer their servants so to do.

7. Orders to be given to officers commanding sepoys forbidding them to detach sepoys for non-military purposes, and forbidding them to trade.

8. Officers of the Faujdari Adalats to be forbidden to hold farms, or to act in Court as Naibs or gomastahs on behalf of non-residents.

9. All complaints from the ryotts to be received.

2. Temporary.

1. The three Provinces to be divided under five Provincial Councils, each Council to consist of a Chief, four senior Servants, Persian Translator, Accountant and assistants, and a Diwan to be appointed by Government,—and at Calcutta, a Committee of Revenue consisting of two members of the Board, three senior Servants, Secretary, Persian Translator, assistants, and the Ray Rayan as Diwan.

2. The Provincial Councils to correspond with the Governor and Council in the Revenue Department, and the Diwans with the Ray Rayan.

3. The Collectors to be withdrawn from the districts on the termination of their current business.

4. Naibs to be appointed by the Provincial Councils for districts remote from their capitals; these Naibs to hold courts of Diwani Adalat, according to the Regulations of 21 August, 1772.

In this plan the Committee of Revenue, which must not be confused with either the supreme Board of Revenue which consisted of the whole Council, or the Committee of Revenue formed in 1781, was in its origin to hold jurisdiction over:—

The Calcutta Parganahs.
Hughli.
Hijili.
Mysadel [Maisadal].
Tamluk.
Nuddea.
Jessore.
Mahomedshai [Mahmudshahi.]
The taluks of Cantoonagur.[1]
"All lands belonging to persons of credit whose constant residence is in Calcutta."

This subordinate Calcutta Committee assembled at Calcutta till the 12th of May, 1780, when it removed itself to Hughli, probably in order to escape the too close vigilance of Warren Hastings. It is obvious that as two members of Council were among its members, at the time when Hastings and Barwell were standing at bay against the rest of the Council, the Calcutta Committee formed a little instrument in Francis's hands for the promotion of the cause of the opposition.

The five Provincial Councils shared the districts in the following manner:—

Murshidabad	Rajshahi, E. and W. divisions. Ruckanpur. Chunacolly. Lashkarpur. Jehanguirepur. Khas Taluks. Rajmehal. Boglepur (including annexations from Monghyr.) Currickpor, Jangalterai. "The districts under the management of Captain Brooke."
Burdwan	Burdwan. Midnapur. Bisnupur. Patchet. Birbhum. Ramgarh. "The districts under the management of Captain Carnac."

[1] On 20th August, 1772, the Committee of Circuit had determined "that the following districts and mahls being in the hands of responsible people shall continue to pay their rents at the Khalsa, but subject to the Provincial Courts of Adawlut established at Moorshedabad, *viz*:—

Budderpore, etc. ...	... Raja Goordass	... Khas Talooks.	
Hichapore ...	... Nubbookissen	... Nabobgunge	Hazzoory
Kantoongore ...	... Kauntoo Babu	... Bunderdo	Mull, etc.
Suckchur and Mahobutpore	... Joynarain Gosaul	... Assidnagur	
Kolora, etc. ...	... Ramchurn Roy.		
Houglaw ...	... Santiram Sing.		
Duckynarainpore ...	... Hurry Kishen Tagore."		

Dinajpur	Dinajpur.
	Silberries [Salburi].
	Purnea.
	Rangpur.
	Edrackpur.
	Baharbund.
	Cooch Behar.[1]
Dacca	Rangamati.
	Dacca.
	Sylhet.
	Attya.
	Cogmari.
	Barbazu [practically the district of Mymensingh.[2]]

Behar was to remain under the jurisdiction of the Chief and Council at Patna; and Chittagong and Tipperah under that of the Chief and Council of Chittagong (Islamabad) in correspondence with the Board of Revenue.

In 1781 Hastings found himself free to abolish these Provincial Councils. At his impeachment, however, he was charged with inconsistency in thus undoing his own work, and it is, therefore, important to notice, that the Councils were originally devised to serve as but temporary and provisional until a "future and permanent system" could be established. The Committee at the Presidency, although at first granted only a local jurisdiction, it was hoped, would in course of time take over the functions of the Provincial Councils.

"Whenever the accounts and arrangements of any one Division shall be so regulated and completed, as to enable them to bring the control down to the Presidency, the Provincial Council shall be withdrawn, and either continue to conduct the business of the Division at the Presidency, or transfer it at once to the Committee." When in 1781, the Provincial Councils were abolished, it was expressly declared that this was done with a view to carry into being the *permanent* system contemplated in 1773, viz., "that all the collections of the provinces should be brought down to the Presidency; and be there administered by a Committee of the most able and experienced of the covenanted servants of the Company, under the immediate inspection of, and with the opportunity of instant reference to, the Governor-General and Council."[3]

[1] Regulation XIX. "The Collectorship of Coch Behar to be put up at the same footing as Ramgar, and Currickpore; the officers to receive their orders solely from the Governor, and only to send their accounts to the Councils of their respective Divisions, for the sake of regularity."

[2] Bazuha is one of the sarkars of the *Ain-i-Akbari*, and comprised nearly all the district of Maimansingh, parts of Dacca, Patna, Rajshahi and Bogra. Bazu='an arm or wing.'

[3] Harington: *Analysis*, vol. II, p. 39. In a letter to the Court of Directors, May 5th, 1781, Hastings writes: "We must declare that in no act of our administration have we observed a greater consistency, or a closer adherence to fixed principles, than in this. The system, which we have thus attempted to establish, was first devised by the President and Council of this Presidency in 1773, and made a part of the same Resolution, which distributed the charge of the collections among the late Provincial Councils. These establishments were declaredly formed for the purpose of introducing the former; and were

In forming this plan Hastings had in view, not only the requirements of the revenue administration, but the actual conditions of the civil service. The restrictions placed on the Commissioners serve to show where the difficulty of forming any such plan lay. In a letter to Laurence Sulivan, 10th March, 1774, the Governor views this difficulty more closely:—

> "It is my earnest wish to bring the superintendency of the collections in their detail immediately to Calcutta; but this must be the work of time. The irregular and loose state of most parts of the province; the multitude of small farms and talooks in single pergunnas, each separately responsible for its own rents; and the want of substance in almost all the farmers of revenue, require a near and vigilant control, both for the security of the people from oppression and of the collections from embezzlement, neglect and dissipation. ....To prevent the abuse which might be made of this authority, the members of the Supreme Council, from whom the chiefs are selected, have been totally interdicted from trade,[1] and the other members of the Provincial Councils in such articles of it as are most likely to prove pernicious and oppressive to the country.[2] As an inducement to the chiefs and other members of the Superior Council to check any licentious exercise of the influence enjoyed by the inferior members in their private concerns, as an indemnification for their own forbearance, and a pledge for their faithful observance of it, it has been proposed that they shall be allowed each a monthly gratuity of 3,000 Rupees out of a fund raised for that purpose by the profits rising from the sale of opium, which, in consequence of reports made by me to the Board of the state of the opium trade in the province of Behar, soon after my return to the Presidency, has been made a property of the Company.....As the

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intended to be gradually withdrawn as experience might render them no longer necessary. The Committee itself was immediately formed, and, to give it greater dignity, two members of the Supreme Council were appointed to superintend it, although it then differed only in name from the other Provincial Councils, and its destined functions were reserved for a future arrangement."

[1] Regulation XXIV, however, excepts "diamonds for remittances to Europe, goods purchased in Calcutta to be exported to foreign markets, and goods brought from foreign markets for sale in Calcutta." In compensation for this restriction an allowance of Rs. 3,000 per mensem was granted.

[2] Regulation XXVI. "The Members and Assistants of the Provincial Councils, and other covenanted servants of the Company, residing in the subordinate factories and out-districts, to be restricted from making advances for grain, or any such articles as contribute to the subsistence of the natives and cannot be dealt in without oppression to them, such as ghee, oil, fish, jute, matts, straw, bamboos, beetel-nut, and tobacco, and they shall purchase only with ready money at the capital markets of the country." By Regulation XXV, "the Export Ware-house Keeper at Calcutta to be restricted from the trade in such articles as constitute the Company's investment, and the Export Ware-house Keepers of the divisions, and the Residents of Bowlea (Bauliah), Comercolly, Malda, Rangoon, Luckhipoor, and Colinda, from the same articles, within their respective divisions or districts."

institution of the Provincial Councils for the administration of the affairs of the revenue has often been talked of as a useful expedient, I am afraid it will have many advocates, both here and at home. For my own part, I esteem it as a temporary expedient, both useful and necessary, as I have declared already; but as a fixed and established regulation, I am apprehensive that it will be attended with consequences oppressive to the inhabitants, prejudicial to the revenue, and injurious to the trade of the Company. Each division would be liable to cause a separate tyranny of the most absolute kind, because from its decrees there could be no appeal, but to the Council at Calcutta, who (the President excepted) would be parties in every cause against the appellants, and because the people would lie too much at the mercy of their rulers to dare to lift up their voices against them. The trade of the country would be monopolized or laid under contribution, for who would hazard their property against the combined influence of private interest, and uncontrolled power? The revenues would suffer by the taxes levied for private profit on the zemindars and farmers, which the ryots would be compelled to pay for partial and insidious purposes, instead of the general good of the country, or the benefit of the State, and every division would wear a different form of Government, according to the different interests or caprices of those who presided over them. I have always considered the Collectors as tyrants, because the local advantages which they possessed, added to the timidity and patience of oppression which characterizes the natives of Bengal, restraining them from complaining and the chicanery and falsehood, for which they are equally notorious, discrediting every complaint which they might prefer, made it difficult for the Council to restrain them effectually, especially as the same interest by which these offices were acquired, would be always employed more or less to protect them. Yet there lay an appeal to their superiors, nor was it in the power of their patrons to defend them in cases of notorious enormity. But, if instead of junior servants, the members of the Board are themselves to be Collectors, they can be under no restraints. Their judges in all complaints against them will be composed of their equals and expectants of the same privileges. The President, whose more especial care it will be to hear and redress the wrongs of the people, will be a common object of hatred and jealousy to the rest of the Council, because he will not participate in their common interests; so that this system would be liable, not only to the worst species of despotism in the inferior members of the Government, but to cause a total anarchy at the head."

The force of this argument depends on the constitution of the Council, since, up to the time of the Regulating Act of 1773, the

Chiefs of the subordinate districts, were also Members of Council. In 1775 Hastings writes more favourably of the scheme of Provincial Councils, but, as has been made clear, it formed no part of his permanent plan, and in 1781, when the opposition of Francis had been removed, the Councils were abolished. The standing obstacle in the way of any effective organisation of the administration had been the liberty to trade allowed to the junior servants of the Company. To say this is not to assert that the Collectors had consciously abused the position which circumstances of office gave them. The Company's junior servants may be vindicated from the sweeping and harsh charges which were recklessly brought against them as a class, but the general truth of Hastings' assertion, however, remains irresistible. However fair and conscientious the Collectors might desire to be in their trading affairs, they would not be sufficiently conscious of the weight their position gave them in bearing down competition, depressing rivals, and bringing to their support merchants whose bids were tempered by other considerations than the sale-price of the goods in the market. A crowd of banians, gomastas, delols, and the like hanging round the Collector's residence in the early mornings, could not impress the ryot with the sense of the dignity of his ruler; and, in a land such as Bengal is, the master who knows precisely what his servants do in his name, was not so often found as might have been supposed.

The closer intimacy with the people of the country into which the Company's Government was brought by the development of its local administration may be illustrated by the fact that the Company had now to turn its attention to the institution of slavery in Bengal. The following Regulations, passed on 17th May, 1774, by the Governor and Council, not only touch upon that point, but are of interest in throwing light on the working of Hastings' general system within the newly created capital :—

> "The establishments hitherto formed for the Police of the Town of Calcutta, having been found insufficient to remedy all the disorders incident to so populous a City, and the Fouzdarry Adawlut being greatly impeded by the proper exercise of its functions, by the continual appeals which are made to it by the European inhabitants in complaints against their servants, by which crimes of the most atrocious nature have remained for months unexamined and the Jails crowded with prisoners, Resolved that the following Regulations be established and made public.
>
> "*1st.*—That the Fouzdarry Adawlut shall no longer take cognizance of complaints of the Christian inhabitants against their hired servants, or slaves, nor of claims of complaints of Masters of Ships or others, against Serangs, Tindals or Lascars for neglect of duty or desertion.
>
> "*2nd.*—That the Superintendent of the Police be appointed a Deputy to the Zemindar, and be commissioned, under

the authority of the Zemindar, to receive complaints from the Christian inhabitants of Calcutta against their hired servants, or slaves, to punish such as shall be adjudged guilty of offences not capital or highly criminal, with the slipper or rattan, to imprison such servants as shall have received advances of wages, and either deserted, or justly forfeited their service, untill they shall have repaid such advances, to refer accusations of every criminal nature, and against which the law would decree, either death, confinement to the Roads, or lasting imprisonment, to the Fouzdarry Adawlut; to receive the orders of the Zemindar in all doubtful cases and to report to him his proceedings weekly or oft'ner, if required.

"*3rd.*—That a Register be kept of all hired servants of the Christian inhabitants of Calcutta under the direction of the Superintendent of the Police, that for the charges of this office, one anna be received from the Master, for every servant so enrolled, and that the Superintendent do give a preference in the hearing of complaints to such as are made against servants who shall be thus registered, and that every endeavour of the Superintendent of the Police shall be exerted for the apprehending of servants enrolled who shall have fled from their service.

"*4th.*—All complaints from hired servants as described above against their Masters and Mistresses shall be received as usual by the Jemi-dar, or Justice of the Peace, who shall afford the complainant such redress as the law of England prescribes.

"*5th.*—That the chokeys and servants appointed to each which are fixed round the town of Calcutta, be put under the direction of the Superintendant of Police and that the charge of the maintenance of the peace and the protection of the persons and property of the Inhabitants within the bounds of the Town of Calcutta, that is to say, within a line drawn by the bridge and Nullah of Baugbazar, Cow-Cross, the Maratta entrenchment and Road adjoining, the same Road to the westward, the Colligaut Road to Colligaut, the Govindpore Nullah and the River, be committed to his charge. That the pay of these Chokeydars be issued to him monthly from the Cutcherry of the Committee of Revenue and paid by him to the Chokeydars.

"*6th.*—That an office be appointed for the Registry of Serangs, Tindals and Lascars belonging to this Port and for cognizance of all complaints concerning them subject to such regulations and institutions as shall be hereafter established on due enquiry. That all other misdemeanours described by the Judicial Regulations be cognizable as usual by the Fouzdarry Adawlut.

"*7th.*—That the following be the established rates of hire for servants of Christian families of the corresponding denominations, and that no servant shall have a right to more than those rates, excepting such excesses as he already may have received by the voluntary grant of his Master or Mistress.

"A List of the following Rates of the hired Servants in Calcutta—

Commencing the 1st of August 1774.

	Arcot. Rs.		Arcot. Rs.
Consumah ...	8 to 15	Wood and oil ...	3
Butler ...	5 to 8	A house to live in ...	26
Kistmatgar ...	4 to 6	Shaving Barber ...	2
Cook ...	8 to 15	Do. if a household servant ...	4 to 8
Do. mates ...	3 to 6	Hookerburdar ...	5
Masshallchey ...	3	Sirdar Mally ...	4
Compradore ...	2 to 3	Mates do. ...	3
Peons and Hircarrahs	3 to 4	Coachman ...	6 to 8
Hair Barber if more than one master ...	2	Sices ...	3 to 4
Do. if a household servant ...	5 to 8	Grass-cutters ...	2
That each sett of bearers consist of 7 men 6 of which at Rs. 3 per man ...	18	Washerman for a single gentleman ...	2 to 3
I Head do. ...	5	Ironingman ...	2 to 3
		Washerman for a family ...	4 to 6
		Ironingman for do. ...	4 to 6
		Taylor ...	3 to 6

"*8th.*—That every servant who shall have received an advance of wages, and shall have quitted his master's service, or absconded himself from it without leave, shall be punished with stripes according to the nature of his offence, and imprisoned untill he shall have repaid the amount of the advance, which shall be due for the day in which he absented himself unto the time to which the service due on such advance shall expire; and every servant who shall leave his master or mistress on the road or at a distance from their place of abode, without leave obtained, shall be punished with stripes, although an arrears of wages not exceeding a month shall be due to the said servants at the time of their absenting themselves.

"*9th.*—That every person who shall forcibly detain, or sell any man, woman or child, as a slave without a Cawbala or Deed attested in the usual manner, by the Cauzy [Kazi] of the place where the slave was purchased by the proprietor, or who shall decoy away or steal any children from their families or places of abode shall be punished as the law to which he is amenable shall direct.

"*10th.*—That from the 1st day of July 1774 answering to the 21st day of Rubee Asseny or the 11th Assar Bengal style, no person shall be allowed to buy or sell a slave who is not such already by former legal purchase, and any Cauzy who shall grant any Cawbawla after that date for the sale of any slave whatever, shall be dismissed from his employment and such Cawbawla shall be invalid.

"It is necessary to remark upon the two preceding Regulations, that the practice of stealing children from their parents and selling them for slaves, has long prevailed in this country, and has greatly increased since the establishment of the English Government in it. The influence derived from the English name to every man whose birth, language or even habit entitles him to assume a share in its priviledges, and the neglect of the judicious precautions established by the ancient law of the country, which requires that no slave shall be sold without a Cawbawla or Deed attested by the Cauzy, signifying the place of the child's abode, (if in the first purchase its parents names, the names of the seller and purchaser and a minute description of the persons of both) having greatly facilitated this savage commerce, by which numbers of children are conveyed out of the country on the Dutch and especially the French vessels, and many lives of infants destroyed by the clandestine attempts to secrete them from the notice of the Magistrate, there appears, no probable way of remedying this calamitous evil, but that of striking at the root of it, and abolishing the right of slavery altogether excepting such cases to which the authority of Government cannot reach, such for example as laws in being have allowed, and where slaves have become a just property by purchase antecedent to the proposed prohibition.

"The opinions of the most creditable of the Mussulmen and Hindoo inhabitants have been taken upon this subject, and they condemn the authorized usage of selling slaves, as repugnant to the particular precepts both of the *Koran* and Shaister oppressive to the people and injurious to the General Welfare of the country."

The withdrawal of the English Collectors from the districts necessitated some changes in the system of judicature established in 1772, for, as will be remembered, under that system the Collector presided in the civil Mufassal Diwani Adalat and exercised a general power of supervision in the criminal Faujdari Adalat. Under the system established by the Regulations of 23rd November, it was provided (Regulation XX.) :—

"The Naibs of the districts under each Provincial Council to hold Courts of Diwani Adawlut, according to the present Regulations, and transmit their proceedings to the Provincial Councils; but appeals in all cases to be allowed from them to

the Provincial Sudder Adawlut of the Division, without the five per cent. fee. These Courts of Provincial Sudder Adawlut to be superintended in rotation by the members who are not of the Council of Fort William: to decide ultimately on all cases not exceeding 1,000 Rupees (in this is included Malguzzary land, of which the jumma or produce is not more than 1,000 Rupees, and alienated or free land, of which the jumma is not more than 100 Rupees): in cases exceeding that sum, an appeal to lie, as at present, to the Sudder Diwani Adawlut. In all cases, the Provincial Councils at [illegible] of the Superintending member [illegible] zemindars, and other principal [illegible] to their conduct in the revenue, to be decided by the Provincial Councils and entered on their proceedings: if any of them think themselves aggrieved, they may apply immediately to the superior Council of Revenue at Calcutta."

In regard to the Faujdari Adalats, it was laid down.

"(XXII). The officers of the Foujedary Adauluts shall be forbid to hold farms or other offices in the Mofussil; they shall be obliged to reside on pain of forfeiting their employments; and it shall be declared criminal in any person to officiate in the Courts of Adaulut in the capacity of Naibs or Gomastahs for principals non-resident.

"(XXIII). Complaints against the officers of the Foujedary Adauluts to be made to the Governor, and to be referred by him to the Sudder Nizamut Adaulut, for their inquiry and determination."

While at Murshidabad, in 1772, Hastings had applied to the Begum for her consent for a person "to reside in Calcutta, on part of the Nabob, with powers to affix the seal of the Nazim and the signature on his behalf, to the warrants issued for the execution of the sentences of the Nizamut Adaulut," in order to prevent "the delays which attended the mode hitherto in practice of sending the futwas of the court to the Nabob for his warrant and signature, as also the ill use that might be made of it during the Nabob's minority by the influence of those about his person." The Council, on 23rd November, 1773, [illegible] accordingly nominated Sadr-ul-Huq Khan [illegible] added Rs. 50[illegible] Adaulut." They also "resolved that the seal be delivered to the Naib, and the President be requested to superintend him in the exercise of that office, as well as in revising sentences of the Adaulut as in passing the warrants and affixing the seal."

The Court of Directors, on being informed of Muhammad Riza Khan's acquittal, had written:

"The conduct of Nundcomar, in the part he has taken against

Mahomed Reza Cawn, appears to us so very inconsistent and unworthy, that we feel a repugnance to the continuance of his son in the high office of Roy Royan of the province; and, as the acquital of Muhammad Reza Cawn warrants us again to employ him, we direct that, if he can with propriety accept of that office, under the regulations and restrictions established by our President and Council, and with the salary granted to Raja Gurdass for executing the same, he be forthwith appointed thereto, and receive a proper khellaut (khilat) and such other marks of distinction as are usually conferred on natives on like occasions. We mean not by this appointment to restore Mahomed Reza Cawn to any improper degree of power, but merely to testify our satisfaction on finding his former conduct has been so much better than we expected." "(47) And in regard to Raja Gurdass, though we cannot consent to his remaining Roy Royan of the province, yet, in consideration of the favourable character we have received of him, we shall have no objection to his being appointed to any office of less importance, if you shall be of opinion that his behaviour has entitled him to such a mark of our indulgence."

The Court unfortunately was under a misapprehension. The office of Ray Rayan had never been held by Gurudas, but its occupant was Maharaja Rajbullub (Rajballabh), a son of Dulabram (Ray Durlabh). The office was one invariably held by a Hindu.

The Majority on the Council carried out the faulty directions of the Court in the following remarkable way. They revived the office of Naib-Subah, which had been abolished by the express orders of the Court, and in it they placed Muhammad Riza Khan; and, on the ground that Rajballabh was too young and inexperienced, they dismissed him from an office he had held for several years, and to his place appointed Gurudas, who was some seven years younger in age and had never been employed in the business of the revenues. The result of this change may be exhibited by the terms of the order passed by the majority on 18th October, 1775:

"Ordered, that the Secretary acquaint Mahomed Reza Khan that the Honorable the Court of Directors have been pleased to approve of the proceedings of the late Board on the investigation of his conduct.....and that he be further acquainted that the Honorable the Governor-General and Council have, therefore, been pleased to recommend him to the Nabob Mobarek O'Dowla to be Naib Soubah, or Minister of the Sircar, and guardian of his minority, with authority to transact the political affairs of the Sircar, to superintend the Foujdary Courts, and the administration of criminal justice throughout the country, and to enforce the operation of the same on the present establishment, or to new-model or correct it. As the Board wish that he shall have full controul of the criminal courts in the character of Naib Soubah, they propose

to remove the Nizamut Adaulut, now at Calcutta, to be held in future at Moorshedabad."[1]

Hastings, however, had made use of the opportunity afforded by his connection with the Nizamat Adalat, to make a deeper study of the conditions of the criminal judicature and police of contemporary Bengal. In a letter, dated 19th April, 1774, he observes that the benefits arising from a reformed system of judicature and revenue organisation were of necessity "reserved to a period of more established order than the present administration has yet had time to effect." He writes:

"1. The abolition of the Foujdarry jurisdiction and the Tannadarries dependent on it. This institution provided for the security of the public peace, and served as the official means of conveying regular intelligence of every disorder or casuality which happened in any part of the provinces. By its removal the confidence of the decoits is encreased, nor has any other means been substituted for giving intelligence to the Government of such events as relate to the peace of the country."[2]

"2. The resumption of the Chakeraun Zemeen (Chakaran Zamin) or lands allotted to the Tannadars and Pykes for their service in guarding the villages and larger districts against robbers. Many of the people thus deprived of their livelihood have themselves turned dekoits. Such of the monthly servants allowed by our late Regulations, as receive their allotted pay, are wholly employed for the service of the farmers in the business of their collection; but the greater part, I am assured, have their wages wholly withheld from them; so that none of them are of any utility to the community. This may perhaps account for the silence of the farmers with respect to the disorders committed in their districts.

"3. The farming system. Useful as this is to the general welfare of the state and of the people, it is one of the principal sources of the disorderly state of the mofussil, by the removal of that claim, which the public by immemorial usage before possessed to the restitution of all damages and losses sustained by robbers on the zemindars of the country. These

[1] For a defence of the Majority see a pamphlet entitled *The State of British Authority in Bengal under Mr. Hastings exemplified in the case of Mahomed Reza Khan. London, 1780.*

[2] In the same letter Hastings writes: "At this time I have repeated complaints from all parts of this province of the multitudes of decoits who have infested it for some years past, and have been guilty of the most daring and alarming excesses. I know not whether the knowledge of these evils has been officially communicated to members of the Board. To me it has only come through the channels of private information, as I do not recollect to have heard the slightest intimation of them from the zemindars, farmers, or other officers of the revenues—which may appear extraordinary, but I am assured that the zemindars themselves too frequently afford them protection, and that the reiats, who are the principal sufferers by these ravages, dare not complain, it being an established maxim with the decoits to punish with death every information given against them."

having no longer the same authority cannot be held accountable, as they formerly were, for the effects of it, although the right of Government has never been formally renounced. The farmers, who stand in their places, ought indeed to be made answerable for the disorders proceeding from their neglect; but, whatever they were compelled to pay on this account would be brought into their balances at the end of the year, and would thus ultimately fall upon Government itself.[1]

"4. I am sorry to enumerate among the encrease of robbers the regularity and precision which have been introduced into our new Courts of Justice. The dread which the common people entertain of the decoits, and the difficulty which even such an impression must attend the conviction of an offender of this kind however notorious, before a Mahomedan Court, which requires two positive evidences (witnesses) in every capital case, affords them an assurance of impunity in the prosecution of their crimes, since they generally carry on their designs in the night or under disguise. Amongst those who have been convicted of robbery, I do not recollect an instance in the proceedings upon their trial, in which their guilt has been proved by evidence, but by their confession only; and this has occurred in so many instances, that I am not without a suspicion that it has been obtained by improper means."

In an earlier letter,[2] Hastings had described some of the difficulties created by the Mahomedan Law, e. g.

1. When a murder had been perpetrated by means of an instrument not designed for shedding blood, it was held that the intention to kill was not proved, and a fine, instead of death, was inflicted.[3]

2. The privilege allowed to the nearest-of-kin to a murdered person to pardon the murderer. Such a law would render it comparatively easy for a man to procure the assassination of his father.[4]

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[1] In Hastings' first period of residence in Bengal, an agent in his private trade, had in 1768, been murdered in the Bakarganj district. The fine inflicted on the zamindar remained a balance on the revenue account, and was ultimately remitted as such.

[2] Letter of 1st July, 1773, recorded in the Proceedings of Council, 3rd August, 1773.

[3] Hastings gives the following illustration: "I beg leave to quote an instance in the proceedings above referred to. A man held the head of a child under water till it was suffocated, and made a prize of her clothes and the little silver ornaments which she wore. It was evident that his object was no more than robbery, and murder the means both of perpetrating and concealing it. There is too much cause also to suspect the extraordinary manner in which the murder was committed was suggested by the distinction made by the law in question, by which he was liable to no severer retribution than for the simple robbery; whereas he would have been sentenced to suffer death, had he killed the deceased with a knife or a sword, although he might have been impelled to it by sudden passion and not premeditated design. Yet for this horrid and deliberate act he is pronounced guilty of manslaughter only, and condemned to pay the price of blood, which seems invariably fixed at the sum of 3,333-5-4."

[4] On 24th December, 1789, the Collector of Behar wrote: "At present every crime is tried by Mussulman law, the Moguls, as conquerors, having introduced their own code. It were superfluous to refer to my several particular letters to the Foujdarry Department to

3. The law that the next of kin to the person murdered should execute the sentence on the murderer. "It would be," writes Hastings, "difficult to put a case in which the absurdity of it should be more strongly illustrated than in one now before us, of a mother condemned to perish by the hands of her own children for the murder of her husband. Their age is not recorded, but by the circumstances, which appear in the proceedings, they appear to be very young. They have pardoned their mother. They would have 'deserved death themselves, if they had been so utterly devoid of every feeling of humanity, as to have been able to administer it to her who gave them life."

On the 19th April, 1774, the Governor proposed that, in order to meet notorious disorders in the country, the following measures should be adopted :—

1. Faujdars should be appointed "at stations hereafter mentioned, for the protection of the inhabitants, for the detection and apprehension of public robbers within their respective districts, and for transmitting constant intelligence of all matters relating to the peace of the country to the Presidency."

2. The Zamindars, farmers, and other revenue officers should afford all requisite assistance to the Faujdars, and if convicted of neglect in giving assistance, to be made answerable for losses so occasioned.

3. The farmers should restore to the Faujdars the services of the land-servants, and these should be placed under the absolute command of the Faujdars.

4. "Chakeraun zemeen, or lands allotted for the maintenance of the Tannadars and pykes, which have been resumed and included in the jumma, may be again separated from it and applied to their original design."

5. The jurisdiction of each Faujdar to be ascertained by proper limits ; and the Faujdar be made responsible for the due maintenance of the peace within those limits ; but it might be enjoined on him to send his officers, when occasion should so require, beyond those limits, in order to secure offenders.

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evince the evils of that part of the Mussulman code which makes murder pardonable by the plaintiff : indeed, very little argument is requisite to distinguish an offence against society from one against the individual, punishment for murder being to deter repetition and not to redress the heirs, who.....would be glad to relinquish a painful privilege, which involves timid minds in a delicate embarrassment; for, if they reqire blood for blood, it may be attributed to implacability; they may apprehend the haunting of a punished criminal, or the sanguinary revenge of his relatives. Perhaps too they may fear the anger of the Foujdar, should his intercessions be rejected.....Not one man in five hundred deserving of death has that punishment inflicted: the certainty of suffering for proved offences operates more effectually to prevent commission than cruel punishment. When, therefore, a system is found easily to discover and quickly to make example, I hope that humanity will not be shocked by staked spectacles writhing in agony, if superior judgment shall resolve that partial torture does not promote general security." Law : *Sketch of some late Arrangements*, pp. vii-viii.

6. An office should be established, under the control of the President, for receiving all reports from the Faujdars and issuing orders to them.

7. All persons found guilty of collusion with dacoits should be "adjudged equally criminal with them and punished with death."

8. The list of proposed boundaries for the thanas :—

1. Calcutta
- South, Carry Juree.
- North, Patta [1] village in Calcutta Pergunna.
- East, Baddadherry [2] river.
- West, Ganges.

2. Tannah Mucwa.
- South, Khauler [3] Pergunna by the North of the Roopnarrain [4] river.
- North, Bhetera village.
- East, Ganges.
- West, Ranguppore village in Booro [5] Pergunna of the Serssutty river.

3. Houghley [Hughli.]
- South, Bhetera village.
- North, Mirzapore.
- East, Moolgur [6] Pergunna.
- West, Pawnan [7] and Doolook.

4. Cutwa.
- South, Mirzapoor.
- North, Babta.
- East, Tehutt.
- West, Barbucksing Pergunna.

5. Jillee Shaepore.
- South, Purloa.
- North, the conflux of Sootee and Ganges.
- East, Kulliangunge.
- West, Sultanabad Pergunna.

6. Moorshedabad.
- South, Babta.
- North, Muncoot.
- East, Jellengee.[8]
- West, Rendia and Gobgaund villages.

[1] Patta. Palta?

[2] Bidyadhari river.

[3] Khaler.

[4] Rúpnaráyan.

[5] Purah, corruptly Boroh, in Sarkar Satgaon, on west side of the Hughli.

[6] Mulghar—now partly in Nadia and partly in the 24-Parganahs, and in Jessore, west of the Kaladah.

[7] Pawnan, about 8 miles west of Hughli.

[8] Jalanghi.

7. Godagaree.[1]	South, Pudda river.[2] North, the northern boundaries of Lushkerpoor [3] and Chundlehey [4] Pergunnas. East, Islampoor Pergunna. West, Deonagur.
8. Sherpoor[5] in the Pergunna Batterea.	South, Howgaund in Pergunna Catarmull. North, Naga Sebegunge[6] in the Pergunna Pertab Bazoo.[7] East, Chittun river. West, Beash pergunna.
9. Attyah	South, Chandpertab[8] Pergunna in Dacca, North, Jaffier Shahy [9] Pookeria Pergunna. East, Bowal [10] Pergunna. West, Izuffshahy Pergunna.
10. Rajenagur.[11]	South, Backergunge. North, the South of Dacca city. East, Barampooter [12] river. West, Boosna frontier.
11. Backergunge [Bakarganj.]	South, Arungabad [13] Pergunna. North, Sundarcool [14] Pergunna. East, Jellalpoor [15] Pergunna. West, Siedpoor Pergunna in Dacc
12. Mirzanagur.[16]	South, Dulleapoor Pergunna. North, Moorley [17] Cutcherry. East, Sultanpur Cururea [18] Pergunna. West, Moolgur Pergunna.

[1] Godagari near the junction of the Mahananda and Padma in Rajshahi district.

[2] Padma river. [3] Lashkarpur in the centre of Rajshahi District.

[4] Chandlai. In the *Ain* in Sarkar Barbakabad as Sandlai. Partly in Rajshahi and partly in Malda district.

[5] Sherpur in Bogra district: in Mahomedan times a town of some importance.

[6] Seebgunge. On 1st March, 1771, Rennell dates a letter from this place announcing the defeat of a band of fakirs by Lieut. Feltham. Consultations of Murshidabad Comptrolling Council of Revenue, 7th March, 1771.

[7] Pertab Baju, in the Bogra district. Included in the *Ain-i-Akbari* in Sarkar Bazuha.

[8] Chandpartab Bazu. Included in the *Ain-i-Akbari*, Bengal Asiatic Society's edition, (vol. ii, p. 137) as in Sarkar Bazuha.

[9] Bazu Zafar Shahi. Included in the *Ain-i-Akbari* (vol. ii, p. 135) in Sarkar Ghoraghat as two mehals, which probably mean the two portions on each side of the Brahmaputra.

[10] Bowal, included in the *Ain-i-Akbari* in Sarkar Bazuha (vol. ii, p. 137.)

[11] Rajnagar. In Faridpur district. The branch of the Padma here is called Kirtinasa or destroyer of antiquities. The palaces and temples built here by Raja Rajballabh have been destroyed by the river. [12] Brahmaputra.

[13] Arangpur. A parganah formed out of Chandradwip. Beveridge: *Bakarganj*, p. 124.

[14] Sundarkul=banks of the Sugandha or Sunda river. *Ibid.*, p. 124.

[15] Jalalpur, the name of a large parganah in Faridpur and Dacca, *Ibid.*, p. 52.

[16] Mirzanagar. "When this district [Jessore] was first occupied in 1781, Mirzanagar was one of the five thannahs then existing; Bhusna and Mirzanagar being, in fact the two powerful thannahs." Westland: *Jessore*, p. 203. *Ibid.*, p. 134.

[17] Murli. "The head-quarters of Jessore was first at Murli, two miles from the present station." Westland: Op. cit, pp. 114-15.

[18] Sultanpur Khararia. See map in Westland: *Jessore*.

13. Itchacada[1] — South, Jessore. North, Burreshetty village in the Pergunnah Shawoozaul[2] to Coomar[3] river. East, Hazee Gunge, Noorullapoor[4] Pergunna. West, Kallerhaccoure under the Khas talooks.

14. Beerbhoom. [Birbhum.] — South, Bissenpoor. [Bisnupur.] North, Jellasorepoor frontier. East, Barbucksing[5] frontier. West, Deogur.

9. "The Tannas of Calcutta, Moorshedabad, Burdwan, Dacca, and Deenagepoor [Dinajpur] may be placed under the controul of the Chiefs, the Committee of Revenue, and the Provincial Councils, but the immediate jurisdiction and official management of each must be entrusted to a single hand: it will find him sufficient occupation."

In recommending this scheme, Hastings stated that he had not included Behar in his plan, as he did "not know that it requires the like provision for the maintenance of its peace," and he further explained that he had not as yet been able "to ascertain the stations for the northern part of Bengal, or the eastern division of Dacca," an admission which serves to show the vagueness and tentative nature of the information at the governor's disposal.

It was not contemplated that all these faujdari stations should at once be framed, and Hastings was content to recommend that "an immediate trial be made of the stations at Cutwa, Mirzanagar, and Eechacauda." It appears on the proceedings of Council, on 9th November, 1775, that the only "Foujdary Chuclas established at that date were those of Hughli, Cutwa, Mirzanagur and Boosna."[6]

The faujdari system introduced in 1774 was very vigorously criticised by the opposition members of the Council, and it was also complained of as oppressive by Seid Golam Hossein in his *Sier-i-Mutaqherin*. It is needless to repeat these criticisms, since the VIth Resolution of 6th April, 1786, candidly admits that the establishment of faujdars and thanadars "has by experience been found not to produce the good effects intended by the institution."

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[1] Ichacada or Itchakada, 4 miles west of Magurah, in north-west of modern Jessore district. See Westland: Op. cit., p. 212.

[2] Shah Ujiyal.

[3] Kumar. See Westland: Op. cit., pp. 4, 8, 9.

[4] Narullapur. See Beveridge: *Bakarganj*, p. 408.

[5] Barbaksingh. Included in the *Ain-i-Akbari* (vol. ii, p. 139) as Barbuksail. In south Birbhum.

[6] Colebrooke: *Supplement*, p. 127.

APPENDIX.

The following paragraphs from the General Letter of the Governor and Council to the Court of Directors, 18th Ocober, 1774, will throw some further light on the important subject of slavery in Bengal :—

"21. The establishments hitherto formed for the Police of the Town of Calcutta having been found insufficient to remedy all disorders incident to so populous a City, and the Phouzdarry Adawlut being greatly impeded in the proper exercise of its functions by the continual appeals which are made to it from the European inhabitants in complaints against their servants, by which crimes of the most atrocious nature often remain for months unexamined and the jails crowded with prisoners, we took this subject under our consideration in the month of May last, and resolved upon certain Regulations calculated to ease the Phouzdarry Adawlut in the cognizance of complaints of masters against their servants for venial offences, and to introduce better order in the Police of the Settlement by vesting a degree of authority in such matters in the Superintendant of the Police, that these Regulations might be generally known and meet with that support from each individual necessary to enforce them in the community, they were submitted through the Channel of the Superintendant to the consideration of the inhabitants who, selecting from their own body a Committee of twelve, agreed to every measure that could lend to give them efficacy, and we would fain hope that the practice of these Regulations will in time evince their utility.

"22. Amongst these Regulations we must beg leave to point out to your particular observation the 9th and 10th by which we took upon us for the reasons that are there subjoined to abolish in future the right of slavery in this country. The great increase of late years of this savage commerce from the causes therein pointed out seemed to call upon us to adopt this regulation as a measure of good policy in our Government to prevent hasty strides towards depopulation and as the opinions of the most creditable Mussulmen and Hindoo inhabitants taken on this subject condemned the authorized usage of selling slaves as repugnant to the particular precepts of the *Koran* and Shaister, as oppressive to the people and injurious to the general welfare of the country, we made no hesitation on such strong and concurrent grounds to pass the Resolution and we directed it to be published and obeyed at all the Provincial Divisions.

"23. In consequence of these orders, we received a reference from the Council of Dacca advising us that it was an established custom throughout the Dacca districts to keep in

bondage all the offspring and descendants of persons who have once become slaves, and requesting therefore to be furnished with our orders whether the benefit of our 10th. Regulation was to be extended to the children of slaves subsequent to the period mentioned in that Regulation.

"24. Upon considering this reference we found it necessary to superadd to our former resolution the explanation which is contained in our Proceedings of the 12th July, namely—That in those districts where slavery was in general usage or any way connected with or likely to have influence on the cultivation or revenue, particular advice was to be transmitted to us of such usage and every circumstance connected with it, when we should give such directions as we might judge to be necessary, but that considering their reference in the meantime in the light of a general proposition we were of opinion, that the right of masters to the children of their slaves could not legally be taken from them in the first generation, but that this right could not and ought not to extend further; and we directed the several Provincial Divisions to make publication accordingly.

"25. We cannot doubt that the motives of policy and humanity which influence this regulation will meet with your approval, but we would wish also to be favoured with your sentiments and orders on the subject to regulate our conduct when we shall receive the reports called for from the several Provincial Councils of the state of slavery throughout their districts: some of these have been already received; others are still expected."

CHAPTER XIII.

THE SUPREME COURT OF JUDICATURE.

Francis has spoken of "that period of delirium, during which it was asserted by some, and believed by many, that the revenue of the Dewanny lands was inexhaustible," and Mill records that in 1766 "the inflated conceptions of the nation at large multiplied the purchases of India stock, and it rose so high as 263 per cent."[1] Dreams of the sudden fortunes to be made by traffic in Indian stock had the effect of subordinating the Court of Proprietors to the influences of stockbrokers and the Alley. The director, with the permanent interests of the Company before him, was painfully aware of the Company's actual condition of indebtedness; the proprietor, whose interests lay in the purchase and sale of his stock, was indifferent whether the dividend was paid out of money received into the Treasury or from money raised by loans in anticipation of the sale of the investments. In 1767 this antagonism of interests produced a most significant result. The Directors had ordered the prosecution of those servants who had accepted presents on the occasion of Najm-ud-daula's accession to the *musnud* in 1764. The more influential of the incriminated servants, who had been driven from Bengal by Clive in 1765, had reached England, and, finding the Proprietors engaged in a warfare with the Directors on the subject of the dividend, they succeeded in uniting their cause with that of the powerful Opposition. At a General meeting of the Court, on the 6th of May, the Proprietors voted a dividend of 12½ per cent. and the resentment of the majority at the Director's opposition to the increase carried a resolution that the suits commenced against the Company's servants should be dropped. It has been said, probably with truth, that it was this display of partisan animosity, rather than any statesmanlike desire to provide India with a better form of government, which led to the subsequent intervention of Parliament in the Company's affairs.

In 1767 Parliament definitely asserted its right to control the Company's action in the distribution of its monies. An Act was passed which directed that, after the 24th. of June, 1767, dividends should be voted by ballot only at General Courts expressly assembled for that purpose; 10 per cent was set as the maximum dividend; and it was ordered that no dividend should be declared before the next session of Parliament. In April, 1769, an Act was passed which represented a compromise between the English Government and the Company. In consideration of a continued enjoyment of the Indian Revenues for the next five years, the Company was to pay into the Exchequer £400,000 annually. If the revenues should prove adequate for the purpose, the Company might in each year increase the dividend by 1 per cent. until the dividend

[1] Mill: Op. cit. Edn. 1840, vol. iii, p. 432.

reached a maximum of 12½ per cent.; but, on the other hand, should the dividend fall below 10 per cent. the payment to the Exchequer was to be subject to a proportional rebate, and should the dividend fall to 6 per cent. the payment to the Exchequer was not to be made. The Acts of 1767 and 1769, while silent on the all important subject of sovereignty, established the principle of the right of the nation to control and participate in the acquisitions of the Company.

While the public mind was engaged in contemplating wonderful visions of oriental wealth, the position of the Company was becoming so embarrassed by debt that on August the 10th, 1772, the Chairman and his Deputy were compelled to interview the Minister, and to plead for a loan of one million from the public. It was natural for the Company to account for the failure of its expectations by the misdoings of their far distant servants, and to represent their punishment and reform as the most effective of remedial measures. It was natural for the Government to forward a scheme for the better administration of Indian affairs—measures calculated to bring the Company's business at Leadenhall more within the control of the ministers at Westminster. The policy, which brought into existence the Regulating Act of 1773, looked in these two directions—the removal of evils which had their operation in the Company's constitution, and evils which had their operation in India. It was thought that by diminishing the number of votes in the Court of Proprietors, and prolonging the period for which the Directors were elected to serve the management of the Company's affairs would be rescued from "tumult and disorder." Consequently the Act of 1773 raised the qualification for a vote in the Court of Proprietors from £500 to £1000 in shares, and replaced an annual election of all the Directors by an annual election of one-fourth of the number. To meet the evils which operated in India, a new Executive Government and a Supreme Court of Judicature were created.

The Regulating Act[1] (13 Geo. III. Cap. 63) provided that from August the 1st, 1774, the Company's administration in Bengal should be vested in a Governor-General, with a salary of £25,000, and four Councillors with a salary of £8,000 each, and the Presidencies of Madras and Bombay were, in vague terms, subordinated to the Government at Fort William. The first Governor-General and the members of Council were nominated in the Act, and were appointed to serve for five years, after the expiration of which the Company would nominate the next occupants of the offices. The Governor-General, the Councillors and the judges were forbidden to engage in commercial pursuits, and the acceptance of presents was forbidden to servants of the Crown and the Company. For a Supreme Court of Judicature, a Chief Justice with a salary of £8,000, and three judges with salaries of £6,000 each, were provided.[2]

[1] Collection of Statutes relating to India, vol. i, p. 69, *et seq.*

[2] *Vide* the *IXth Report of the Select Committee, 1783*, p. 4 and Mill: Op. cit., vol. iii, p. 350. The essential point to be remembered is that with many of the Proprietors (tenderers of contracts with Government, clerks in public offices, etc.), the influence attaching to their position as voters was more important than the amount of the dividend.

In regard to the new form of government provided for Bengal it may be said with confidence that Mill's criticism of the Regulating Act fails entirely to touch the facts of the situation. The old system of Government, which the Act abolished, had this radically vicious element—it made the Company's Servants the final judges in their own causes. The Council had hitherto included the very persons whose mismanagement or oppressive conduct it was the business of the Council to inquire into or correct, and a body so constituted was hardly likely to exercise the necessary severity. Mill entirely ignores this important point, and contents himself with repeating once more the theory that large salaries are securities against the temptation to accept undue increments. He, however, criticises the Regulating Act with real effect when he points out that failure to provide for the new Supreme Court of Judicature a clear indication of the rules by which that Court was to give judgments; but, when he argues that to bring the Executive Government under the cognizance of the Court would be to turn the Court into the government, he ignores the existence of constitutional principles which in England make it possible for the Crown to be made a party to causes in its own courts.

The feature of the new Indian constitution, which in reality was the most exposed to attack, was the arrangement by which a majority of the Council were given power to defeat the Governor-General's policy. Experience soon pointed to the mistake that had been made, and in 1786 the right to overrule the Council was easily conceded to Lord Cornwallis.[1] To Hastings' courageous use of his casting-vote must be attributed the escape of India from the disasters to which the country was exposed by the conflicts at the Council Board during the years 1774-81. The expedients to which the Governor-General was driven to protect measures, the success of which depended on secrecy and expedition, from premature exposure, futile debate, and fatal delays, produced many of those effects which so well served the purposes of the managers of Hastings' subsequent impeachment. Sir John Strachey does not employ expressions too strong when he characterises the plan of governing an empire by a constantly shifting majority at the Council Board as "impossible" and "folly."

Sir J. F. Stephen has compared the framers of the Regulating Act with hypothetical statesmen in 1885 endeavouring to "provide for the efficient Government of Egypt without openly invading the authority of the Sultan or the Khedive, or expressly asserting the sovereignty of the Queen."[2] The comparison is hardly to the point, for Lord North's ministry was not professedly providing Bengal with a new form of Government. The persons over whom the Supreme Council and Court were to exercise jurisdiction were not *any* inhabitants of India residing in Bengal, Behar, and Orissa, but the "subjects of Great Britain, of us, our heirs, and successors." In legal docu-

[1] In 1793 the principle was extended to the Governors of Madras and Bombay.

[2] *The Story of Nuncomar and the Impeachment of Sir Elijah Impey*, vol. i., pp. 12-13.

ments of so high an importance, a lawyer at least would desiderate some carefully drawn clauses safe-guarding the jurisdictions of the native Adalats, which it was no intention of the framers of the Act to invade. Not intending to trespass on jurisdictions which were derived from the constitution of the country, or to bring under English rule persons who, in the current view, were regarded as subjects of the Mughal Emperor, the Act and the Charter of the Supreme Court were silent as to persons and judicatures other than those originated by the Act. If we begin by viewing the Regulating Act as a measure designed for the better government of Bengal as a whole, we shall be perplexed to find that the Act :—

(1) Beyond authorising the Governor-General to frame, with the consent of the Supreme Court, byelaws for the town of Calcutta, gives no legislative power to the Governor-General and Council ; and

(2) that the Act neither settles the local or personal jurisdiction of the Supreme Court outside Calcutta and the subordinate settlements, nor determines what law is to be administered.

Under the Regulating Act the Governor-General and Council simply step into the place of the former President in Council and the Select Committee ; the Supreme Court, with more elaborate machinery, takes the place of the old Mayor's Court. *De facto* the Company's administration has been so expanded that it is now in practice difficult to discriminate between an inhabitant of the country who is and one who is not "under the protection of the said Company ;" *de lege* those who are not amenable to the new jurisdictions are negatively determined by the definitions of those who are amenable. According to the Charter the civil jurisdiction of the Supreme Court extended over "all European and British subjects resident in Bengal, Behar, and Orissa, and every other persons who, either at the time of bringing the action, or at the time the action accrued, was "employed" or "was directly or indirectly in the service of the Company, or any other of our subjects." In regard to criminal jurisdiction, the Court had the authority of Commissioners of Oyer and Terminer and "goal delivery in and for the town of Calcutta and the Factory of Fort William in Bengal, and the factories subordinate thereto." Trial was to be by jury, and both the grand and petty jurors were to be "subjects of Great Britain resident in the town of Calcutta." Had the new jurisdictions been intended for the entirety of Bengal and its inhabitants there would not, of course, have been this reference to Fort William and "the factories subordinate thereto," and to European and British subjects.

Writing two years after the opening of the Supreme Court, Philip Francis points out that the great question of actual sovereignty is still undetermined. "We have," he says, "a Supreme Court of Judicature resident at Calcutta, whose writs run through every part of these provinces in his Majesty's name, indiscriminately addressed to British

subjects, who are bound by their allegiance, or to the natives, over whom no right of sovereignty, on the part of the King of Great Britain has yet been claimed or declared.[1] While these contradictions are permitted to subsist, the actual government of the provinces must continue to be an arbitrary succession of acts of power without right, flowing from different sources and excluding every idea of unity, regularity, or system. It would be absurd to propose a plan for the internal settlement of the country, without taking it for granted in the first instance, that ere long it will be determined, whether the natives of Bengal are to acknowledge one sovereign, and be subject to one government; or whether they are to be left in their present state, divided between their native prince, claiming the rights of *subadar*; whose government the Company tells us, "they are engaged by solemn stipulation to support; —the Emperor, whose rights, as Lord Paramount, inherent in the constitution of the empire, have been for a number of years acknowledged by the Company;—the Presidency of Fort William, who hold the sword by agreement with the Nabob, as they do the purse, by grant from the Emperor; and lastly a Court of Judicature, exercising an unlimited jurisdiction through the provinces, in the name of the King of Great Britain."[2]

That the Court was not intended to hold "an unlimited jurisdiction throughout the Provinces" is clear from the repeated references to "European and British subject," to natives under the protection or in the employment of British subjects. The Supreme Court was in fact to occupy the position of the Mayor's Court founded in 1727, and re-chartered in 1753, and its institution was believed to be necessary because the Mayor's Court, composed of functionaries appointed in Calcutta, had been found an insufficient deterrent to wrongdoing on the part of the Company's officials. The Mayor's Court had authority to try causes in which the Company itself was a party, but the Judges in that Court were removable at the pleasure of the President and Council. The Judges (or aldermen) of the Mayor's Court had generally been junior servants of the Company; and it was theirs to decide, without any professional knowledge of the law, cases affecting the property, the liberty, and the lives of British subjects and their native dependants. The process of an appeal from that Court to the King in Council had been intolerably tedious, and from time to time the Mayor's Court had been compelled to delay justice until Counsel's opinion could be sent from England to determine vexed questions. The institution of the Supreme Court was, therefore, an act of reformation rather than of

have been so construed as to enable the Court to issue writs of mandamus prohibition, and *certiorari* to every court in Bengal, and to issue a habeas corpus to any native to bring up the women in his zenana." Op. cit. vol. ii, pp. 125-26.

[1] Francis: *Minutes of the Governor-General, etc.*

innovation. It was not intended to supersede or to trespass upon the judicature deriving their authority from the Mughal constitution, or to settle the question of the Mughal sovereignty by practically edging it into limbo. The Directors, no doubt, looked on the Supreme Court as an instrument of the kind they long coveted, to terrorise their servants in Bengal. Its establishment enabled them to take the trial of alleged offences of its servants out of the hands of a complacent Council Board, and have such cases determined by the awe-inspiring puisne Justices of the Crown. Orders for the prosecution of civil servants before the Supreme Court at once became so plentiful that even the most conscientious of men entered upon office as Revenue Collectors with a lively apprehension of being ruined by litigation commenced by irresponsible persons, who would have nothing to lose by going to law and possibly, should technicalities favour them, much to win.

Sir J. F. Stephen has said that the drafters of the Regulating Act did not wish "to face the problem with which they had to deal, and to grapple with its real difficulties. They wished that the King of England should not act as the Sovereign of Bengal, but they did not wish to proclaim him so. They wished not to interfere in express terms either with the Moghul Emperor or with the Company which claimed under him,"[1] The Sovereignty of Bengal was in this case the jumping cat: for the opening of the bag by some other hand English statesmanship was patiently waiting. Sir J. F. Stephen's view is not the one which best fits in with historical facts. The policy of the Regulating Act was to improve the existing administration carried on by the English Company in Bengal, and not to provide a new Bengal Government. What the Act achieved was: (1) A change in the *personnel* of the Governor's Council by which the doings of the Company's servants would henceforth be controlled by men who would have no personal interest to serve by cloaking misgovernment in the districts, and who presumably would be free from the class prejudices of the Company's servants. (2) For a Court, composed of Company's servants, removable by Company's servants, it substituted a Court of King's Judges, and professional men of the law. The defects in the drafting of the Act, however, had the effect of obscuring the intentions of the authors. In 1829 the Judges of the Supreme Court had occasion to express their opinion of the Legislation of 1773, and in a letter to the Board of Control, they pointed out, that, but for the existing practice of excluding Hindus and Muhammadans from the jurisdiction of the Supreme Court, it would have been difficult for them to decide from the Act of 1773 "in what relation it was that the legislature (in 1773) meant it to be understood that the Bengal Provinces and the inhabitants of them were placed:"[2]

In the drafting of the Regulating Act there was yet another defect, and one which was bound to influence the rural administration of Bengal.

[1] Stephen: Op. cit., vol. ii, p. 129.

[2] Quoted by Stephen, Op. cit., vol. ii, p. 128. I cite this as an instance of the difficulty occasioned by the poor drafting of the Act and charter. The Judges in the letter take notice of the point I have emphasised that the jurisdiction of the Court was over persons who were, absolutely or temporarily, subjects of the Crown.

The Governor-General and Council were vested with "the whole Civil and Military Government of the said Presidency, and also the ordering, management and government of territorial acquisitions and revenues of the kingdoms of Bengal, Behar and Orissa," and the "management, etc.," was described as "in like manner to all intents and purposes whatsoever as the same now are or at any time might have been exercised by the President and Council or Select Committee." The Supreme Court, on the other hand, was to "have full power and authority to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours, or oppressions committed or to be committed; and also to entertain, hear and determine any suits or actions whatsoever against any of His Majesty's subjects in Bengal, Behar and Orissa, and any suit, action, or complaint against any person who shall at the time when such debt or cause of action or complaint shall have arisen have been employed by or shall have been directly or indirectly in the service of the said United Company, or any of His Majesty's subjects." The Act fails to make clear beyond dispute whether the "management, etc." vested in the Council was, or was not, to be exempt from the jurisdiction of the Court. It was a matter of notoriety that the collection of the revenues afforded the richest opportunities for oppressions by persons "in the service of the said United Company." On this matter the Council and Court at once came into collision, the former holding that the Act exempted its officers from the jurisdiction of the Court in respect of acts done by them in the collection of the revenue, while the latter maintained that the duty of hearing cases in which the revenue officers were complained against on the score of illegal acts was precisely one of the most important purposes for which the Supreme Court had been created. Here, as will be seen, was afforded an opportunity for a violent quarrel between the Executive and the Judicial powers.

Of the four Judges Chambers, an emeritus Vinerian professor, was probably the only one deeply learned in the science of law, but he appears to have been of a timid disposition, and far too subject to personal influences; Hyde, a hard and conscientious worker, but, if Impey is to be believed, a victim to some "disorder," was apt to be a partisan, and Lemaistre, a protege of the licentious Lord Sandwich, was not blessed with a gift of discretion. Hyde and Lemaistre stood for the extreme opinion, and were with difficulty restrained by the Chief Justice from taking up the position that the Regulating Act had deprived the revenue authorities of all judicial power in their own department. Our histories have taught us what we might expect to be the character of the attitude Clavering, Monson, and Francis would assume to any opponents they might encounter; the most reasonable and sober of causes were bound in their hands to become unreasonable and fanatic. At one time in course of the controversy with the Supreme Court, Hastings and Francis were at one, and it is difficult to decide how far Hastings' usually cool judgment was not carried above the temperate zone by the heated atmosphere of his Council when he found himself supported by those who in all other concerns were banded to oppose him.

The establishment of the Supreme Court, of course, involved the absorption into it of the Mayor's Court, and the judges at once decided that no Court with a criminal jurisdiction could exist in Calcutta save their own. This decision placed in abeyance the Faujdari Court which, as it was decided, or taken as granted, that inhabitants of Calcutta were all British subjects, was left without any functions to perform.[1] The quarrel of the Government with the Supreme Court had also the serious effect of suspending the operations of the Sudder Diwani Adalat, which practically remained in abeyance till 1780. The superintendence of the District Diwani Adalats, as has been seen, had been vested in the Provincial Councils of Revenue.

The conflict between the Executive Government and the Supreme Court naturally occupies a considerable space in Mill's *History of British India*, and it is suggested by Sir J. F. Stephen that the subject has been "greatly misunderstood and misrepresented" by Mill, "where excessive dryness and severity of style produce an impression of accuracy and labour, which a study of the original authorities does not by any means confirm." The subject is one of primary importance in any attempt to relate the history of the English administration of Bengal. In noticing the defects in the drafting of the Regulating Act, Mill writes: "On the principal ground, Parliament as usual trode nearly blindfold. They saw not that they were establishing two independent and rival powers in India, that of the Supreme Council and that of the Supreme Court; they drew no line to mark the boundary between them; and they foresaw not the consequences which followed, a series of encroachments and disputes which unnerved the powers of Government, and threatened their destruction." Sir J. F. Stephen's position, on the other hand, is that, despite some occasional indefensible utterances of individuals ("the silly violence of Lemaistre's character," etc.) the Court was justified by the intentions of the framers of the Regulating Act, and had an unquestionable right to take cognisance of "severities" in the collection of the revenues.

The picture painted by Mill of the confusion to which the country was placed by the intervention of the Supreme Court is a sombre one, and his critic is justified in describing the colouring as exaggerated. The passage is a long one, yet it would be hard to find better words than Mill's own to convey the impression :—

> "The judges had not been long in the exercise of their functions when the effects of their pretensions began to appear. The writs of the Supreme Court were issued at the suit of individuals against the zemindars of the country in ordinary cases of debt; the zemindars were ordered to Calcutta, to make appearance, taken into custody for contempt if they

[1] In 1772, after the abolition of the Comptrolling Council of Murshidabad, the Nizamat Adalat, or superior Native Criminal Court had been brought down to Calcutta, and placed under the charge of a *darogha*, subject to the control of the President of the Council. In October, 1775, the Nizamat Adalat was sent back to Murshidabad, and Muhammad Riza Khan, as Naib Nazim, was entrusted with the control of the Native Criminal Courts.

neglected the writ, or hurried from any distance to Calcutta, and, if unable to find bail, were buried in a loathsome dungeon. In a minute of General Clavering, Colonel Monson, and Mr. Francis, dated the 11th of April, 1775, they declare that process of this description had been issued into every part of the provinces. 'Zemindars,' they add, 'farmers, and other proprietors of the lands, have been seized upon their estates, and forcibly brought up to the Presidency, at the suit or complaint of other natives, and detained there, or obliged to give bail, according to the nature of the case. By these proceedings, the minds of the natives were thrown into the utmost consternation and alarm. They saw themselves surrounded with danger of a terrible nature, from a new and mysterious source, the operations of which they were unable to comprehend.....The evils, not of apprehension merely, but of actual suffering to which it exposed them, were deplorable. They were dragged from their families and affairs, with the frequent certainty of leaving them to disorder and ruin, any distance, even as great as 500 miles, either to give bail at Calcutta, a thing which, if they were strangers, and the sum more than trifling, it was next to impossible that they should have it in their power; or to be consigned to prison for all the many months which the delays of English judicature might interpose, between this calamitous stage and the final determination of the suit. Upon the affidavit, into the truth of which no inquiry whatsoever was made, upon the unquestioned affidavit of any person whatsoever, a person of credibility, or directly the reverse; it made no difference whether the individual prosecuted, was within the jurisdiction of the court, the natives were seized, carried to Calcutta, and consigned to prison, where, even if it was afterwards determined that they were not within the jurisdiction of the court, and of course that they had been unjustly prosecuted, they were liable to lie for several months, and whence they were dismissed totally without compensation. Instances occurred, in which defendants were brought from a distance to the Presidency, and when they declared their intention of pleading, that is, objecting to the jurisdiction of the court, the prosecution was dropped; in which the prosecution was again renewed, the defendant again brought down to Calcutta; and again, upon his offering to plead, the prosecution was dropped. The very fact of being seized was, in India, a circumstance of the deepest disgrace, and so degraded a man of any rank, that, under the Muhammedan government, it was never attempted, except in cases of the greatest delinquency. Not only the alarm which these proceedings diffused throughout the country, but the effects which they threatened to strike the collection of the revenue, strongly excited the attention of the Company's servants and

the members of their government. To draw from the ryots the duties or contributions which they owe, is well known to be a business of great detail and difficulty, requiring the strictest vigilance, and most minute and persevering application. Anything which strikes at the credit of the zemindar, farmer, and other functionary, by whom this duty is performed, immediately increases the difficulty, by encouraging the ryot in the hope of defeating the demand by evasion, cunning, obstinacy, or delay. The total absence of the functionary, called away to attend the proceedings of the Supreme Court, his forcible removal, or the ignominious seizure of his person, went far to suspend the collections within his district, and to cut off the sources of those payments for which he was engaged to the Company.

"It has been the immemorial practice in India, for that great branch of the government intrusted with the collection of the revenue, to exercise the department of jurisdiction which regarded the revenue, to decide in that field all matters of dispute, and to apply the coercive process which was usual for enforcing demands. These powers were now exercised by the Provincial Councils, and the Courts established by the name of Diwannee Adaulat, under their authority. The mode of decision was summary, that is expeditious, and inexpensive; and the mode of coercion was simple, and adapted to the habits and feelings of the people. One or more peons, a species of undisciplined soldiery, employed in the collections, was set over the defaulter, that is, repaired to the house, and there watched and restrained him, till the sum in demand was discharged. In a short time the Supreme Court began to interfere with these proceedings. The defaulters were made to understand by the attorneys, who had spread themselves pretty generally through the country, that if they would throw themselves upon the Supreme Court, they would obtain redress and protection. They were taught, as often as any coercive process was employed by the judges of revenue, to sue out a writ of habeas corpus in the Supreme Court; where it was held competent, and was in practice customary, for the judges to set them at liberty upon bail. This excited still more violently the apprehensions of the members of government, in regard to the collection of the revenue. As the disposition to withhold the payment is universal and unremitting in India, and never fails to lay hold of every occasion which afford any chance either of delay, or evasion; they apprehended that such a course, held up to the people, would breed a general tendency; and they concluded with justice, that if, in the innumerable cases in which compulsion was necessary, it could be exercised through the tedious, laborious, and expensive forms of English law, the realizing of revenue in India was a thing altogether impossible."

In this passage Mill states the case of the Council against Supreme Court. Sir J. F. Stephen, whose pre-occupation it is to defend the judges, admits that the procedure in the districts in cases before the Supreme Court constituted "a serious grievance," for which the authors of the Charter in the first instance were to blame, and the Judges, in the second, as they had not exercised their right of drawing up rules calculated to prevent the abuses complained of.[1] The matter of the manner of arrests in civil cases he regards as a "topic of prejudice" to the real subject of debate—the right of the Supreme Court "to interfere with the Company's servants in their judicial capacity, and more especially in their capacity of Collectors of the Revenue." Before discussing that question, it will be convenient to notice some of the leading instances in which the Judges put that alleged right into practice.

1. *The case of Commaul O Deen*, [*Kamal-ud-din*]. This person seems to have been the ostensible holder of a salt-farm at Hijili,[2] on behalf of the real farmer, Kantu Babu (Hastings' famous banian) and is best known for the important part he played in the trial of Nanda Kumar, at which he appeared to maintain that his signature on the jewel deed was a forgery. The Revenue Council of Calcutta had issued a writ for Commaul's commital on the ground of an arrear of revenue due from him as farmer, and this claim Commaul disputed. The Supreme Court held the return to be defective in form as it omitted to "express a power in the Council of Revenue to commit without bail or mainprize, although words to the same effect were inserted." It was admitted by the President of the Calcutta Revenue Council (Mr. Cottrell) that it was customary to take bail in such cases, and the Judges, therefore, held that the "best and most undoubted authority" required, in a case of a disputed account, that the defendant should be held to bail, till the inquiry as to his obligation to pay was completed. They, therefore, ordered Commaul, who had been brought up on a writ of habeas corpus, to be admitted to bail, and not again imprisoned until his under-renter had been called upon to pay the arrears and had proved to be insolvent. The Supreme Council at once expressed their resentment at this action of the Judges, who they alleged were "not empowered to take cognizance of any matter or cause dependent on or belonging to the revenue," the Regulating Act having, in their view, confirmed the Company as Diwan of Bengal. When, however, the

[1] Sir James writes: "The procedure in the mofussil in cases before the Supreme Court was the ordinary English procedure in civil actions at common law slightly modified, that is to say, a writ was issued and served, and if the defendant did not thereupon put in bail to answer the action he was liable to be arrested, as the phrase was, 'on mesne process,' and imprisoned till his case was heard, which might be for many months. The only modification introduced into this by the rules of the Supreme Court was that an affidavit as to the fact which was said to make the defendant liable to the jurisdiction of the Court was required of the plaintiff, and the writ was not issued untill by this means a *primâ facie* case had been made out for its issue to the satisfaction of one of the judges of the Court. This law of arrest on mesne process was beyond all question one of the worst and most oppressive points of the law of England as it stood, down almost to our own times. Its introduction into India was indefensible." Op. cit., vol. ii, pp. 144-45.

[2] Beveridge: *The Trial of Nanda Kumar*, p. 235.

Council determined to order the Provincial Council to re-imprison Commaul, and to pay "no attention to any order of the Supreme Court or any of the judges in matters which solely concern revenue," the Governor-General declined to support the measure proposed. Shortly after this Commaul took a part in the famous Nanda Kumar business, and he was made to feel the resentment of the majority of the Council. In a letter to the Court of Directors, dated September 19th, 1775, Impey explains that a distinction should be drawn between claiming a jurisdiction over the original cause, which the judges had not done, and an intervention on the part of the Supreme Court to prevent the Company's officers, "under the colour of legal proceeding," being "guilty of most aggravated injustice." "This distinction, if attended to," he adds, "is sufficient to clear away everything that can give the least alarm on the account of the interests of the Company; for the Court, allowing the custom and usage of the collections to be the law of the country, have only compelled the officers of the Government to act conformable to these usages, and not to make use of the colour and forms of law to the oppression of the people."[1]

2. *The Burdwan Provincial Council of Revenue and the Rani of Burdwan.* "In this case," writes Sir J. F. Stephen, "the Judge of the Supreme Court appears in a mischievous and rather ludicrous light. His letter was arrogant, foolish, and in all ways unjustifiable, but he was acting so far as the issue of the summons went within his legal rights. Higginson was unquestionably liable to the process, both Criminal and Civil, of the Supreme Court, and, if he did illegally imprison the Ranee, was intended by those who drew the Act to be subject to such process." Higginson was the President of the Burdwan Provincial Council of Revenue. The following is the letter of Mr. Justice Lemaistre:—

"Sir,

"A complaint has been made to me against you on behalf of the Ranee of Burdwan, which appears to me to be of a very serious nature.

"I apprehend that the late Act of Parliament had particularly in view to protect the natives of this country from all oppressions committed through European influence. The Ranee, who appears to be the widow of one of the most ancient rajahs, and one of the first families in Bengal, is, it seems with the Rajah her infant son, kept in a state of inquietude and duresse by a military force under your orders and directions; and a man of the lowest state of people is, against her consent intruded upon her, introduced as a principal servant into her family, takes upon himself the receipts and disbursements of her cash, threatens and even dismisses her servants at his pleasure, puts them under the custody of peons, and in

[1] Stephen: Op. cit., vol. ii, p. 134 *et seq.* India Office, Record Department, Parliamentary Branch Collection. IXth Report House of Commons, 1781. General Appendix. III, No. 14.

every respect acts contrary to the wishes and inclinations of the Ranee, who is thereby rendered no longer mistress of her own house, but obliged to take refuge in her most inward apartments, and prevented (from the fears and apprehensions she is under) from performing her accustomed religious ceremonies. Even her private apartments (by all Europeans hitherto deemed sacred) are, it seems, not considered by you as an asylum;[1] and you, it is sworn, have broke through that respect and decorum, which, according to the customs and usages of this country, is due to every person of her sex, and peculiarly to a person of exalted rank.

"I am told (and, indeed, I have seen it in writing) that this is attempted to be justified by orders from Government. With me it greatly aggravates this offence, since Government is as much under an obligation to be just as the lowest individual; and more is to be allowed in the defence of an individual who, actuated by the sudden impulse of his passions, commits an injury, than to him who is the ready instrument to execute the orders of despotic power, a power which, give me leave to say, the Creator could never mean to delegate to human beings.

"It is sworn to me that the Ranee is not indebted to the public revenues, except, perhaps, for the current month, and she is accused for no crime, and that neither your Sepoys nor your tormentor[2] Bahadur Sing, do claim to act under the process of any Court of Judicature.

"If any respect and regard, therefore, is to be paid to the ancient families of this country, if the British legislature did mean, by the late Act of Parliament, to protect the natives; I shall be glad to see by what arguments this Government will attempt to justify, against a person of such high rank as the Ranee of Burdwan, a violation of civil rights which would be deemed detestable, if practised upon the meanest peasant in the mother country.

"Every disturbance of the peaceable enjoyment of a person's house is an enormous oppression, and while I stay in this country, I will, to the utmost of my power, give the same redress, and the same measure of justice to the lowest of the people, which I hope to see given to the Ranee on this occa-

[1] Sir J. F. Stephen adds this note: "The violation of the zenana is mentioned as a grievance in several cases. Macaulay is virtuously eloquent about it. The impression made on my mind is that it was a kind of pleader's flourish, like the 'assault and beat,' 'broke and entered,' and *alia enormia* of old fashioned English special pleading. The charges are made as well in the cases where the High Court's interference was claimed as in those in which it constituted the grievance complained of."

[2] Is Lemaistre giving a literal translation of the word "Sezawal"—an ordinary name for a native bailiff?

sion, be the oppressor ever so great and powerful. A regard for the interests of the East India Company, which might be affected by an arrest of all the members of one of their Provincial Councils, prevents me from sending such a warrant as the flagrancy of the case seems to require. Personal respect and regard likewise to yourself induces me to send only a summons, which I hope you will attend to without delay. But the insolent fellow, introduced into the Ranee's family against her consent, I have now sent a constable to apprehend.

"I have summoned likewise the person who commands the sepoys; and I hope to hear, upon your arrival at Calcutta, that the sepoys are withdrawn, and the Ranee left at liberty to do what, and go where she pleases."[1]

3. *Seroop Chund's habeas corpus.* As Malzamin, or surety for the payment of revenue, Seroop Chund had become liable for a payment of a balance of revenue amounting to the sum of Rs. 10,000, and, in default of payment, peons were stationed over his house. Seroop Chund [2] was also Khazanchi or cash keeper of the Dacca Council, and, while the matter of his arrears of revenue was under discussion, inquiry was also made as to a sum of Rs. 66,745 in which he was in default to the Treasury. It transpired that Seroop Chund's inability to meet the demands made upon him arose from the loans he had made to various servants of the Company, but Seroop Chund denied that the loans he had made had been from the Company's money. The Chief of the Council, John Shakspeare, for his part, denied that he owed Seroop Chund the Rs. 10,000 which the latter professed to have lent him, and joined the other members of the Council in ordering Seroop Chund into confinement. The Company's attorney, to whom the matter was referred, placed before Mr. Justice Hyde the proceedings relating to the revenue arrears, but not those relating to the sum due to the Treasury from Seroop Chund as Khazanchi. In giving judgment on the case, Lemaistre followed the decision given by the Chief Justice in the case of Commaul, and laid down that in the matter of Seroop Chund's contract as Khazanchi with the Dacca Council, that body had no right to be judges in their own cause, and to attempt to secure their claim by arbitrary imprisonment. In the course of his judgment Lemaistre is reported to have said: "Who are the Provincial Chief and Council of Dacca? . . . They are no *Corporation* in the eye of the law..... The Chief and Provincial Council of Dacca is an ideal body.....A man might as well say that he was commanded by the King of the Fairies, as by the Provincial Council of Dacca; because the law knows no such body."[3]

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[1] Stephen: Op. cit., vol. ii., p. 150 *et seq.*

[2] See Firminger: *Sylhet District Records. Passim.*

[3] Stephen: Op. cit., vol. ii, p. 15 *et seq.*

4. *The case of Dutt* v. *Hosea.* Mr. Hosea[1] was the chief of the Murshidabad Provincial Council of Revenue and Head of the Diwani Adalat of that city. The details of the case are not of present importance. Believing that the Murshidabad Diwani Adalat had acted with great irregularity, the Advocate-General, Sir John Day, had urged the Governor-General and Council to compromise the case, and so prevent it going to Court for decision. This the Council refused to hear of, as "this was the first instance in which the members of any Diwani Court had been sued as individuals in the Supreme Court for acts done in their judicial character"; and therefore "the suit ought to take its course for the purpose of ascertaining by a legal decision whether the Diwani Courts are, or are not, competent in their judicial powers upon the principals of their own constitution." Judgment was given by the Chief Justice in favour of the defendant, on the principle "that in cases of suits instituted before the Provincial Councils, except in manifest cases of corruption, the Court will not enter into the irregularity of their proceedings."

There are two far better known causes—the Patna and Cossijurah cases—which will require notice, but before proceeding to take them into consideration, it will be convenient to observe what Sir J. F. Stephen has to say of the decisions already noticed. He writes:

> "I pause here for a moment to give in a few words the effect of the decisions actually given by the judges of the Supreme Court up to 1779, so far as appears from the Report[2] of Touchet's Committee, upon the position and authority of the Company's Servants who occupied judicial positions, especially in connection with the collection of the revenue, the most important of whom were members of the Provincial Councils. It was this: The Courts established by the Company were recognised as Courts of Justice, the judges of which were not liable to actions for their judicial proceedings, even if they were irregular, unless they were corrupt. It had also been held that they had a right to hold revenue debtors to bail for revenue debts, and to confine them by putting peons on them or in prison until bail was given to appear before the Diwani Court, but that they had no right to imprison them without bail, in order to secure the payment of what ultimately might be found due. In other words, the Supreme Court did not allow the Revenue Courts to imprison a man without bail on mesne process. As far as I can discover this was all that had been done in the course of the first four years of the Company's existence, though much jealousy, much apprehension, and much bad feeling had been aroused."[3]

[1] Hosea—a nephew or Orme, the Historian, perished with his family in the wreck of the *Grosvenor*. See Fay: *Original Letters* (Messrs. Thacker Spink's Reprint).

[2] This is Collection No. 9 of the India Office, Record Department, Parliamentary Branch.

[3] Stephen: Op. cit., vol. ii, pp. 161-62.

Stated in this way the claims of the Supreme Court, admitting an intention on the part of the authors of the Regulating Act that the Court should check abuses in the action of the Government, do not seem unreasonable or exaggerated. It may be observed, however, that whatever may be said of the actual decisions, the Judges, or at least some of them, had made use of language amounting to a challenge of the legality of the organisation of the Government. In the expressed opinion of Lemaistre "a man might as well say that he was commanded by the King of the Fairies" as plead the orders of a Provincial Council of Revenue. The Chief Justice himself was reported to have treated the Nawab "as a mere empty name, without any legal right, or exercise of any power whatever": Hyde was credited with the remark "the Act of Parliament does not consider Muburuck-al-Dowla as a sovereign prince," and Lemaistre had said: "with regard to this phantom, this man of straw, Muburuck-al-Dowla, it is an insult to the Court, to have made the question of his sovereignty." Sir J. F. Stephen points out that Lemaistre's denial of a legal corporate character to the Provincial Council of Dacca was true, since in India "no one except the Governor-General and Council and the Supreme Court had any defined legal rights or position, and that it was impossible to say that the Government had any legislative power or any sort of effective substitute for it."[1] If this were to be admitted, it would follow that the Revenue Courts held by the Provincial Councils were not lawfully founded Judicatures, and this Sir James admits: "It would," he says, "have been easy for the Supreme Court, had they really been factiously disposed, to have justified and acted upon the doctrine that no other Court of Justice except themselves existed in Bengal, Behar, and Orissa, and that the law of England was introduced into the whole country and not simply to a certain extent into Calcutta." Such a conclusion, as Sir James recognises, would have been in practice a monstrous and intolerable absurdity, yet surely, if it would have been so monstrously and intolerably absurd for the judges to dispute the validity of the Diwani Adalats, it was no less monstrously and intolerably absurd to advance the position that the Revenue Councils were merely ideal bodies, and that a Chief of a Revenue Council was as, in the eye of the law, real a person as the King of the Fairies.

It will suggest itself to the reader that when the Regulating Act declares that "the whole civil and military government of the said Presidency, and also the ordering, management, and Government of all the territorial acquisitions and revenues of the Kingdom of Bengal, Behar, and Orissa shall be and hereby are—vested in the said Governor-General and Council.....*in like manner to all intents and purposes whatever* as the same now are or at any time hereafter might have been exercised by the President and Council or Select Committee in the said kingdoms," the Act gives legal confirmation to what was known as the Diwani, *i.e.*, the civil administration as held by the Company

[1] Stephen: Op. cit., vol. ii, p. 155.

in past years. To say that the Act vested this management, etc., in precisely five persons, the Governor-General and the four members of the Council, and to plead *Delegatus non potest delegare* would be, to forget that the *manner* of managing the revenue of so vast a country as the united subahdaris of Bengal, Behar and Orissa, would necessarily be by delegation The position maintained by the Governor-General and Council was broadly that the Act had indeed confirmed the Diwani in their hands, and with this position the right of the Supreme Court to check pervasions of the Diwani constitution was not in principle inconsistent. The language of the Judges, however, went far beyond the modest claims represented by their decisions, and tended to weaken the power of the Executive Government.

During the early stages of the controversy concerning the Court's right to deal with alleged oppressions in the revenue collections, several incidents occurred of a kind well calculated to excite the apprehensions of the Executive Government. On one occasion, in 1776, when the Court were in need of evidence in a cause, they issued a *subpœna* on the Secretary of the Council, ordering him to produce in Court the records of the Supreme Council. The Council, although ready to submit extracts which would exhibit all that belonged to the particular cause refused to expose to the Court a whole collection of papers containing secret transactions of Government with which the Court could not be concerned. The Chief Justice, thereupon, compelled the Secretary to reveal the names of the members of Council and the purport of their votes as to the production of the records: the Councillors who had voted that the records as a whole should not be produced were declared to be amenable to a suit.

In a minute dated 21st November, 1775, the majority of the Council complain:

> "If by our authority as Dewan confirmed to us by Parliament, a farmer be confined for arrears of rent, the Supreme Court of Judicature takes the cause out of our hands, decide on the merits, and discharge the prisoner; if we dismiss the Judge Advocate, he applies to the Supreme Court for a mandamus to reinstate him in his office; if we dismiss the Secretary of our own Board, we see him encouraged to bring an action for the salary against his successor; if we order a British subject to repair to the Presidency, he pleads the protection of the Supreme Court of Judicature, and declines or refuses to obey us; if, for reasons of the most serious political importance, we endeavour to support the authority of the country government, and the sovereignty of the Subah, we have not only the foreign factories, but the Supreme Court of Judicature immediately to contend with; they publicly deny the existence of such a government, and affectedly hold out the person and authority of the prince to the contempt of the world.

"According to the doctrines maintained by the judges, there is scarce any act of government, however necessary or expedient, which if it tends to control the actions, or to thwart the interests, of individuals, may not expose the members of the Council to actions in the Supreme Court; we even doubt whether we are authorised to prevent any person from quitting the provinces and going up the country, though we should be certain of their intention to enter into the service of a foreign power. In these circumstances, many useful and obvious regulations for the benefit of the country must necessarily be left unattended. A general recoinage had been repeatedly recommended to us by the Court of Directors; such a measure is, without doubt, indispensably necessary; but it is of a nature too delicate and important, and likely to be attended with too many difficulties in the execution, to be undertaken with safety by a divided government, with a hostile Court of Judicature. We could point out a number of other objects which would deserve our attention, and of abuses, which calls upon us for redress; but this is not a season for a mere majority of the Council to undertake any measure for the public service, in which the learned in the laws of England can discover anything to cavil at. While a standard is publicly hoisted against our authority, and every individual in the country invited to repair to it; while protection is given to every man who denies or resists the authority of government; and while the Governor-General takes a willing and a decided part in every measure that tends to degrade the Council and disarm us of our lawful powers, we are not sanguine enough to expect that any efforts of ours should be equal to the execution of the trust reposed in us. We cannot answer for the collection of the revenues, we cannot answer for the internal government of the country nor for the safety of the State; our utmost efforts shall still be exerted to preserve the peace, and to promote the welfare of the country, until the necessity or expediency of a new arrangement shall be determined at home; but divested as we are of all power, we owe it to our safety and character to discharge ourselves in the most solemn manner of all responsibility."[1]

At the time this minute was written, the judges had so far done nothing which could justify a solemn disclaimour of responsibility for the well government of the country on the part of three members of Council. Of a far more serious nature is the representation made by the Court of Directors to the Ministers of the Crown in November, 1777—a document of which Mill has given a lengthy and accurate account.

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[1] Forrest: *Selections, etc.*, vol. ii, pp. 462-63. For Hastings' comment, see *Ibid*, vol. ii, p. 494.

In June, 1777, however, the Council found itself compelled to accept the decision of the Judges on the momentous question who was the Governor-General—Hastings or Clavering? On the 19th of June intelligence reached Bengal that the Directors had accepted the resignation of the Governor-General's office, which Macleane, as Hastings' agent, had tendered, and that a new Council had been appointed to fill the vacancy. On the 20th of June, Hastings, who repudiated his agent's act, assisted by Barwell, sat as Governor-General in one department, while Clavering assumed the dignities of that office in another. The curious events of that brief struggle have often been told, and the reader will remember that Hastings' proposal to submit the issue to the decision of the Judges was reluctantly but finally accepted by Clavering and Francis. After a prolonged night-session at the Chief Justice's house, the Judges declared that the resignation tendered by Macleane in England was invalid, and that therefore Hastings was indubitably Governor-General.[1] Subsequently the Judges disallowed the argument which Hastings and Barwell had advanced that Clavering by occupying the Governor's chair had implicitly vacated his seat in the Council. After all that had passed, the reference of these two great questions to the judges was in itself a victory for the Supreme Court, but the end of the struggle had not yet been reached.

In the two causes remaining for consideration, the conflict between the Supreme Council and the Court comes to a culminating point.

1. *The Patna Cause.* Fortunately it is not necessary to detail the complications which led to this suit being brought before the Supreme Court; it is with the bearing of the Judges' decision on the Government of the country, and not with the question of wrongs sustained by the parties in the case that we are concerned. Toward the end of the year 1776, Shabaz Beg, a military adventurer from Cabul, died at Patna, leaving behind him a considerable fortune. A few weeks after Shabaz Beg's death, a nephew, by name of Bahadur Beg notified to the Provincial Council that the widow of the deceased had embezzled some of the goods and prayed that the Kazi and Muftis, the Mahomedan law officers of the Council, might be instructed to ascertain the petitioner's right, "and give information to the presence (*i.e.* the Council) that your petitioner may obtain his right." It is very likely that Bahadur Beg's first object was, as Ewan Law, the Chief of Patna, supposed, to obtain "the charge of the widow and the possession of the estate, and this is ever the case where the widow has a claim to any considerable inheritance." The Council issued a *parwana* to the Kazi and Muftis to take an inventory of the property, to secure it till orders were passed as to its division, and to report to them the ascertained facts and legal justice.

Deriving the accounts of the events which ensued the issue of this order, from one and the same source, Mill gives an account which

[1] See *Bengal: Past and Present*, vol. i. and vol. xii: "The Governor-General of a Day."

would lead the reader to suppose that the widow, Nederah Begum by name, acted throughout with an almost insane violence, while Sir James Stephen's account leads up to the view afterwards taken by the Chief Justice that in this instance the widow was regarded by "the black officers" as a "proper object of rapine and violence." Nederah Begum fled from the house, carrying away with her some of the title-deeds and the female slaves of the deceased, but whether her flight was designed to bring the law officers into odium, or whether the violence of the law officers compelled her to fly, cannot be ascertained. Some time before January 20th, 1777, the Kazi and Muftis delivered in their report, and from this document it appears that the nephew, Bahadur Beg, laid claim to his uncle's property as the adopted son of the deceased, while the widow claimed by virtue of a will and deed of gift. The Kazi and Muftis were of opinion that the will and deed of gift were both forgeries, and they recommended that the property, excluding an altamgha, which would not form part of the inheritance, should be divided into four parts, three of which should be given to Bahadur Beg, and the fourth to the widow. The Provincial Council accepted the report, and had ordered a division to be made accordingly. The widow declined to accept this fourth share, and as she declined to return to the house and to yield up the property she had carried off with her, the Council placed a guard over her place of refuge—a shrine of a Mahomedan saint inhabited by Hindu fakirs. Ultimately she brought an action before the Supreme Court against Bahadur Beg, and the Kazi and Muftis, for assault, battery, and imprisonment during a period of six months.

In giving judgment, the Chief Justice declared that the assertions of the Kazi and the Muftis, that the will and deed of gift were forgeries, were unproved. The circumstance, Sir Elijah said, "makes us shrewdly suspect that this identical report never had existence till it was fabricated for the purpose of this cause." The original Persian report was not produced, but only an unsigned translation, which indeed had the appearance of being, not a *bona fide* translation, but an account drawn up by an Englishman from a statement made by a native. It is not however necessary to labour through the details of the judgment. The point which concerns the present inquiry is that in the Patna Cause the Supreme Court held the law officers of a Provincial Council of Revenue as amenable to a charge of assault and false imprisonment, in regard to actions taken by them as public officials. It was claimed on behalf of the Kazi and the Muftis that the Provincial Councils of Revenue were acknowledged Courts of Judicature, and that it was the established custom of the Provincial Councils to refer cases in which Mahomedans were parties, and to which the Mahomedan law of inheritance would apply, to the Kazi and Muftis, who would hear the evidence on both sides, and report to the Council. In this matter the parties were Mahomedans, and all the acts done by the Kazi and Muftis had been done in the discharge of their duty as the regular law officers of the Council. Bahadur Beg's justification, of course, depended

upon that of the law officers, for what he had received was that which they had given him.

This plea of justification the Supreme Court cast out. The proceedings of the Kazi and the Muftis, the Judges held, were illegal. The Provincial Council, they maintained, had but a delegated authority from the President and Council ; and "it is an allowed maxim of the law of England *'delegatus non potest delegare.*'" The Provincial Council had no right to delegate to its law officers the hearing of the suit, and to give a decision upon the basis of a mere report.

The above is an extremely condensed account of the Patna Cause, and of necessity several interesting features in the cause have been passed over. If we hold with Impey that the documents on which the widow based her claim were not forgeries, and that the Kazi and his officers were not acting in good faith, our sympathies will be much stirred by Mill's account of their sufferings ... ...[1] Bogle,[2] the Company's Commissioner of Law Suits, however, was of opinion that the deeds were forged, and that the Kazi and Muftis' report was not only in good faith but substantially true. That the proceedings of the Kazi and the Muftis were irregular cannot be doubted. "I cannot but take notice," wrote Hastings, "of the irregularity in the proceeding of the law officers, whose business was solely to have declared the laws. The Diwani Court was to judge of the facts; their (*i.e.*, the law officers) taking on themselves to examine witnesses was entirely foreign to their duty; they should have been examined before the Adalat." The report, moreover, was, as Sir J. F. Stephen puts it, wanting "in the most elementary notions of what is required for the investigation of matters of fact." On the other hand, it does not appear to have been the case, that the flight of the widow from the house was due to her intimidation by the Kazi and Muftis and the placing of peons over her place of refuge, an act for which the Council and not the law officers were responsible, and which seems to have been designed not to keep her prisoner, but to secure the property she had taken from the house, and to prevent, if necessary, the widow from doing one of those acts of violence to self, which ignorant and excited orientals have been known to perpetrate for the purpose of bringing trouble upon the officers of law.

At the commencement of the suit, a bailiff was despatched from Calcutta to arrest Bahadur Beg and the Kazi. The Provincial Council, however, went bail for the prisoners; the bail demanded amounting to Rs. 4,00,000. The Court mulcted the defendants Rs. 3,00,000 in damages and Rs. 9,208 in costs. After the judgment had been given, the defendants were despatched to Calcutta under a guard of sepoys;

[1] Curiously enough Sir J. F. Stephen after shewing what was the importance of the question whether the deeds were or were not forged, goes on to say "the interest of the matter has so completely passed that I have only looked over it cursorily and have not studied it."

[2] Famous for his embasy to Tibet.

the aged Kazi, however, died in the course of the journey. The other three prisoners remained in jail at Calcutta, until 1781, when an Act of Parliament directed that they should be discharged, the Governor-General and Council giving security for the damages. Although the time for appealing had passed, the Act permitted the three to prosecute an appeal, but, although on July 28th, 1784, an appeal was entered and referred to a Committee of the Privy Council, it was allowed to drop, and was finally dismissed in 1789. The Patna Cause became the subject of the second article of impeachment against Sir Elijah Impey, but this matter again was never carried to completion.

The rights and wrongs of the parties to the Patna suit, as has been pointed out, do not form any part of the present inquiry; but the effect of the suit on the Government of the country was one of great importance. This cause betrayed in the most telling manner the essential weakness of the administrative machinery During the hearing of the cause, the Chief Justice had occasion to remark that, in the important Province of Behar "those gentlemen of Patna, who sit in two capacities—in one a Council of Revenue and of State and in the other as a Court of Justice—keep no separate books for their separate Departments, nor make any memorandums in their books, in which all their proceedings are confounded when they sit as a Council of Revenue and when as a Court of Justice; and their books are the only records of causes. I believe we might almost say this is the only cause entered in the book." But for gross and habitual carelessness it is hard to see how the Patna cause could ever have arisen. Then again, there was supposed to be an appeal from the decision of the Provincial Diwani Adalat to the Sudder Diwani Adalat. The Chief Justice said on this score: "Mr. Young says that there was an appeal to the Governor-General and Council in the Sudder Diwani Adalat, and that the proceedings of the Provincial Council are regularly transmitted by the Governor-General and Council; but Mr. Young gives no instance of any appeal, and I doubt the fact of there having been any since the establishment of the new Government. The Sudder Diwani Adalat was abolished or discontinued in 177[5], and it is well known that the Governor-General and Council never sat in that Court, and we never heard of any Court of Appeal being instituted in its room; in fact there has not since that period."[1]

In what sense was Bahadur Beg subject to the jurisdiction of the Supreme Court? This was a question of real importance, and the answer given to it by the Court in fact produced some panic in Behar. It was proved that Bahadur Beg farmed the revenue of certain villages in Behar, and the Court, therefore, determined that he was "a subject of the jurisdiction of this Court, as being directly or indirectly in the service of the East India Company." Consequent upon the judgment in the Patna Cause, no less than thirty-nine of the Behar farmers petitioned the Provincial Council that they might be permitted to relinquish their

[1] Stephen: Op. cit. vol, ii, p. 181.

farms, on the ground that "the zemindars and ryots are at all time glad of any pretexts to evade the discharge of their rents, and some consequence and authority is absolutely necessary to enable the farmer to make his collections, but when he is liable on any trifling complaints to be treated in this ignominious manner what influence will remain to him? or who will be daring enough under this predicament to exercise any power to enforce the collections?"[1]

2. *The Cossijurah Cause.* Cossinaut Babu had in vain attempted to obtain through the Calcutta Board of Revenue a large sum of money he had lent to the Zamindar or Raja of Cossijurah. He, therefore, determined to commence a suit in the Supreme Court; and, in order to shew that the Raja was a person subject to the jurisdiction of that Court, on August 13th, 1779, he filed an affidavit stating that the Rajah was employed in the collection of the revenues. Fortified by an opinion of their Advocate-General, Sir John Day, the Governor-General and Council, issued a notification to all landholders informing them that, if they were neither servants to the Company nor persons who by their own consent had submitted to the jurisdiction of the Supreme Court, they were not subject to that jurisdiction, and that they should therefore pay no attention to the Court's process. The Raja received a special intimation to the same effect, and in consequence he and his people drove away the Sheriff when that official came to Cossijurah with a writ for the Raja's arrest. The Court, therefore, resorted to extreme measures. Accompained by a force of some sixty or seventy persons, mostly sailors from the ships, the Sheriff of Calcutta marched to Cossijurah, seized the person of the Raja, and, as usual, it was stated, the Englishmen outraged the sanctity of the family idol, and broke into the zenana. In the meanwhile, however, at the orders of the Governor-General and Council, Colonel Ahmuty had set the troops at Midnapur on the march, and the Sheriff, on the return journey to Calcutta, was surrounded and deprived of his captive.

The next step taken was by Cossinaut Babu, who brought an action for trespass against the members of the Supreme Council individually. At first the Governor-General and his colleagues entered their appearance, but finding that they were being sued for an act done by them in their corporate capacity, they all, excepting Barwell, withdrew. The wrath of the judges found a victim in the person of North Naylor, the Company's attorney, whom they committed to gaol on a charge of contempt. The unfortunate lawyer, who had been in weak health for sometime previous to his imprisonment, heard while in prison the news of his wife's death, and shortly after his release he followed her to the grave. The legendary history of Calcutta has it that Naylor, reduced to the last state of weakness by his sufferings, died in prison.[2]

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[1] *Ibid*: vol. ii, p. 183.

[2] Impey's son in the *Memoir of Sir E. Impey* attempts to prove that the Chief Justice was absent at Chittagong at the time of Naylor's imprisonment. This, however, will not stand. It was Impey who committed Naylor to jail, stating that he intended the punishment to be exemplary.

At the time when the Cossijurah troubles were at their height, Calcutta was thrown into a state of wild excitement by other matters connected with the Supreme Court and with which the European inhabitants were more immediately concerned. In March, 1779, a petition was set on foot for trial by juries in civil cases affecting Europeans, and it was this petition which brought about the appointment of a Parliamentary Committee (Touchet's), who in 1781 published a voluminous report on the history of the controversy between the Supreme Court and the Council. It was even suggested during this time that the outbreak of war with France would justify the supersession of the Court's activities and a proclamation of martial law. There were not wanting men of sound judgment and long Indian experience who maintained it that unless the judges were packed off home, the British Empire in India would fall to ruins.

The survey of the history of these years, 1774-1780, shows the fact that the method of the authors of the Regulation Act had produced a most serious harvest of evils. That method was to impose a feeling of responsibility on the Company's servants by confronting persons accused of oppressive conduct with the displeasure of a Supreme Court composed of His Majesty's puisne judges. The Company itself had ordered the members of the Committee of Circuit (1772) to be prosecuted before the Supreme Court, but in the end the Company came to regard the Supreme Court with the horror with which Frankenstein regarded his own handiwork. The method of holding the Company's servants responsible by actions brought against them for their procedure as public servants was calculated to intimidate the fearful as well as to restrain the over bold; it ruined the moral influence of the executive and exposed the officers of government to continual persecutions by litigious and irresponsible persons. That the government of the country was seriously disturbed by the intervention of the Supreme Court in matters belonging to the Diwani cannot be doubted, although it should be obvious that to cast the blame on the Judges personally, as was done by the impeachers of the Chief Justice, and by Mill and Macaulay in their writings, is not an honest proceeding. The Judges were but what the framers of the Regulating Act had made them. The Act had imposed upon them, although in legally vague and insufficiently stringent terms, the task of dealing with oppression in the executive government.

In 1781 Parliament, having in view the facts brought to light by the Patna cause, provided[1] that no person should be held to be subject to the jurisdiction of the Supreme Court solely on the ground that he was a revenue farmer or zemindar, and no one was to be subject to that jurisdiction in cases of inheritance and succession simply on the ground of his being in the Company's employ.[2] This measure made

[1] 21 George III. Cap. LXX.

[2] In regard to Impey's principles as to the amenability of the zamindars as such to the Supreme Court, Mill is most unfair; indeed he violently distorts Impey's language. Impey's

it possible to substitute a system of appeals for the unworkable method of the Regulating Act—the method of visiting the abuses inherent in the Diwani Courts with actions against officers, whose faults may have been, and probably in most cases were, due to a too great loyalty to established custom.

position was *not* that Zamindars, were in the Company's employment. Writing to Lord Weymouth, on March 12th, 1780, Impey says: "The Court does not, nor ever did, claim any jurisdiction over zamindars, simply as zamindars, but that their character of zamindars will not exempt them from the jurisdiction of the Court if they are employed or be directly or indirectly in the service of the East India Company or any other British subject." Sir J. F. Stephen (Op. cit., vol. ii, p. 217) shows that Mill (Op. cit, vol. iv, p. 241) ascribes to Impey expressions which simply are not to be found in the three letters to which Mill refers. Impey distinguished the case of a farmer from that of a zamindar.

CHAPTER XIV.

SIR ELIJAH IMPEY AND THE SUDDER DIWANI ADALAT.

In a letter relating to the Patna Cause, George Bogle, who at that time occupied the post of Commissioner of Law Suits,[1] states the reason why the administration of justice was of necessity in the hands of native officials. Having expressed the conjecture that the Provinces of Bengal, Behar and Orissa contained in all probability some ten million inhabitants, he goes on to say "the number of Englishmen now employed in carrying on the Civil Government over so many people is probably not above 200 or 300; a very large portion of these are, and must be, engaged in different offices of the Presidency, and the greatest part of the remainder are taken up in collecting a revenue of three millions of money and in providing an investment for remiting the surplus revenue to England without which the Provinces would not be worth keeping. The number, therefore, of Englishmen qualified for the administration of justice who could be appointed for that duty, does not exceed twenty or thirty. If the numerous disputes that arise among so many millions of people, were to be tried and decided only by these twenty or thirty Englishmen, it would be impossible to carry on the government of the country." [2]

The paucity of the cadre of the Company's Civil Service must have constituted one of the greatest difficulties in the way of Hastings' practical reforms; but the violence to which the conflict between the executive and judicial authorities had reached in 1779, compelled the Governor-General to devise and institute some plan by which the judicial and revenue officers might in the future do their work with the minimum amount of friction. On April the 11th, 1780, therefore, the Governor-General and Council passed a series of Regulations for the Administration of Justice. [3] By these Regulations the jurisdiction of the Provincial Councils of Revenue "in all causes which have an immediate relation to the public revenue" [4] stood confirmed, but, whereas in past

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[1] In their General Letter to Bengal, dated 23rd December, 1778, the Court of Directors express disapproval of the creation of the office of Commissioner of Law Suits, and order it to be abolished.

[2] *Patna Appendix to Report of the Committee of House of Commons on Touchet's Petition, 1781.* [India Office, Record Department, Parliamentary Branch, Collection No. 9].

[3] These Regulations, recorded on the Revenue Proceedings of Government on the 28th March, 1780, are printed in Colebrooke's *Supplement to the Digest*, pp. 14-22.

[4] Such as (1) "demands of Government on all Zemindars, talookdars, chowdries, farmers, muthoraheds, waadadars, securities, aumils, tasseeldars, etmaumdars, shaikdars, or others employed in the collections, or anyways responsible for the revenues immediately under the Provincial Councils: (2) demands of zemindars, talookdars, chowdries, farmers, mutthaaheds, waadadars, securities, aumils, tasseeldars, etmaumdars, shaikdars, etc., on their under-farmers, Malzamins, inferior land-holders and collectors, or others, from whom rents or revenues are immediately due to them; and, in short, all demands for rents and revenues, of persons employed in the collection of them, either officially or hereditary, in the different gradations downward, from Government to the ryots, or immediate occupants of the soil; and again, in the same manner, all complaints of ryots, and persons of any of the

years the Members of the Provincial Councils sat in turn to decide civil cases in the several district Adalats, it was now decided, by the first and second Regulations :—

"1. That there shall continue to be Courts of civil judicature in each of the Grand Divisions of Calcutta, Moorshedabad, Burdwan, Dacca, Purnea and Patna; and that over each of these Courts, a Company's covenanted servant shall preside, under the title of Superintendant of the Dewannee Adalut.

"2. That the Superintendant of each Dewannee Adalut shall be appointed by the Governor-General and Council; and that his jurisdiction shall be separate from, and independent of the Provincial Councils."

To obviate an introduction in the districts of the same kind of contentions between executive and judicial officers as those which had caused so much commotion at the Presidency, it was laid down in the 13th and 14th of the Regulations :—

13. "The Superintendant of the Adaulat shall issue his summons, under the seal. He shall not summon from the mofussil, farmers or zemindars, or persons employed in the collections immediately under the Provincial Councils; but he may order their vacqueels to appear; and, in case of their not sending vacqueels properly authorized he is to apply to the Chief and Provincial Councils to summon the parties themselves, as directed in the 14th Article. He may summon inferior persons from the Mofussil, under the following restrictions, vizt. That he shall not send peons, or any other persons, with authority, into the lands belonging to the zemindars and farmers, excepting only on such occasions, as shall indispensably require it, for the immediate execution of justice. That, on such occasions, a warrant, under the public seal and signed by the Superintendant, shall be given, in writing, to the officers employed, and be recorded in the judicial proceedings with the reasons for issuing it; but that no person be summoned on ordinary occasions, except by a tullub chity to the farmer, or order requiring him to produce the person summoned in a certain space of time. That the Superintendent shall further avoid, as studiously as possible, summoning any persons from the Mofussil who are any ways connected with the revenue, during the months of Badhoon

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other above mentioned denominations, against the persons to whom they pay revenue, in the different gradations upwards, for irregular or undue exactions; (3) and in general, for all oppressions, which do not fall under the cognizance of the Fouzdary Courts."

The Provincial Councils, moreover, were to try and decide all disputes relative to boundaries, all claims for money lent to zamindars, talukdars, and chaudhris, for the payment of the revenue, but in the case of the Town of Calcutta within the limits of "Panchawan Ganj" (55 villages), disputes as to boundaries were to be decided by the Superintendant of the Calcutta Adalat.

and Assin, and Augún and Poos, unless in cases, which call for an immediate inquiry.

14. "Should the Superintendent require the personal attendance of the farmer, zemindar, or collector, he must make application to the Chief and Council; who, if they judge it proper, will issue a summons to such farmer, or zemindar, or collector, under the provincial seal and signature of the Chief and Dewan; but in all cases where they think proper to decline issuing such summons, at the requisition of the Superintendant, they shall assign their reasons, by letter to the Governor-General and Council, for such refusal."

In all causes for sums not exceeding sicca Rupees 1,000, alienated or free lands not exceeding Rs. 100 annual produce, and malguzari lands whose annual revenue was less than Rs. 1,000, the decree of the Diwani Adalat was to be final; but in causes in which the amounts were exceeded, an appeal was to lie to "the Governor-General and Council in their department of Sudder Dewanee Adaulut." Vexatious and groundless appeals were to be punished; and, as "a discouragement to the appellant to present his petition of appeal to the same person who decided against him in the first instance," it was laid down that all petitions of appeal against decisions of the Superintendent of the Adalat should be presented to the Chief of the Provincial Council of the particular district, and that he should forward the same to the Governor-General and Council.

The 24th of the Regulations was designed to effect a very necessary reform:—"that whereas it has been so much the practice in this country for individuals to exercise a judicial authority over their debtors—a practice which is not only in itself unlawful and oppressive, seeing thereby a man becomes judge in his own cause, but which is also a direct infringement of the prerogative and power of the regular Government; that publication shall thereof be made, forbidding the exercise of all such authority, and directing all persons to prefer their suits to the established Court of Adaulut; and that the Superintendent shall particularly attend to this regulation, which it is apprehended will prove the means of relief to the helpless ryot from his merciless creditor the money-lender.[1] But that the Superintendent, for the relief of the poorer people, shall have the power of referring causes, not exceeding 100 Rupees, to Zemindars or public officers, or arbitrators chosen by the parties, residing near the spot where the cause of action shall have arisen; subject, however, to his revisal, in cases of flagrant injustice or partiality."

The concluding Regulation stated that "these Regulations shall be considered as binding only until a new arrangement shall be made by authority of Parliament."

[1] So far the 24th Regulation of 11th April, 1780, is a repetition almost word for word of the 20th. Regulation of 15th August, 1772. Arts. 26 and 27 of the former Regulations correspond exactly with Arts. 22 and 23 of the latter Regulations, and Art. 25 of the former differs only from Art. 21 by the change of the word "Superintendent" for Collector. Art. 15 of 1772 becomes the 19th Article of 1780.

Writing to Dunning, Sir Elijah Impey passed the following criticism on these Regulations :—

"The corruption and maladministration of the Adauluts, or Country Courts of justice in which the members of the Provincial Councils presided, was so notorious, that when the resolution was taken to oppose the legal functions of the Supreme Court, it was thought necessary at least to preserve some appearances of having justice administered in the Provinces. The Government has, therefore, abolished these Adalats, and erected new ones, over each of which is placed one of the *junior* servants of the Company, who is (which was never expected before of any judge of an Adalat) to take oath to administer justice impartially and accept no bribes. The gentlemen appointed judges are, for—

Patna, John Guichard Booth	made	a	writer	in	1776
Dacca, Alexander Ducannon	,,	,,	,,	,,	1772
Dinagepoor, Benjamin Grindal	,,	,,	,,	,,	1773
Burdwan, Hugh Astin	,,	,,	,,	,,	1772
Moorshedabad, Thomas Ives	,,	,,	,,	,,	1773
Calcutta, Thomas Dugal Campbell		,,	,,	,,	1771

Each of these, except the two last, decide not only on more property than the Supreme Court, but I believe I may safely say than all the Courts in Westminster Hall put together. Mr. Booth gives law to the whole Province of Behar. Though the Provincials had complained of the Adalats as part of their officers which were burdensome, responsible, and unprofitable and unprofessed to wish to be discharged of them, on the separation of them from the Councils there was almost a mutiny among them. Mr. Morse, one of the Advocates of the Supreme Court, applied to the Members of the Council and obtained a promise of being appointed one of the new judges; but, when this was known to the Company's servants, it raised so general a clamour that the promise was not adhered to. It will be naturally imagined, as these men were not selected from the *senior* servants, that they stood distinguished for peculiar qualifications; but this is notoriously otherwise, except perhaps in the case of Mr. Campbell. One of them Mr. Booth, is of the meanest natural parts, is totally illiterate in his own and ignorant of any eastern languages, and is one of the lowest, most extravagant, dissipated young men in the country. I doubt whether he is of age. [1] Mr. Otto Ives considered the salary of his office, viz., 1,200 Sicca Rupees per month, so little worth his consideration, if restrained from other emoluments, and had so little idea of any other moral

[1] At the time of the Nanda Kumar trial, Alexander Elliot, who acted as Persian Translator, and held the important office of Superintendent of the Khalsa Records was, if of age, only just so; and the Deputy Sheriff was actually a minor.

restraint from corruption than the oath, that he for some time hesitated whether he should submit to the taking of it. These innovations were made without the least intimation, public or private, being given to me, or, I believe, to any other of the Judges. The Sudder Adalat, or Court of Appeals, which had been discontinued ever since the appointment of the Governor-General and Council, was at the same time revived, but has not yet sat. Causes of consequence involving rights of zemindaries, etc., are not, as formerly, determined there, but by the Board at large, simply on the report of an English gentleman, called Keeper of the Khalsa Records, without any evidence coming before the members of the Council."

On September 29th, 1780, Hastings produced in Council a minute of great historical importance. After noticing a tendency of the new Adalats to come into conflict with the Provincial Councils, and having remarked on the importance of keeping the new Courts under observation, he proceeded to propound his famous scheme for the revival of the Sudder Diwani Adalat, and expressed the hope that this scheme would relieve the already over-burdened Council of the weight of the business. He wrote :—

"By the constitution of the Diwani Courts they are all made amenable to a Superior Court called the Sudder Diwani Adalat, which has been commonly but eroneously understood to be simply a Court of Appeals. Its province is, and necessarily must be, more extensive. It is not only to receive appeals from the decree of the inferior Courts in all causes exceeding a certain amount, but to receive and revisie all the proceedings of the inferior courts, to attend to their conduct, to remedy their defects, and generally to form such regulations and check as experience shall prove to be necessary to the purpose of their institution. Hitherto the Board has reserved this office to itself, but has not yet entered into the execution of it, nor, I will venture to predict, will it ever with effect, though half of its time were devoted to this single department.[1] Yet without the support and controul of some powerful authority held over them, it is impossible for the Courts to subsist, but they must either sink into contempt, or be perverted into instruments of oppression.

"This authority, I repeat, the Board is incapable of exercising, and if delegated to any body of men or to any agent not possessing in themselves some weight independent of mere official power it will prove little more effectual. The only

[1] On this Mill (Op cit., vol. iv, p. 245) comments: "If a judicial function of the highest importance, for which there was so extensive a demand, was left for seven years totally undischarged, what an opinion is it proper, we should from of a Governor-General and Council, who let justice remain in that situation ?"

mode which I can devise to substitute for it is included in the following motions which I now submit, on the reasons premised to the consideration of the Board : —

"That the Chief Justice be requested to accept of the charge and superintendency of the office of Sudder Diwani Adalat under its present regulations, and such other as the Board shall think proper to add to them or to substitute in their stead, and that, on his acceptance of it, he be appointed to it and stiled the judge of the Sudder Diwani Adalat.

"I shall beg leave to add a few words in support of this proposition on different grounds: I am well aware that the choice which I have made for so important an office, and one which will minutely and nearly overlook every rank of the civil service, will subject me to much popular prejudice, and its real tendency will be misunderstood by many, misrepresented by more, and perhaps dreaded by a few. I shall patiently submit to this consequence, because I am conscious of the rectitude of my intentions, and certain that the event will justify me, and prove that, in whatever light it may be superficially viewed, I shall be found to have studied the true interest of the service, and contributed the most effectually to its credit.

"The want of legal powers, except such as were implied in very doubtful constructions of the Act of Parliament, and the hazards to which the superiors of the Diwani Courts are exposed in their own persons from the exercise of their functions, has been the principal cause of their remissness and equally of the disregard which has been in many instances shewn to their authority. They will be enabled to act with confidence, nor will any man dare to contest their right of acting when their proceedings are held under the sanction and patronage of the first member of the Supreme Court, and with his participation in the instances of such as are brought in appeal before him and regulated by his instructions. They very much require an instructor, and no one will doubt the superior qualifications of the Chief Justice for such a duty.

"It will be the means of lessening the distance between the Board and the Supreme Court, which has perhaps been, more than the undefined powers assumed to each, the cause of the want of that accommodating temper which ought to have influenced their intercourse with each other.

"The contest in which we have been unfortunately engaged with the Court bore at one time so alarming a tendency that I believe every member of the Board foreboded the most dangerous consequences to the peace and resources of the

Government from them. They are at present composed, but we cannot be certain that the calm will last beyond the actual vacation, since the same ground and materials of disunion subsist, and the revival of it, at a time like this, added to our other troubles, might, if carried to extremities, prove fatal.

"The proposition which I have submitted to the Board may, nor have I a doubt that it will, prove an instrument of conciliation with the Court; and it will preclude the necessity of assuming a jurisdiction over persons exempted by our construction of the Act of Parliament from it; it will facilitate and give vigour to the course of Justice; it will lessen the cares of the Board, and add to their leisure for occupations more urgent and better suited to the genius and principles of Government, nor will it be any accession of power to the Court; where that portion of authority which is proposed to be given only to a single man of the Court, and may be revoked whenever the Board shall think proper to resume it."

General Sir Eyre Coote expressed his concurrence with the Governor-General's proposal as a temporary measure, but the other two members objected on various grounds. Wheler dwelt on the questionable legality of the scheme, and maintained that the contemplated appointment of the Chief Justice to preside also over the Sudder Diwani Adalat would be contrary to the spirit of the Regulating Act. An English lawyer, he predicted, would be sure to import the alien English law into the native courts, and "might too much hide the government from the eye of the natives." Impey's appointment might perhaps serve to remove Impey from the arena of the conflict between the Executive and the Judges, but in principle the old causes of contention would remain unabated. Philip Francis objected to the scheme as "a direct contradiction or desertion of everything we said and did in the case of the Rajah of Cossijurah"; it would in fact, he contended, be regarded by the natives as a giving in to the agression of the Supreme Court. The scheme involved an undesirable confusion between the duties of a Court of Appeal and a superintending Board, it would give the Chief Justice a power of control over the affairs of the Company, and thus the Chief Justice would be placed in an impossible position. As Chief Justice he might feel himself bound to issue a habeas corpus for the release of the very person, whom he, in his capacity as Judge in the Diwani Court, had committed to confinement. On the one hand Sir Elijah might bring Diwani cases into the Supreme Court, and, on the other, the other Judges, retaining all their powers, and animated by the same principles which had hitherto been productive of a conflict between the two Supreme bodies, would be offended and perhaps further excited by the invidious selection of one of their number for a new and important post. There were *a priori* grounds on which the appointment of a single Judge of Appeal was open to objection; and the liberty of the Council to remove such a Judge at pleasure, would render him "in the hands of a corrupt Council an instrument of oppression."

Supported by Eyre Coote, Hastings with his casting vote carried his proposal,[1] and in October Impey accepted the post offered him, regarding the offer, after all that had passed, as a grateful proof of the real opinion of the Council as to the good faith of his former opposition.[2] It is worth while to notice that no offer of a salary accompanied the offer of the post of Judge of the Sudder Diwani Adalat. At the consultation of September, Hastings had recommended that a salary of sicca Rupees 5,000 per month should be attached to the office, but the consideration of this proposal was adjourned. Writing to his brother on November the 12th, Impey says: "No pecuniary satisfaction has been offered to me, but I do not suppose it is intended that my trouble is to go unrecompensed."

Mill and Macaulay have found no language too strong to denounce this scheme for the revival of the Sudder Diwani Adalat; recent writers view the whole matter differently, and the scheme is now generally regarded as "one of the wisest measures which Hastings ever planned or carried through." It cannot be denied that Francis and Wheler were right in pressing the objection that the measure did not preclude the possibility of cases of oppressions alleged against the revenue officials being brought before the Supreme Court, of which cases the Supreme Court, acting on the principles to which it had committed itself, would feel itself bound to take cognizance. In such cases, Impey might have found that his newly accepted office under the Company would seem to others, however free his own conscience might be, inconsistent with the independence of his position as Chief Justice. In Sir J. F. Stephen's words, Impey "exposed himself to a temptation to which no judge ought to expose himself. He put it in the power of every suitor dissatisfied with his decision to say they were not unbiassed by his relation to the Company, and I think this was wrong, though I do not think it was actually corrupt." On the other hand, not only had the Director's apparent approval of the forcible measures taken by the Council in the Cossijurah matter made it improbable that the Supreme Court would again attempt to issue a process of the kind, but the

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[1] The New Regulations giving effect to this change, passed on the 3rd November, 1780, will be found in Colebrooke: Op. cit., pp. 22-27.

[2] Mill, referring to the passage in Hastings' minute which alluded to "the dangerous consequences," etc, "foreboded from the contest in which the Council had been engaged with the Court," says: "The imputation which was essentially involved in this proposition, and which the Governor-General cast upon the Chief Justice, was the most dishonourable, that ever was thrown upon the character of the most infamous of men." Mill: Op. cit., vol. iv, p. 246. Mill takes Hastings to mean what in fact Hastings did not mean, that the offer of a salaried and important office would suffice to wean Impey away from the high sounding principles he had advanced in order to extend the jurisdiction of the Supreme Court and make him a tame and subservient Company's Servant. What Hastings did mean was that the provision of an efficient Court of Appeal on the part of the Company would preclude the abuses which formed an occasion for the intervention of the Supreme Court and so of a conflict between the Company's executive and the King's judges. Having distorted Hastings' meaning, Mill goes on to say "it might naturally have been objected to such a proposition, that the Chief Justice would never consent." This is a hint that Hastings knew that the Chief Justice had his price. Impey, on the contrary, considered the invitation to accept the office as distinctly flattering to himself.

provision of a really effective Sudder Diwani Adalat would make it extremely unlikely that a case would arise in which the Chief Justice would be subject to the kind of embarrassment anticipated for him, and such an emergency would be the more improbable when the rules drawn up for the Sudder Diwani Adalat were to be the work of the Chief Justice himself.[1] If, in order to stand free of reckless and absurd imputations devised by the spite of prejudiced persons, public officials were to refuse all but ideal appointments, the task of government would be impossible. Public servants cannot shirk the unpleasant duty of facing unintelligent misrepresentation and the present instance seems to have been an occasion when a great reform called for the services of a strong man sufficiently conscious of the rectitude of his intentions to be able to disregard the clamour of the prejudiced.

The plan Hastings put into action was opportune in itself, and the future revealed its wisdom. Although in November, 1782, in consequence of commands from the Court of Directors, the Governor-General and Council resumed the jurisdiction which had been entrusted to the Chief Justice in 1780, the children justified the wisdom of their father when in 1861 the Supreme Court was united with the Sudder Diwani Adalat to form the present High Court. Hastings, as Sir J. F. Stephen well says, "foresaw and laid the foundation of the policy by which Indian legislation was put under the direction of the Legal Member of Council, and by which the superintendence of the Mofussil Courts and an appellative jurisdiction over them were vested in the High Court. It would, I believe, have been well for India if that policy had been adhered to instead of being postponed as to part for fifty, and as to the rest for eighty years."

It may be observed that what has been written in censure of the policy of 1780 is not so much an exposure of the illegality or the perils of Hastings' measure, but a personal attack on Sir Elijah Impey.[2] Of

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[1] The Act of 1781 excluding the Supreme Court from the control of revenue matters would have prevented such an emergency.

[2] After Sir J. F. Stephen's detailed examination of the whole subject of the alleged "bribe," it is scarcely necessary to do more than draw the attention of a casual reader to the fact that the assertions of Mill and Macaulay now stand exposed as historically worthless. The salary attaching to the office of Judge of the Sudder Diwani Adalat was not fixed until December 22nd, 1780, and Impey accepted the office with a natural expectation of a remuneration, but no promise of one. He drew the salary as it became due, but offered to refund it, should His Majesty's Ministers disapprove of his retaining it. Whether he ever made a refund it is not known. There were precedents to justify his acceptance of an office under the Company. Clavering and Monson had accepted the Company's pay as Commanders of the Company's army, and Sir Robert Chambers accepted the salaried post of Judge at Chinsurah when the Dutch settlement at that place succumbed to the English. Sir J. F. Stephen has also shewn that Macaulay's account of the struggle between the Court and the Council, is "absolutely false from end to end and in almost every particular." It is regrettable that each publishing season's reprints of Macaulay's *Essay on Warren Hastings* still go out to the public without one word of warning that the *Essay* is not even what a historical novel often is—poetically true. The Delegates of the Clarendon Press have set an example to the publishers of the kingdom by deciding that "regard for history forbids the issue of a reprint of the Essay at this time without a word of warning to the unwary reader."

Impey, Macaulay permitted his audacious pen to write "no other judge has dishonoured the English ermine since Jefferies (Jeffreys) drank himself to death in the Tower," but he goes on to say "we cannot agree with those who have blamed Hastings for this transaction." If we were to agree with Macaulay that the offer of the post to Impey was "a bribe," we should have also to admit with Macaulay "Bengal was saved; an appeal to force was averted; and the Chief Justice was rich, quiet, and infamous."

Sir Elijah's service as Judge of the Sudder Diwani Adalat was of great utility. Between the months of October, 1780 and July, 1781 Impey compiled a code of regulations for the Diwani Courts, the benefit of which can hardly be overstated.[1] Turning from the caricatures of the man drawn by Mill and Macaulay to Sir Elijah's own letters, one is impressed by his high sense of duty, his love of the work for the work's sake, and indeed the very scruples of the man himself on just the very point where he has been so misrepresented as being utterly unscrupulous—the pay of his new appointment.

Some considerable time before Impey left Bengal a party had been formed, and, to Sir Elijah's knowledge, were working to prepare for his impeachment. The principal conspirator was Colonel Watson,[2] and the secret agent, a discredited barrister of the name of Anthony Fay. On May 3rd, 1782, the House of Commons voted for the recall of the Chief Justice to answer the charge of having "accepted an office granted by, and tenable at the pleasure of the servants of the East India Company, which has a tendency to create a dependance in the said Supreme Court upon those over whose transactions the said Supreme Court was intended as a Controul." This resolution was communicated to Impey by Lord Shelburne in a letter, dated July 8th, and received by Impey on January 27th, 1783. Impey did not, however, leave India till December 3rd., 1783, nor did he arrive in London till June 1784. Curiously enough he held his office as Chief Justice until as late as November, 1787, when his resignation was accepted. Not until December the 12th, 1787, was his impeachment moved, and then among six articles of charge the Diwani Adalat appointment ranked as fifth and the Nanda Kumar case as first.

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[1] Colebrooke: Op. cit., pp. 37-86.

[2] Of the Bengal Engineers. Watson was the founder of a dockyard in the neighbourhood of that part of Kidderpore which is known to-day as Watgunge (Watson's market). He served as second to Phillip Francis at the historical duel with Warren Hastings. Watson had lost a case in the Supreme Court, and hence his fury. For Anthony Fay see *Original Letters from India by Mrs. Eliza Fay.* (Reprint of 1909. Thacker Spink & Co., Calcutta).

APPENDIX.

1. The Regulations of 11th April, 1780, established Mufassal Diwani Adalats at—

1. Calcutta.	3. Purnea.	5. Burdwan.
2. Dacca.	4. Murshidabad.	6. Patna.

Each of these Courts was to be presided over by a Covenanted Civil Servant.

2. The Regulations of 6th April increased the number of Mufassal Courts to eighteen, viz. :—

*1. Midnapur—

1. District of Midnapur.
2. ,, Jellasore.

*2. Roganautpore[1]—

1. District of Pauchet,[2] and petty mahals
2. ,, Bishnupur.

3. Chatra—

1. District of Ramgarh [Hazaribagh.]
2. ,, Palamau.
3. ,, Nagpur.
4. ,, Kendy.
5. ,, Karagdiha.
6. ,, Chakai.[3]

*4. Patna [4]—

1. Sarkar of Shahabad.
2. ,, Behar.
3. ,, Rohtas.

*5. Lowya [5]—

1. Sarkar of Sarun including Hussipore.
2. ,, Champarun including Betia.

[1] Raghunathpur, a small town in head-quarters sub-divlsion of Manbhum.

[2] Often written Patchet, Patchaet, Panchkot. See O'Malley : *Manbhum* (Bengal District Gazetteers), pp. 53-54, 195-97.

[3] See O'Malley : *Monghyr* (Bengal District Gazetteers), p. 200.

[4] It was directed that "the Court at Patna is to remain until it shall be found on future experience more expedient to transfer the seat of its jurisdiction to some more central situation."

[5] Lauriya. See O'Malley : *Champaran* (Bengal District Gazetteers), pp. 160-61.

*6. Darbhangh—

1. Sarkar of Tirhut.
2. ,, Hajipur.
3. Part of Purneah, W. of the Coozah [Kosi] River.
4. ,, Bhagalpur, N. of the Ganges.

*7. Tawjepur[1]—

1. District of Haveli Pinjerah or Dinajpur.
2. ,, Purneah (remainder).
3. ,, Maldah and part of Rajshahi, E. of the Ganges.

8. Bhagalpur—

1. Part of district of Rajmahal, W. of the Ganges.
2. ,, ,, Bhagalpur, S. ditto.
3. ,, ,, Monghyr, S. ditto.
4. Parganahs of Sultanabad and Amaar.

9. Rangpur—

1. District of Rangpur including Baharband.
2. Cooch Behar.
3. Rangamati.
4. Goraghat and Bazuha.
5. Seroopur, Patiladaha and Beterband [Bhitarband].

*10. Nator—

1. Division of Nator.
   1. Parganah of Silberries [Salbaris] proper.
   2. Barbuckpore.
   3. Chowgong.
   4. Chewra.
   5. Behar, etc.
   6. Deyteah.
   7. Atteah.
   8. Burbazoo.
   9. Cogmari.
   10. Parganah of Saukny.
2. District of Bettoreah and the portion of it S. of the Padma.
3. Parganah of Pookareah.
4. Rokunpore.
5. Lashkarpur.
6. Chundly.

[1] Regulation V provides "that the seat of the Adalat, which has jurisdiction over the districts of Purneah, Dinajpur, etc, be removed from the former of these places to Tawjepur, as a more central situation within its general jurisdiction, and therefore more convenient for those who are rendered subject to it." It is significant of rapid and complete changes in Bengal that Mr. Beames, in his learned account of Akbar's Subahs (*Journal of the Royal Asiatic Society*, 1896), could not trace the town of Tajpur. It is, however, shown in Rennell's *Atlas*.

16. Jahangirpur.
17. Colligong.
18. Tahirpur.
19. Messideh.
20. Hattindah.
21. Feetagungpur.
22. Maukawer.
23. Cossimpur.
24. Kirbah.
25. Other parts of this Division, S. of the River, as are not annexed to the jurisdiction of Rangpur.

*11. Azmiriganj—Including all Sylhet and part of the Dacca Province to the N. of the Bramhaputra and Tista Rivers.

*12. Dacca—Including portion of Dacca Province, bounded to the N. by the Brahmaputra and Tista, to the E. by Tipperah and Chittagong; to the W. by the Megna River as far as Chandpur, and thence to the N. W. by the Kali-Ganga, and Puddah to Bhushna on the W., and the districts that form the eastern boundary of the Nator jurisdiction.

*13. Bakarganj—Portion of Dacca Province to S. W. of the Puddah and Kali-Ganga and to W. of the Megna from Chandpur to the Sea, having as its western limits the eastern frontiers of Bhushna and Jessore down to the mouth of the Raimangal, including all the islands belonging to and situated on the coast of the Dacca Province, excepting the parganah of Sandwip and its dependencies.

14. Islamabad—
1. District of Chittagong.
2. ,, Tipperah.
3. Parganah of Sandwip and its dependencies.

*15. Murli—
1. District of Bhushna.
2. Shahwejeal [Shahijil],
5. Jessore.
4. Parganah of Mahmud-Shahi.
5. Saiyadpur.

*16. Calcutta—
1. Parganah of Krishnagar.
2. Chakla of Hughli, including Hijili, and 24-Parganahs and Mahomud-Aminpur [Muhammad Aminpur.[1]]

*17. Burdwan—Chakla of Burdwan, and the district of Sautsyka and tannah of Cutwah [Katwa].

[1] O'Malley: *Hooghly* (Bengal District Gazetteers), p. 296.

*18. Murshidabad—

1. Parganah of Birbhum.
2. ,, Rajshahi, excluding Ammar and Sultanabad annexed to Bhagalpur, Surrupur, Patiladah and Beeterband annexed to Rangpur.
3. ,, Futtehsing.
4. Remainder of zilah of Murshidabad, S. of the Padma excepting Bhushna, tannah of Cutwah, and Shahijil.

The Courts in each of the districts marked with [*] asterisk, being "situated in large towns," were to be placed under the superintendence of a Covenanted Civil Servant to be styled a Judge (instead of Superintendent) and "distinct from that of the persons who remain in temporary charge of the collections."

The remaining Courts (Chatra, Bhagalpur, Islamabad and Rangpur) "being in general situated on the frontiers of Provinces, and too poor and thinly populated, that any additional courts or jurisdictions, instead of affording relief, might be productive of vexation to the inhabitants," were to be presided over by the Collectors, "until a more complete jurisdiction can be established."

3. By the Regulations of 5th July 1781, the following changes were made :—

1. The Mufassal Diwani Adalat at "Loyah" was transferred to Massey, *i.e.*, Mehsi in Champaran district.
2. Ditto ditto at "Rogonautpore" to Rajhat.
3. Ditto ditto at "Azmeery Gange" to Sultemoe [Sultansi.]

CHAPTER XV.

HASTINGS *vs.* FRANCIS.

Philip Francis had not been slow in making the discovery that the transactions of the Committee of Circuit would supply him with materials for his arraignment of the Governor-General on the charge of having brought a once flourishing country to the verge of ruin. As speedily as possible after his return to England in 1781 he caused the minutes of the Council in which the revenue debate stood recorded to be printed and published. The volume forms a monument to its compiler's skill as a controversialist. In it Hastings stands at that disadvantage which a statesman must stand who is concerned with the government of a country whose varying circumstances call for a constant modification of opinion, [1] and in whom the sort of consistency which appeals to the superficial critic would be in reality a treason to facts. Francis understands how to make the fullest use of his opponent's disadvantage: he is a past master in the art of catching his foe by his own words. Francis himself would rank first among the judges who have expressed a high admiration of Hastings' power as a writer of state minutes—so clever a warrior did not make the mistake of despising his enemy. Admirable as Hastings' writings are, it must be owned that they do to some extent justify what Francis said of them in the House of Commons: "I am thoroughly acquainted with Mr. Hastings' style, and the rapidity of his invention. I know the powers of his pen, and how implicitly he confides in them. I know that, between a feeble memory and a brilliant imagination, he is apt to fall into such a total misconception of facts, as would be very distressing to his argument, if it were not united with an unlimited command of words.....Mr. Hastings' judgment, now and then, is hurried away by his genius. He abandons himself to his pen, and writes, *currente calamo*, whatever the convenience of an instant argument dictates to his mind, without reflecting on anything which the service of the moment might have engaged him to say yesterday, or looking forward to anything which the spur of the occasion may incite him to say to-morrow." [2]

Francis' volume of Minutes undoubtedly exercised a great influence in preparing for the revenue policy dictated by Pitt's India Act of 1784. This fact is fully recognised by James Mill who writes: "Francis had

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[1] "Every man who has long been employed in the management of the revenues of Bengal, will, if candid, allow that his opinion on many important points has varied, and that the information of one year has been rendered dubious by the experience of another." John Shore in *Fifth Report from the Select Committee on the Affairs of the E. I. Co.*, 1812. Appendix p. 169.

[2] Philip Francis: *Speech in the House of Commons on Friday, July 2, 1784*, London: 1784.

been treated by the powers which were, with anything rather than respect. But his plan of finance was adopted with blind enthusiasm, with a sort of mechanical and irresistible impulse."[1] Francis may with justice be described as the original promoter of the Permanent Settlement of Bengal.

In 1775 three years of the quinquennial settlement had been completed. For this settlement Hastings was bound to act as the official apologist. In a minute of January the 10th, he asserted "the plan of letting the lands has not miscarried, and is still in our opinion the best that could be adopted. What deficiencies have happened in it have proceeded from eventual causes, which have been fully explained, and which no general plan could prevent." To the assertion that the plan had not miscarried, Francis replied by the following statement of the accounts of the Diwani lands as they stood on July 28th, 1775[2] :—

	Rs.
Received into the Khalsa	1,05,90,403
Valuation of salt	51,20,014
Balance of cash in the Provincial Treasuries	22,63,844
Total Receipts ...	1,33,66,261
Difference between the Settlement of the Committee of Circuit and the Receipts...	58,86,277
Revenue settled for the Diwani lands for the year ending April, 1773 ...	1,92,52,538

To Hastings' observation (May 16th) that the Members of the Committee of Circuit could have had no personal interest in deceiving the Court, Francis retorts: "They (the Committee) form a settlement upon an increasing *jumma* for five years, which they know can never be realised; they strain and exhaust the country for the first year or two; establish their own fortunes, and leave it to their successors to answer for the subsequent disappointment of the Company's expectations,[3] and to extricate the country and the Government, if they can, from the difficulties in which they have involved them."

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[1] Mill: Op. cit., vol. v, p. 332. Francis did not receive the honour of knighthood till 1806. His banner still until a year or two ago hung over a stall in Henry VIIth Chapel in Westminster Abbey.

[2] Francis: *Original Minutes of the Governor-General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal, with a Plan of Settlement recommended to the Court of Directors in January 1776.* London. 1782. In reference to the attack on the Committee of Circuit see Hastings' Minute of 29th May, 1776. Forrest: *Selections*, vol. ii, p. 524 *et seq.*

[3] "The promised increase of revenue, with which the Company were deluded, and for which no little merit was assumed in Bengal, would have amounted to a very considerable sum, if it had been realised. At the end of the five years, the remissions and balances on that settlement amounted to 230 lacks and 83, 852 sicca rupees."... ..In March 1778 the Court of Directors ordered the Governor-General and Council "forthwith to commence a

On March 21st, 1775, the Governor-General moved that the separate opinions of the Members of Council as to the most eligible method of settling and collecting the revenues should be recorded, and the opinions be submitted in writing to the Court of Directors. This suggestion evidently put the opposition to confusion, for while Hastings and Barwell were ready with a joint plan, Clavering, Monson and Francis had to admit, in the form of a minute: "at this moment we should be very much embarrassed if we were called upon to make a new settlement of the lands, and were entrusted with power to do it." The Hastings-Barwell plan, formally dated April 22nd, 1775, was already known to the adverse triumvirate, and on April 11th, they express their fury:—

> "Since our arrival in this country, and during all our debates with our colleagues, we have not met with a circumstance, that has filled us with greater astonishment than the terms and purport of the plan proposed by the Governor-General and Mr. Barwell for the new Settlement of the Provinces at the expiration of the present leases. That gentlemen who have contributed to subject the constitution of this country, and the rights of the natives, should wish to revert to that Government they have so lately upset, and should so far forget themselves as to recommend the abolition of that very system, which they every day support, which the Governor-General has declared, in one of his late minutes, to be still in his opinion *the best that could be adopted*, and our disapprobation of which is constantly the subject of their censure, is only to be explained by themselves. This conduct in other persons might appear inconsistent. In them it is uniform and consistent to that instability which characterises their government."

Nowhere in his book does Francis recognise the fact that the Committee of Circuit did in many instances form their settlements with the zamindars and talukdars. It is, of course, part of his business to ignore a fact so prejudicial to his cause, and to represent the zamindars as altogether deprived of their rights. "The lands in general" he writes, "were put up to a public auction, in which strangers were invited to bid against the proprietors, and either ousted of the possession, and management of their estates, or allowed to retain it on the footing of farmers.....The farmers, many of whom were Calcutta banyans, and who knew nothing of their business, were in some cases obliged to employ the real proprietors as their under farmers or tenants."

The plan put forward by Hastings and Barwell commences with a historical sketch in which the considerations which actuated the policy of the Committee of Circuit are explained. Under the farming system, "the Burdwan province had been greatly improved, and its value

prosecution in the Supreme Court of Judicature against the persons who composed the Committee of Circuit on their representations." Francis: *Minutes*, Preface.

ascertained since its cession to the Company. It was hoped that the same good effects would be proclaimed in the rest of Bengal.....The ascertaining of the value of the several districts has been sufficiently accomplished, but we will not say that the desired improvement has taken place. It has been chiefly obstructed by a coincidence which could not be foreseen; we mean the farmers having engaged for a higher revenue than the districts could afford."

This explanation was in a twofold way unfortunate. The assertion "the ascertaining of the value of the several districts has been sufficiently accomplished" gave Francis the very sort of opportunity he knew so well how to make a use of, when in the following November the Governor proposed to institute a Commission in order "to obtain accurate states [statements] of the lands, as the grounds on which a new settlement of the Provinces was to be constructed."[1] The Government seemed to be like those foolish women whom the Apostle describes as always inquiring, but never reaching, a knowledge of the truth. Again, to assert that the nugatory results of the farming system, arising from the readiness of farmers to make purely speculative offers, and to abscond in the event of failure to realise their profit or fulfil their obligations, could not be foreseen, was to ignore the experience of the past.[2] That the farming system was open to such an abuse stood on record; and it might also be urged that those unable to foresee so likely a contingency were not competent persons to form a revenue settlement.

The proposals put forward by Hastings may now be considered in order:—

Proposal I.—All taxes imposed on the ryots since the Company obtained the Diwani be entirely abolished. The Committee of Circuit had abolished some impositions, but the prospect of decreasing the revenue had set a limit to their measures. The amount of taxes imposed since the acquisition of the Diwani would be hardly less than fifteen lakhs of rupees, and, with perhaps the exception of Burdwan and the 24-Parganahs, no part of Bengal had been exempt from their incidence.

Proposal II.—The 24-Parganahs be sold as zamindaris at public auction, in lots not exceeding a *jama* of 20,000 or 30,000 rupees a year. Europeans might be allowed to bid, "provided they can be made amenable to the revenue courts and subject to the same regulation as

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[1] The Court of Directors, in their letter of 4th July, 1777, dwell on this inconsistency: "A Committee of Circuit formed, who, we were told, precisely and distinctly ascertained what was necessary to be known, and now, in 1777, two junior servants with the assistance of a few natives, were employed to collect and digest materials, which have already undergone the collection, inspection and revision of so many of our servants of all denominations."

[2] *Vide* the statements of Verelst above p. cxlii *et seq.*

natives, with respect to the payment of their rents, and the treatment of their ryots."[1]

Proposal III.—The revenue to be paid by the purchasers be settled at the medium of what was actually collected in the three preceding years, with an allowance of 15 per cent. ("their just profit as zamindars") for the charge of collection and their profits.

Proposal IV.—That the revenue do remain fixed at this rate during the life of the purchaser. That the Government be at liberty to sell the zamindari if the zamindar be deficient in his payments. "An annual increase would put the zemindars to difficulties, which would eventually produce oppression and prevent improvement, and reductions would become necessary, as at present, in unfavourable seasons. *If the revenues be fixed the profit of one year will compensate the loss of another;* and should the zemindar, through his own misconduct, be at any time deficient in his payment, a purchaser would never be wanting to take the zemindari on terms which would secure to Government its just revenue."

Proposal V.—That, on the death of the purchaser, the zamindari shall devolve to his heirs. That it shall then be at the option of the Government to continue it fixed to him at the same rate as was paid by the purchaser, or to make a new hustabood of it, and settle the rent on the medium of the actual collections of the three preceding years, in the manner proposed in the third Article, with this proviso, however, that, whatever may be the result of the hustabood, no greater increase shall be levied than ten per cent. on the preceding lease. That the expense of the hustabood be defrayed, half by the Government, and half by the zamindar. If the new zamindar agrees to an increase of ten per cent. a hustabood will be unnecessary: this, however, should not be demanded unless the preceding zamindar had possessed the estate at least ten years.

Proposal VI.—That should the new zamindar refuse to hold the zamindari at the same rate as was paid by his predecessor, he shall either sell it to some other person, who will be answerable for the revenue, or else it shall be forfeited as an escheat to Government.

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[1] "Being of a more enterprising spirit than the natives, they would be more likely to introduce new manufactures, and even to import an accession of inhabitants from foreign countries, and they would in time become an addition of strength to the British Empire in India." Francis held a diametrically opposed view of English settlers in Bengal. "Europeans in Bengal," he writes, "should be limited to as small a number as the services of Government will admit of." "There is no fund but the public revenue out of which they can derive a subsistence. One way or other it is paid for by the country, and one way or the other must become chargeable to government. Exclusive of public employment, or contracts with the India Company, there is no occupation for the industry of of Europeans in Bengal. Every enterprise they engage in, whether of foreign commerce or internal improvement, leads them into distress, if it does no(t) end in their ruin. Even of adventurers, pursuing every mode of acquisition that offers, very few, if any, have succeeded." Francis goes on to argue that such adventurers must in time become "colonists," whose attachment to Great Britain will decline in proportion to their severance from it, and so Bengal may "neither pay tribute nor obedience to England." The use of the expression "the British Empire in India" in the Hastings-Barwell plan may be contrasted with Francis' dictum: "Under a European Government, Bengal cannot flourish."

Proposal VII.—That should the new zamindar refuse to hold it on terms of a hustabood, as proposed in the fifth article, he shall receive an allowance of ten per cent. on the preceding settlement, and the Government shall be at liberty to farm it out on the best terms procurable.

Proposal VIII.—Should the zamindar be a minor, and guardians have not been appointed by the father, the Government shall take the zamindari under its own charge, till he attains the age of eighteen years, and be at liberty to farm it out on the best terms procurable, setting apart for him an allowance of ten per cent.

Proposal IX.—As soon as he attains the age of 18 years, the farm shall be offered to him on the terms proposed in the Vth article: and, if he refuse to hold it on any of these terms, the Government shall be at liberty to farm it out, as in the VIIth article.

Proposal X.—All other districts of Bengal be farmed out on leases for life, or for two joint-lives, to such reasonable people as shall offer the most advantageous terms, allowing a preference to the zamindars, provided that they have attained the age of eighteen years, if their offers are equal or nearly equal to those of others; or if they are equal to what the Council shall judge to be the real value of the lands. Unless the Council are given the power of deciding the real value of the lands, and let them at that to the Zamindars, "it will be impossible to prevent the mischief of districts being over rated, as at the five years' settlement, by people offering more than can be offered consistently with justice to the ryots."[1]

Proposal XI.—That it be expressly stipulated that no attention shall be paid to any proposals for an annual increase: it being meant that the same revenue shall be paid for the first year as for the subsequent years: that no increase shall be levied or deduction allowed on any account or pretence whatever.

Proposal XII.—That it be observed as an invariable rule, that, if any Zamindar fails in his engagements, his zamindari, or a fifth part of it, as may be necessary to pay the deficiency, shall be publicly sold. The purchaser to hold it either on the terms of a hustabood, as proposed in the VIIIth article, or according to the preceding settlement,

[1] Hastings and Barwell continue: "It might be resolved that no proposal should be received from any persons, but the zamindars themselves, and that their terms should be fixed by the result of the hustabood as in the IIIrd Article. A kind of hustabood will indeed be necessary at any rate, according to our plan, in order to ascertain the taxes which have been imposed upon the ryots since the commencement of 1771; but to trust to it for fixing this settlement would be attended with great risk of injuring the Government, by the influence of the Zemindars preventing the delivery of just accounts, and by the temptation to which the *aumeen* would be exposed of corruption. Leases to farmers on fixed terms for life would interest them in the country equally with the zamindars, and in one respect, would be more effectual. We mean by being granted to substantial men, who have money of their own to lay out in improvements. The principal argument in favour of the zamindars is the security arising from the power of selling their lands, when landed property is put upon such a footing as to become desirable."

as may be specified in the advertisement. The following rules should be observed :—

(1). If the land to be sold be a parganah separated from a large zamindari, its extent should be ascertained by hustabood.

(2). If it be an entire small zamindari, the revenue should be fixed according to the preceding settlement, provided the Council have reason to believe that the said land was then rated at nearly its just value.

Proposal XIII.—The several regulations proposed in the IVth, Vth, VIth, VIIth, VIIIth and IXth Articles, relative to purchasers in the Calcutta Parganahs shall equally extend to the purchasers in the districts, and to the present zamindars.

Proposal XIV.—That whenever the zamindar does not farm his own zamindari his allowance be fixed at ten per eent. of the amount of the revenue settled by the Government.

Proposal XV.—Each zamindar, or the farmer, where the farmer has possession, be authorised to exercise a *faujdari* jurisdiction, and be made answerable for murders and robberies committed in his district, agreeable to the old constitution of the Empire.[1]

Proposal XVI.—Refers to Salt contracts.

Proposal XVII.—That these Regulations, or such part of them as shall be approved, and any others which the Honorable Court of Directors shall think fit to add to them, be passed into strict law by their express command. That it shall not be in the power of the Governor-General and Council to change or deviate from them, on any occasion or any pretence whatever; and that copies thereof, in the English, the Persian and Bengali languages, be affixed to all the cutcherries of the Province, with the same authority declared for their establishment and duration.

The above are the actual proposals put forward by the Governor-General and his faithful Barwell, but the plan closes with a request for

[1] The writers add: "The Foujedarry jurisdiction, according to the constitution of the Empire, is inherent in the zemindar, but it will be dangerous to entrust the execution of it to any other than the person who has charge of the collections, nor would it prove effectual in other hands. Continual jealousies and contentions would be executed between the farmer and the foujdar. The farmer would suffer by the oppression of his ryots, if the latter had a superior influence, or he would make use of such a plea to obtain remission of his rents; and the foujdar would be unable to act, if the farmer's influence prevented, as the ryots would flee to him for protection." In his Minute of 29th May, 1776, Hastings explains: "The Foujdarry jurisdiction, which was affirmed by Mr. Barwell and myself in our Plan of the 22nd April last, to be inherent in the Zemindar, has no affinity with judicial authority, but meant only the authority vested in the zemindar to guard and maintain the peace of the country. I am astonished to find in the minutes of the majority the same confusion of terms still prevail between the Foujdarry Adalut and that of the Foujdarry jurisdiction, the first of which mean the Courts of Criminal Justice, the second the officers of the police. The former were wholly independent of the zemindar, the latter were especially entrusted to his charge and inherent in the constitution of his office."

the Directors' guidance in the matter of the inheritance of land and with some remarks relating to the revenue administration.

> "Both by the Mussulmen (*sic*) and the Gentoo[1] laws," they write, "inheritance should be divided amongst the sons in equal proportions; yet it has been established by custom that the large zemindaries should not be divided, but be possessed entire by the eldest son, who is to support his younger brothers: on the contrary, it is usual for the smaller zemindaries to be divided out amongst all the sons; but in many parts of the country the custom prevails that the eldest son should have something more than the others. The reverse of these customs, we think, would be for the interest of the Government; we mean that the large zemindaries should be divided, and the small ones be preserved entire."

and that "as Managers of estates they are indolent, leaving by far too much in the hands of their retainers." In case of war, they might even become formidable, as was the case in former times. "The collection of the revenues from very small zamindaries was attended with little trouble or expense" With respect to the mode of managing the collections of the revenues and the administration of justice, none seems to us so good as the system which is already established, of the Provincial Councils, which is already established.....We are under some apprehension, however, lest the Members of these should divide into parties, and so the currency of business be impaired.....It is the natural consequence of dissensions in the superior Council, and our constant care will be required to prevent it."[2]

On 22nd January, 1776, Philip Francis placed a rival plan on the minutes of Council, and this plan was in due course transmitted to the Court of Directors. The principal point of novelty in Francis' scheme is the proposal that the new settlement should, instead of being based on estimates of what the lands could bear in the way of payment of revenue, be deduced from an estimate of the actual requirements of the Company. "The whole demand upon the country, to commence from April 1777, should be founded on an estimate of the permanent services, which the Government must indispensably provide for; with an allowance of a reasonable reserve for contingencies.....I know not for what just or useful purpose any Government can demand more from its subjects; for unless expenses are collected for the express purpose of absorbing the surplus, it must lie dead in the treasury, or be embezzled." Having ascertained the amount the Government

[2] At Dacca, R. Lindsay, being under the patronage of the Francis party, in order to secure the post of Resident at Sylhet, gets himself nominated by an adherent of Hastings.—*Vide*; *Lives of the Lindsays.*

needed to raise by land revenue, the contribution of the districts should be settled accordingly and "fixed for ever." Francis puts forward an estimate of expenses of Government and consequent revenue which he considers to be "liberal."

Whatever might be advanced on behalf of this proposal from considerations of "tenderness to the zamindars," it is quite clear that Francis in 1776 was not in a position to estimate the expenses of the Government with such precision as to be able to dictate a permanent limitation of the resources of the State. His plan, as will be seen, required a total change in the existing system of administration, and until the new system had been some time in working order, it was impossible to ascertain whether or no the unappropriated surplus of Rupees 37,11,547 allowed for by his plan would be realised. As a matter of fact the expenses of Government during the years 1776-1784, show that Francis' estimate would have proved a disastrous miscalculation.[1] The plan, moreover, does not face the problem of the waste lands—a problem which the results of the famine had rendered especially worthy of attention. That lands not belonging to any recognised estate would be brought into cultivation was a contingency for which the authors of the Permanent Settlement made no provision—the cultivation of waste lands being, until the actual conditions of the land became better known, regarded as due to the enterprise of improving landlords. The adoption in 1776 of Francis' proposals would have brought about a state of things in which the holders of existing estates would have been subject to land revenue, from which the squatter would be immune.

Having laid it down as a primary principle—that the amount of revenue to be raised should be determined, not by any estimate of what the lands could be made to yield, but by an estimate, formed once and for all, of the actual requirements of Government, Francis proceeds :—

> "When the gross sum to be levied from the country is determined, as well for the revenue as for all charges incident to it, each zemindary should be assessed its portion.....and let that sum be declared the quit-rent of these particular lands in perpetuity.....This distribution should be called the *Tumar Jumma*, a term sanctified among the natives from the idea of security[2] which they had long been accustomed to annex to it. There is no case of necessity, no emergency whatsoever, which in my opinion should induce Government to increase the

[1] On 16th June, 1784, Francis, speaking in the House of Commons, observed "that either the Ways and Means of 1784 had fallen short, or the services had exceeded those of 1776, to nearly the amount of £2,200,000, and that so alarming an alteration, whether in the revenues or in the expenses of the Bengal Government demanded the instant attention of Parliament."

[2] Mill (Op. cit., vol. iv, p. 405) points out that "taxes may be in the highest degree *certain*, and yet liable to be increased at the will of the legislature.....By the common reasonings to prove the advantages of certainty in taxes, Mr. Francis, therefore, proved nothing at all against the power of increasing them. The sacred duty of keeping taxation in general within the narrowest possible limits, rest upon equally strong, but very different grounds.

Jumma—Temporary distress may be provided for by temporary contributions, which a flourishing country does not feel. If these are once added to the *Jumma*, according to modern practice, they became perpetual, and drive the proprietor, who sees no limit to the impositions on his land, to frauds, indolence, or despair..... ..It is not meant by these regulations to prevent the Zemindar from drawing a larger rent from the constituent parts from the Zemindary than its proportion to the assessment, and render it of more value to himself, if he improves the land it contains. This would be absurd, and defeat the intention of the present plan. It is only meant to fix the quit-rent of Government for every portion of land in all its future sales, or transfer of property, without which neither the actual proprietor nor the purchaser can form a determinate judgment of its value." "Assuming the sum total unalterably fixed, inequalities in an assessment so formed may be considered as inconsiderable, and not to be remedied by the expedient of a *hustabood*."[1] "The revenue actually paid for three years past will be sufficient for framing the general assessment of the provinces."

Francis thus advocates a fixed settlement, and that with the zemindar, whom, "without much concern about the production of proof,"[2] he asserts to be the lawful owner of the soil. "The Company," he contends, "had conceived an early, but erroneous, opinion that the governing power was proprietor of the soil; consequently that in the management of their territorial acquisitions, they ought not to content themselves with a fixed tribute as Government, since they had a right to ingross the entire produce as landlord." In a later minute (December, 1776), in order to show that his opposition to Hastings will admit of no compromise, he contends that it is with him an essential point that "the lands are not the property of the East India Company, but of the zemindars and other classes of natives, who owe nothing to Government, but a fixed portion of the new produce" and challenges the Governor to say if he takes "his departure from the same principles that I do."[3] He declares that on this subject he is "not open to conviction," and, if perchance the Company should declare itself of a contrary judgment, then it would be his immediate duty to advise the Company

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[1] Francis objects to *hustabood* on the ground:—

(i) "Since we already know what the country will pay, a *hustabood* can only serve to alarm the zemindars and ryots."

(ii) "A *hustabood* ought to be an actual valuation of all the rents drawn from the lands; but, by the failure of some tenants, the entire amount of it is seldom collected. If accurate therefore, it is too much to draw from the districts. Hitherto, where a discovery of the whole produce has been made, it has only served to awaken the cupidity of Government, and to lead them into errors in settling their rents."

[2] Mill: Op. cit., vol. iv. p. 4.

[3] Of Hastings' opinions, Francis writes: "In comparing his opinions delivered at different periods and on different occasions, I see declarations on both sides, which hold me in suspense, and which can only be decided now by a plain negative or affirmative."

"to dispossess themselves in favour of the zamindars," for "under the direct management of Government, whether by farmers or agents, the lands must fall to decay."

A discussion of the view so uncompromisingly set forth by Francis is, as Hastings saw, not really essential to the elucidation of the subject under debate. Even let it be conceded that the zamindar was proprietor of the soil, the Government was equally, by immemorial custom, the owner of a portion, and that not a fixed and invariable one, of the grain on the cultivators' harvest floor. If the land was the zamindar's property, the share of the harvest was also the Government's property, and the question at issue was how the Government might best secure, not a tribute imposed on a conquered people, but its land revenue. The effect of Francis' repeated assertions was to bring into prominence in the discussions of the next fifteen years a question as to the ownership of land which was in strict logic irrelevant. The discussion, so far as it led to an investigation of facts, was of the greatest historical value; but it can hardly be denied that in proportion as public opinion came to favour the view to which Francis had committed himself, one important qualification of the zamindar's claims came to be ignored. It would have been well if Hastings' words in reply to Francis had been kept in the foreground. "I shall not here attempt to account for the distinctions of property as they are understood in this country. It is sufficient for me to observe that, while the ryot pays his rent, the zamindar has no right to dispossess him; nor can the zamindar, by any legal right, exact a higher rent from him than his pottah prescribes."

It has already been made clear that Hastings fully recognised the importance of forming the settlements, wherever possible with the zamindars. On that point nothing can be clearer than the statements contained in his letter of 3rd November, 1772. In the plan, drawn up by him in conjunction with Richard Barwell, he had gone further, and recommended a fixed settlement for a life or two joint-lives. Hastings no doubt had hoped that, when his plan had been considered, Francis would find his object practically secured, while only a few minor points as to the means to the end would be left open for further debate. Francis, however, had entered into the controversy, with the intention of using his arguments for a wider purpose than the determination of a question of temporary politics. The nature of his pre-occupation is made manifest in the introduction he appended to the printed volume of minutes. His attack on the Governor's revenue administration was part and parcel of an indictment of the whole of the Company's dealings with the people of Bengal, and the publication of his papers, when he had ceased to be a paid servant under the Directors and was looking for the favours of the Ministry, was intended to show "that the natives of these kingdoms, which we call our territorial acquisitions, had laws, and rights, and property, which were respected and secure under the dominion of Mohamedans, but which, under a British Government, have neither been regarded, nor understood." His purpose is to show that

the zamindars, whom he represents as the landed gentry of Bengal, were being crushed out of existence by a Government animated by a relentless desire, "to annihilate that rank of men, in whom the inheritance and property of the lands of Bengal are vested, in order to transfer to the ruling power the produce of their estates, leaving nothing to the owners but a competent subsistence"— a picture of Hastings' policy well calculated to awaken the horror of the Whig party in England! The Hastings-Barwell plan, with its partial adoption of the principle of fixed settlements and its declared favour towards the zamindars, therefore, could not satisfy the grand-arraigner. To compromise would be to ruin the great indictment. These men had brought the wise and benevolent institutions of the Mughal to ruin: it was too late for them to come forward now with measures of repentance. The aim of the published minutes is to show that the position of the zamindar as land-owner had been the saving grace of the Mughal Empire, which if despotic *in modo* had also been the milk of human kindness itself *in re*, and that from rulers who would not recognise in the zamindars the improving landlords of an ideal English type nothing could be expected, but the absolute ruin of the land entrusted to their government.

From the first principles of the settlement proposed by Francis, we now turn to consider the details of his plan. Francis regards it as probable that "in the present distressed and discouraged state of the zamindars, several of them may incur the penalty of losing their lands," either from incapacity, from doubts of the Government, and in many cases from "downright obstinacy and wilful attachment to their prejudices and propensity to fraud." It should, therefore, be made an express condition in the kabuliyats that the zamindari, or parts of it, would, in cases of necessity, be sold to make up for arrears of revenue. "A transfer of landed property to monied people, who are able to make improvements, will be in some degree advantageous to the Government, and the country. But, whoever knows the value set by the zamindars of Bengal on their inherited property, and the disputes which they maintain for years with the utmost acrimony and perseverance for the smallest portion of their land, even its present racked and discredited tenure, will be convinced that, when they see this regulation put in force against them without delay or indulgence, they will be raised from their present supine and hopeless state, to exert every endeavour for the preservation and improvement of their estates, now rendered of equal value." And, as many of the zamindars may be incapable of managing their lands, they should be in every such case constrained to appoint a diwan, who, although accountable for his stewardship to his master, would be answerable for the payment of the revenue to Government, and, therefore, ought not, during the first four or five years after the settlement, to be dismissed without the authority of the Government. Such officers should not be allowed to have vested interests in the estates under their management, nor to purchase at their sale.

As to the desirability of sub-dividing the larger zamindaris, and preserving the smaller ones intact, Francis is in agreement with

Hastings: he, therefore, professes that "a new law of inheritance should be established, by which the great zamindaries should be divided equally among all the sons, and the small ones descend to the eldest, on condition of supporting the younger children. The gradual operation of this rule might be continued until the larger zamindaris were reduced to a revenue of two lacs, each to Government." It remains for consideration whether the existing Hindu custom of adopting an heir ("generally that of the family Bramin,") where succession by blood failed, should not be abolished in order to facilitate the process of reducing the larger zamindaris on their escheating to Government. Francis proposes the institution of a Court of Wards[1] "for the care of estates, of which the incumbents are minors, idiots or females, and to have care of the education of minors, now usually committed to servants or relations, who have an obvious interest in bringing up the children in ignorance or stupidity."

Francis also professes to be in agreement with the Governor-General on the subject of the revival of the zamindar's police jurisdiction.

In regard to the protection of the ryots, Francis inclined to a system of *laissez aller, laissez faire*. He held that it was the natural interest of the zamindar to conciliate the cultivators. "I have heard it asserted," he writes, "that formerly, when a ryot quitted any zemindar's lands, he (the zemindar) followed him, and used every motive of persuasion to prevail on him to return; and that the zemindars were accustomed to bribe away each other's tenants." "The amount of rent to be paid per *bega*, must be settled between the zemindar and his tenant. Government can never descend to the ryots so as to fix any general assessment upon them, because the rates of land depend on a number of precarious circumstances." In a later minute (5th Nov., 1776) Francis takes the Governor-General and Mr. Barwell to task for having proposed "to secure to the ryots the perpetual and undistributed possession of their lands." "The State" Francis retorts "does not consist of nothing but the ruler and the ryot; nor is it true that the ryot is proprietor of the land. It is not even necessary that he should be so, either for his own benefit or that of Government. The scheme of every regular Government requires that the few should be supported by the labour of the many, who receive their retribution in the peace, and security, which accompanies just authority and regular subordination." If the zamindars and ryots "are left to themselves, they will come to an agreement in which each party will find his advantage. The pottah is the evidence and security of this voluntary agreement."

Here once again the question "Is the ryot the owner of his holding" is irrelevant. If the zamindar had the right to manage his lands; the ryot on the other hand had a right of occupancy of which Francis takes

[1] On 15th July, 1791, the Governor-General and Council passed rules for the establishment of a Court of Wards for disqualified landholders and their estates. Regulation No. X of 1793 re-enacted the resolutions of 1791, with certain modifications.

absolutely no account.[1] In strict law it may have been that the *khudkasht ryot* had no exact legal right of selling his occupancy, but in custom he usually could sell it; and, provided he paid his dues, the zamindar could not oust him from his holding. The consequences of Lord Cornwallis' Permanent Settlement in its failure to protect the ryot afford the best answer to Francis' plea for non-intervention on the part of Government. To the *a priori* argument from presumed mutual interests, Hastings replies: "This would be a just conclusion, if the zamindars were all capable of distinguishing what was for their own advantage. But it is a fact, which will with difficulty obtain credit in England, though the notoriety will justify me in asserting it here, that much the greater part of the zamindars, both of Bengal and Bahar, are incapable of judging or acting for themselves,[2] being either minors, or men of weak understanding, or absolute idiots. This circumstance, and the consequent oppressions, which are exercised by those who act for them, without any interest in the prosperity of the zamindary, render it necessary to provide for the security of the ryots by checks or regulation. It is to be observed also that there are two kinds of ryots. The more valuable are those who reside in one fixed spot, where they have built for themselves substantial houses, or derived them from their fathers. These men will suffer much before they abandon their habitations, and therefore, are made to suffer much; but when once forced to quit them they become vagrant ryots. The vagrant ryots, as Mr. Francis observes,[3] have it in their power to make their own terms with the zemindars. They take land at an under-rent, hold it for one season; the zemindar increases their rent, or exacts more from them

[1] "The tenant-proprietor and even the non-occupancy ryot, erects his own dwelling-house, finds his own materials, puts up his slender fences, cuts the channel to conduct superfluous water from his own plot to his neighbour's, maintains the small embankments of earth that serve for communication over the plains as well as for boundaries of holdings, expends time and money on higher and more remunerative species of produce, and in short makes the most of his land without advice, direction or hindrance from the superior landlord. These are distinct and irrefragable proofs of a permanent interest in the land, and yet they are perfectly compatible with the existence of rights and privileges of others. It has been said in a previous part of this memoir that the ryot was expected to notify to his superior any sale or transfer of his own interest. But that duty, though admitted in theory, was frequently disregarded in practice. It is absolutely certain that the jot or jamma of a ryot had a market value of its own. It was often put up to public auction in satisfaction of a decree of Court, and was bid for and bought by purchasers without the least reference to the zamindar, and almost as often, holdings changed hands by private agreement. Sometimes a ryot parted with his holding and was reinstated as a mere cultivator. Sometimes he conveyed it to his own zamindar, and sometimes again the zamindar was in the habit of buying holdings situated within the estate of a neighbour and a rival, for purposes of intimidation, annoyance, and revenge. In other cases the ryots' holdings have been purchased openly and fairly, and with a perfectly lawful object, by the Zamindar himself. If the zamindar had no spare land of a requisite class and wished for a small plot on which to lay out a garden, build a temple, or excavate a tank, he was forced to bargain with his own ryot to cede land for the purpose. He would not be supported by law, custom, or public opinion in forcibly demanding a cession of the ryot's land without compensation or equivalent." Seton-Karr: *Cornwallis* ("Rulers of India"), pp. 57-58.

[2] This statement was confirmed by Sir John Shore, Minute of June, 1789. *Fifth Report*, 1812, p. 186.

[3] Hastings here gives his opponent the benefit of supposing him to be well acquainted with a very necessary distinction.

than their agreement, and the ryots either desert, or, if they continue they hold their land at a rent lower than the established rent of the country. Thus the ancient and industrious tenants are obliged to submit to undue exactions, while the vagrant ryots enjoy lands at half-prices, which operate as an encouragement to desertion, and to depopulation of the country."

Francis proposes "to get rid of the present confused pottahs and Jummabundy" and suggests that the zamindars should, within a stated time, grant new pottahs, either for the duration of the zemindars' own fixed rents, or for a term of years. The new pottahs, expressed in the simplest terms possible, and "without a single *aboab* or muthote,"[1] should cite the amount per bigha per each bigha cultivated, varying only according to the article of produce or quantity of the soil. The ryot should also receive from the zamindar, after payment of the annual dues, a signed account, with a release at the foot. To release the ryot of the batta or exchange on his coins, he recommends the establishment of one general silver coin, which would circulate at par.

As it might be expected that the increase of the lands in value would lead the zamindars to resume lands alienated in charity, etc., it would be important to set a limit to the time in which lands, for which no *patta* could be produced, might be quietly resumed, and in future the zamindars should be restrained from making grants in charity of longer duration than their own life, and no act of the kind should be held valid when made by a zamindar in arrears to Government.

In regard to loans of money to the zamindars, Francis writes: "Government ought to give some demonstration of their intention to see justice done to those who lend their money. The rate of interest should be fixed, and the mode of security determined, whether by mortgage or otherwise." He then comes to broach the subject of the executive machinery of the revenue administration. It is interesting to notice what he has to say on the subject of the Provincial Councils, for Hastings' action in abolishing these bodies was severely censured by some of the witnesses at his Impeachment. Of the Provincial Councils Francis writes:

> "The institution was fundamentally wrong. There should be but one deliberative council in the State. The powers delegated by that authority, should be purely ministerial. It seems contrary to all principle to unite execution with debate. It looks like forcing two powers, moving on principles diametrically opposite in their nature, to keep pace with each other. A Government so constituted will neither deliberate nor dispatch. Setting aside an obvious slowness, of proceeding, tedious disputes, and voluminous consultations, one great and fatal objection to provincial councils is generally felt and acknowledged by themselves. Their local situation makes

them unable, from their own knowledge to judge of distant districts, or to hear complaints, or to yield timely redress or in short to enter into detail of Government."

To carry his plan into execution, Francis recommended the re-appointment of supervisors. This he thought might perhaps prove to be a measure of temporary urgency only, and it would perhaps be found that, when the zamindars had secured their position, and the ryots had received their pattahs, the former might be trusted to pay their rents direct into the Khalsa treasury, and the Supervisors could then be recalled. These district officers should be selected, with consideration to their linguistic and local knowledge, from "the most discreet and able servants," and they should be allowed a commission on the net amount of their collections as well as allowances for their expenses. "I will not pretend to say what their avowed emoluments ought to be; but I am sure that no government will be served honestly, which does not reward its servants liberally."[1] When the supervisors were no longer necessary as Revenue collectors, some of them "on the plan of the old fouzedars, may be fixed at convenient stations, merely to preserve the peace and subjection of the country; and this would be essentially necessary in case of a war." The superintendence of the local civil courts would be an important branch of the supervisor's activities, and as Francis understood that the Company's servants at present retained for the courts of Diwani Adalat were but mere clerks, he held that "the greater part of them may be struck off." The supervisors, moreover, should be authorised to prevent "monopoly or undue influence in trade, whether by the Company's agents or others, and to protect and encourage the merchants." As the adoption of Francis' plan as a whole would obviate the necessity of forming hustaboods, collecting records, etc., the supervisor's work would be much lightened, and therefore the establishment of servants in the districts need be only small. The divisions of the country might remain "the same as in the former collectorships, except that Dacca is too large, contains many small zemindaries, and ought to make three divisions at least." The only accounts which, under this system, would be necessary for remission to the Treasury would be statements of each zemindar's payments and arrears, and a *jama kharch*, or account of receipts and disbursements. To bring this new system into operation, the Provincial Councils, before their dissolution would have to prepare and make over to the Supervisors—

1. An exact register of all landed properties, digested under the general heads of zamindaris, talukdaris, etc., with the parganahs comprised in each;
2. A table of the receipts during the last three years.
3. Account of the character, family, etc., of each zamindar.

[1] Writing in 1781 (April 28) Hastings speaks of fixed salaries as "the scanty pay for dead and unprofitable labour." Gleig: *Memoirs of Warren Hastings*, vol. ii., pp. 375-76.

The salt and opium revenue should in future be "by way of duty only." The existing contracts for salt had, in Francis' opinion, led to the depopulation of the salt districts, and what had been gained by a monopoly, itself contrary to the Company's instructions (Nov. 20, 1767), was lost by the injury done to agriculture. Bihar might be expected to revive after its "universal poverty and depopulation" if the opium trade were thrown open and some alteration made in the present mode of providing the Company's salt-petre. Restrictions in trade in favour of officers in charge of the collections or in public authority, should be formally and finally annulled.

Finally, as to outstanding arrears of revenue. At the expense of favouring those who have no claim to indulgence, it would be necessary to remit all arrears which cannot be collected within a certain period, for otherwise the country, which "has already paid much more upon the whole than should have been demanded from it," would not recover. This intention, however, would have to be kept secret until the fitting moment for its execution.

In one place Francis observes that "in every other country the collection of a land tax is one of the simplest and easiest operations of government." In his published work he loves to adorn his abstract arguments on Indian matters by quotations from the then fashionable doctrinaire French authors. The idea that the experience of "every other country" could be realized in Bengal must have been seductive to a member of Government who, after but a little more than a residence of eighteen months in Bengal, had come forward to simplify the painfully intricate native customs of land revenue and land tenure. Francis' scheme, while it pretends to be a return to the principles of the Mughal empire, is in reality parallel with the methods of those early English administrators in Ireland, who being so familiar with land-holding *by contract* in their own land, simply could not recognise in Ireland the existence of land-holding *by status*. If Francis had had a legal education, he would have known that even in English legal theory there is no such thing as absolute ownership in land—but only the *dominium utile* or "estate in land," and would have qualified his expressions in regard to the "proprietorship asserted for the zamindar." Ignorant of the history of land-holding in India, he approached his work with a mind influenced by the old feudal maxim *nulle terre sans seigneur*, and so influenced, he supposed that for every plot of land, large or small, in Bengal, there must be an owner, and that every subordinate cultivator on the soil must be there by virtue of a contract, which, he held, should, according to the experience of other countries, be determined by the letting value of the land in the open market. The zamindar, he maintained, was the owner, and the ryots' right and liberty were to take or reject the terms which the zamindar offered. Claiming to be pleading on behalf of these native laws and customs, which obtuse and venal English folk had outraged, Francis in fact popularised in England, if not in Bengal, a view of land-holding in India which was hopelessly at contradiction with the

facts of history. The lucidity of his writings and their controversial adroitness led to his views being widely accepted, and their triumph was the more easy because the unfounded assumptions of his plan were the very assumptions which, unless warned, an Englishman would bring to India with him, enthroned in his mind as "common-sense."

In 1781 the Provincial Councils were abolished, and the collectors returned to the districts. Thus two steps were taken towards the realisation of Francis' plan. Already in 1770 the plan of a fixed settlement had been put forward in Dow's *History of Indostan*, and Francis' *Minutes* served to give prominence to the scheme.[1] In 1785 the Court of Directors announced their intention to "arrange a final system," and in the year following they ordered an assessment to be fixed for ten years, and after that time, if approved of, declared permanent. The debates of 1775, therefore, were not unfruitful in good or evil: but, although Francis' advocacy of a fixed settlement on the basis of the recognition of the zamindars as land owners was thus to triumph, his generous idea of making the actual requirements of Government a bed of Procrustes on which to measure out the land revenue was not accepted.

The opposition of Francis to the Governor-General, which taken as a whole menaced the very life of the English Empire in India, had good results wherever it was genuinely reasonable. Just as the Impeachment of Warren Hastings, may be regarded as reflecting shame on its originators and the Managers, while it yet performed a useful purpose in putting to rebuke all that had merited censure in the past, so Francis' indictment of past errors was calculated to secure a greater watchfulness and efficiency in the future. What in reality stood up for trial and condemnation at the Impeachment of Warren Hastings was a system of irresponsibility for the welfare of the peoples of Bengal, and not the man who had done so much to substitute for that system the beginnings of a genuinely paternal government. What is really struck at in Francis' minutes is the old method the Court of Directors had again and again sought to enforce on its servants in Bengal—the method of employing native hands to fill English treasuries, and laying the blame of rack-renting on the servants of a more or less imaginary native administration. Perhaps, from the point of view of the historian who reads Francis' book in the light afforded by events subsequent to its publication, the historical importance of the book lies in the fact, not merely that it popularised certain views about fixed revenues and

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[1] See also "H. Patullo": *An Essay upon the Cultivation of the Lands, and Improvement of the Revenues of Bengal*. London, 1772. It has been suggested that Francis' minutes on revenue matters represent the picking of John Shore, the future Lord Teignmouth, who in 1776 was a young rising civilian. Shore writes in his early days: "Mr. Francis is my friend, and will, I believe, give me proofs of it, whenever time shall put it in his power." Capt. J. Price relates that Hastings, having guessed at the dependance of Francis on Shore, sent the latter on a journey, and that Frances, during the absence of his young protégé, absented himself from Council on the plea of ill-health. See *Some Observations and Remarks on a late Publication entitled 'Travels in Europe, Asia & Africa.'* London, 1782. See also an article on Lord Teignmouth by Sir John Kaye. *Calcutta Review*, May, 1844.

zamindari ownership, but that it carried the judgment on the Company's internal administration from the Court of Directors to the bar of public opinion in England, and, in pleading that the assessment of the land revenue should be regulated by the needs of Government, it condemned the old system of appropriating the revenue for the provision of the Company's commercial investments.

CHAPTER XVI.

THE COMMISSION OF 1776.

Towards the end of 1776, the Governor-General stated his proposals for the formation of the new settlement. Colonel Monson's death in September, 1776, had enabled the Governor-General to secure the adoption of his measures by the use of his casting vote. His proposals embraced the institution of a Commission of inquiry consisting of two covenanted servants and a native Diwan, assisted by officers selected either from the Khalsa or specially chosen for the business of the Commission. All orders in connection with the inquiry were to be written in the name of the Governor-General, who was to exercise an immediate control over the proceedings. The constitution of this body, therefore, lent itself readily to the misconstruction of Hastings' opponents, who at once cried out that the new Commission, dominated by the Governor-General, was designed to exclude the Council from their constitutional right of directing the revenue administration.

This Commission was not only to make elaborate inquiries into the value of the lands and the farmers' accounts, but was to give a very special attention to the protection of the ryots—"to secure to the ryots the perpetual and undisturbed possession of their lands,[1] and to guard them against arbitrary exactions." "This" Hastings went on to aver, "is not to be done by proclamations and edicts, nor by indulgences to the zemindars. The former will not be obeyed unless enforced by regulations so framed as to produce their own effect without requiring the hand of Government to interpose its support; and the latter, though it may seed the luxury of the zemindars, or the rapacity of the farmers, will prove no relief to the cultivator, whose welfare ought to be the immediate care of Government." In regard to the attempt to define the ryots' dues by *pattahs*, Hastings notes that what had been said by way of reproach on the score of the Committee of Circuit would apply with equal justice to the settlement of Burdwan formed by direction of the late majority in the present Government. Despite the peremptory orders of Government, not a single *pattah* had been granted in the Burdwan district, and without Governmental intervention,[2] the *pattahs* would never be issued. "Future effects may

[1] Hastings is here using terms in a loose sense, and without reference to the strict law of property. He refers to the Khudkasht ryots' right of occupancy not to any absolute property in the land.

[2] In regard to Burdwan, Francis retorts: "The time limited for granting such pattahs is not elapsed, and I do not yet despair of some degree of success. For the rest, I shall content myself with remarking, that the measures of a divided Council may be defeated by difficulties external to them, and that a failure proves nothing but that the entire strength and influence of Government did not accompany the execution. This, I fear, may happen in other instances, as long as the merits and success of one part of the administration can be interpreted as a reproach or viewed with dissatisfaction by the other." *Ibid.* p. 130.

be concluded from simple causes without the spirit of prophecy. It is the interest of the zemindar to exact the greatest rent he can from the ryots, and it is as much against his interest to fix the deeds by which the ryots hold their lands and pay their rents to certain bounds and defences against his own authority."

From the previous chapter it will have been seen that Francis had committed himself to a number of fixed principles, and his opposition to this new measure must not be assigned to a spirit of mere personal opposition. He had already laid it down as a doctrine of political economy that "the Government cannot descend to the ryot"—the relation of the zamindar to the ryot must be left to the law of economic competition to settle. The proposed inquiry into the value of the lands led him to ask what end would a valuation serve?[1] He had already stated his opinion that the amount of revenue to be gathered should be in accordance with the actual needs of Government, and deprecated an assessment which would yield more than a safe and moderate surplus to cover emergencies. Why make these inquiries, if it be not their object "to exact from the people the utmost they can possibly pay?" "I collect the avowed or implied principles of the Governor's plan from the enquiries he intends to make. The nature of the information he proposes to obtain suggests to me the only purpose to which it can be applied."

So Francis wrote in his minute of November the 8th, 1776. Surely, he argues, if it be an object to discover the utmost the country can yield in revenue, this must have been achieved by the Committee of Circuit, and has not the Governor-General and Mr. Barwell informed the Board on April 22, 1775 "the ascertaining of the values of the several districts has been sufficiently accomplished?" And from whom is all this intricate and bewildering information now to be obtained? From the farmers? Have not they been incessantly crying out for remissions, and if they produce any accounts at all, is it not certain that the accounts will have been deliberately falsified? From the Zamindars? Is it not the fact that the concealment of their property is the only resource our oppression has left them? These are the last people from whom we have the right to expect assistance. From the ryots? Why, the Governor-General and Mr. Barwell have themselves borne witness to the ryots' distrust of Government. It is the ryot's interest to exaggerate his distress, and "sink the amount of his actual payments, lest what he is able to pay in future should be determined by what he has paid heretofore." And supposing all the required information to come to hand, how can its examination and simplification be completed before April next? "The complex idea, which the whole operation gives me is a union of confusion and impossibility, through which I am confident no human penetration can find its way." Such a valuation could only be true at one given point of time: in Bengal, the incidence of floods,

[1] Soon after they arrived in Bengal, Francis and the majority had stopped an enquiry into the land tenures of the Dacca Zamindars by the Provincial Council.

etc., soon alters the validity of a valuation. We have already what we need to know. "We know the amount of our expences, and we know in general what the country can pay. We also know that in general it has been much over-rated. Our Provincial Councils are able to inform us what particular districts have been favoured or oppressed, in what parts the collections have been realized without difficulty, and what districts indispensably require relief. Our constant experience tells us that, upon the whole, there ought to be a remission." Here there is sufficient material for a new settlement, which if not perfectly accurate or equal, would only be subject to merely trifling inequalities which would soon "level of themselves." This material would suffice for a fixed jumma, and "without a fixed jumma I affirm that no other measures can save the country." In support of these points, Francis evokes the authority of Sir J. Stewart, Blackstone, Smith, Montesquieu, and Mirabeau.

Having made his objection to the inquiry into the value of the lands, Francis goes on to deal with the proposed protection of the ryot. "This language," he says contemptuously, "is popular, and has often been used without any apparent benefit to the ryot, to countenance and give colour to acts of violence and injustice against the Zemindars, and other superior ranks of natives." Let charity begin at home. A Government "which claims and exercises a right of arbitrary taxation, and whose professed object is to exact the greatest possible revenue from the country, cannot afford to preach tenderness for the cultivator." He goes on to plead for a policy of *laissez faire, laissez passer*. Zamindar and ryot, if left to themselves, will come to an agreement, in which each party will find his advantage. The Governor's plan resembles "an attempt to annihilate all intermediate profits between the ryot and Government."

On November the 12th following, the Governor-General proposed a fixed establishment (*i.e.*, salaries) for the members of the Commission. The total sum was to amount to Rs. 48,000, or more, per mensem. The Governor nominated David Anderson and George Bogle (the celebrated Tibetan traveller) as Commissioners, on a monthly salary of 1,200 each: Henry Vansittart he nominated to be Persian translator, and Gunga Govind Sing, to whom Burke has attached so sinister a reputation, as peshkar.[1] On the same day Barwell handed in a minute of a conciliatory nature, in which he stated that "the grand object, in which all our sentiments unite, and to the necessity of which we all subscribe is a solid establishment of the revenues upon an abated taxation." He claimed that on three important points the Governor-General and Mr. Francis are agreed:—

1. That a *fixed* valuation should take place in the revenues.
2. Some diminution should be made.
3. "And lastly we propose that this important settlement should be permament."

[1] Pesh=before a superior: kar=one who works. A "deputy manager."

But, he argued, it would be necessary to convince the Company that its interests have not been neglected, to cut off from a future administration any opportunity of censuring the present on the ground of having acted on obviously inadequate information, and to convince the Indian mind of the really equitable nature of the proposed measures. With all due deference to Mr. Francis' polished learning, he would suggest that what Mr. Hastings now proposed was a measure akin to the scheme projected by the great Duc de Sully in France. Barwell then goes on to defend the proposed measure for the protection of the ryots. "In this country," he urges, "where all territorial property centres ultimately in Government, and where the Zemindar holds his lands by a pottah, the same tenure by which his under-tenant holds them again from him, I think the public eye should have a watch upon these, as well as the former; and that it would tend as much to the interest of the State as to the satisfaction of the greater number of the inhabitants, that all pottahs should be equally well defined, and be guaranteed from all violation with an equal authority. Personal property ought to be held as sacred in the pittance of the poor as in the possessions of the rich; and, as I have said 'the welfare of the husbandman and manufacturer is the general ground-work of a well regulated state,' it follows that I deem it to be the first object of this government to fence and secure the ryots from the arbitrary power of their zemindars; otherwise no one regulation we may resolve on can, in its immediate or remote consequences, answer the beneficent design for which it was formed. The wealth of every country is to be found in the wealth of the commonalty alone, especially in this country, where the particular manners and superstitions of the higher class either influence them to secrete their acquisitions, to dissipate it in religious endowments out of the provinces, or in the ostentatious folly of giving daily food and subsistence to a number of idle dependants, who by such means are totally separated from the bulk of the people, and who must have otherwise been employed in the manufactures and cultivation of the country. I acknowledge the task is extremely difficult and arduous; but, unless the rights of the common people are well defined and secured, I am well persuaded all our speculations will only tend to enrich the zemindars, and either lock up a large portion of the current specie, or divert it to most pernicious purposes, and precipitate that very decay we are endeavouring to guard against."

On the same day (November the 12th), Hastings made his reply to Francis' minute of November 5th. "More used to the practice of business than speculation," Hastings asks to be excused the discussion of those abstract and general principles which are supposed to be applicable to *any* country, and to apply himself to the actual conditions of Bengal. The doctrinaire opinions cited by Francis might perhaps be justly applied to countries in which the land tax bears but a small proportion to the produce of the lands, but in Bengal where the land revenue may amount to nine-tenths of the produce, these abstract

principles do not apply.[1] Francis has contended that the inconveniences of an unequal assessment would be so trifling that they might well be neglected. Now suppose in England the rent claimed by Government is one-fifth part of the produce, the proprietor would have four-fifths (or 16/- in the pound) left for himself. If, owing to an inequality of the assessment, in some places one-eighth part were taken by Government, the proprietor would have left seven-eighths, or seventeen shillings and sixpence. But in Bengal "nine-tenths of the net produce or eighteen shillings in the pound, are generally supposed to belong to Government, and the remaining tenth to be the property of the land-holder. A Zamindar, whose land produces Rs. 1,00,000 pays Rs. 90,000 to Government, and has a right to the remaining Rs. 10,000. Should this land be over-rated at Rs. 1,05,000, or only one-twentieth part above its value, then, instead of Rs. 10,000, he would receive only Rs. 5,500, or a little more than half his just income. Another, inheriting a zamindary of equal value, reputed to be worth Rs. 95.000, or one-twentieth part under-rated, will, instead of Rs. 10,000, enjoy an income of Rs. 14,500. Thus the inaccuracy of a twentieth part in the valuation, more or less, will render the estate of one zamindar almost three times more profitable to him than that of another, whose lands are of equal value." Hastings then gives instances of the evil arising from the unequal assessment of lands.[2] He next describes "the ancient Tumar or Tuckseem, [taksim] or distributions of the land revenue" as a "mere object of curiosity" in a passage which has already been quoted. He goes on to deal with Francis' second position, *viz.*: the inconvenience of an unequal assessment is not capable of remedy, because it is impossible to obtain an accurate valuation of the lands. On the contrary, Hastings maintains "the present juncture is peculiarly favourable to the attempt, and that the work is work not undertaken without a fair prospect of success." It would be far too tedious to attempt to form a valuation of the lands by measurement or survey, but the accounts of the land revenue will supply the information required.[3] As it is impossible to falsify the sum total of a parganah without falsifying all the parts of it,

[1] Francis in reply contends that distinctions drawn between England and Bengal are made to give an arbitrary government the right to exercise discretionary powers of an oppressive kind.

[2] The sale of zamindaris in the Dacca district, the proposed sale of the Raja of Nadia's lands, the ruin of wealthy farmers in Behar, and the recent sale of taluks by the Provincial Council of Murshidabad.

[3] Hastings writes: "The accounts of the revenue in Bengal are kept with a regularity and precision unknown in Europe. They are drawn out, I understand, nearly on one uniform plan, and are balanced and adjusted at fixed periods. A separate account (or *Karcha*) is kept for every ryot or tenant, in which the different articles which compose his rent for one year are stated on the one side, and the payments which he makes are entered on the other. The whole of these accounts are afterwards annually digested into abstracts, which contain a particular state (ment) of the rent, the receipts, and arrears of each village. The abstracts of all the villages form the pergunnah accounts; and the general state (ment) of the zemindary, or capital division, is composed of the aggregate of the accounts of the pergunnahs....All these different accounts are publicly kept in their respective cutcherries. It is by them that the rents are collected, and they are always delivered over to such person as has the charge of collecting them, whether zemindar, sezawal, wadadar, or farmer."

it would not be necessary to examine the accounts of every ryot and village. It is possible that some of the petty zamindars may succeed in falsifying their accounts, but this is not at all likely to prove the case with the greater ones. "As the farmers are bound by their original engagements to deliver to Government an account of their collections; as the custom of the country requires that they should give up the Mofussil accounts at the expiration of their lease; and as they have little interests to withhold them, since they must yield up their farms at the end of the year, the present juncture is more favourable for procuring a true valuation, or hustabood, of Bengal, than any other. It would be almost impossible to form it afterwards, in the event of the lands being restored to the zamindars, and thus one of the great objects of the five years' settlement, the discovery of a rule for an equal assessment, would be lost."

From the defence of his own scheme, Hastings turns to carry war into the enemies' country, and to criticise Francis' plan of forming a settlement on the basis of the actual receipts of the past three years, corrected by the opinions of the Provincial Councils as to the lands which had been either over or under-rated. The plan has on its face the merit of extreme simplicity, but it is in fact fatally inadequate. It overlooks all adventitious circumstances, inundations, oppressive acts, the minority of zamindars, etc., etc., which would reduce the collections without impairing the value of the lands. A settlement formed on such a basis would be a concession to the unworthy, an encouragement for those who had made a fine art of keeping it in arrear, and a punishment for those who had paid their dues with punctuality and who would therefore be fully assessed.

Hastings then proceeds to give an illustration of the inadequacy of an assessment based on three years' receipts of revenue. In the spring of 1776 several talukdars of old standing in the neighbourhood of Murshidabad had fallen into arrears, and their lands had been sold to make good the deficiency. The Board had made inquiry from the Provincial Council to know whether the arrears had been due to the over-rating of the lands, or if the failure was the result of neglect or mismanagement on the part of the talukdars. To this inquiry the Council replied: "How far these balances have been owing to the neglect and mismanagement of the proprietors, or to the lands having been much over-rated, it is not in our power to determine; but, from the collections having been regularly kept up for three years and falling so much in arrears in the fourth, it affords room for supposing that the complaints of the zemindars of the drought of the season were not without some foundation, and this might be the cause of that year's deficiency."

This little anecdote gave Francis the opportunity for some hard hitting. Why did the Governor-General sanction so severe a measure as the sale of the talukdars' lands? Why did he not hunt up those precious mofussil accounts of which so much had been said in order to see whether or no there had been any over-rating? Allowing Francis his score, the instance given did bear out Hastings' contention that a three years' review

of actual receipts would be inadequate as the basis of a settlement, and that the inability of the Provincial Council to say whether the estates immediately under their eyes were over-rated or not showed that the test of the Provincial Council's opinion was of little value. "A Provincial Council, of which both the English members and the native officers in point of abilities yield to none in Bengal, are unable to say whether any particular district has been favoured or over-rated. For, if it is not in their power to give an opinion of the under or over-valuation of the rents of an estate in their own neighbourhood, which had been sold, how can we expect reports concerning the rents of the whole division, which amounts to fifty lakhs of rupees?" And, should it be admitted for argument's sake, that the *private* opinions of the members of the Provincial Councils are more reliable than the *public* accounts, reve then the concurrence of the zamindar would be necessary in orden to establish the new settlement. If we persist in enforcing an unequal assessment, the zamindar, (as was the case in Nadia) will, from fear of losing his zamindari, be constrained to enter into a bargain, the terms of which will in the end ensure his ruin.

On the general subject of a reduction of the revenue, Hastings writes more cautiously than Barwell had done. "If," he writes, "the commands and exigencies of the Company will admit of it, I shall be ready to join in lowering the revenue, but the peculiar necessities of this government will not perhaps allow of a considerable diminution of the rents; and, whatever it may be, it will be felt as a relief only according to the distribution of it, and the manner in which it is proportioned to the state and abilities of those who are to pay it." He concludes this lengthy minute by sweeping aside as irrelevant the constructions Francis had placed on his words about the "perpetual possessions" of the ryots, the supposed design of "destroying the intermediate grades of society," and of "raising the largest possible revenue."

Some of Hastings' arguments Francis attempted to meet by a profession of scepticism in regard to the facts alleged. Hastings had stated that in Bengal nine-tenths of the net produce, or eighteen shillings in the pound are generally *supposed* to belong to Government, and the remaining tenth to be the property of the landholder. As a matter of fact, Hastings had not put these proportions forth as a fixed standard for future collections, but only made use of hypothetical figures to elucidate his argument.[1] Francis, following his usual method, ignores the fact that the figures were made use of merely to illustrate a point

[1] "I do not mean these figures as a fixed standard. I offered them only as a general supposition, to shew the different state of the land-tax in this country and in Europe, and the very different effect which an unequal assessment must produce in each..... It is proved from facts, that the revenue imposed upon some lands does not leave anything to the proprietor, insomuch that estates are frequently sold to pay the land-tax. The proportion of one-tenth was used only to elucidate my arguments. It was formed on the opinions of natives, on my own experience and belief, and on the custom of the neighbouring province of Behar, where the share, which each zemindar is allowed on the produce of the land is invariably fixed at one-tenth. This is called his *Malekana*, a term of long usage, and therefore a proof that the rule was neither derived from the practice of the British Government, nor that of the usurpation which immediately preceded it." Hastings' Minute, Nov. 29, 1776.

and, insisting that the Governor's real intention was to levy a revenue of nine-tenths of the produce, bursts into violent denunciation. "An endeavour," he exclaims," to appropriate nine-tenths of the net produce of the country is prudently accompanied with an attempt to vilify the persons who are to be divested of their property. A violent and arbitrary reduction of some thousands of noblemen, gentlemen and freeholders (for such ranks there were in Bengal as well as in England) to a competent subsistence, that is, to the level of the peasantry, might perhaps excite some degree of remorse and compassion in England. The next step is to shew that they are incapable of acting for themselves, or that they deserve no mercy. The policy he attributes to Hastings is an intention to revive Nawab Kasim Ali's system or direct dealings between the Government and the cultivator. That the Mughal had ever taken nine-tenths of the produce as revenue was an idea,to which the former great wealth of the country gave the lie. As to the Governor-General's reference to a "general supposition" that nine-tenths represented the due to Government, "by whom this supposition has been formed I know not, nor on what evidence, except perhaps the practice of the British Government, or that of the usurpation, which immediately preceded it. Such fact is no proof of such right. The Honourable Court of Directors have now in their possession authentic documents, which shew that the assessment fixed by the Moghul Government on these provinces was light and moderate in comparison with ours."

In a minute dated November the 29th, 1776, Hastings addresses himself to the subject of the alleged lightness of the Mughal land-revenue. He argues that it is not sufficient merely to compare the amount of the total revenue received in past years with the amount received at the present day. "The price of coarse rice," he writes, "which forms the principal consumption of the people, was five and a half times cheaper in the time of Sujah Cawn than it is now.[1] If this be allowed a fair standard for estimating the value of

[1] **Table shewing the purchasing power of the Rupee.**

	At Murshidabad in Sujah Cawn's time.		At Calcutta 1776.	
	Mds.	Srs.	Mds.	Srs.
Rice, fine, called *Bansephoot*—				
First sort	1	10	0	16
2nd „	1	23	0	18
3rd „	1	35	0	21
Do. coarse, called *Doma* ...	4	15	0	32
„ „ *Poorbee*	4	25	0	37
„ „ *Mansurah*	5	25	1	0
„ „ *Kurkashallee*	7	20	1	10
Wheat—				
First sort	3	0	0	32
2nd „	3	30	0	35
Barley	8	0	1	13
Bhoot, a kind of grain for feeding horses ...	4	35	0	20 to 22
Oil—				
First sort	0	21	0	6¼
2nd „	0	24	0	6¾
Ghee, boiled butter—				
First sort	0	10½	0	3
2nd „	0	11¾	0	4

money, which, being the rule for apportioning the value of property, must reciprocally derive its own value from it, the revenue collected from Bengal in Sujah Cawn's time, being Rs. 1,42,50,000 was equal to Rs. 7,83,75,000 of their present value. But if the dimensions of Bengal, and the state of its government in these different periods be compared, the disproportion will be greatly increased; for many frontier countries have been since added to its dominion, and the zemindars who yielded very different degrees of obedience to Sujah Cawn, are at this time reduced to an equal state of subjection to the government of the Company."

To this argument Francis objects that the value of money, "as the common and universal equivalent of all things alienable," may be raised or lowered in two ways:- (1) a great influx of gold or silver which would alter the nominal but not the real price: (2) heavy and insupportable taxation which compels the producer to raise his prices to enable him to pay his dues. Hastings and Barwell had admitted that the existing high prices were influenced by taxation, for in April, 1775, they had written: "The constant increase of taxes has been an immediate distress to the ryots, and must have ultimately affected the manufacturers and all other ranks of people, by raising the prices of the several articles produced by the labour of the ryots." It may be asserted, therefore, that "an increase in the price of the necessaries of life does not necessarily prove a diminution in the value of money or an increase in the quantity of it."

As to the addition of new frontier districts, Francis says: "These, I suppose, are Tipperah, Ramgur, Pacheet, Nagpore, Palamow, and Cooch Beyhar. Until I see some proof produced of a direct improvement of the revenue by these acquisitions, I cannot admit that they justify an increase in the jumma of the provinces. If it were of any moment, I believe it could be easily proved, that at present they do not pay even the expence of their establishments."

Hastings had contended that the *ausil tumari jama*, which Francis identifies with Akbar's assessment, had become an "object of curiosity." "My information," retorts Francis, "obliges me to deny every one of the facts asserted by the Governor-General." The alterations made in the *ausil tumari jama*, he contends, were, until Ali Verdi Khan's time, little more than the changes of names which the deaths of the zamindars necessitated, and until Kasim Khan's time the idea of making a *hustabood*, or actual valuation of the lands was unheard of.[1] As an illustration he avers that, "in the year 1732, when the Governor and Council had in agitation the raising of the rents of their own zemindary of Calcutta, it being rumoured abroad, they received a peremptory *perwannah* from the Soubah forbidding them, in which the Soubah told them that they were presuming to

[1] Francis quotes Holwell: "Every additional tax on land, above 3 sicca rupees a *bega* per annum is contrary to the standing law of the empire; which until Aliverdi's usurpation had been held sacred and inviolable."

do a thing which he himself had not the power to do; and that, if they persisted, they would, by the laws of the empire, forfeit their lands." If this fact be authentic,[1] it would mean that under the Mughal law, a zamindar was not entitled to increase the dues of his ryots, and it would cut against Francis' theory that the claims of the zamindar on the ryot might be left to the law of competition to decide. Francis' whole theory of the *ausil tumari jama* is in contradiction to historical facts.

That the Mughal system was, as Hastings asserted, enforced by "stripes and tortures," Francis professes to disbelieve entirely. Excepting the single instance of Murshid Kuli Khan's tyranny, what positive proof, he asks is there of any recourse to severities on the part of the Mahomedan government? The period following Sujah Khan's rule does not come into consideration, as by that time the Mughal government was notoriously on the decline. Scrafton may be quoted as affirming that until the time of Nadir Shah's invasion "there was scarce a better administered Government in the world" than the empire of the Great Mughal.[2] "The flourishing state of the country, before we had any influence over it, is the strongest presumptive proof of the lenity and moderation, with which the people had been treated, notwithstanding the particular severity of Jaffier Cawn's (Murshid Kuli Khan's) government, and the disorders which followed from the death of his successor. The millions, which have since been sent to Europe in every mode, and by every channel, through which wealth could be extracted, could not have existed among a people, whose government collected its revenues by stripes, by indignities, and by tortures even to death."

Francis' reply was made for the benefit of the Directors in England, for the question of the appointment of the Commissioners had already been decided by the Governor-General's casting vote. In the course of time the Court of Directors expressed their disapproval of the Governor-General's action, but their letter of the 4th of July, 1777, reached Bengal long after the Commission had completed its inquiries and presented its report. It is of interest, however, to notice the points of censure stated by the Directors in their letter. After saying that it had been their hope that all the information necessary for the formation of a new settlement might be obtained without alarming the inhabitants by new and unusual methods of procedure, they review, with marked dissatisfaction all the various steps which, during the last seven years had been taken to procure that information—the Supervisors, the two Revenue Councils of 1770 and the Committee of Circuit of 1772. The recent appointment of two junior servants, "to collect and digest materials, which had already undergone the collection, inspection of our servants of all denominations" was a measure that might be allowed

[1] The authority is J. Z. Holwell.

[2] Scrafton: *Reflections on the Government of Indostan.* Reprint, 1770, p. 25. Holwell claims that this little book was a print of one of his own mss. lost in the Seige of Calcutta; but Holwell is not a person to be readily believed in a statement of this kind.

to pass, if further information was really essential, but "we are sorry that the conduct of the majority of the Council on the occasion, has been such as must have our entire disapprobation." The Court had already expressed its disapproval of the conduct of the late administration in delegating separate powers to its President, and yet the Governor-General had taken advantage of his casting vote to create a commission to act in his name and under his control, and from which the Council was excluded. The distinction which he had drawn between preparing materials and issuing orders was not to be allowed. The Governor's right of separate control must for the future be held to be strictly limited to the issue of military orders in the Garrison of Fort William. As for the contention that the business could not be left to the Provincial Councils because it required uniformity in design and authority in execution, the Governor-General and Council had it in their power to render the proceedings of the Provincial Councils uniform, and the necessary authority might have been delegated to them with safety. If the native officers of the Khalsah were not competent for this work, that was a reason for dismissing them and not for instituting a new office. The *Rai Raian* was the proper channel of such communications as require the interposition of a native expert, and the appointment of Gunga Govind Sing, dismissed from the service by the Calcutta Committee, was objectionable. The idea of deputing natives to hold local inquiries, and thus to oust the members of the Provincial Councils from their jurisdiction was astonishing. The letter ends with declaring "the minutes of General Clavering and Mr. Francis leave us little to add on this disagreeable subject. Their reasons against delegating a separate power of control to the Governor are noted and judicious, and we are happy in declaring that their conduct on the occasion meets with our entire approval."

The Commissioners in their Report with natural modesty decline to enter into the question which Francis had brought into prominence—are the zamindars the owners of the soil; but as Harington remarks, they would have elucidated the problem if they had abstained from calling land revenue "rent." They hold that the ancient mode of assessment was by actual valuation, but that, in course of time, the Mahomedan Government substituted for valuations conjectural estimates, and "this innovation on the part of Government authorized the like practice by the zemindars, and every additional sum exacted from them was levied by accumulated taxes on their vassals and ryots." The consequence of this change had been severely felt in the continued desertion of the land by the cultivators, and increased taxes levied to cover deficiencies[1] caused by such desertion. The Report justifies Hastings' appeal for further information by the following considerations:—

1. Much had been advanced on behalf of a plea for a reduction of the revenue. The facts brought before the notice of the

[1] See what has been said above on the subject of *najai*.

Commissioners went to prove that "the prospect of the contingent and future benefit from the greater cultivation and improvement of the country[1] is hardly a motive sufficiently powerful to induce a zemindar to forego the immediate advantage which he enjoys by rack-renting his zamindaree, and exacting the greatest possible revenue from his tenants and vassals.....The instances, especially in large zemindarees, are not unfrequent, where a reduction in the demand of government has been immediately followed by new taxes and impositions."

2. Experience shewed that, unless the proportion of any tax to the total of the assessment of an entire district be first ascertained, the abolition of that tax rendered it impossible to determine what its amount had been.[2]

3. Claims for reduction of revenue were made on the ground of river encroachments, new markets, usurpations on the part of neighbouring zamindars. Information was not to hand to enable a decision to be made.

4. Relying on the Government's want of information, the zamindars and their officers had made alienations of their lands on a far too lavish scale. "It will hardly be credited that in the small district of Mahomedshahy, which pays only Rupees 2,90,000 to Government, no less than 1,61,000 appear thus to have been exempted from taxation. The very large proportion of land set apart for the maintenance of servants in some zemindarees give strong reason to believe that the name of *chakeran zemeen* has also been used to cover collusive grants and to diminish the public revenue."[3]

[1] On the fallacy of supposing that the zamindar was an "improving landlord", see Seton-Karr: *Cornwallis.*

[2] The Commissioners give the following cases in point. "1. In the year 1771, the *bazee jumma* which was supposed to consist only of fines and forfeitures, was, in consequence of the Commands of the Company, ordered to be abolished. It was not then known that this extensive branch of revenue comprehended many taxes of an unexceptionable nature..... 2. In the year 1772, the *sayer chalunta*, or duties collected by the zamindars on goods passing through their districts was abolished, and a new system for the management of the customs established. To indemnify the zamindars for the loss which they sustained by this measure, a deduction from their revenue was granted them, but being possessed of no accounts by which an estimate of the whole sum collected throughout the provinces under this head, or of the respective proportions of each zamindar, could be formed, Government was reduced to the necessity of granting abatements according to the accounts then delivered by the zemindars themselves.....3. Similar inconveniences attended the abolition of *maroocha* or a tax on marriage; and claims on account of the abolition of these oppressive and impolitic taxes continue to be preferred, from the belief that it is impossible for the officers of Government to controvert them."

[3] Harington refers to an abstract by the Commissioners in which it is stated that "the quantity of land held exempt from assessment in the districts to which aumils were deputed (about 2/3rds of the province of Bengal) to be 43,96,095 *begahs*, besides 12,04,547 of *chakeran* land assigned, for the maintenance of zemindary officers and servants. Of the latter, 1,43,416 *begahs* paid a small quit rent, amounting for the whole to Rupees 66,049 per annum; the remaining 10,61,430 *begahs* were not liable to any rent to the zemindars, the rent produce being appropriated in lieu of wages."

5. "The Mogul Government, from its greater vigour, the undivided authority which it possessed, and the severe examples of which it could make offenders, was able to detect and prevent collusions by means unknown to, and incompatible with the genius of our Government. The dread of the powers, with which the Mussulman Government were thus armed on the minds of a people long used to submission was alone sufficient to render the exercise of them seldom necessary. When the English obtained possession of this country, the revenues continued to be collected by the ordinary coercive means, and although the same severities were not practised, the idea of absolute undivided power continued to operate, and the force of that impression is not yet entirely spent. But under the present constitution, where every act of authority and right of government, is liable to be contested and litigated; it is perhaps only by regular systems and official checks that the public revenue can be secured; for it is evidently the interest of a zemindar to obtain a remission in the amount, or to evade the payment of the sum assessed on his district. In this case it is often necessary to divest him of the management, and either to collect the rents by officers immediately appointed by Government, when it is called a *khas* collection, or to farm it out for a certain sum to be paid into the public treasury. The farmer or the superior officer of Government, styled *sazawul* or *aumil*, stands instead of the zemindar, and receives from *muzcorries*,[1] from *shaikdars*,[2] from *kutkenadars*.[3] But without the possession of the accounts and knowledge of the revenue of the district, the interest of the zemindar will prompt him, and his superior influence will always enable him to obstruct the collections of a *sazawul* or farmer, in hopes ultimately to reduce the Government to the necessity of restoring him to the management on his own terms."

The Commissioners expressed the hope that the voluminous materials they had prepared would afford the materials necessary for the formation of a new settlement, and should the zamindars decline to enter into engagements, the Government, with the information now to hand, would be enabled to divide up the zamindaris and collect the revenue independently of the recalcitrant zamindars. With a view to the preparation of the settlement, the Commissioners made some observations in regard to the means of discovering whether or not, the lands were in reality in a state of decline and unable to bear their present

[1] *Maakuri* here means a talukdar who pays his revenue through a zamindar. Gladwin gives a different definition of the term.

[2] The Commissioners define: "The Etaumdar or shaikdar, is a temporary officer appointed to manage and collect the revenue of a *dhee*, turriff, or purgunnah."

[3] *Katkinadar.* "The farmers are called *kutkenadars*, and stand exactly in the stead of *shaikdars* or *etaumdars*. The latter receive a salary and are accountable for what they collect, the advantages of the former depend on the bargain they have made."

burdens of revenue. The causes of an increase or decrease in the revenues of a district, they say, may be classified as (1) temporary, (2) fixed, and (3) progressive. A plan for the reduction of the revenue would have to take account of this distinction of causes leading to an alteration in the revenue receipts, but, as has been seen, Francis had taken it for granted that the districts of Bengal were one and all in the same condition of progressive decay. Wherever a close examination of the conditions of the country (to which Francis had objected) proved that an increase in the *nirik*, or rates of land revenue, had been accompanied by an increase in cultivation, the district could be said to be in a flourishing condition. On the other hand, where the *nirik* had been increased while the country became less populous, it might, unless no other cause could be found to account for the depopulation, be considered that the district was suffering from the incidence of a too heavy revenue demand. Where the ryots paid their revenue in kind, and cheapness of grain, or a severe drought had affected the payment of the revenue in a particular year, the causes of the variation were clearly of a merely temporary nature. The establishment of new villages, or markets, the abolition of taxes, on the one hand, or the encroachments of rivers on the other, would have a permanent or fixed influence. The progressive causes of increase or decrease, the Commissioners say would be difficult of explanation, "although understood by every native *mut-suddie* [mutasaddi]." A combination of an annual increase in the revenue and in the population, or a combination of depopulation with a lowering of the rates [expressly designed to encourage population] would suggest the existence of progressive causes, such as the want or abundance of specie, or the augmentation or decrease of taxation.

The arguments of Francis had practically taken it for granted that the zamindars were the cultivators, and that a reduction of the land revenue made in their favour would directly tell on the cultivation of the lands, or, as he would have put it, "ease the country." It is not difficult for us to realise how in a time of political unsettlement, overlordship would come to look like landlordship; and how the peasant, who by clearing the soil in the first instance and by continuous cultivation had acquired rights of status, under the oppression of an overlord or the distress occasioned by a famine, would, so far from claiming his permanent rights to the soil, welcome an opportunity of deserting with impunity. Those who believed that the zamindar was not merely the state-appointed collector of the revenue from peasant holders but the actual land-owner, would naturally credit the zamindar with a natural interest in the improvement of the cultivation of the lands yielding the revenue : but experience was always in opposition to this view. The zamindar might or might not introduce improved methods in his own particular nankar lands, but from those of the khudkasht ryot he expected just what the State expected from himself—an increasing yield of revenue. The Commissioners did not arrive at so radical an explanation, but they bordered on it when they said : "In those cases where it may be necessary to grant a remission, there is reason to believe that, unless a proportion of the *aboabs* [*abwabs*] or taxes

on the ryots, be at the same time struck off, the indulgence of Government, especially in the large zemindarees, will seldom be felt by the lower class of people."[1]

Francis' objection to a Government being concerned with minute financial researches bore fruit in the directions given by the Court of Directors for the decennial settlement: that "minute examinations or new local investigations into the actual value of the lands" were discouraged. Lord Cornwallis, however, found it necessary to explain to the Board of Revenue,[2] that this direction was not meant "to preclude local investigations in order to obtain a knowledge of the actual resources of a district where a want of all good information or other circumstances might render it invaluable."[3]

The Court of Directors were as slow to express their opinion in regard to general plans for the collection of the revenues, as they were quick in finding fault with the doings of their Governor. On 3rd February they write: ... ...

> "Para. 8. We apprehend that a sudden transition from one mode to another in the investigation and collection of our revenues in Bengal may have alarmed the inhabitants, particularly the Native Zemindars and Landholders, lessened their confidence in our stability, and been attended with other evils; yet as it is acknowledged on all hands to have produced the good effect of ascertaining, with a sufficient degree of precision, what revenue may be collected from the country without oppression, we shall avail ourselves of this information, and are well pleased to find it in our power to yield proper relief to the Natives, without involving the Company in the least inconvenience.

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[1] As an illustration may be quoted a letter of the Supervisor of Rangpur in 1770: "The poor ryots who are the people who should receive every encouragement, especially in such hard times, benifited nothing by the allowance made account the drought; on the contrary it was of prejudice to them, as the zamindars and farmers, who were at first excused the sum of 1,49,000 collected that amount from them as well as 92,000 of *Mahtoot* account that deduction. Not that I believe he, the Amil, received any part of this: only the zemindars and creatures of Government employed in the collections I can imagine to have been concerned."

[2] 5th Feb., 1787.

[3] Mr. T. Sisson, writing on April 2, 1815, comments: "The district of Rungpore, which fell so exactly under this exception, was unfortunately not exempted from the general principle. Thus, whilst the settlement of Dinagepore, the state of which district must have been precisely similar to that of Rungpore, was by the zeal, diligence, and abilities of Mr. Hatch, founded on the result of the minutest investigations into the state of the internal resources of every pergunnah, that of Rungpore was established on the uncertain criterion of preceding settlements, which had their basis in conjecture." "Mr. Hatch made a circuit of his district, and thereby ascertained the real state of the country, entered upon the arduous duty of settling what was all confusion with unremitted perseverance, and thus perfected a settlement which will hand down his name in honour to after ages. Mr. Purling yielded to the intricate confusion of the mofussil economy of Rungpore, and thus entailed upon future generations the evils, which it is now so difficult to remedy." In a letter written in 1787, D. H. McDowall pleaded for a "particular examination of the actual resources of the Rungpore District," but apparently was not encouraged. Glazier: ***Further Notes on the Rungpore Records.*** **(1876).**

"9. From the inequality of natural advantages possessed by the natives in the several Districts, from calamities experienced in a different degree by loss of inhabitants in the late famine, and from a variety of other local causes, we fear it will be difficult, if not impossible to lay down any plan which shall be found applicable in all cases, and equally beneficial to every part of the country; much must necessarily be left to your prudence, as your conduct on many occasions will be influenced by temporary circumstances. We shall therefore only point out such regulations as from the materials before us appear proper to be adopted in disposing of the lands of Bengal.

"10. Without entering minutely into the reports made by the Chiefs of Provincial Councils we are happy to find by estimates founded upon, and supported by accounts of actual receipts and disbursements, with other documents of decisive authority, that we need not entertain the least apprehension of a disappointment in any reasonable expectation formed by us respecting the revenues of Bengal, and of their sufficiency, under proper management, unless in times of public calamity, to support our Government, to provide the most ample investments, and to afford considerable assistance to our other Settlements.

"11. The distance of many districts from Calcutta will render it necessary for Zemindars or farmers to treat with Provincial Councils, or other agents of the Company on the spot; but it is our order, that no agreements for lands or revenues, wherein the stipulated amount shall exceed 30,000 rupees be finally concluded, until reported to, and authorized by the Governor General and Council.

"12. Having revoked our orders to let the lands to the highest bidders, and signified our pleasure to have them occupied by hereditary Zemindars where it can be done with security to the revenue, and being desirous that they should enjoy their Zemindaries on terms sufficiently moderate to enable them to maintain a degree of respect amongst their dependents. We direct that you keep this idea in every agreement to be made with the said Zemindars; we cannot however empower you to make a general reduction or abatement of any specific sum upon the whole Jummah, but rather wish you to be guided in such reductions, where they are absolutely necessary, by an enquiry into the amount of Mhatutes, Aboabs, or additional taxes or collections of any kind imposed upon the Districts since the Company's accession to the Duanny, and to abolish the whole, or such part thereof, as shall fully appear to be an oppression upon the Country.

"13. We think that the Sale of part of the Zemindaries is not always an advisable measure to realize any Balance incurred

by Zemindars, for as the lot to be sold must bear a proportion to the amount of such balance (it being unjust to sell more than necessary) the proprietor of a small tract may be subjected to difficulties from the exercise of the Zemindar's remaining authority in his own district; We are therefore of opinion that no Zemindary except of moderate extent, ought to be dismembered if it can possibly be avoided, but that it would be far more eligible for the whole to stand charged with the balance incurred, and that, if deemed necessary the Zemindar's authority and interest should be totally suspended, and a deputy appointed to manage his affairs till all his debts to Government are fully paid and satisfied, when the Zemindary should be restored entire to him or his heirs.

'14. As the inhabitants of the Duanny lands, and particularly of the distant Provinces, are represented more indigent than those nearer the Seat of Government, you will be careful to yield them such relief as shall be requisite in their particular circumstances.

'15. Although we do not for the present think it expedient to let the lands on leases for lives, or on terms more permanent than those already specified, it is nevertheless our earnest desire to impress the Zemindars and Renters with a full confidence in the justice of our proceedings, and particularly to convince them, that while they behave with honor to us and with kindness to their under-tenants and cultivators, they shall most certainly experience our favor, and that nothing but a contrary conduct can ever subject them to our displeasure. We therefore direct that wherever lands have been let at a reasonable rent, and the Zemindar or Renter has fulfilled his engagement to your satisfaction, no such person be dispossessed of lands, or compelled to pay an advanced rent, without the most substantial reasons for such advance; and even then he shall have the preference of all others, and be suffered to continue at a moderate additional rent; but in all instances where such increased value shall not be considerable enough to become an object of consequence to Government, no Zemindar or Renter shall be dispossessed or molested, but permitted to enjoy the fruits of his industry and improvements, and to renew his lease or agreement from year to year without any increase of rent.

'16. We direct that in every agreement for lands care be taken that the principal Farmer or Zemindar be obliged to grant pottahs to his ryots or under-tenants, specifying the exact amount to be paid by each, and that every breach of this regulation shall subject the principal, if a farmer, to the loss of his farm, or if a Zemindar to the loss of his Zemindary; and it is our further order, that a proper form for pottahs be

prepared by you, and that no pottah be deemed legal or binding on the parties unless made out exactly in the form prescribed.

"17. If the repairs of dams, banks and bridges, commonly called Poolbundy, cannot be safely entrusted to the care of Zemindars or Farmers you are to make an estimate of the expense that may de incurred on such service and to fix the Jumma accordingly; but when fixed, you are not to make any additional Assessment, or suffer any to be imposed, or any separate collection to be made on that account on any pretence whatever.

"18. We direct that you endeavour to reform all abuses in grants of Charity Lands; and it is our order that no Zemindar's grant whatever shall exempt such lands from making good the Jummah, if the Zemindar shall at any time fall in arrear to Government.

"19. If you are fully convinced that the establishment of Provincial Councils has not answer'd, nor is capable of answering the purposes intended by such institution, we hereby direct you to form a new plan for the collection of the revenues and to transmit the same to us for our consideration."

On 23rd December, 1778, the Directors once more insisted on annual settlements[1] — a system which in earlier days they had condemned and which all experience had proved to be productive of conditions of uncertainty and distrust, and a well nigh fatal discouragement to the extension and improvement of cultivation.

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[1] "130. In our letter of the 24th December, 1776, you were acquainted that, for many weighty reasons, we did not then think it advisable to authorize you to let the lands of the Provinces in leases for lives or in perpetuity. The same reasons still operate. We, therefore, direct that you relet the lands from year to year, on the most advantageous terms procurable, except by public auction, until you shall be duly authorized and empowered by the Court of Directors to adopt another system; and we further direct that you also continue to make the letter and spirit of our orders of the 8th of February 1777 the rule of your proceedings on this important subject."

CHAPTER XVII.

THE CHANGES OF 1781.

On the morning of August 17th, 1780, Hastings and Francis, accompanied by their Seconds, met beneath the trees of Alipur to fight the historical duel, which formed the dramatic climax of the six years, controversy at the Council Board.[1] On December the 3rd Francis sailed for England, and the removal of his dangerous opponent may perhaps have supplied the opportunity for Hastings to return to a long cherished design of restoring that revenue organisation, which planned in 1772, had in the following year been supplanted by temporary expedients. The important step was taken on the 20th February, 1781, and the opening paragraph of "the permanent plan" adopted on that day commences with an explanation:

> "The system which yet subsists, though with many essential variations, of superintending and collecting the public revenue through the agency of Provincial Councils, was instituted for the temporary and declared purpose of introducing another more permanent mode, by an easy and gradual change, by which the effects of too sudden an innovation might be avoided. This permanent plan is methodically and completely delineated in the same proceedings of 23rd of November, 1773, of this department, in which the Provincial Councils were established. It consists substantially in this: that all the collections of the Provinces should be brought down to the Presidency, and be there administered by a Committee of the most able and experienced of the covenanted servants of the Company, under the immediate inspection of, and with the opportunity of instant reference for instruction to the Governor General and Council."

To give effect to this design, it was determined:

1. "That a Committee of Revenue, consisting of four covenanted servants of the Company, be immediately constituted; who shall be intrusted with the charge and administration of all the public revenues of these provinces, and invested, in the fullest manner, with all the powers and authority, under the control of the Governor-General and Council, which the Governor-General and Council do themselves possess and shall not reserve exclusively to themselves."[2]

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[1] Busteed: *Echoes from old Calcutta.* Chap. vi.

[2] The first to be appointed to this Committee were David Anderson, John Shore, Samuel Charters, and Charles Croftes. Anderson was, however, far too busy in conducting Hastings' political work, to be able to attend the meetings of the Revenue Committee. Shore had been much attached to Francis, and his appointment is a token of Hastings' impartiality. Croftes, a close friend of Hastings', was ultimately compelled to relinquish this high office, and go as Chief to Chittagong, then regarded as a health-resort, where he died.

2. (Art. 3). "That the Provincial Councils shall be dissolved, and their charge and powers transferred to the Committee of Revenue; that the members of the Councils be ordered forthwith to repair to the Presidency, except the Chiefs of each, who shall remain in the temporary charge of their respective divisions, under the authority of the Committee, untill such time as they shall be recalled by the orders of the Governor-General and Council."

3. (Art. 4). "That the Collectors of the separate districts shall in like manner remain in their respective stations, under the authority of the Committee, until such time as they shall be recalled by order of the Governor-General and Council."

4. (Art. 5). "That the office of Superintendent[1] of the Khalsa Records shall be abolished, and the office of the Khalsa, with all its dependent offices, and all the functions and powers appertaining to it, shall be transferred to the Committee of Revenue."

5. (Art. 6). "That the Canongoes shall be re-instated in the complete charge and possession of all the functions and powers which constitutionally appertain to that office."[2]

This measure was designed to carry out the essential points of Hastings' revenue policy of 1772-73, and to bring the revenue administration to centre at Calcutta. The objection to the measure was that the Provincial Councils being in closer touch with the districts grouped round them were more likely to possess adequate local information than a central Revenue Committee at Calcutta. To such an argument the reply would lie in the superiority of the European Collectors to the Native Naibs, and the advantages which the wider experience of a picked body of expert servants was bound to have over merely local Councils largely composed of juniors in the service. To the objection that the appointment of a Committee was an infringement on the powers of the Council, the reply would be that the Committee were dependent on the Council and that in fact what the Committee took over was not the supreme control of the Council, but the control hitherto vested in the Provincial Councils. At the impeachment of Warren Hastings, however, a corrupt motive for making this change was imputed to the Governor-General, and it was represented that he had, after praising the Provincial Councils, abolished them, in order that he might offer places of increment to the various vile people

[1] The office of Superintendent of the Khalsa Records had been created by Hastings, and the first to hold it was the able and adventurous youth, Alexander Elliot, a younger brother of the first Lord Minto. At the time of its abolition it was held by G. G. Ducarel. An officer called "Preparer of Reports to the Board of Revenue" was appointed, and the first to hold this appointment was Jonathan Duncan, who ultimately became Governor of Bombay, and deserves a prominent place in any Indian temple of philanthropic fame.

[2] Colebrooke: Op. cit., pp. 213-20. The remaining articles relate to details of business.

from whom (it was alleged) he received bribes. The fact that he had from the very first intended the Provincial Councils to serve only temporarily was quietly and skilfully hushed up.

The restoration of the collectors, according to Sir William Hunter, represents a "swing of the pendulum" from trust in native agencies coupled with mistrust in English and trust in English agencies coupled with mistrust in native. It was rather the result of a more generous belief in the capacities of an honest Englishman to do good service, and educate his native colleagues in the service. Under the Provincial Council system a number of the Company's servants had been stationed at the provincial capitals where the bulk of the business passed before them as transactions to be conducted on paper. Taken away from the capitals, where the Provincial Councils had corporately dealt with the details of rural administration *en bloc*, and given districts of their own to manage, real living persons instead of papers to deal with, and a responsibility for failure as well as a defined scope for ambition, the Company's servants were bound to improve in assiduity, honesty, and experience. The failure of the English government hitherto had been largely due to an inability to realise the demand which the administration of so vast a country would make for the provision of English servants to superintendent the districts. The Diwani had seemed to provide an almost adequate administrative instrument of government ready to the hand of the Company. During the year of the great famine, the instrument had gone on working, while the revenue in almost undiminished volume came into the Company's treasury; but facts had shewn that the machinery of the native Revenue administration, left to do its work apart from a powerful control, would bring the country producing the revenue to ruin. The inadequacy of the cadre of the Company's servants made it difficult to provide the English officers required for revenue and judicial work in the districts, but slowly it came to be understood that, difficult as the task might prove itself to be, the district officers for the Diwani lands must either be found, or the oppressions so often complained of would increase and render the Company's position in Bengal intolerable. It is misleading to say, that the measure of February, 1781, marks the commencement of a direct English rural administration in Bengal; but the fact that such a view has been stated by authoritative historians is a token of the importance of the measure.

In the same year the Diwani judicial system was strengthened by the creation of new mufassal adalats. In four out of eighteen districts,—*viz.*, at Chupra, Boglepore, Chittagong, and Rampur, the Collector was to be Collector and Judge; at the other fourteen, *viz.*, Midnapore, Patna, Darbangha, Taujepore, Nattore, Dacca, Bakarganj, Masey, Rajhat, Sultansi, Murli, Calcutta, Burdwan and Murshidabad the Judge was to be without any concern in the revenue administration.

Having reconstituted the Sadar Diwani Adalat and placed it under the able management of Sir Elijah Impey, Hastings was in a position to deal with the Faujdari Adalats, or criminal courts, which still in theory

depended on the Naib Nazim at Murshidabad. Under the Regulations of August 21st, 1772, the Collectors of revenue, had been charged with the duty of superintending the officers of the Faujdari courts, to see that the necessary witnesses were summoned and examined, that due weight was given to their evidence, and that the decisions were impartially and fairly given. When the Murshidabad Comptrolling Council was abolished, the Sadar Nizamat Adalat at Murshidabad was brought down to Calcutta, and placed under the charge of a *darogha*, subject to the control of the President of the Council, who, on behalf of the Nawab, revised the sentences of the criminal court in capital cases. The establishment of the Supreme Court, as has been seen, had the effect of bringing the Sadar Diwani Adalat into abeyance; and it was no doubt due to the same circumstance that on October 18th, 1775, the Supreme Court sent the Nizamat Adalat back to the old capital, and placed it under the charge of Mahomed Reza Khan as Naib Nazim.[1] In 1774 the Collectors had been recalled, and in the districts the Faujdars, assisted by law-officers of various descriptions, held courts and acted as magistrates of the peace. The proposals of Hastings and of Francis in 1775 to receive the police jurisdiction of the zamindars have been noticed in a previous chapter.

On April 6th, 1781, Hastings brought forward a measure, designed to supplement the Faujdari courts. These courts were to continue their operations, and to remain under the superintendence of the Naib Nazim, but the English Judges of the Diwani Courts were appointed magistrates, and invested with power to apprehend persons charged with crimes and misdemeanours, and to commit the same to the nearest Faujdari Court for trial, judgment being reserved to the Nizamat. The measure tended to strengthen the hands of the English district officers, and to secure the peace of the districts; it deprived the faujdar of the easy excuse that the prevailing influence of the British officer robbed him of his moral power; and made it impossible to plead that he would deal severely with the law breaker, if he could catch him but to catch him was beyond his power. The measure bore away the first and perhaps the most difficult obstacles which, but for this measure, Lord Cornwallis would have met with in 1790, when the Courts of Circuit were introduced to deal in the first instance with persons charged with crimes and misdemeanours.

Mention at least should be made in this place of Impey's Civil Procedure Code, drawn up for the use of the Sadar and Mufassal Diwani Adalats. Thirteen articles were put forth on the 3rd of November, 1780, and on the 5th of July in the year following a revised regulation, of ninety-five articles was issued—"the first attempt to codify the law of Civil Procedure in British India."[2] A Persian translation by William

[1] The Faujdari prison, known by the Hindu name of Harinbari (deerhouse) however still continued to exist in Calcutta. See *Bengal: Past and Present*, vol. viii, pp. 64-82.

[2] Acharyya: *Codification in British India*. Tagore Law Lectures, Calcutta, 1914, p. 55. In 1773 Warren Hastings set a committee of Pandits to work on a code of "Gentoo" laws. The code was compiled and translated into English by N. B. Halhed. See Appendix A, to Mr. Acharyya's work. The Halhed or Hastings' Code deals with both adjective and substantive law.

Chambers[1] appeared in 1781, and a Bengali translation by Jonathan Duncan (afterward Governor of Bombay and a famous humanitarian statesman) in 1783.[2]

The Act of Parliament (21 Geo. III. c. 70), passed in 1781, was designed to remedy "the ruinous mistake of" the Regulating Act of 1773. By indemnifying the Governor-General in Council and the Advocate-General for transgressions of the law in opposition to the Judges, the Act of 1781 practically denied the attitude of the Judges in the conflict with the Executive to have been, according to the letter of the law, theoretically correct, but the preamble referred to "misunderstandings and discontents," "fears and apprehensions" due to the "dissention between the Judges and the Governor-General and Council" and pointed at "further mischief" which might ensue "if a reasonable and suitable remedy be not provided." The provisions of the Act may be summarily stated as follows:

1. The Governor-General and Council, jointly or severally, were declared not subject to the jurisdiction of the Supreme Court "for or by reason of any act or order, or any other matter or thing whatever, counselled, ordered, or done by them in their public capacity and acting only as Governor-General and Council."[3]

2. At the same time it was declared that the Supreme Court should have no jurisdiction in matters concerning the revenue or acts ordered and done in the collection thereof according to the practice of the country, and the regulations of the Governor-General and Council, and it was provided that mere employment by the Government, the Company, or by a native of Great Britain should not in itself render the person so employed subject to the jurisdiction of the Supreme Court in matters of inheritance to lands or goods, or in matters of contract and dealing between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by written agreement of parties to submit to the Court's decision.[4] Persons exercising judicial offices in the Indian Adalats, and persons acting under such authority, were not to be amenable to actions for wrong or injury in the Supreme Court.

3. The 17th section of the Act, in empowering the Court to determine all actions and suits against the inhabitants of the

[1] A brother of Sir Robert Chambers and a translator into Persian of a part of the New Testament.

[2] The sweeping remarks made by Marshman in his work on the great Serampore missionaries as to the neglect of the Bengali language by Englishmen, prior to the advent of Carey, must be taken *cum grano*.

[3] Cowell: *The History and Constitution of the Courts and Legislative Authorities in India*. Tagore Law Lectures, 8th edition, Calcutta 1905, p. 53.

[4] *Ibid*, p. 54.

city of Calcutta, provided that "their succession and inheritance to lands, rents, and goods, and all matters of contract and dealing between party and party, should be determined in the case of Mahomedans by the laws and usages of Mahomedans, and in the case of Gentoos by the laws and usages of Gentoos; and where only one of the parties should be a Mahomedan or Gentoo by the laws and usages of the defendant."[1] Power was conceded to frame suitable process in criminal and civil suits against the natives of the Presidency with a view to the religious and social customs and manner of the people.

4. The Courts dependant on the country constitution were recognised, and recognition was given to the authority of the Governor-General and Council in framing regulations for such courts.

Professor Cowell has pointed out that in the Act of 1781, as also in the Act of 1773, the phrase *British subjects* is used in such a way as necessarily to exclude from its meaning the Hindu and Mahomedan inhabitants. The distinction between the inhabitants of the Company's factories and the millions under the Mughal imperium was to live on for at least another eighty years or in the distinction between the Presidency Towns and the Mufassal.

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[1] *Ibid*, p. 56.

Index to Introduction.

[*The figures in bold type indicate a note or special reference.*]

A.

PAGE

Abdul Gani, *Governor of Hughli* lxi
Abdul Qadir Khan lxxviii
Abdu s Samad lxii
Abu Rai xxvi
Abul Fazl, *Alami* xxii, xxiv
Abwab cccxxiv
Abwabs List of locally imposed xxxix
Acharyya B K iii cccxxxii
Acland, *Right Hon* A H D iii
Act of 1781 Summary of provisions of cccxxxiii-xxxiv
Adalat lxxi
"The Administration of John Carter cxcvii-ccx
Administration of Justice Regulations for the ccxxi xxii
"The Adminstration of Harry Verelst clxvi-cxcvi
Adm ralty Court at Calcutta lxxi
Afghans lxv
Agent in the Bay of Bengal, *see* Charnock Job
Agra lii
Ahmuty, *Col* cclxxv
Aitchison, C U viii, ix xiv xcv xcvi cxi cxiv, cxviii, cxxxiii, cliii
Aitchison C U, Error in writing of liv
Akbar, *Emperor of Hindustan* xxii, xxiv xxvi cccxix
Akbarnagar, *see* Rajmahal
Ala ud din Khilji xxiv
Aldermen of the Mayor s Court Characteristic of lxxxix
Alexander James cxcvii, cci
Ali Gohur, *Prince* cxiii
Alipur cccxxix
Ali Verdi Khan *Nawab of Bengal* xvi xl cxiv, cxv, cxxviii ccxi
Altamgha cxi, cxii
Amaar cclxxxix
Amberabad ccxxi
Amil cxci, cccxxiii
Amilnama ccxv
Amils Recall of cxcv
Amirabad lxix
Amin dastur clviii
Amla xlii
Ammar ccxci
Amyatt, Peter cxiv, cxvii, cxxx, clvii

PAGE

Anderson David cccxiii, cccxxix
Anderson James cxciv
Apole ccxxvii
Arabian trade lxiii
Arakan cxx
Arakan, Court of cxxi
Arakan, King of lxiii
Arakanese murder Sultan Shuja liv
Arizbeggy ccxxiv
Armenians lxv
Army, Mir Jafar s promise of donation to the cxiii
Asal jama xxix
Asal jama of Chittagong cxxi
Asal tumari jama xxxi, cccxix
Assam lvii
Assidnagar ccxxxv
Astin Hugh cclxxxi
Atkinson, *Mr* lxxxix
Attock xxii
Attya ccxxxvi, cclxxxi
Auber Peter v, cxi, clvii
Augean stable lx
Aumil, see *Amil*
Aurangs lxxv
Aurangzib, *Emperor of Hindustan* xxvi, lvii, lix, lxiii, cxxi
Aurangzib defeats Sultan Shuja liv
Aurangzib s *farman* granting the English permission to trade duty free lviii
Aurora (ship), Loss of the clxxiv
Austrian Company cxvi
Azim Khan xxvi
Azim ush-Shan, *Prince* lvi, lxvii, lxix
Azim ush-Shan, *Prince*, *Nishan* of lxviii
Azimabad xcvi
Azmut Khan lvii
Azmiriganj ccxc xci

B.

Baber, Edward cxx, cxcvii
Baden Powell, B H xxv, xxvi, xxix, xlix, cxviii
Baden-Powell, B. H, Error in writing of, cxviii
Bag Bazar .. xcviii
Bahadur Beg cclxxiii
Bahadur Khan, *Viceroy of Bengal* .. lxiii
Bahadur Shah lxxvii

PAGE

Baharband ... ... ccxxxvi, cclxxxi
Bai Namah lxvi
Bajura xxi
Bakarganj ... clxxx, ccxc, cccxxxi
Bakhshi dastur cxlvii
Balasore ... liii, liv, lviii, lxi, lxiii, lxi lxxv, lxxviii, cxx, cxxi
Balasore ceases to be the Company's commercial headquarters ... cxx
Balasore factory liv
Balasore, Sack of lxi
Balchandra lix
Ballia cxx
Balwant Singh, *Raja of Benare* ... cl, cli
Banerjea, *Sir* Gurudas ... xxvii
Banjora, *see* Panjra.
Bank, General, Establishment of, ccxxiv-xxv.
Bankibazar cvi
Barbakpur cclxxxix
Barbazu ... ...ccxxxvi, cclxxxix
Barker, Robert, *Secretary to Surman Embassy* lxxi
Barker, *Gen. Sir* Robert xcviii
Barlow, R. lix
Barnagore lx
Barrackpore xc
Barrington, *Bishop* cxcix
Barton, William ccxxvii, ccxxv
Barwell, Richard ... xiv, xlv, cxvi, ccxxvi ccxxxv, cclxxv, ccxcix, ccxcvii, ccxcvi cccix, cccxii, cccxiii, ccexvii, ccexi
Barwell, Richard, Appointment of, as Chief of Dacca ccii
Barwell, Richard, Joint revenue plan of, cccii
Bateman, Nathaniel clxxxii
Batson, Stanlake clvii
Batta cix
Bauleah ... ... ccii, ccxx
Bay of Bengal lix
Bazi-jama ... ... cix, cexvi
Badzi-jama dastur cxlviii
Bazi-samin ... ... c, cccxxii
Bazi-samin dastur cxlviii
Bazi-samin lands in Burdwan ... cxlv
Bazuha ... ... ccxxvi, cclxxxix
Beames, John ... xxii, xxxi, cxix, cclxxxix
Beaufort (ship) lxi
Beaumont, Anslem ... cxxv, cxxvi
Becher, Richard ... clxiii, clxxvi, clxxviii, cxc, cxcv, cxcviii-cc, ccii.
Becher, Richard, advocates delaying collection of statistical information ... ... cxci-cxcv
Becher, Richard, Dismissal of ... cci
Becher, Richard, Suggestions of, on the collection of revenue ... clxxvi-xxx
Behar, *see* Bihar.
Belloa, *see* Bhulua.
Benares ... ... cxx, clii
Bengal ... lii, lvii, lx, lxiii-lxvi, lxxi, lxxii, lxxv, lxxvii, lxxix, lxxx, lxxxi lxxxv, lxxxvii lxxxix, xcv, cx, cxi, cxiv, cxv, cxvii, cxix, cxxiv, cxxv, cxxx, cxxxiii, cxc, cxcvii-cxcix, cccxiv-xvii.

PAGE.

Bengal, Bay of cxx
"Bengal, The Coming of the English to" ... ...lii-lxiv
Bengal, Courtof Directors on the transference of sovereign power in, clxix-clxxiv.
Bengal, Dacoits of ccxxiv
Bengal, Declaration at Paris in regard to the limits of vii
Bengal, Disappearance of Hindu village institutions in ... xxiv
Bengal, Division of, by Todar Mal ... xxiv
Bengal, Division of, into *sarkars* ... xxvi
Bengal, English rule in, established by virtue of a "conquest" ... xxi
Bengal, *Faujdari* jurisdictions in ... xxxii
Bengal, Lower, Village watch in ... xlviii
Bengal, Mahomedan, Police in ... xlviii
Bengal, Nabobs of liv
Bengal, Natureof Mughal government of xli
Bengal, Occupation of ili
Bengal, Proof of existence of Hindu principalities in ... xxvi-xxviii
Bengal, Rules for the conduct of affairs in ... clxxiv-v
Bengal, Second phase of the history of the English in lix
engal, Slavery in ... ... ccli-lii
Bensley, W. ccxxxi
Bernier, François xxiii
Betor ... ... lxiv, lxxvii
Bettiah cclxxxviii
Beveridge, H. ... xxiii, cxx, cclxiii
Bhabeswar Rai xxvi
Bhagalpur ... xxvii, clxxxii, ccxxxv, cclxxxix, ccxci, cccxxxi.
Bhawani, *Rani of Rajshahi* ... xxvii, clxxx, ccxviii, ccxxvii.
Bhitarband ... ... cclxxxix, ccxci
Bhituria cclxxxix
Bhituria, Zamindari of ... xxvii
Bhulua ccxxvii
Bhushna ... ... ccxx, ccxc, ccxci
Bhushna, Zamindari of xxvii
Bia Ram cxxxiv
Bihar ... lxiii, xcv, cxi, ccxxxvi, cclxxxviii, cclxxxix, cccxv.
Bihar, Abandonment of attempt to found commercial settlement in ... lii
Bihar, *Faujdari* jurisdiction in ... xxxii
"Billedge, *Mr.*" liv
Binnood Raye (Binod Ray) ... lvii
Birbhum ... xxvii, cxxxiv, cxxxviii cxxxix, clxxx, clxxxii, ccxix, ccxxxv, ccxci.
Birbhum, Five years' settlement of ... ccxv
Birbhum, *Ghatwals* in xlix
Birbhum, Raja of cxxxvi
Bishnupur ... cxxix, ccxix, cxxxv, cclxxxviii
Bishnupur, Raja of xxvi
"Black Collector" of Calcutta, *see* Govindaram Mitra.
Black Hole, The ...i, lxix, lxxvii, cxvii,
Blackstone, *Sir* William cccxlii

PAGE

Blochmann, H. ... xxii, xxi
Bogle, George ... xxxv, cclxxiii, cclxxvii cccxiii
Boglepore, *see* Bhagalpur.
Bogra ccxxxv
Bogree cxxi
Bolts, William, lxix, lxx, lxxii, lxxxix, cxvi cxliv, cxlvii, clv, clxi
Bombay ... lx, lxxv, lxxix-lxxxi, lxxxv
Boolchand, *see* Balchandra.
Booth, J. G. ... cclxxxi
Boughton, *Surgeon* Gabriel ... li
Boughton, *Surgeon* Gabriel, Grant of trading privileges through ... li
Boughton-Rous. *see* Rous.
Bowcher, Benjamin lxxii
"Braces," The li
Brahmaputra (river) ccxc
Bridgwater (ship) lxxx
Bristow, *Surgeon* J., *Commercial Resident at Balasore* ... cxxiv
British Museum lxvii
Brix, C. F. xvi
Brooke, *Capt.* ... lxii, ccxxxv
Brown, *Lieut.* cxxxii
Budderpore ccxxxv
Budge Budge cxxxv
Bullchand, *Governor of Murshidabad* ... lvii
Bunderdo ccxxxv
Bunds ... ... xcvi, x
Bungachi, Zamindari of ...
Burdett, John, *Resident at Midnapur* cxxv
Burdwan ... xxvii, lxv, lxxvi, xcvi, cxiii-cxv, cxxvi cxxviii, cxxxi-cxlix, clix, cxciii, cc, ccxii, cclxxxviii, ccxc, cccxi
Burdwan, *Basi samin* lands in ... cxl
Burdwan case ... cclxiv-lxvi
Burdwan, Cession of ...
Burdwan, *Chakaran malguzari* of ...
Burdwan, Courts at ... cxlvii
Burdwan, Duties of Resident at ... cxlvii
Burdwan, Establishment of a Resident at cxl
Burdwan, *Jamabandi* of ... cxlii-cxliii
Burdwan made a collectorate in 1786
Burdwan, Mir Kasim's sanad for cession of ... cxxxiii
Burdwan, Mode of collecting revenue at clxxviii
Burdwan, *Nankar* of Raja of ... cxlii
Burdwan, Net revenues of ... cxlix
Burdwan, Police in, in 1760 ... xlix
Burdwan, Stipend of Resident and Council at cxli
Burdwan raj xxviii
Burdwan raj, Origin of xxvi
Burdwan, Raja of ... cxiii, cxxx
Burdwan Raja, Complaints against ... cxxxvi
Burdwan Raja's forces, Insolence of ... cxxxii
Burdwan Raja's payments to the Company, Settlement of cxxiv-cxxxv
Burke, *Right Hon.* Edmund, xi, ccxxi, cccxiii

PAGE.

Burra Adalat cxlviii
Burrah Fenny cxx
Burton, William ... ... i, liii
Bussy-Castelnau, Charles Joseph Patissier, *Marquis de* ... xciv
Busteed, *Brig. Surgeon* H. E. ... cccxxix
Buxar ... iv, vi, viii
Buzurgumed Khan cxxi

C.

Cadell, T. xiv
Calcutta ... iii, vi, lxi, lxiv, lxvi, lxvii, lxix, lxxii, lxxv, lxxvii, lxxviii, lxxx, lxxxvii, lxxxviii, xc, xciv, xcvi, xcvii, cx, cxv, cxvii, cxxii, cxxv, cxxxiv, cl, clxxxi, ccxxix, cclxxxi, cclxxxviii, ccxc, cccxix, cccxx, cccxxxi.
Calcutta, Acquisition of ... lxv
Calcutta, Admiralty Court at ... lxxi
Calcutta Committee of Revenue, Formation of ccxxxiii
Calcutta Courts, Law administered lxxxv
Calcutta Custom House Collection during 1769-74 ccxxxi
Calcutta, Division of lxxii
Calcutta, Establishment of four judicatures in lxxxv
Calcutta, Grant of sanad for free tenure of lxxviii
Calcutta Historical Society ... cxvi
Calcutta lands, Farming of ... ccxix
Calcutta lands, Five years' settlement of ccxv
Calcutta lands, Mir Jafar's promise of extension of cxiii
Calcutta parganas ccxxxv
Calcutta parganas, List of ... cii
Calcutta parganas, List of purchasers of cii
Calcutta, Siege of xcv
Calcutta trade during 1769-74 ... ccxxxi
Calicut, Zamorin of vii
Calpee, *see* Kalpi.
Cambridge Modern History, Mistake in cxii
Cameron, *Mr.* cvi
Campbell, T. D. cclxxxi
Cantoo, *see* Kantu.
Carey, *Rev. Dr.* William ... cccxxxiii
Carnac, *Brigadier-Gen.* John ... cxxx, clvii, clxiv, ccxxxv.
Cartier, John ... clxiii, cxcv
Cartier, John, The Administration of" ... ... cxcvii-ccx
Cartier, John, directed to resign Government to Warren Hastings ... ccii
Cartwright, Ralph liii
Caste Cutcherry lxxii
Catherine, *Queen of Braganza* ... vii
Ceded Lands, The" ... ... cxiii-cxlix
Ceded lands, Improvement in the revenues of the clxviii

PAGE.

Ceylon lxiv
Chabuckswars lxx
Chait Singh, *Raja of Benares* ... xiv
Chakai cclxxxviii
Chakaran samin cccxxii
Chakaran samin, Resumption of ... ccxlv
Chakla ... ... xxiv, **xxxiii**
Chambers, *Sir* Robert ... xvii, xviii, cclix, cclxxxvi, cccxxxiii.
Chambers, William ... cccxxxiii
Champaran ... clxxxii, cclxxxviii
Chanchra, *see* Jessore.
Chandernagore lviii
Chandpur ccxc
"Changes of 1781, The" ... **cccxxix-xxxiv**
Charity lands cviii
Charnock, "*Colonel*" Job ... iv, lix, lxii-lxv, lxxix, ccxxix, ccxxx.
Charnock, Job, appointed Governor of Chittagong lxi
Charnock, Job, arrives at Hughli ... lxi
Charnock, Job, becomes Chief at the Bay lxi
Charnock, Job, Death of lxvi
Charter of 1726 lxxx
Charter of 1753 lxxxv
Charters of 1723 and 1753, Weakness of lxxxix
Charters, Samuel cccxxix
Chatmohar xxiii
Chatra ... ... cclxxxviii, ccxci
Chaukidar xlviii
Chauth xl
Cheelah ... ... **xxvii**
Chewra cclxxxix
China ... .. lxxxix, cxxi
Chittagong ... iv, xxiii, lx, lxii, lxiii, lxv, cx, cxiv, cxv, **cxix-cxxiii**, cxxv, cxxxviii, clix, ccxxxvi, ccxc, cccxxix, cccxxxi.
Chittagong, *Asal jama* of ... cxxi
Chittagong, Cession of cxviii
Chittagong, Demand of province of... cxiii
Chittagong, Extent of cxx
Chittagong a frontier of Mughal Bengal cxix
Chittagong, *Jama* of cxxii
Chittagong, Job Charnock appointed Governor of lxi
Chittagong, Manufactures of ... cxx
Chittagong not a portion of the Mughal dominions cxix
Chittagong outside jurisdiction of Provincial Comptrolling Councils of Revenue cxxiii
Chittagong the *porto grande* of the Portuguese cxix
Chittagong, Portuguese settlement at, cxix
Chittagong a possession of the Afghan Kings of Bengal cxix
Chittagong, Powers of Chief of ... cxxiii
Chittagong, Productions of ... cxx
Chittagong, Quantity of cultivated land in cxx

PAGE.

Chittagong river cxx
Chittagong, Seizure of, by the kings of Arakan cxix
Chittagong, Verelst's account of, **cxx-cxxi**
Chokidar, see *Chaukidar*.
Choota Adalat cxlviii
Chout, see *Chauth*.
Chowgong cclxxxix
Christie, *Mr.* ccxxvii
Chunacolly ccxxxv
Chundly cclxxxix
Chupra cccxxxi
Chutanuttee, *see* Sutanuti.
Chyttegam, *see* Chittagong.
Clavell, Walter ... **liv, lv**, lvii
Clavering, *Lieut.-Gen. Sir* John ... xiii, xv, xix, xliv, xlv, cclix, cclxxxvi, ccxciv, cccxxi.
Clive, Robert, *Baron* ... i-iii, v, vii, viii, xvi, xx, xxiii, liii, lx, lxvii, lxxviii, xciv, xcv, xcvii, xcix, civ, cvii, cxi, cxii, cxiv, cxv, cxvii, **cxxx, cxxxi**, cxxxiii, cxli, cl-clii, clviii, clix, clxiii, clxiv, ccxi, ccxii.
Clive, Robert, *Baron*, attempts cession of Nawab's authority to Company ... cli
Clive, Robert, Departure of, from Fort William clxvi
Clive, Robert, engages not to enter into private business cciv
Clive, Robert, Estimate of, of the importance of the grant of the Diwani ... ... clii-iv
Clive, Robert, *Jagir* of ... cxi
Clive, Robert, occupies Fort William lxv
Clive, Robert, Position of, in 1757 ... **xciv**
Clive, Robert, Strong methods of ... cxviii
Clive, Robert, Transfer of the Diwani not an original idea of ... cliv
Cogmari, *see* Kagmari.
Colcha Cutcherry, *see* Khalsa Cutcherry.
Colebrooke, J. E ... **xxx**, ccxxi, **ccxxxiii**, cclxxviii, cclxxxv, cccxxx.
Collary, *see* Khalari.
Collector and Judge, Appointment of cccxxxi
Collector-General cxxv
Collector of Calcutta, Appointment of lxix
Collectors, Appointment of ccxiii
Collector's cutcherry lxxi
Collectors, English, Withdrawal of, from country districts ... ccxxxii
Collectors made protectors of the wronged ccxxiv
"Collectors" replace "Supervisors" ... ccxxix
Colley, Thomas lii
Colligong ccxc
Comar, see *Khamar*.
Comercolly, *see* Kumarkhali.
Commar, see *Khamar*.
Commercial Resident, Appointment of, at Midnapur ... ... **cxxx**

PAGE.
Commercial Residents ccxxxiii
Commission, Appointment of, for forming a new settlement ... cccxi
Commission in the revenues, History of the grant of, to certain servants of the Company clxi
"Commission of 1776, The" ... ccxv, **cccxi-xxviii**
Commission of 1776, Report of, cccxxi-xxiv
Commission of 1776, Salary of members of cccxiii
Commissioner of Law Suits **cclxxviii**
Commissioners, Appointment of, to enforce the regulations of the Court of Directors clxxiii
Commissioners of Oyer and Terminer and Gaol Delivery lxxxi
Committee of Circuit ... cxxx, ccxciii
Committee of Circuit, Appointment of, ccxiii
Committee of Circuit, Members of ... ccxiv
Committee of Circuit, Scope of work of ... ... ccxx-xxiv
Committee of Circuit's measures, Basis of criticism of ... ccxxv-xxvii
Committee of Circuit's measures, Success of ccxxv
Committee of Circuit's regulations, Effect of ... ccxxii-xxiii
Committeee of Circuit's regulations, Object of ... ccxxiii-xxiv
Committee of Lands ciii
Committee of New Lands ... ciii, cv
"The Company becomes Zamindar" ... ... **lxv-lxxviii**
Comptrolling Committee of Accounts, Appointment of ccv
Comptrolling Committee of Commerce, Appointment of ccv
Comptrolling Council of Revenue at Murshidabad cxcv
Comptrolling Councils of Revenue ... cc
Comptrolling Councils of Revenue, Establishment of clxx
Congoy, *see Kanungo*.
Conny ... ... **cxx**
Cooch Bihar ... ccxxxvi, cclxxxix, cccxix
Coote, *Lieut.-Gen. Sir* Eyre ... clvii, clxiv, cclxxxiv, cclxxxv.
Cornwallis, Charles, *First Marquis* .. xii, cii, cccxxxii.
Corry Jurie ... **civ**, ccxlviii
Cosijura, *see* Kasijora.
Coss, *see* Khas.
Cossimbazar, *see* Kasimbazar.
Cossimpur, *see* Kasimpur.
Cossinaut, *see* Kasinath.
Cotton, *Sir* H. J. S. ... xxiii, cxx-xxiii
Cottrell, H. ... clxxxii, cclxiii
Council of Control, Appointment of ... clx
Court of Cutcherry ... **lxxi**. lxxii
Court of Directors ... lxxii, xcvii, cxv, cxxiv, cxxv, cxli, clii, cxcvii, cxcix, cc.
Court of Directors approve appointment of supervisors cxcv

PAGE.
Court of Directors assume the Diwani, ccxii
Court of Directors averse to territorial acquisitions .. ... **iv-vi**
Court of Directors on Select Committee's opposition to Council ... cci
Court of Directors, Opinion of, on plan for collection of revenue, **cccxxv-xxviii**
Court of Directors, Views of, on the position of Bengal ... ... **vi-viii**
Court of Mayor and Alderman ... lxxx
Court of Proprietors ... .. 14, cxli
Court of Quarter Sessions in Calcutta, List of persons prosecuted in ... lxxxvii, **xci-xcii.**
Court of Record lxxx
Court of Requests ... lxxxv, xc
Court of Wards, Establishment of ccciv
Courts, Petition for establishment of, in India .. lxxx-lxxxiv
Covid ... ... **cxx**
Cowell, H. .. lxxxv, lxxix, cccxxxiii-xxxiv
Crawford, *Lieut.-Col.* D. G. ... xlvi
Croftes, Charles cccxxix
Cromwell, Oliver iv
Crowry, *see Krori*.
Cruz Colly cxx
Curriekpore, *see* Kharakpur.
Cuttack .. ... xxii, lii, cxxiv
Cuttack, Proposal to get up an expedition against cxxxix

D.

.. xxvii, lv-lvii, lix, lxi, lxxv, lxxvi, lxxvii, xcvii, cxvii, cxix, cxxi, **clxxx**, clxxxii, ccii, ccxxviii, ccxxxvi,

Dacca Circuit ccxv
Dacca, Nawab of lxiii
Dacoits of Bengal ccxxiv
Dacres, Philip Milner ccxiv
Daftar-khana **xlvii**
Dakhin, The lxxvii
Dalal ...**cxxxiv**
Damudar Bhanja, *Raja of Maurbhanj*, cxxix
"Danegelt" xl
Danes, The lviii
Danish settlement at Serampore ... lviii
Darbhanga cccxxxi
Darogah Adalat ccxxii
Darogah Adalat-al-Alia ... **xliii**
Darogah-i-Adalat-Diwani ... **xliii**
Dastak ... ... lxxv, lxxix
Daud Khan ... ... xxii, xxiv, xxvi
Davy, *Major* William xxix
Day, *Sir* John ... ccxxix, cclxxv
Debts, Realisation of, from natives outside Company's settlements, lxxxix-xc
Debundee cvi
Decalcutta, *see* Calcutta.
Decentralisation, Measures for ... ccv
Delhi xciv
Denham, *Capt*, ... lxii

PAGE.

Derivallah xi
Deroy lii
Deslandes, André Boureau .. lviii
Devi Singh ccxxi
Devottara ccix
Deyteah .. cclxxxix
Dhairyendra Narayan, *Raja of Cooch Bihar* xlv
Dias, P. cxcvii
Diderry, see *Dihdari*.
Dighapati xxiii
Dihdari cix
Dihi Calcutta, *see* Calcutta.
Dinajpur ... clxviii, clxxxi, clxxxii, ccxxxvi, cclxxxi, cclxxxix, cccxxv.
Dinajpur Circuit ccxv
Dinajpur raj xxviii
Director-General of Commerce in Bengal (French) .. . lviii
Diwan ... ... **xxxi, xliii,** ccxxi
Diwan, Selection of a fixed, for each district ccxviii
Diwan to the Company, Appointment of Muhammad Riza Khan as ... clx
Diwani Adalat, Mufassal .. ccxxi
Diwani Adalat, Sadar ccxxii
Diwani, Grant of the x
Diwani, List of branches of business relating to the ccix
Diwani, Lord Clive's estimate of the importance of the grant of the ... cliii-iv
"*Diwani* of Bengal, Bihar and Orissa, Grant of" ... **cl-clxv**
Diwani, Transfer of the, not an original idea of Lord Clive ... cliv
Diwani portion of Bengal, Grant's list of districts making up the .. clix-x
Diwani portion of Bengal, Net revenues of clxiii
Dow, *Lieut.-Col.* Alexander ... cccix
Ducannon, Alexander cclxxxi
Ducarel, G. G. ... clxxxi, clxxxii, cxciv, cxcv, ccxxi, cccxxx.
Duckynarainpore ... ... cc xxv
"Dulibe Roy" clxxx
Dum Dumma cxxx
Duncan, Jonathan ... **cccxxx,** cccxxxiii
Dunning, John ... cxi
Dupré, Josias ... ccxiv, ccxxix
Dutch, The ... ... lxv, xc
Dutch garden at Hughli ... lviii

E.

"The Early Administration of Warren Hastings" ... **ccxi-ccxxxii**
East India Company ... iv, lviii, lxx, lxxviii, xcvii, cxv.
East India Company, Charter granted to, in 1661 lix
East India Company, Earliest conception of, of the zamindar's duties .. lxx-lxxii
East India Company, Erroneous view of the position of, in regard to the Nawab cxvi
East India Company, Illustrations of attitude of, in regard to territorial acquisitions ... **iv-vi**
East India Company obtains a legal position in the Mughal Empire ... lxv
East India Company, Position of, at end of 1765 ... ... **clxiv**
East India Company, Rights of, as zamindar vi
East India Company (French) ... lviii
East India House xciii
Edwards, Richard lvi
Elliott, Alexander ... xiv, cclxxxi cccxxx
Elliott, *Sir* Gilbert, *see* Minto, *Lord*.
Ellis, William clvii
Elphinstone, M. ... cxvii, clxiv
England .. vi, lx, lxxxviii, lxxxix, cxii, cccxv.
England, Character of criminal laws in lxi
"The English acquire the Twenty-four Parganahs" ... **xciv-cxii**
English, Aurangzib's *farman* granting the, permission to trade duty-free . **lviii**
"English, Coming of the, to Bengal," **lii-lxiv**
English, Massacre of the, at Patna ... cxvii
English, The, obtain hasb-ul-hukum granting permission to trade ... lxxiv
English, Position of the, at Hughli ... lxv
English in Bengal, Second phase of the history of the lix
English rule in Bengal established by virtue of a "conquest" ... xxi
Eurasian Christians lxv
Etaumdar, see *Itmamdar*.
Eyre, James cxi

F.

Falconer William clxxiv
Falta ... ... cxx, ccxi
Famine Commission of 1800 ... cxcviii
Famine of 1770 cxcviii
Famine of 1769-70, Enquiry into ... ccxxi
Fard i-hakikat ... **xlvi**
Fard-i-sawal .. . . : lvi, lxxviii
Farmaish .. . .lviii, **lix**
Farman .. lviii, lxiii, lxxv-lxxvii, xciv, xcv, cxii.
Farman, Emperor Shah Alam's .. **ix-x**
Farming system ccxlv
Farrer, Thomas xv
Farrukhsiyar, *Emperor of Hindustan*, ii, iv, lxvi, lxxiv-lxxvii.
Fatehjangpur ccxc
Faujdar ... ... xxii, xxxii, xliii
Faujdari Adalat ... cxlviii, ccxxii
Faujdari Adalats ccxliii
Faujdari Courts, Reorganisation of ...cccxxxii
Faujdari jurisdiction, Abolition of ... ccxlv
Faujdars and revenue officials, Illustration of double government by ... lvi-lvii
"Faujdars, The Provincial Councils and the" ... ... **ccxxxiii-lii**

PAGE.
Fay, Anthony ... cclxxxvii
Fay, Eliza cclxvii
Feake, Samuel lxxvii
Feetagungpur, *see* Fatehjangpur.
Ferguson, *Lieut.* J. ... xxxi, cxxviii
Field, C. D. ... ... ix, xxxi, cxii
Field, C. D., Errors in writings of ... xliii, liv
Firari xl
Firminger, *Ven.* W. K. ... xxxi, cxiv, cxxvii-
Five years' settlement, Basis of ... ccxix
Fleetwood, *Mr.* ccxxvii
Floyer, Charles ... cxcv, ccii
Floyer, Charles, Removal of, from Bengal cci
Forde, *Col.* Francis cxli
Forde, *Col.* Francis, Appointment of, as Commissioner clxxiii
Forrest, *Sir* George W. ... xlv, xlix, cclxx
Fort Marlborough lxxxix
Fort St. George lviii, lix, lxiii, lxvi, lxxix-lxxxi, cv.
Fort William lxxii, lxxv, lxxx, cx, cxiv, cxxiii, ccxxxi.
Fort William, Old lxv
Fortesque, J. W. ii
Foster, William ... liii-liv, lxii
Fowke, Francis xiv
Fowke, Joseph xiv
Francis, *Sir* Philip xiii-xv, xviii-xxi, xxiv, xxix, xxx, xxv, xliv, xlv, l, li, xcvii, cxiv, clxxviii, clxxxix, ccxxxv, ccliii, cclvi, cclvii, cclxxxv, cclxxxvii,
Francis, *Sir* Philip, advocates fixed settlement ... .. ccxcix-cccl
"Francis, Hastings *vs.*" ... ccxcii-cccx
Francis, *Sir* Philip, the original promoter of the Permanent Settlement, ccxciii
Francis, *Sir* Philip, sails for England, ccxxxix
Francis, *Sir* Philip, Strictures of, on Committee of Circuit ccxciii
Francis-Hastings conflict concerned *principles* xiv
Frankland, Henry iv
Frankland, William ... xcviii, xcix, cv, cvi
Frankland, William, Opinion of Court of Directors on report of, on Calcutta lands ... ... ciii-cv
Frankland, William, Report of, on Calcutta lands xcviii
Frederick, Cæsar cxix
French, The ... lviii, lxv, xc, xcv
French settlement at Hughli ... lviii
Fulta, *see* Falta.
Futtehsing ccxci

G.

Ganga Govinda Singh ... cccxliii
Ganga Saugor ... civ
Ganges (river) liv, lvii, lxxxvii, xcv, cclxxxix.
PAGE.
Gaol Delivery, Commissioners of .. lxxxi
Garden Reach lxiv
Gaur xxvi
Gaur, Removal of capital from ... liv
Gaya cxvii
Gentoo ... lxxi, lxxxvi, ccxcix
'*Gentoo*" *Code* cccxxxii
George I., Charter of lxxxix
George II., Charter of lxxxix
. vi
Ghatwals ... xlix
Ghazipur ... ... iv, cl, clii
Ghoraghat ... ... ccxx, cclxxxix
Ghulam Husain Khan, Error in writing of xxxii
Ghulam Mahomed xxvii
Gladwin, Francis ... xxiv, xxvii
Glazier, E. G. ... xxxiii, xxxiv, li, cccxxv
Gleig, *Rev.* G. R. ... ccxxix-xxx, cccvii
Gokul Mazumdar cxxxii
Gokulchand Ghoshal cxx
Golconda, King of vii
Golding, Edward clxxxii
Golghat lxiv
Golgotha lxiv
Golin lxiv
Goraghat, *see* Ghoraghat.
Government, Lord Clive's system of... clxvii
'Government," Meaning of .
Governor-General, Company's adm ... ested in ... ccliv
Governor-General, Creation of office of cxviii
Governor in the Bay of Bengal ... lix
Govindaram Mitra ... lxxiii, lxxxviii
Govindpur ... ... vi, lxvii, lxxv
Govindpur, Acquisition of ... lxv
Graham, John ... xxxi, cxcv, cc, ccxiv
Graham, Thomas ... cxxvi-cxxviii, cxxx
Grand, G. F. ... xvi, clxxiv, cxcviii
'The Grant of the Diwani of Bengal, Bihar and Orissa" ... cl-clxv
Grant, Charles cxcviii
Grant, James ... xxiv, xxix, xxx, cvii
Grant, James, Error in writing of ... xxviii
Great Britain ... lxxxvii, lxxxviii
Grindal, Benjamin cclxxxi
Grose, John clxxxii
Grosvenor (ship) ... xvi, cclxvii
Grueber, Nicholas ccxxviii
Gult-Gat, *see* Golghat.
Gurudas, *Raja* ... ccxxi, ccxxxv, ccxliv

H.

Haidar Ali, *Sultan of Mysore* ... xi
Hajipur cclxxxix
Hakluyt, R. cxix
Hakluyt Society lix
Haldari ccxvi
Halhed, N. B. ... ccccxxiii
Halishahr xcviii
Hamilton, *Surgeon* William ... lxxiv, lxxv

PAGE.
Hannibal cxxx
Harharrapoor (Hariharpur) ... lii
Hari Krishna Tagore ccxxxv
Harinbari cccxxxii
Harington, J. H. ... xxix, xlii, cxi ccxxxiii, ccxxxvi, cccxxii.
Harispur lii
Harwood, William clxxxii
Hasb-ul-hukum granting the English permission to trade lxxiv
Haskins, Edward cxi
Hastings, Warren, xi, xii, xiv, xvii, xxx, xliv, xlv, lxix, xcvii, cxiv, cxvi, cxlvi, clii, clx, clxxxii, clxxxix, cxcviii, ccii, ccx, ccxvii, ccxxxv, cclxxxv, cclxxxvii, ccxcvii-ccciii, cccxi-xxii, cccxxix-xxx.
"Hastings *vs* Francis" ... **ccxcii-cccx**
Hastings, Warren, Career of ... **ccxi**
"Hastings, Warren, Early Administration of" ... **ccxi-ccxxxii**
Hastings, Warren, the founder of Calcutta ccxxx
Hastings, Warren, Proposals of, for settlement of revenue ... **ccxcv-xcviii**
Hastings, Warren, Proposed plan of, for revenue organisation ... cccxxix-xxx
Hastings, Warren, Regulations of, of 1772 ccxiii
Hastings, Warren, Success of early measures of ccxxix
Hastings, Warren, Views of, on dealing with zamindars and talukdars ... ... ccxvii-xviii
Hastings-Francis conflict concerned *principles* xiv
Hast-o-bud clxxxiii
Hast-o-bud, Francis' objection to ... **cccl**
Hast-o-bud, Valuation by, unknown to Mughals xxix
Hatch, J. M. cccxxxv
Hatinda ccxc
Haurah, *see* Howrah.
Hay, William ... cxxix, cxliv, cxlvii
Hay, William, Murder of ... cxvii
Hazaribagh cclxxxviii
Hazuri Mal ccxxxv
Hazur-zilas ccxviii
Heath, *Capt.* William ... ...lxii-lxiv
Hedges, *Sir* William, *Governor of Bengal* ... ... **lix-lx**
Henckell, Tilman cxviii
Hichapore ccxxxv
Hicky, J. A. xviii
Higginson, Alexander clxxxii
High Court lxxxiv
Hijili ... lxii, cxxiii, cxxiv, ccxxv, cclxiii, cccc.
Hill, S. C. ... ... i, xciv-xcvi, ccxxx
Hindu principalities, Proof of existence of, in Bengal **xxvi-xxviii**
Hindu village institutions, Disappearance of, in Bengal xxiv
Hindus, Employment of, in the collection of revenue xxxv
PAGE.
"Hinterland, Doctrine of the" ... vii
Holland, Dennis xlv
Holmes, J., *Registrar of Calcutta* ... lxxiv
Holwell, J. Z., *Governor of Bengal* ... i, lxix, **lxxii**, lxxv, lxxviii, lxxxviii, xc, xcix-cii, cvi, cxii, cxvii, cxxxiii, clvii, clxiv, cccxix-xx.
Holwell, J. Z., Opinion of, that Plassey was not a decisive battle ... ii
Hoondean ... ... **xl**
Hopewell (ship) lii
Hosea, William, Case of ... cclxvii
Houghly, *see* Hughli.
Houglaw ccxxxv
Howrah lxxviii
Hudson, R. xciii
Hughli ... liii, lix, lxii, lxiv, lxv, lxxv, lxxvii, xcvii, clxxxii, ccxii, ccxix, ccxxxv, ccxc.
Hughli, Account of ... ... **liv-lv**
Hughli, Advantageous position of ... liv
Hughli, Arrival of Job Charnock at ... lxi
Hughli, Dutch Garden at ... lviii
Hughli, *Faujdar* of lvii
Hughli, First French settlement at ... **lviii**
Hughli, Five years' settlement of ... ccxv
Hughli fort, Taking of lxii
Hughli, Foundation of factory at ... liv
Hughli, French factory at ... lviii
Hughli, *Naib Faujdar* of ... ii
Hughli, Number of vessels arriving in the river during 1770-74 ... ccxxxi
Hughli, Portuguese Augustinian friars at lviii
Hughli, Position of the English at ... lxv
Hughli (river) xcviii
Hunter, *Sir* W. W. ... xxiv, xl, xlix, li, lxiv, clxxvi, cxcvii-cxcviii, cccxxxi
Hurst, George xvii
Hurst, *Rev.* William clxxiv
Husepur cclxxxviii
Hyde, *Ven.* H. B. clxxiv
Hyde, John ... ... xviii, cclix

I.

Ibrahim Khan, *Nawab of Bengal* ...lxiii-lxv
Iconko (mountain) cxxi
Idrakpur ... ... ccxx, ccxxxvi
Ijarahdar ... ... c, ci, **cxxxii**
Impey, *Sir* Elijah ... xv, xvii-xix, lxxxvi, cclix, cclxxiv, cclxxv, cclxxvii, cclxxxi, cclxxxiv-cclxxxvii, cccxxxi.
"Impey, *Sir* Elijah, and the Sudder Diwani Adalat" ... **cclxxviii-lxxxii**
Impey, *Sir* Elijah, Civil Procedure Code of ... ... ccexxxii
India ... ... liv, lxi, lxxii
India Office liv
Inland trade ... ... **cxv**
Irvine, William ... ... lii, lviii, lxviii, lxxiv, lxxvii, cxi, cxiii.
Irwin, James ... ... **ccxxi**

PAGE.

Ishapore xcviii
Islam, Illustration of extreme doctrine of xxiv
Islam Khan cxix
Islamabad cxx, cxxxviii, ccxxxvi, ccxc
Islamabad, Origin of name of ... cxix
Itmamdar cccxxiii
Ives, *Surgeon* Edward xcv
Ives, Otto cclxxxi
Ives, Thomas cclxxxi
Izzat Khan lxviii

J.

Jacamb, L. cxciv
Jaffer Cawne, *see* Murshid Kuli Khan.
Jaffier Khan, *see* Murshid Kuli Khan.
Jaffir Ally Khan, *see* Mir Jafar.
Jagat Seth ... ... clii, clx
Jagir ... ... lv, clxxxvii
Jagir, Two kinds of cxi
Jahanara, *Princess* liv
Jahangirpur ... ... ccxxx, ccxc.
Jamabandi xxv
Jama-tumari xxx
James II., *King of England* ... lx
Jangal terai ccxxxv
Jaynarayan Ghoshal ccxxxv
Jazika ... ... xxiv, lviii
Jellasore (Jaleswar) ... cxxiii, cxxvii, cxxix, cclxxxviii.
Jellasore lands, Proposals for farming, cxxx
Jessore ... ... cxviii, clxxxii, ccxxxv, ccxc.
Jessore, Five years' settlement of ... ccxv
Jessore, Origin of the principality of xxvi
Jessore, Settlement of ccxix
Jimidar, *see* Zamindar.
Johnstone, *Sir* James cxli
Johnstone, John ... cxxiv, cxxv, cxli, cxliv, cxlv, cxlvii.
Jugdea ... ... lxxviii, cx
Jumma-toomary, see *Jama-tumari*.
"Jungle" districts cxxviii
Justice, Administration of, during Mughal occupation xliii
Justice, Regulations for the administration of ... ccxxi-xxii
Justices of the Peace lxxxi

K.

Kabuliyat ccxviii
Kachar ... ... cx, cxxiii
Kagmari ... ... ccxxxvi, cclxxxix
Kali Ganga (River) ccxc
Kalpi ... ... lxxvii, xcvi
Kamal-ud-din, Case of ... cclxiii-lxiv
Kamdeo xxvii
Kantu Babu ... ccxxvii, ccxxviii, cclxiii
Kantunagar cccxxv

PAGE.

Kanungo ... ... xxix, xlii, xliii, lvii, xcvii
Karagdiha cclxxxviii
Karcha cccxv
Karori lxix
Kasijora case ... cclxxv-lxxvii
Kasijora pargana cxxvii
Kasim Ali, *Nawab of Bengal* ... cccxviii
Kasimbazar ... ... lxxvii, lxxviii, ccxi, ccxviii, ccxxi.
Kasimbazar factory lvi
Kasimbazar silk investment ... ccxx
Kasim Khan cccxix
Kasimpur ccxc
Kasinath Babu cclxxv
Kasundiya lxxvii
Katkinadar cccxxiii
Katwa ... ccxxi, ccxc, ccxci
Kaye, *Sir* John cccix
Kazi ... ... xliii, ccxxii
Kazi-ul-Kazaat ccxxii
Keighly, J. I. clxxxii
Kelsall, Thomas ... xxxv, clxxxii, cxcv
Kendy cclxxxviii
Khalari cix
Khalsa cccxxi
Khalsa Cutcherry clxxix
Khalsa domains xxv
Khalsa, Proposed removal of, to Calcutta ccxiv
Khalsa shereefa lxxviii
Khalsa transferred to Calcutta ... ccxxx
Khamar cix
Khamar lands clxxxvii
Khan Muhammad xxiii
Khan Zaman, *Subahdar of Bihar* ... lxxviii
Kharaj dastur ... cxlviii
Kharakpur ccxxxv
Kharij-jama xxxix
Khas lands clxxxvii
Khas taluks ccxxxv
Khasnovessy xxxix
Khaspur cx
Khiras xxiv
Khudkasht ryot ... l, cccv, cccxi
Khurram, *Prince*, *see* Sha Jahan.
Khushnishan ... cxxvii-cxxviii
Kidderpore lxi
Kifayat-i-faujdari xl
Kifayat-i-sair xl
Kilpatrick, *Major* John i
"King's share" in Auranzib's time ... xxxviii
Kipling, Rudyard lxiv
Kirbah ccxc
Kishnapore xcviii
Kismat xlvi
Kist-i-bandi xlvii
Knox, *Capt.* cxxiv
Kolora cccxxv
Kosi (river) cclxxxix
Kotwal xliii
Krishnagar ... ccxiv, ccxviii, ccxix, ccxc
Krishnagar Circuit, Importance of, ccxv-xvi
Krishnaram Ray xcvii

PAGE.
Krori lvii
Kumarkhali ccxx

L.

Lakhmipur ... ... lxxviii, cxxii
Lalganj lvi
"Land revenue," Misleading use of ... xxii
Lane, Thomas ... xvii, cciii
Lapwing (ship) ... clxix, cc, cci
Lascars lxxi
Lashkarpur ... **xxviii**, ccxx, ccxxxv, cclxxxix,
LaTouche, T. D. xxxv
Lauriya .. ... cclxxxviii, ccxci
Law, T. ccxlvii
Lawrell, James ... cc, ccxiv
Lee, *Capt*, *of the Aurora* ... clxxiv
Lehuraux, A.... lviii
Lemaistre, Stephen Cæsar xviii, cclix
Lindsay, *Hon.* Robert, *Resident at Sylhet* ... xxxix, ccxxvii, ccxcix
Lioness (ship) clxviii
Lloyd, Charles clxxxii
Loge lviii
Lokenath Nandi ccxxviii
London ... ...lv, lxxix
Long, *Rev.* James ... ii, x, xxvii, xlv, lxxi, lxxiii, lxxviii, lxxxiv, lxxxvi, lxxxviii, xcviii-cii, cvii, cviii, cx, cxi, cxxiv, cxxxii cxxxiv, cxxxviii, cxli, cxlvi, cxlix, clxi
Long, *Rev.* J., Error in writing of ... cviii
Lord Mansfield (ship) cxxiv
Lowya, *see* Lauriya.
Loyah, *see* Lauriya.
Luckypore, *see* Lakhmipur.
Lushington, William clxxxii
Lyall, *Sir* Alfred ... ... i, iii
Lyell, Henry, *Chairman of the Court of Directors* lxxxiv

M.

Macaulay, Thomas Babington, *Lord*... xiv, lxxxix, cxvii, cxlix, clxvi, ccxi, cclxxvi, cclxxxv, cclxxxvii.
Macaulay, *Lord*, Discrepancy in opinion of, regarding the history of the English in Bengal clxvi
Macaulay, *Lord*, Errors in writings of clxii, cclxxxvi
McDowell, D. H. ... xxxiii, cccxxv
Macgregor, John clxxvi
McNeile, D. J. ... xlviii, cxxiii, cxli
Macpherson, *Sir* John xxx
Madhoji Sindhia vi
Madras ... ... vii, lix, lxiii, lxxv, lxxix, lxxx, cxiv, cxvii, cxxx, cci.
Madras restored to the English Company lxxxiv
PAGE.
Madraspatam, *see* Madras.
Magurah cv
Mahl, see *Mal*.
Mahmudshahi ... ccxx, ccxxxv, ccxc
Mahmudshahi, Settlement of ... ccxix
Mahobutpore ccxxxv
Mahomed Ali Gohur, *see* Shah Alam.
Mahomed Ali, *Zamindar of Nodullahpoor* clxxx
Mahomed Ali Khan, *Faujdar of Hughli*, clxxxi
Mahomed Ali Khan, *Nawab of the Carnatic* vii
Mahomed Jan xxvii
Mahomedan law, Difficulties created by .. .. **ccxlvi-xlvii**
Mahumud Azzeem, *see* Muhammad Azim-ush-Shan.
Maidapur clxi
Mal cxxii
Malaya, The Portuguese sail from, to Hughli liv
Malcolm, *Major-Gen. Sir* John ... clvi
Malda ... lvi, lvii, ccxx, cclxxxix
Malikana ccxvii
Mana Jan xcvii
Manbhum cclxxxviii
Mandeville, *Sir* J. clxxvi
Mangan ... ... **xl**
Mani Begam ccxxxii
Manipur ... ... cx, cxxiii
Manohar Ray, *Raja of Jessore* .. xcvii
Manucci, Nicolas lxxvii
Maqsudabad, *see* Murshidabad.
Maratha Ditch lxxxix
Maratha raids to Bengal, Device to prevent cxxix
Marathas ... lxxvii, cxxiv, cxxviii, cxxix, cxxxiii, cxxxiv, cxxxvi, clxxvii.
Maroocha ... ... **cccxxii**
Marriott Randolph, *Resident at Balasore* ... ... **cxx**, cxxiv, cxlvi
Marshall, John lvi
Marshman, J. C. ... ccccxxxiii
Martin, W. B. ccxxi
Masey, *see* Mehsi.
Mashrut .. .. **cxi**
Masidha ccxc
"Masked system" of administering Bengal ... ... **vii**
"Masked system" of administering Bengal, Illustration of ... clxiii
Mason, *Capt.*, *Commander of the Nathaniel* lxi
Master, Streynsham ... ... lvi-lviii
Masulipatam ... ... lii, liv, ccii
Mathaut ... ... **xxxlx**, cccxxv
Maukewar ccxc
Maulda, *see* Malda.
Mayor's Court ... lxx, lxxiii, **lxxix-xciii**
Mayor's Court, Account of expenses of lxxxiv
Mayor's Court, Appeal from ... lxxx
Mazkurat ... ... **xlvii**
Mazkuri ... ... **cccxxiii**

PAGE.

Mecca ... lxiii
Medway (ship) i
Megna (river) ... ccxc
Mehsi ... ccxci, cccxxxi
Mellick Burcoozdar ... lxiv
Messideh, *see* Masidha.
Methwold, William liii
Middleton, Samuel ... **ccxiv**, ccxx
Midnapur ... ... lxv, cx, cxiv, cxv, **cxxiii-cxxxi**, cxxxviii, clix, cc, ccxxxv, cclxxxviii, cccxxxi.
Midnapur, Appointment of Commercial Resident at cxxxi
Midnapur becomes the Company's commercial head-quarters ... cxxiv
Midnapur, Cession of cxviii
Midnapur, Change in administration of cxxxi
Midnapur, Diwani Adalat at ... cxxxi
Midnapur, Five years' settlement of ... ccxv
Midnapur lands, Proposals for farming cxxx
Midnapur Residency cxli
Midnapur revenues, Statement of ... cxxxi
Midnapur, Separation of, from Burdwan cxxxi
Mill, James ... ... lxxv, lxxvii, cli, clviii, clxii, cxcviii, cxcix, ccxii, ccliii, cclxxvi, cclxxvii, cclxxxii, cclxxxv, cclxxxvii, ccxcii, ccxciii, ccc, ccci.
Mill, James, Defects of criticism of, of the Regulating Act cclv
Mill, James, Description of, of conflict between Supreme Council and Supreme Court ... ...cclx-lxii
Mill, James, Errors in writings of ... clxii, ccv, ccxiii, cclxxxvi.
Mills, *Col.* James clv
Minto, *Sir* Gilbert Elliott, *First Earl of* ... ... xiv, lxxxvi, cccxxx
Mir Hadi cxxi
Mir Jafar, *Nawab of Bengal* ... i, viii, ix, xxiii, lxxviii, xcv cxii, cxiv, cxvii, cxviii, clii, clvii, clxvi, ccxii.
Mir Jafar, Death of cl
Mir Jafar, First treaty of, with the English cxiii
Mir Jafar grants sanad for free tenure of Calcutta lxxviii
Mir Jafar offers donation to army and navy cxiii
Mir Jafar offers restitution money ... cxiii
Mir Jafar, Pledge of jewels by ... cxiii
Mir Jafar promises extension of Company's Calcutta lands cxiii
Mir Jumla lvii
Mir Kasim, *Nawab of Bengal* ... ix, xxxiii, xl, cxiv, cxv, cxvii-cxix, cxxxviii, cxxxix, cxli, cxlix, clvii.
Mir Kasim, Negotiations with ... cxiii
Mir Kasim's sanad for cession of Burdwan ... ...**cxxxiii**
Mir Riyaz lvii
Mirabeau, H. G. V. R. cccxiii

PAGE.

Mohooree, *see* Muharrir.
Money, Cause of fluctuation in value of, cccxix
Monghyr ... clxxxii, ccxxxv, cclxxxviii, cclxxxix.
Monson, *Col* George ... xiii, xv, xix, xliv, cclix, cclxxxvi, ccxciv.
Monson, *Col.* George, Death of ... cccxi
Montesquieu, C. de S, *Baron* ... cccxiii
Moore, Peter ... ... **xl**
Moorkafee jarib ... ... **xl**
Moorley, *see* Murli.
Moors, The ... ... iv, liv, lv, cxx
Morse, *Mr.* cclxxxi
Moti Jheel cxcviii
Mounseers lviii
Mubarak-ud-daula, *Nawab of Bengal*, x, xv, xviii, xix.
Muchalka ... ... **iv, xlvi**
Mufassal ... ... **xlii**
Mufassal adalats, Establishment of cccxxxi
Mufti ... ... **xliii**, ccxxii
Mughal Government of Bengal, Nature of ... ... **xli**
Mughal land revenue, Lightness of ... cccxviii
Mughal military supremacy, Gradual destruction of ... **viii-x**
Mughal occupation, Administration of justice during ... . **xliii**
Mughal revenue system xxxi
Mughalmari xxii
Muhammad Aminpur ccxc
Muhammad Ma'çum Khan ... **xxiii**
Muhammad Mohsin, *Haji* ... xcvii
Muhammad Riza Khan ... ... cxxii, xliii-xlv.
Muhammad Riza Khan appointed Diwan to the Company .. clx
Muhammad Riza Khan appointed Naib Subah ... ...cli, clxvi
Muhammad Riza Khan, Censure of, and notice in consequence ... **ccv-ix**
Muhammad Riza Khan, Grant's opinion of clx
Muhammad Zaman, *Agha* ... lii
Muhammad Zaman Tahrani ... xxxiii
Muharrir cxlvi
Muhtasib ... ... **xliii**
Mukaddam ... ... **xlvi**
Munim Khan xxii
Murli .. cxviii, cc**xc**, cccxxxi
Murshid Kuli Khan, *Nawab of Bengal* ... ... ii, iv, xxiv, xxvii, xxviii, xxxv, lxix lxxiv, lxxv, lxxvii, ciii, cccxx.
Murshidabad... ... xxvii, lxx, lxxv, lxxvi, xcvii, cxii, cxv, cxvi, cxxi, cxxiii, clxxx, clxxxii, cxcviii, cc, ccxi, cc**xx**ix, ccx**xx**v, cclxxxi, cclx**xx**viii, ccxci, ccc**xv**, ccc**xxx**i.
Murshidabad, Comptrolling Council of Revenue at cxcv
Murshidabad, Comptrolling Council, Members of ... cc

PAGE.

Murshidabad, Courts of Justice in ... clxii
Murshidabad, Establishment of Comptrolling Council of Revenue at ... clxx
Murshidabad, Naib Diwan of ... cxviii
Murshidabad sovereign power, Hastings' disavowal of reliance on xii
Musnud ... .iv, cxiv
Mutasaddi ... xlvi, cxlvi, cccxxiv
Muxadavad, *see* Murshidabad.
Mymensingh ccxxxvi
Mysadel ccxxxv

N.

Nabakrishna, *Maharaja* ... cx, ccxxxv
Nabobganj ccxxxv
Nadia ... xxvi, xxvii, xcvi, cxii, cxxxi, clxxx-xxxi, clxxxii, cxciii, cxciv, ccxii, ccxxxv
Nadia, Proposed sale of land of Raja of cccxv
Nadia raj xxviii
Nadia, Settlement of ccxiv
Nadir Shah cccxx
Nagpur ... ... clxxxviii, cccxix
Naib xxxi
Naib, Appointment of, at Midnapur .. cxxxi
Naib Diwan, Suggested abolition of office of ccxxxii
Najai ... ... xl, cccxxi
Najm-ud-daula, *Nawab of Bengal*, ix, clii, cliv
Najm-ud-daula, *Nawab of Bengal*, New agreement with cliii
Najm-ud-daula, *Nawab of Bengal*, Treaty of cl
Naldanga raj xxviii
Nandakumar, *Maharaja*... xiv, lxxix, lxxxvii, ccxii, ccxxi, ccxxxii.
Nandakumar, *Maharaja*, ceases to be Naib Subah clxvi
Nankar clxxxv
Nathaniel (ship) lxi
Nator ... ... clxxxii, cclxxxix, ccxc, cccxxxi.
Nator raj xxvii
Navy, Mir Jafar's promise of donation to cxiii
Nawab, a mere pageant xiii
Nawab, Opinions of important persons in Bengal on alleged sovereignty of the xiv
Nawab Nasim xxxi
Naylor, North cclxxv
Nazarana clxxxvi
Nasim ... ... xxii, xxxi, xliii
Newman, C. xvi
Nicholson, *Capt.* John, *Commander of the Beaufort* ... ... lxi, lxii
Nightingale, Robert lxxiii
Nijjot clxxxv
Nil Chakla Rajshahi xxvii
Nim-taki xlii

PAGE.

Nirkh ... ... xxxix, cccxxiv
Nishan ... ... liv, lxviii, lxxvi
Nizam ccxxi
Nizamat Adalat ccxxii
Nodullahpoor clxxx
Nollikins, *Lieut.* cxxxiii
North, Frederick, *Lord* cclv
Northern Circars cxxx
Norton, *Sir* Fletcher .. .. vii, cxi
Nubkissen, *see* Nabakrishna.
Nuddea. *see* Nadia.
Null cxx
Nuncomar, *see* Nandakumar.

O.

Odynarain, *see* Udayanarayan.
Omichand (Amirchand) ... cxv
Omrah cxi
Opium revenue cccviii
Orissa ... lii, lxv, xcv. cxi, cxxxiii
Orissa, Famine in, in 1866 ... cxcviii
Orissa, Invasion of xxii
Orissa, Mughal subahdari of ... cxxiii
Orme, Robert ... ccxxx, cclxvii
Osborne. Thomas lii
Ostenders lxxvii
" Outcry " system, Abolition of ... cxlv
Oyer and Terminer, Commissioners of lxxxi

P.

Pachet *see* Panchet.
Pachotra ccxxi
Padma (river) cclxxxix, ccxc, ccxci
Paikar clxxxiv
Paikasht ryot l
Paiqan lxviii
Palamau ... ... cclxxxvii, cccxix
Palataka xl
Palk, R. cci
Palmer, Henry clxxxii
" Panchawan Ganj " (Panchannagram) cclxxix
Panchet (Pachet, Panchkot) ... cxxix, ccxix, ccxxxv, cclxxxviii, cccxix.
Panchet, Raja of xxvi
Panchkot, *see* Panchet.
Panjra ... ... ccxxvii, cclxxxix
Pao-taki xlii
Paramesvar Das ... ... lix, lx
Parliamentary control over E. I. Co. ccliii
" Patallo, H." cccix
Patiladaha ... ... cclxxxix, ccxci
Patiya, Rajas of xxviii
Patna ... ... lii, lvi, lxxv, lxxvi, lxxviii, cxii, cxxix, clxxxii, cci, ccxxix, ccxxxvi, cclxxxi, cclxxxviii, cccxxxi.
Patna, Account of lvi
Patna case ... ... cclxxi-lxxv
Patna Comptrolling Council, Members of cci

Patna, Establishment of Comptrolling Council of Revenue at ... clxx
Patna, Macaulay's remarks on massacre of the English at ... cxvii
Pattana, *see* Patna.
Pattison, *Gen.* James cxcviii
Pattle, Thomas ccxx
Patwari xlii
Pearse, *Col.* Thomas Deane cxcviii, cciii
Peiarce, J. cxxxi
Permesuradars, *see* Paramesvar Das.
Peshawar lxiv
Peshkar cccxiii
Peshkash ... ... xlvi, liv, lviii, lix, lxiv, lxxv, lxxvi.
Phipps, Richard ccxx
Phirmaund, *see Farman.*
Pilot service on the Ganges ... lviii
Pinjerah, *see* Panjra.
Pipli [Piple] liii
Pipli not the first English factory in Bengal liv
Pitcairn, *Midshipman* clxxiv
Pitt, Thomas, *Governor of Madras* ... lxxiv
Pitt, William *the Younger* ... clv
Pitt's India Bill xi
Plaisted, Bartholomew ... cxvi
Plassey ... i, viii, xcv, xcvi, cxiii, cxvi, cxli, ccxi.
Plassey, Battle of, not a great military achievement ... ... i-iii
Plassey, Place of, in Indian native tradition iii
Police in Mahomedan Bengal ... xlviii
Pondicherry cxiv
Pookareah cclxxxix
Pooshtabandi xxxix
Portuguese, The xxxvi
Portuguese Augustinian friars at Hughli lviii
Portuguese sail to Hughli ... liv
Pratapaditya xxvi
Preparer of Reports to the Board of Revenue, Appointment of a ... cccxxx
Presidency, *see* Calcutta.
Price, *Capt.* J. ... cxcviii, cccix
Price, J. C. cxxiv
Price, James, *Servant of Surgeon Boughton* liv
Proclamation for administering English criminal law in Calcutta ... lxxxvi
Provincial Councils. Abolition of, cxxxi, cccix
"The Provincial Councils and the Faujdars" ... ccxxxiii-lii
Provincial Councils, Francis' view of ... ... cccvi-vii
Provincial Councils, Jurisdiction of the ... ... ccxxxv-xxxvi
Provincial Councils, Proposed abolition of cccxxx
Pullichery lviii
Punya ... ... xxxix, cxiii, clxviii
Purja ryot li

PAGE.

Purnea ... ... clxxxi, clxxxii, cxciii, cxciv, ccxxi, ccxxxvi, cclxxxviii, cclxxxix.
Purnea circuit ccxv
Pykar, see *Paikar.*

Q.

Qanungo, *see* Kanungo.

R.

Radhacharan Mitra ...lxxxviii
Radnagar lxxv
Raghunandan ... xxvii
Raghunathpur cclxxxviii, ccxci
Rah-dari lviii
Rahim Khan, *Afghan Chief of Orissa* lxv
Raimangal (river) ccxc
Rajamoll, *see* Rajmahal.
Rajchandra Ray cxxxiv
Rajhat ... ... ccxci, cccxxxi
Rajmahal .. ... liv-lvii, lxv, lxvii, lxxv, lxxvi, clxxxi, clxxxii, ccxxxv, cclxxxix
Rajmahal circuit ccxv
Rajmahal, Removal of capital to ... liv
Rajputs lxi
Rajshahi ... ... xxviii, clxxx, clxxxii, cxciii, cxciv, ccxx, ccxxvii, ccxxxv, ccxxxvi, cclxxxix, ccxci.
Rajshahi, Settlement of ... ccxviii
Rajshahi, Zamindari of ... xxvii, xxxvi
Ramcharan Ray ccxxxv
Ramdhan Naj cxxxvi
Ramgarh ... ... ccxxxv, cclxxxviii, ccexix.
Ramjewan xxvii
Ramkanta xxvii
Ramkrishnapur lxxvii
Ram Narayan, Betrayal of ... cxvii
Rampur cccxxxi
Ranabir, *Founder of Naldanga raj* ... xxviii
Rangamati ... ... ccxxxvi, cclxxxix
Rangpur ... ... xxiii, clxxxi. clxxxii, ccxx, ccxxxvi, cclxxxix, ccxc, ccxci, cccxxv.
Rangpur circuit ccxv
Rangpur district, *Kanungo's* account of revenue operations in ... xxxiii-xxxiv
Ranookhewa ... xxvii
Ransome, C. ... iii
Rasulpur (river) lxii
Rasum ...
Rasum nasarat
Ray, A. K. ... lxviii
Ray, Charuchandra lviii
Ray Durlabh .. i, ii, cliii, ccxliv
Ray, Radhacharan xiv, xv, xvii, xix, xx
Ray Rayan ... ... cxxxiv, cccxxi
Rayatwari assessment xxviii
Razanull, *see* Rajmahal.
Redshaw, George lxxiii
Reed, John ... ... cc, cciii

PAGE.

Regulating Act of 1773 ... xiii, cxviii
Regulating Act, Defects of ... cclv-lviii
Regulating Act, Provisions of ... ccliv
Regulations for the administration of justice ... .. ccxxi-xxii
Regulations for meeting notorious disorders ... ... ccxlvii-l
Regulations of 1774 ... ccxxxix-xlii
Rennell, *Major* James xxxiv-xxxv, cclxxxix
Resident at the Durbar cxc
Resident at the Durbar ceases to be Chief of Cossimbazar... ... clxi
Resident at the Durbar, Constitution of office of clx
Resident at the Durbar, Duties of ... clxi
Resident at the Durbar, Emoluments of clxi
Resident at the Durbar, Grant of a commission to clxi
Residents at Burdwan and Midnapur, Functions of cxli
Restitution money, Offer of, by Mir Jafar cxiii
Revenue, Cause of fluctuation in .. ccexxiv
Revenue Mr. Becher's suggestions on the collection of ... clxxvi-xxx
Revenue Board of the whole Council, Proposed appointment of ... ccxiv
Revenues, Illustration of system of letting out, in farm, to executive officers of state ... xxxv
Revenues, System of collection of ... clxvii
Rider, Jacob clxxxii
Rivers—
Brahmaputra ccxc
Ganges ... ... liv, lvii, lxxxvii, xcv, cclxxxix.
Hughli xcviii
Kaliganga ccxc
Kosi cclxxxix
Megna ccxc
Padma ... cclxxxix, ccxc, ccxci
Raimangal .. . ccxc
Rasulpur lxii
Tista ccxc
Roberts, Frederick Sleigh, *First Earl* iii
Roberts, P. E. clxii
Robinson, Thomas lii
Rochester (ship) lxi
Roe, *Sir* Thomas v
Rohtas ... ... clxxxii, cclxxxviii
Rokanpur ... ccxxi, ccxxxv, cclxxxix
Rooke, William ... xliv, clxxxii, cxciv
Rous, C. W. Boughton ... xxix, xxxv, lxxxvi, clxxxii
Rubba xxix
Rumbold, *Sir* Thomas ... xvi, cxx, clxix
Rupee, Purchasing power of the ... ccexvii
Russell, Claud ... ccii, cxcv
Russell, Claud, Removal of, from Bengal cci
Ryots, Condition of ... ... l-li
Ryotty lands clxxxviii

S.

PAGE.

Sadar xlii
Sadar Cutcherry cxlvii
Sadar Diwani Adalat placed under Sir E. Impey lvii
Sadr-ul-Huq Khan ... ... ccexxxi
Sadutbuno Cawn ccxliii
Saif-ud-daula *Nawab of Bengal* ... x
St Bartholomew's Day lxiii
Saiyadpur ccxc
Salabat Jang, *Subah of the Deccan* ... vii
Salah-u-din Khan xcvii
Salami cix
Salburi ... ccxxi, ccxxxvi, cclxxxix
Salkea lxxvii
Salt revenue ... ... ccevciii
Sanad ... ... cxii, cxxi
Sanad for cession of Burdwan ... cxxxiii
Sanad for free tenure of Calcutta, Grant of lxxviii
Sanads, Scrutiny of cxlvi
Sandwich *Lord* cclix
Sandwip ccxc
Sankraul lxiii
Santiram Singh ccxxxv
Saran ... ... clxxxii, cclxxxviii
Sarbani, *Rani of Bhituria* ... xxvii
Sarhad, *Khwaja* ... lxvii, lxxiv
Sarkars, Division of Bengal into ... xxvi
Satgaon (Satgaum) ... xlvi, lxxviii
Satgaon the *Porto piqueno* of the Portuguese cxix
Satsikka ccxc
Saugor, Isle of .. ... lx, cvi
Saukny cclxxxix
Sautsyka, *see* Satsikka.
Savana Mazumdars lxviii
Sawazaan lvii
Sayer chalanta cccxii
Sayidpur xcvii
Sazawal ... xxxvi, cclxv, ccexxiii
Scipio cxxx
Scrafton, Luke ... i, ii, xxiii, cv, cxv, clx, ccxi, ccxii, ccexx.
Scrafton, Luke, Appointment of, as Commissioner clxxiii
Scrafton, Luke, Proposal of, for realisation of tankhwah from Burdwan and Nadia cxiii
Sealdah xciv
Secret Committee, Calcutta cxv, clxxx
Sedi clxxxvi
Seetacoond cxx
Select Committee, Calcutta xciv, cx, cxiv, cxxvii, cxxxi, clii, clxxxi, cxci, cxcv, cc.
Select Committee and Council, Court of Directors on ... ... cci-ii
Select Committee representative of Company's supreme authority in revenue matters clxiii
Senior, Ascanius cxxx
Serampore, Danish settlement at ... lviii

PAGE.

Serfaraz Khan xvi
Seroopchund, *see* Swarupchand.
Seroopur, *see* Swaruppur.
Servants, List of hired, in Calcutta ... ccxli
Seths. *Bankers of Murshidabad* ... cxi
Setimal ... . **cxxxv**
Seton-Karr, W. S. ... li, cccv, cccxxii
Shah Alam, *Emperor of Hindustan* ... xx, cxi, cxxxiii, clii, clvii
Shah Bandar liii
Shah Jahan, *Emperor of Hindustan* ... liii, liv, lvii.
Shah Shuja xxxv
Shah Ujial ... ...ccxc-xci
Shahabad ... ... clxxxii, cclxxxviii
Shaistah Khan lv, lvii-lix, lxi-lxiii, cxix, cxxi
Shakespear, J. clxxxii
Sharigar ccxxvii
Sheeles, Thomas ccxxviii
Shelburne, *Lord* ... cclxxxvii
Sheldon, Ralph, *Collector of Calcutta* lxix
Sheridan, R. B. xl
Sherif, Annual election of lxxx, lxxxii
Shikdar ... ... cxliii, **cccxxiii**
Ships—
Aurora clxxiv
Beaufort ... ... **lxi**
Bridgwater lxxxi
Grosvenor ... xvi, cclxvii
Hopewell lii
Lapwing ... clxix, cc, cci
Lioness clxviii
Lord Mansfield cxxiv
Medway ccxi
Nathaniel lxi
Pearl lii
Rochester lxi
Walpole lxxxi
Shiromani, *Rani* cxxxvii
Shitab Ray, *Raja* ... clxxi, ccxxxii
Shore, *Sir* John [Lord Teignmouth]... xxvii, xxix, xxxv, xxxviii, xlii, xlvi, cxcviii, cxcix, ccxcii, cccv, cccix, ccxxxix.
Shuja, *Sultan, Subahdar of Bengal* .. liv, lvii
Shuja, *Sultan*, grants *nishan* to Hughli factors ... ...
Shuja, *Sultan*, Murder of ...
Shuja Khan ... xvi, clxxxii, cccxviii-xx
Shuja Khan's revenue assessment ... xxviii
Shuja-ud-daula, *Nawab Wazir of Oudh*, cl, clii
Sibpur ... ...
Silberries, *see* Salburi.
Silk investment ccxx
Silk investment, Enquiry into, by Committee of Circuit ccxx
Similia lxxvii
"Sincany" ... ... **xcv**
Singee (Singhiya, Sinjia) .. lvi, lxi
Singbhoom cxxix
"Sir Elija Impey and the Sudder Diwani Adalat" ... **cclxxviii-lxxxvii**
Siraj-ud-daula, *Nawab of Bengal* ... i-iii, vi, viii, xxiii, lxxviii, xciv, xcv
Sisson, T. ... li, **cccxxv**
Sitaram Ray, *Raja* xxvi, xxvii
Slavery in Bengal .. **ccli-lii**
Smith, Adam cxcix, cccxiii
Smith, *Col.* Richard ... clxiii
Smith, *Major* R.
Sofala Gulf clxxiv
Sonnerat, P. ... lxiv
Sook Lall cxxxii
Souchat (Suchit) Ray ... clxix
Soudai-aam **lvi**
Soudai-khas **lvi**
Sovereignty, Vexed question of ...cclvi-lvii
Spencer, John cl
Stephen, *Sir* J. F. ... lxxxvi, cclvii, cclxiii, cclxvi-lxvii, cclxxiii-lxxvii, cclxxxv, cclxxxvi.
Stephen, *Sir* J. F., Erroneous view of, of the Regulating Act ... cclv
Stephen, *Sir* J. F., Errors in writing of, lxxxvii
Stephenson, Edward lxxiv
vart, *Major* Charles ... xxii, lii, lvi-lviii
vart, *Major* Charles, Error in writing of liv
Stewart, *Sir* James cccxiii
Strachey, *Sir* John ... xxxviii, cxcviii
Stuart, C. cxcv
Suba Diwan lxxvi
Subahdar ... ... **xxii, xxxi**
Subha Singh lxv
Sukchar ccxxxv
"Sudder Diwani Adalat, Sir Elijah Impey and the" ... **cclxxviii-lxxxvii**
Sukdeva, *Karori* lxix
Sukhdeb Ray xcvii
Sulivan, Laurence ... ccxxxvii
Sully, *Duc de* cccxiv
Sultanabad ... ... cclxxxix, ccxci
Sultansi ... ... ccxci, cccxxxi
Sumner, John ... xxxv, clxxxii
Sumner, W. B ... cxxvi, cxxxiv, ... cxxxvi
Sumner, W. B., Deputation of, to Burdwan .. ... cxxxvii-viii
Sundarbans civ
Superintendent of Adalat ... cclxxix
Superintendent of Khalsa Records, Proposed abolition of post of ... cccxxx
Supravisors, Appointment of ... cxcv
Supravisors, Francis recommends reappointment of cccvii
Supravisors hampered by native revenue collectors cxc
Supravisors, Instructions drawn up by Mr. Verelst for guidance of ... **clxxxii-clxxxv.**
"Supravisors" superseded by Collectors ... ... ccxiii, **ccxxix**
Supravisors, Withdrawal of powers from ... ... **cci**
Supreme Council, Conflict of, with Supreme Court ... **cclx-lxxvii**
Supreme Court ... **iii, xiii, xc**

PAGE.

Supreme Court, Conflict of, with Supreme Council ... cclx-lxxvii
Supreme Court, Judges of ... cclix
Supreme Court, Jurisdiction of cclvi-lvii
"The Supreme Court of Judicature" ccliii-lxxvii
Surat ... ... lii, lviii, lx, lxxix
Surman, John ... lxvii. lxxv
Surman Embassy ... iv, lxxiv-lxxviii
Surman Embassy, Importance of ... lxxvii
Surman Embassy, Object of ... v-vi
Surrupur, *see* Swaruppur.
Sutanuti ... ... v, lxi-lxiv, lxvi, lxvii, lxix, lxxii, lzxv
Sutanuti, Acquisition of ... lxv
Sutanuti bazar lxxiii
"Sutta loota," *see* Sutanuti.
Swallow, *Capt* William xcviii
Swarry xvii
Swarupchand's Case cclxvi
Swaruppur ... ... cclxxxix, ccxci
Swinton, Archibald ... ... cli, cliv
Syamsundar xcvii
Syed Husain xcvii
Sykes, *Sir* Francis ... cxxx, clxiii, clxx, cxcix
Sykes, *Sir* Francis, becomes first Resident at the Durbar clxi
Sylhet ... ... xxiii, clxxxii, ccxxvii, ccxxxvi, cc*x*c.
Sylhet, Demand of faujdari of ... cxiii

T.

Tahirpur ccxc
Tahsildars cxxv
Tahud xxxiii
Tai Muhammad Khan Qaqsul ... xxiii
Tajpur ... ...cclxxxix, cccxxxi
Taksim ... ... xxix, xxx
Taluk ... ... clxxxvi-clxxxvii
Talukdars, Hastings' view of dealing with ... ... ccxvii-xviii
Tamluk ... cxxiii, cxxiv, ccxxxv
Tana, Governor of lxiv
Tankhwah cxiii
Telinga ix
Temple, *Sir* R. C. ... xxviii, liv, lv, cxxi
Teshmaker, John Anthony ... lxvii
Tenures, Harry Verelst on different kinds of ... ... clxxxvi-clxxxix
Thackeray, W. M. ... xl, ccxxvii
Thanadaris, Abolition of ... ccxlv
Thanas cxxv
Thanas, List of proposed boundaries of ... ... ccxlviii-l
Thevenot, Jean de ... ...xxiii, lvi
Thomason, James xxxviii
"Three Towns, The" v
Thurlow, E. cxi
Tibet cxxi
Tilakchand, *Raja of Burdwan* ... cxxxi, cxxxiii, cxxxiv, cxxxvi.

PAGE.

Tippera ... ... cxix, cxx, clxxxii, ccxxxvi, cc*x*c, cccxix.
Tippera, Distance of, from Murshidabad cxxi
Tippera, Raja of xxvi
Tirhut ... ... clxxxii, cclxxxix
Tista (river) ccxc
Todar Mal, *Raja* ... xxii, xxvi, xxx
Todar Mal, *Raja*, Division of Bengal by xxiv
Todar Mal, *Raja*, Incompleteness of lists of districts of Bengal according to xxiv
Todar Mal's revenue assessment ... xxviii
Topasses lxi
Touchet, S. . ... cclxvii, cclxxvi
Trade in Bengal free of duty, Grant of order for lviii
Trade, Inland cxv
Treaty of 1757, Characteristic of ... xciv
Tribeni lxxvii
Tuffaul cix
Tuka ..
Tumar xxx
Tumar jama xxix, ccc
Twenty-four Parganas ... ii, cxxxv, ccxc
"Twenty-four Parganas, The English acquire the" ... xciv-cxii

U.

Udayanarayan (Uditnarayan) ... xxvii
Udwanala, Battle of viii
Ugolino cxvii
Ulubaria lxii

V.

Vansittart, Arthur clxxiv
Vansittart, George ... xvii, cci, cccxiii
Vansittart, Henry ... i, ii, v, x, xvii, xxvii, civ, cx, cxiii, cxv-cxvii, cxxvi, clvii, cxcv, ccxi.
Vansittart, Henry, Appointment of, as Commissioner clxxiii
Vansittart, Henry, Error of ... cxvii
Vansittart, Henry, not a model of consistency cxvii
Verelst, Cornelius cx
Verelst, Harry ... viii-x, xxi, xxxiii, xxxv, xxxvi, xlvi, lxxii, lxxviii, lxxxvii-lxxxix, ciii, cx, cxi, cxiv, cxvii-cxix, cxxiii, cxxvi, cxxx, cxlii, cxlvi, cli, clvii, clviii, clxii, clxiii, clxxx, clxxxi, clxxxix, cxci, cxcv, cxcvii.
Verelst, Harry, abolishes "outcry" system cxlv
"Verelst, Harry, The Administration of" ... ... clxvi-cxcvi
Verelst, Harry, Appeal of, to district officers ... ... clxxxix-cxc
Verelst, Harry, appointed Chief of Chittagong cxx

PAGE.

Verelst, Harry, Farewell speech of ... xi
Verelst, Harry, Instructions drawn up by, for guidance of supervisors ... ... clxxxii-clxxxv
Verelst, Harry, Minute of, on Calcutta lands ... ... cvii-cx
Verelst, Harry, Nature of doings of, at Burdwan .. ... cxlviii-cxlix
Verelst, Harry, on assumption of the Diwani ccx
Verelst, Harry, on long leases ... cxliv
Verelst, Harry, on weakness of Bengal Government ... ... cciii-iv
Verelst, Harry, Revenue dealings of... cxxii
Vijayanagar, Kings of vii
Vikramaditya xxvi
" Village," Meaning of l
Village institutions, Disappearance in Bengal of Hindu xxiv
Village watch in Lower Bengal ... lviii
Villages v
Vincent, Matthias lvii

W.

Waldegrave, Paul liv
Walpole (ship) lxxxi
Walsh, John ... ... lxvii, cl, clvi
Watgunge cclxxxvii
Watson, *Admiral* Charles ... iii, lxv, lxxviii, xciv, xcviii.
Watson, *Col.* Henry ... cclxxxvii
Watts, Hugh, *Resident of Midnapur* ... cxxvi, cxxvii, cxxxii
Watts, William ... ... i, cv
Wedderburn, H. ccxxxi
" Western " districts cxxviii
Westland, *Sir* James ... xxvi-xxviii, xlii, xcvii, cxviii.
Westland *Sir* James, Error in writings of xxvi
Westmacott, E. Vesey xxviii
Weymouth, *Lord* cclxxvii
Wheler, Edward cclxxxiv

PAGE.

White, J. xxix
White, *Major* Martin .. cxxxvi, cxxxix cxli.
Wilkins, Walter ... cxx, clxxxii
Wilmot, Robert ... cxviii, clxxxii
Wilson, C. R. ... iv, xxvii lii-liv, lviii, lxi. lxii, lxv, lxvi, lxviii, lxxvii. xcv.
Wilson, H. H. ... xl, xlii, xlvi, ccv
Wilson, *Lieut.-Col.* N. J. ... i
Woodson, Thomas lii

Y.

Yorke, *Major* ... cxxxix
Yorks, *Hon.* Charles ... vii, cxi
Young, *Mr.* cclxxiv
Yule, *Sir* Henry lii, lvi, lix, lxii

Z.

" Zamindar " ... xxxvii, lxvi
" Zamindar," Loose use of the term ... cxxvii
Zamindar not an "improving landlord" cccxxii
" Zamindar " of Calcutta ... lxix
Zamindar of Calcutta, Functions of ... lxxii
Zamindari assessment xxviii
" Zamindari," Meaning of xxxviii
Zamindari sanads, Texts of xlvi-xlviii
Zamindars, Account of . xxxvi-xxxvii
Zamindars, Advantages of clxxxv-clxxvi
Zamindars Hastings' view of dealing with .. ... ccxvii-xviii
Zamindars. Jurisdiction of, in Faujdari Court ... xliv-xlv
Zamindars, Loans to cccvi
Zamindars Rights of xxxvii
Zamindar's duties, Company's earliest conception of ... ...lxx-lxxii
Zamorin, of Calicut vii
Zati cxi
Zia-ullah Khan lxxvii
Ziyah, see *Ziyah*.

FIFTH REPORT

FROM THE

SELECT COMMITTEE

ON THE

Affairs of the East India Company.

The SELECT COMMITTEE appointed to enquire into the present State of the Affairs of *The East India Company*, and to report the same, as it shall appear to them, with their Observations thereupon, to the House:—HAVE, pursuant to the Order of the House, examined the Matters to them referred; and have agreed upon the following REPORT:

YOUR Committee, having in their former Reports adverted to the extensive establishments for the internal administration of India, as bearing with considerable weight upon the Revenue, and having in a great degree, contributed to affect the expectations formed of an abundant surplus, have felt it a part of their duty to offer some account of the nature and history of those Establishments, and of the circumstances under which they have been augmented to their present scale; trusting that such an account will be acceptable to the House, not only as shewing the importance and utility of the establishments themselves, to the welfare and order of the country, but as evincing the unremitting anxiety that has influenced the efforts of those to whom the government of our Indian possessions has been consigned, to establish a system of administration best calculated to promote the confidence and conciliate the feelings of the native inhabitants, not less by a respect for their own institutions, than by the endeavour gradually to engraft upon them such improvements as might shield, under the safeguard of equal law, every class of the people from the oppressions of power, and communicate to them that sense of protection and

I. Bengal.

assurance of justice, which is the efficient spring of all public prosperity, and happiness.

These establishments divided themselves into Political, Military, Revenue, and Judicial. The Political Establishments appear to be sufficiently described by the regulations in the act of 1793, to supersede the necessity of entering into any detailed discussion, on the subject of them, while the nature of those in the Military Department, as well as the cases of their increase have been explained in the Second Report of this Committee. It is therefore the intention of your [3] Committee at present, exclusively to confine themselves to the establishments connected with the Revenue and Judicial Departments of the service.

Your Committee will in the first place, submit to the attention of the House those under the BENGAL PRESIDENCY; and, for the sake of greater distinctness, propose to divide their Report on this branch of the general subject, into the three following heads:

I^st^.—A summary of the different systems introduced for the management of the Revenues, and the administration of justice in the East India Company's territorial possessions, noting the successive modifications, they have undergone since the acquisition of the Dewannee in 1765 to the year 1786, when the affairs of British India having been under the view of Parliament, the Directors, in conformity to the requisitions of the act of 1784, transmitted orders to the supreme government in India for enquiry to be made into the condition of the landholders and other inhabitants residing under their authority, and for the establishment of permanent rules for the settlement and collection of the revenue and the administration of justice, founded on the ancient laws and local usages of the country.

Separate General Letter, 12th April 1786.

II^d^.—The Measures pursued in consequence of the foregoing orders, which led to a settlement of the land revenue in perpetuity, and to a code of regulations for the guidance of the courts of justice, formed and established during the government of the late Marquis Cornwallis.

III^d^.—An Inquiry into the practical effects[1] of the revenue and judicial systems established by the Marquis Cornwallis, in

[1] The student should consult Sir William Hunter's Introduction to his *Bengal MS. Records*. London. 1894. [Editor].

order to ascertain whether they have in any respects, proved inadequate or defective; whether means have been used to remedy those defects and supply those deficiencies; and whether any, and if any, what further measures may appear necessary for the accomplishment of the professed objects both of the Company and the Legislature, in respect to the subjects of our Indian Empire.

I.

A SUMMARY OF THE DIFFERENT SYSTEMS OF GOVERNMENT ANTECEDENT TO 1784.

THE Dewanny authority over the provinces of Bengal, Bahar and Orissa, was conferred in perpetuity on the East India Company, by a firmaun or royal grant in August 1765. The Nawab of Bengal, NUJUM-OOL-DOWLAH, had already, as the condition of his succeeding to the musnud, on the decease of his father JAFFIER KHAN, agreed to entrust the administration of the subahdarry to the management of a naib or deputy appointed by the advice of the Governor in Council. By a further agreement, dated 30th September 1765, the Nawab recognized the grant of the Dewanny to the Company, and consented to accept a fixed stipend for the maintenance of himself and his household. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the nizamut, was to be disbursed through the deputy chosen by the English government.

In the following year, the president of the council of Fort William (Lord Clive) took his place as dewan, or collector of the revenue, for the Mogul, and in concert with the Nawab, who sat as nazim, opened the *pooneah*, or ceremonial of commencing the annual collections in durbar, held at Mootygheel,[1] near Moorshedabad. From this time, the functions of nazim, as well as of dewan, were ostensibly exercised by the British government, the latter, in virtue of the grant from the Emperor, and the former, through the influence possessed over the naib or deputy of the nawab nazim himself having submitted to become virtually a pensioner of the state.

But though the civil and military power of the country, and the resources for maintaining it, were assumed on the part of the East India Company, it was not thought prudent, either by

[1] The Moti Jhil or "Lake of Pearls." [Editor].

the local government, or the directors, to vest the [4] immediate management of the revenue, or the administration of justice, in the European servants. It may indeed appear doubtful whether the European servants at this time, generally possessed sufficient knowledge of the civil institutions and the interior state of the country, to qualify them for the trust. A resident at the Nawab's court, who inspected the management of the naib dewan, and the chief of Patna, who superintended the collections of the province of Bahar, under the immediate management of Shetab Roy, maintained an imperfect controul over the civil administration of the districts included in the dewanny grant; while the zemindarry lands of Calcutta, and the 24-pergunnahs, and the ceded districts of Burdwan, Midnapore and Chittagong, which at an earlier period, had been obtained by special grant from the Nawab of Bengal, were superintended by the covenanted servants of the Company.

In 1769, Supervisors were appointed with powers of superintending the native officers employed in collecting the revenue or administering justice, in different parts of the country; and councils with superior authority, were in the following year, established at Moorshedabad and Patna. The Supervisors were furnished with detailed instructions for obtaining a summary history of the provinces; the state, produce, and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and of all demands whatsoever which are made on the cultivators; the manner of collecting them; and the gradual rise of every new impost; the regulations of commerce, and the administration of justice.

Proceedings of President and Select Committee, 16 August 1769.
Colebrooke's Supplement to Digest of Bengal Regulations and Laws, page 174.

The information communicated to the directors in consequence of these enquiries represent the internal government in a state of disorder, and the people suffering great oppression. These evils were imputed to the nature of the former administration. It is observed that "the Nazims exacted what they "could from the zemindars and great "farmers of the revenue, whom they left at "liberty to plunder all below, reserving to "themselves the prerogative of plundering "them in their turn, when they were supposed to have enriched "themselves with the spoils of the country." The whole system thus resolved itself, on the part of the public officers, into

Letter from the President & Council of Fort Willam, 3d Nov. 1772.

habitual extortion and injustice, which produced on that of the cultivator, the natural consequences, concealment and evasion, by which government was defrauded of a considerable part of its just demands.

With respect to the administration of justice "the regular "course, was every where suspended; but every man exercised "it, who had the power of compelling others, to submit to his "decisions."

Seven years had elapsed from the acquisition of the Dewanny, without the government deeming itself competent to remedy these defects; when in 1772, authority was conveyed to the president and council of Fort William, which enabled them to introduce a system of reform. This was, the notification of a resolution which the court of directors had come to, "to stand "forth as dewan, and by the agency of the Company's servants, "to take upon themselves the entire care and management of "the revenues."

Proclamation of 11th May 1772. Colebrooke's Supplement, page 189.

In pursuance of the orders received on this occasion, the office of naib dewan was abolished, and the efficient administration of the internal government committed to British agency. A committee, consisting of the governor (Mr. Hastings) and four members of the council, proposed a plan for the management of the revenue and the administration of justice in the provinces, and for the regulation and conduct of the public affairs at the presidency.

By the adoption of the plan proposed by the committee, the institutions of the internal government stood as follows:

Regulations, dated 29 August 1772. Colebrooke's Supplement, page 194.

1st. In the Revenue Department at the Presidency, a board of revenue, consisting of the president and members of council—an accountant general with assistants. The khalsa or exchequer and the treasury were removed from Moorshedabad to Calcutta, to the former of which, native officers were appointed, in number and quality, suitable to the voluminous and important business appertaining to it, which consisted of accounts and correspondence, both in abstract and detail, of every transaction of importance relating to the settlement and collection of the revenue in each district, agreeably to the principles established and forms observed, by the Mahomeddan government. In respect to the provinces, [5]

it was resolved, that "the Company having determined to stand "forth as dewan," the supervisors, should now be designated collectors, with whom a native officer, chosen by the board, and styled dewan, should be joined in the superintendence of the revenue. With respect to the revenue, a settlement for a term of five years was adopted; and the four junior * members of the committee above mentioned, proceeded on a circuit through the provinces, with powers to carry into execution the purpose of this decision.

Regulations, dated 14 May 1772. Colebrooke's Supplement, page 190.
*Samuel Middleton.
——Dacres.
——Lawrell.
John Graham.
(Mr. Hastings did not go on the circuit.)[1]

2d. Under the regulations framed for the Judicial Department, were instituted two courts for each provincial division or collectorship; "one "by the name of Dewanny or Civil Court "for the cognizance of civil causes; the "other named Foujedarry or Criminal Court, for the trial of "crimes and misdemeanors." Over the civil court the collector presided, on the part of the Company, in their quality of king's dewan, attended by the provincial native dewan, and the other officers of the collector's court. To this jurisdiction were referred, all disputes concerning property, real or personal: all causes of inheritance, marriage, and cast; all claims of debt, disputed accounts, contracts, partnerships, and demands of rent; but to facilitate the course of justice in trivial cases, all disputes of property not exceeding ten rupees were cognizable by the head farmer of the pergunnah to which the parties belonged, whose decision was to be final. In the criminal court, the cauzy and moofty of the district and two moolavies sat to expound the Mahomeddan Law, and to determine how far delinquents were guilty of its violation. But it was the collector's duty to attend to the proceedings of his court, so far as to see that all necessary evidences were summoned and examined, and that the decision passed was fair and impartial. Appeals from these decisions, were allowed to two superior courts established at the chief seat of government; one, under the denomination of Dewanny Sudder Adawlut or Chief Court of Civil Judicature; the other, the Nizamut Sudder Adawlut or Chief Court of Criminal Justice. The former, consisted of the president and members of council assisted by the native officers

General Regulations, dated 15 August 1772. Colebrooke's Supplement, page 1.

[1] This is an error. See above Introduction, p. ccxv. [Editor].

of the *khalsa* or exchequer; and in the latter, a chief officer of justice presided, appointed on the part of the nazim, assisted by the head cauzy and moofty, and three eminent moolavies. These officers were to revise the proceedings of the superior courts; and in capital cases, to prepare the sentence for the warrant of the nazim. Over this court, a controul was vested in the president and council, similar to what was exercised by the collectors in the provinces, in order that the Company's administration, in the character of king's dewan, might be satisfied that justice, so essential to the welfare and safety of the country, was not perverted by partiality or tainted by corruption.

The superintendence and controul over the administration of criminal justice, was by the government particularly entrusted to the president, MR. HASTINGS; who, at the end of eighteen months, finding the duty too heavy, and the responsibility too dangerous, desired to relinquish his trust; and the court of Nizamut Adawlut was in consequence, removed back to Moorshedabad, and placed under the superintendence of Mahomed Reza Khan, who at the recommendation of the governor and council, was appointed naib nazim. In the course of his exercising the above functions, it appears that Mr. HASTINGS recommended, and with the concurrence of his council, introduced a new plan of police. The collectors and aumils (or native superintendents) had acted as magistrates; but on the recall of the former, native officers, stiled foujedars, were appointed to the fourteen districts or local jurisdictions into which Bengal was divided, with an appropriate number of armed men, for the protection of the inhabitants, the detection and apprehension of public robbers, and for the transmission of intelligence to the presidency, of matters relating to the peace of the country.

Proceedings of Governor General and Council, dated 18th Oct. 1775. Colebrooke's Supplement, page 125.

The Regulations framed for the guidance of the officers employed in the revenue and judicial departments, which at this time were printed and promulgated in the languages of the country, manifest a diligence of research, and a desire to improve the condition of the inhabitants, by abolishing many grievous imposts, and prohibiting many injurious practices, which had prevailed under the native government:—and thus, the first important step appears to have been now made, towards those principles of equitable government, which it is

presumable the directors always had it in view to establish, and which, in subsequent institutions, have been more successfully accomplished. [6]

But the effect of the new arrangements on the department of the revenue proved less favourable than was expected. The settlement of five years had been concluded after general instructions from the directors, which required that the government "should not, by any sudden change, alter the constitution "or deprive the zemindars, &c., of their ancient privileges and "immunities." After due consideration of the different modes which consistently with these orders, might be adopted, the Government gave the preference to the farming system, under which they received offers for each pergunnah, whether made by the landholders, or by speculators and adventurers; and those of the highest bidders were accepted, and engagements entered into with them. At the period this settlement was resorted to, the country was slowly recovering from the effects of a dreadful famine, which desolated the country, and destroyed one-third of its population. Whether, owing to the bidders at the settlement having been inattentive to this circumstance, or imprudently led on by the eagerness of competition, to make higher offers than the country could bear, many of them soon failed in the performance of their engagements, and defalcations in realizing the revenue under the five years settlement, occurred to a considerable amount. The little success that attended this settlement, combined with other motives, induced a change of system in 1774, and the European collectors were recalled from the provinces, and Native aumils substituted in their stead.

The surperintendence of the collections was now vested in provincial councils, established for the six principal districts into which the country was divided, and stationed at Calcutta, Burdwan, Dacca, Moorshedabad Dinagepore, and Patna.

Colebrooke's Supplement, page 200. Plan for the management of the revenues of Bengal and Bahar, dated 23rd Nov. 1773.

The administration of civil justice which had been entrusted to the collector, was on the same principle, transferred to the aumil, from whom an appeal, in all cases, lay to the provincial council of the division in which he was posted; and from the provincial council, an appeal lay, under certain restrictions, to the sudder

Proceedings of the Governor General and Council, dated 19th April 1774. Colebrooke's Supplement, page 122.

dewanny court, or the governor in council. The police, which had been entrusted to the collectors, was vested in native officers styled *foujedars*, appointed by the naib nazim, whose functions and office in the department of criminal justice, were now revived at Moorshedabad.

Minute of Governor General, 1st Nov. 1776.

The foregoing arrangement for the administration of justice continued in force, without any material alteration, until the year 1780. But in the department of the revenue, when the settlement which had been made in 1772 for five years, approached its termination, preparations became necessary, for the formation of a new one. On this occasion, the governor general observed, "in whatever manner it may be "hereafter determined to form the new settlement of the "province, after the expiration of the present leases, it will be "equally necessary, to be previously furnished with the "accurate states of the real nature of the land, as the grounds "on which it is to be formed. To obtain these, will be the work "of much official knowledge, much management, and unremit-"ting labour, in compiling and collecting the accounts of the past "collections, in digesting the materials which may be furnished "by the provincial councils and dewans, in issuing orders for "special accounts, and other materials of information, and in "deputing native officers on occasional investigations." The

Colebrooke's Supplement, page 208. Revenue Consultations, 20 Dec. 1776.

government accordingly instituted a temporary office for these special purposes. It consisted of three of the most experienced civil servants, armed with authority to select and depute native agents (aumeens) into each district, for the purpose of entering on a minute local scrutiny of the accounts kept in each village, and of whatever else might best enable them, to procure the most exact information of the real produce or value of the lands.

In 1777, the aumeens were required to repair, with the information they had obtained, to each of the provincial councils in succession, to whom orders and instructions were issued for

Public Regulations for the settlement and collection of the Revenue, passed on the 16th July 1777.

forming a new settlement. The lands, on the former settlement, appear to have been let to the highest bidder, on his producing security for the amount of the rent. A preference was now to be given to the zemindar, if he consented to engage for the amount of the

former settlement, or for such an amount, as the provincial council might deem reasonable; and instead of producing security, it was provided by a stipulation to be inserted in his written engagement, that his lands, in case of failure in payment, should be held liable to sale, to realize the outstanding balance.[7]

On the same principles, and by the same agency, the settlement of the districts was made annually during the following three years 1778, 1779, and 1780; but the average produce of this period, under European Superintendents, appears to have fallen short of what it had been, when intrusted to native agency. On this account, combined probably with other causes, a change in the management was determined upon by the supreme government; and a new plan accordingly introduced on the 20th of February 1781. The government stated, that the system lately followed had been only meant as an experiment, to lead by a gradual change, to one of more permanency.

Permanent Plan for the administration of the revenues, formed the 20th February 1781, by the Governor General and Council, in the Revenue Department. Colebrooke's Supplement, page 213.

By the new plan, the provincial councils were abolished, and all the collections of the provinces proposed to be brought down gradually to the presidency, to be there administered by five of the most able and experienced of the civil servants, under the designation of a Committee of Revenue, "to be under "the immediate inspection of, and with the opportunity of "instant reference for instruction to, the Governor General in "Council." Though the provincial councils were withdrawn, the president of each, was to remain officiating as collector under the committee of revenue, until further orders, as likewise were the collectors who had been separately stationed in some of the frontier and least civilized districts. The native record office, with some modification, was placed under the committee. A commission on the revenue realized, was allowed and distributed among the members of the committee; and the European officers attached to it, who were bound by oath, to restrict themselves to the avowed official allowances.

Immediately after their entrance into office, the committee submitted to the government a plan for the formation of a new settlement of the revenue. The principle on which this proceeded, does not appear essentially to differ from the rules for the settlement before laid

Colebrooke's Supplement, page 220. Plan for the Settlement of the revenue of Bengal and Bahar, dated 29th March 1781.

down. The preference was to be given to the zemindars in all cases, where they should agree to the amount of the assessment demanded, and where there appeared no valid objection from minority or notorious incapacity, or any other cause. The amount of the assessment, it was presumed, might be fixed on reasonable grounds, from the experience of former years, joined with the information gained by the recent deputation of aumeens. The settlement was to be for one year only, with an assurance that in instances where the revenue was regularly discharged, the same person should have the option of continuance on the same assessment.

To these propositions the government assented, but with the exception of entrusting the formation of the settlement to the collectors and the native agents of government, in all cases where the committee could not execute that service themselves; deeming it an official inconsistency, that he who was to collect under the settlement, should have any part, in the formation of it. The committee was therefore required to make the settlement by deputation on the spot, subject to the final decision of the government, in all cases where they could not themselves conclude it; and they were directed at the same time, to encourage the practice of paying the rents into the khalsa at the presidency, instead of the provincial treasuries.

Letter from the Committee of Revenue, dated 27th Nov. 1781.

In the month of November following, the Committee of Revenue reported to the government, the settlement they had made for the current year's revenue throughout the districts of Bengal; those of Bahar had been already settled by the board of revenue, previously to the entrance of the new formed committee on the exercise of their functions. The general rules for their guidance had been observed, and an increase of more than 26 lacks of rupees effected on the former jumma. It was stated that the occupancy of the lands, and the management of the collections, had in general been preserved to the zemindars and talookdars; and where the reverse had taken place, the cause would be found recorded on the official proceedings.

Regulations of 11th April 1780. Colebrooke's Supplement, page 14.

A short time previous to these new arrangements being made in the department of the revenue, an alteration took place in the constitution of the Dewanny Adawlut, by the establishment in each of the six grand provincial

divisions, of a court of justice, distinct from and independent of, the revenue council. Over this court, presided a covenanted servant styled *Superintendent of dewanny adawlut*, whose jurisdiction extended over all claims of inheritance to [8] zemindarries, talookdarries, or other real property or mercantile disputes; all matters of personal property, with the exception of what was reserved to the jurisdiction of the provincial councils, which were to decide as heretofore, on all causes having relation to the public revenue, as well as on all demands of individuals for arrears of rent, and on all complaints from tenants and cultivators, of undue exaction of revenue by the officers of government or others.

These institutions were introduced in April 1780; and in the October following, the attendance in the sudder-dewanny adawlut, having been found incompatible with the other duties of the Governor and Council, it was determined that a separate judge (Sir Elija Impey) should be appointed to the charge and superintendence of that court; and on the 3d November, thirteen articles of regulations, prepared by the judge and approved by government, were passed, for the guidance of the civil courts, which were afterwards incorporated with additions and amendments, in a revised code, comprising ninety-five articles of regulations, the declared objects of which were "the explaining such rules, orders "and regulations, as may be ambiguous, "and revoking such as may be repugnant or obsolete; to the "end that one consistent code be framed therefrom, and one "general table of fees established in and throughout the said courts "of mofussil-dewanny adawlut, by which a general conformity "may be maintained in the proceedings, practice and decisions "of the several courts, and that the inhabitants of these countries "may not only know to what courts, and on what occasions, they "may apply for justice, but seeing the rules, ordinances and "regulations, to which the judges are by oath bound invariably "to adhere, they may have confidence in the said courts, and "may be apprized on what occasions, it may be advisable to "appeal from the courts of mofussil-dewanny adawlut to the "court of sudder-dewanny adawlut, and knowing the utmost of "the costs which may be incurred in their suits, may not from "apprehension of being involved in exorbitant and unforeseen "expenses, or of being subjected to frauds or extortion of the

Colebrooke's Supplement, page 23.

Preamble to General Regs. of 1781.

"officers of the court, be deterred from prosecuting their just "claims."

Under these regulations, which were printed with translations in the Persian and Bengal languages, for general information, and which constitute the principal foundation of the rules now in force, relative to the administration of civil justice, all civil causes, as before described, were made cognizable, as heretofore, by distinct courts of dewanny adawlut, which on the 6th April preceding, had been augmented to the number of eighteen, in consequence of inconvenience experienced from the too extensive jurisdiction of the six before instituted. The judges, thus constituted and appointed, were wholly unconnected with the revenue department, except in the four frontier districts of Chittra, Bauglepore, Islamabad and Rungpore, where, for local reasons, the offices of judge and collector were vested in the same person, but with a provision that the judicial authority should be considered, distinct from and independent of, the board of revenue.

Colebrooke's Supplement, page 128. Resolutions of the Governor General and Council, dated 6th April 1781.

On the 6th April 1781, the establishment of foujdars and tannadars, introduced in 1774, which had not been found to produce the good effects proposed by its institution, was abolished; and the judges of the court of dewanny adawlut, "were invested with the power as magistrates, of apprehending "decoits (a species of depredators who infest the country in "gangs) and persons charged with the commission of any crime "or acts of violence, within their respective jurisdictions." They were not however to try or punish such persons; but "were to "send them immediately to the daroga of the nearest foujdarry, "with a charge in writing, setting forth the grounds on which "they had been apprehended." Provision was at the same time, made for cases "where, by especial permission of the governor "general and council, certain zemindars might be invested with "such part of the police jurisdiction as they formerly exercised "under the ancient Mogul government." In such cases, the European collector in his capacity of magistrate, the daroga of the nizamut adawlut, and the zemindar, were to exercise a concurrent authority for the apprehension of robbers and all disturbers of the public peace.

The better to enable the government to observe the effects of the regulations thus introduced, and to watch over the general

administration of criminal justice throughout the provinces a separate department was established at the presidency, [9] under the immediate control of the governor general, to which were to be transmitted monthly reports of proceedings, and lists of prisoners apprehended and convicted by the respective authorities throughout the provinces. To arrange these records, and to maintain a check on all persons entrusted with the administration of criminal justice, an officer was appointed to act under the governor general, with the title of *Remembrancer of the criminal courts.*

In November 1782, in pursuance of instructions from the court of directors, the superintendence of the sudder-dewanny adawlut was resumed by the governor general and council; and it was declared, that, agreeably to the 21st Geo. III. this court was constituted a court of record, and its judgments to be final, except in appeal to the king in civil suits only, the value of which should be £5,000 and upwards.

Your Committee have brought the foregoing Summary of the different systems of internal arrangement adopted for the East India Company's territorial possessions in Bengal, down to that period, when the state of their affairs was before Parliament, and when by an act of the legislature, the Company were commanded to institute an enquiry into the complaints which had prevailed, "that divers "rajahs, zemindars, and other landholders within the British "territories in India, had been unjustly deprived of, or compelled "to relinquish or abandon their respective lands, or that the "rents, tributes, or services required of them had become "oppressive." These grievances, if founded on truth, were "to "be effectually redressed, and permanent rules established on "principles of moderation and justice, by which their rents and "tributes should be demanded and collected in future."

24 Geo III. cap. 25.

Your Committee deem it inexpedient to load the Appendix with the voluminous documents to which they have had occasion to refer. Most of them will be found annexed to the Reports of former Committees of this House; and the substance of most of the remainder, make a part of the institutions and rules still in force, which are to be mentioned in the sequel.

An attentive consideration of the information which these documents afford, has led your Committee to believe, that the

administration of the British government proved at an early period of its introduction, beneficial to the natives of India residing under its protection. By the superiority of the British arms they became at once secured from the calamities frequently experienced in successive invasions of the Mahrattas. Internal commotion was by the same cause, entirely prevented; and if their condition was not sooner brought to that state of improvement, which the character of the nation under whose dominion they had fallen, afforded reason to expect, the delay may be satisfactorily accounted for, on grounds that will free those who were immediately responsible from any charge of negligence or misconduct. On this subject, your Committee deem the observations of Mr. Shore (now Lord Teignmouth) so applicable, and of so high authority, as to be worthy of quotation from a minute on the proceedings of the government of Bengal, recorded on the 10th February 1790:—"A period of twenty-"eight years has now elapsed, since the Company first acquired "a right to the revenues of any considerable part of the provin-"ces, and of twenty four years only, since the transfer of the "whole in perpetuity, was regularly made, by the grant of the "Dewanny. When we consider the nature and magnitude of "this acquisition, the characters of the people placed under "our dominion, their difference of language and dissimilarity of "manners, that we entered upon the administration of the "government, ignorant of its former constitution, and with little "practical experience in Asiatic finance; it will not be deemed "surprising that we should have fallen into errors; or if any "should at this time require correction.

"The Mogul dominion, in the best times, and under the "wisest princes, was a government of discretion. The safety "of the people, the security of their property, and the prosperity "of the country, depended upon the personal character of the "monarch. By this standard, his delegates regulated their own "demeanor; in proportion as he was wise, just, vigilant, and "humane, the provincial viceroys discharged their respective "trusts with zeal and fidelity, and as they possessed or wanted "the recited qualifications, [10] the inferior agents conducted "themselves with more or less diligence and honesty. A weak "monarch and corrupt minister encouraged and produced "every kind of disorder; for there was no law paramount to the "sovereign's will. Few of the officers of government were "liberally paid; and property was left to accumulate, from

"breach of trust, abused patronage, perverted justice, or unres-
"trained oppression. This description, I conceive to be *applic-*
"*able to all* Mahomeddan governments, where practice is for
"ever in opposition to theory of morals, and a few remarkable
"instances of distinguished virtue or forbearance form excep-
"tions, which deduct little from the universality of the remark.

"Long before our acquisition of the Dewanny, the vigour of
"the empire had been irrevocably weakened; and its institutions,
"as far as they can be traced in the ordinances and practice
"of its best princes, had been violated. The agents of the
"Company, when they obtained the grant, had no other guide
"for their instruction than the measures of a provincial adminis-
"tration, which had assumed an independency of the empire,
"and had long ceased to act according to its laws.

"If we further consider the form of the British government
"in India, we shall find it ill calculated for the speedy introduc-
"tion of improvement. The members composing it, are in a
"constant state of fluctuation; and the period of their residence
"often expires, before experience can be acquired or reduced to
"practice. Official forms necessarily occupy a large portion of
"time, and the constant pressure of business leaves little leisure
"for study and reflection, without which, no knowledge of the
"principles and detail of the revenues of this country can be
"obtained. True information is also procured with difficulty;
"because it is too often derived from mere practice, instead of
"being deduced from fixed principles. Every man who has
"long been employed in the management of the revenues of
"Bengal, will, if candid, allow, that his opinion on many impor-
"tant points has been often varied, and that the information of
"one year, has been rendered dubious by the experience, of
"another; still in all cases, decision is necessary; and hence
"precedents, formed on partial circumstances, and perhaps on
"erroneous principles, become established rules of conduct; for a
"prudent man, when doubtful, will be happy to avail himself of
"the authority of example. The multiplication of records, which
"ought to be a great advantage, is in fact, an inconvenience of
"extensive magnitude; for in them, only the experience of others
"can be traced, and reference requires much time and labour."

Your Committee have no reason to suppose, that the intricacy of the subject which the Company's agents had to make themselves acquainted with, is over-rated in the foregoing

passage, or that in framing new rules of government, and introducing reforms of the rules already in force, the risk of committing error was less, than the author of that passage has stated; but from what is to be observed in the correspondence from home, and on the records abroad, your Committee entertain a confident belief that from time to time, important measures were recommended, and successfully introduced, for the improvement of the internal government, and the amelioration of the condition of the inhabitants at large. The information drawn from the Reports of the Supervisors appointed in 1769, and of the Court of Circuit in 1772, developed the errors of a false and injurious policy, which had prevailed under the native government, as well as practices of pernicious tendency which had crept into the administration of it subsequently to the subversion of the Mogul dominion. The principal of these, as they affected the department of the revenue, appear to have been noticed and abolished, in the regulations passed upon the formation of the five years settlement. By the rules then established, all *nuzzers* or *salamies* (free gifts) which had been usually presented on the first interview, as marks of subjection and respect, were required to be totally discontinued, not only to the superior servants of the Company and the collectors, but to the zemindars and other officers; new taxes, under any pretence whatever, were prohibited; the revenue officers were forbidden to hold farms, under pain of dismissal; zemindarry barriers, erected for the collection of road duties, were abolished, and such only continued, as belonged to the collection of the established revenue. This regulation, as far as related to the unavowed emoluments of the Company's servants, and others, does not appear to have been effectual. [11]

With respect to the civil judicature at this time, it may be observed, that although the institutions and rules for this department were framed by persons who had not the advantage of professional experience, the improvement introduced into the system which had prevailed under the native government cannot but be evident, on reference to a description of the latter, which is given in the Report of a former Committee of this House, in the following words. that "so far as the Committee were able to "judge from all the information laid before them, the subjects "of the Mogul empire in that province derived little protection "or security from any of these courts of adawlut; and in general,

7th Report of Committee of Secrecy, 1773.

"though forms of judicature were established and preserved, the "despotic principles of the government rendered them the "instruments of power rather than of justice, not only unavailing "to protect the people, but often the means of the most grievous "oppressions under the cloak of the judicial character." The Committee further stated it to be the general sense of all the accounts they had received respecting these courts, "that the "administration of justice during the vigour of the ancient "constitution was liable to great abuse and oppression, that the "judges generally lay under the influence of interest, and often "under that of corruption; and that the interposition of govern-"ment, from motives of favour and displeasure, was another "frequent cause of the preversion of justice."

The custom of levying as commission, the fourth part of the value decreed, as well as all other similar fees, on the decision of suits, and all arbitrary fines, were for ever abolished; the legal distinctions in favour of Mahomeddans and prejudicial to the Hindoos, were no longer to be attended to; and it was provided, that in all suits regarding marriage, cast, and all other religious usages or institutions, the laws of the koran with respect to Hindoos, should be invariably adhered to. On all such occasions, the Moolavy or Brahmin, respectively attended to expound the law, to sign the report, and to assist in passing the decree. The rules subsequently introduced in 1781 had the advantage of being framed by professional talents, and, as before observed, are the foundation of those still in use.

In the administration of criminal justice, and in the department of the police, much depravity was at an early period, eradicated; and many salutary reforms introduced. The President and Council of Fort William saw the necessity of their interference to control the sentences of the Mahomeddan judges; and where the sentences of the law founded on the koran, appeared repugnant to the principles of good government and natural justice, to apply such a remedy, as the case might require.

But though much good had been effected, much yet remained to be done, before the institutions of the government and the condition of the people, could be raised near enough to that standard, which might satisfy the enlarged views of such as had formed their opinions, on the principles and practice of European states; and accordingly, in the Session of 1784, the Parliament

passed the Act of the 24th of his present Majesty, "for the "better regulation and management of the affairs of the East "India Company;" by the 39th section of which, the East India Company was commanded "to inquire into the alleged griev- "ances of the landholders, and if founded in truth to afford them "redress, and to establish permanent rules for the settlement and "collection of the revenue, and for the administration of justice, "founded on the ancient laws and local usages of the country."

II.

ON THE REFORMS INTRODUCED BY EARL CORNWALLIS.

Your Committee will next proceed to state the measures, which, in pursuance of the requisitions of Parliament, were adopted, to inquire into the condition of the landholders, with a view of redressing their alleged grievances, and to establish permanent rules for the internal government of the provinces.

The person selected to superintend and direct these important measures, was the late MARQUIS CORNWALLIS, who proceeded to India in 1786. His Lordship [12] was furnished with instructions from the court of directors, in a letter addressed to the governor general and council, dated 12th April 1786. As a reference to this letter, may account for many considerable alterations which have since been made in the system of the internal management of the Company's territorial possessions, and in particular, for the introduction of a permanent settlement of the land revenue, afterwards rendered perpetual; the Committee think it may be proper to notice such parts of it, as relate especially to that measure, and to the code of regulations subsequently established. The disapprobation of the court had been excited by the frequent changes which had marked the financial system of their government in Bengal; and they expressed their preference of a steady adherence to almost any one system, attended with watchful superintendence. They censured the ineffectual attempts that had been made to increase the assessment of revenue, whereby the zemindars (or hereditary superintendents of the land) had been taxed, to make room for the introduction of farmers, sezawuls, and aumeens, who having no permanent interest in the lands, had drained the country of its resources. They disapproved the rule recently established, which prohibited the collector from having any concern in the formation of the settlement of his district; and

Appendix 12. to 2d Report of Select Committee, 1810.

noticed the heavy arrears outstanding on the settlement of the last four years, which had been formed under the immediate direction of the committee of revenue; and expressed their opinion, that the most likely means of avoiding such defalcations in future, would be, by introducing a permanent settlement of a revenue, estimated in its amount on reasonable principles, for the payment of which, the hereditary tenure of the possessor would be the best, and in general, the only necessary security. They therefore directed, that the settlement should be made, in all practicable instances, with the zemindar; and that in cases of his established incapacity for the trust, a preference should be given to a relation or agent, over a farmer. They apprehended the design of the legislature was to declare general principles of conduct; and not to introduce any novel system, or to destroy those rules and maxims of policy which prevailed in well regulated periods of the native government. With respect to the amount of the assessment, the directors were of opinion, that the information already obtained might be sufficient to enable their government in Bengal to fix it, without having recourse to minute local scrutinies; and they suggested the average of former years collections, to be the guide on the present occasion; and on this point, concluded their instructions with remarking, that "a moderate jumma, or assessment, regu-"larly and punctually collected, unites the consideration of our "interest with the happiness of the natives and security of the "landholders, more rationally, than any imperfect collection of "an exaggerated jumma, to be enforced with severity and vex-"ation." Though the amount when determined, and on reference approved by themselves, the directors intended should be considered as the permanent and unalterable revenue of their territorial possessions in Bengal; yet for special reasons, they desired that the present settlement might be concluded, for the term of ten years only. In making choice of the persons with whom to conclude the settlement, they desired the clause of the act, 1784, in favour of the landholders, might be attended to; and that in the point in question, as well as in every other particular, "the humane intention of the legislature towards the "native landholders might be strictly fulfilled." With a view to the greater precision in effecting these objects, they recommended, that it might, as far as possible, be ascertained, what were the rights and privileges of the zemindars and other landholders, under the institutions of the Mogul or the Hindoo government, and the services they were bound to perform.

On proposing a plan for the civil administration of justice among the natives, the directors stated, that they had been actuated by the necessity of accommodating "their views and "interests to the subsisting manners and usages of the people, "rather than by any abstract theories drawn from other coun- "tries, or applicable to a different state of things;" and on these principles, they ordered, that the superintendence of the courts of dewanny adawlut should be vested in the collectors of the revenue; who were also to have the power of apprehending offenders against the public peace, but their trial and punishment was still to be left with the established officers under the Mahomeddan judicature, who were not to be interfered with, beyond what the influence of the British [13] government might effect through occasional recommendations of forbearance as to inflict any punishment of a cruel nature.

On the arrival in India of Lord Cornwallis with the foregoing orders, it was not found that the government possessed information sufficient to enable His Lordship to proceed, at once, to so important a step as the conclusion of a settlement of land revenue, for a period of ten years, with a view to perpetuity; constituting, as it did, the principal financial resource of government. Much was yet to be ascertained with respect to the ancient laws and local usages of the country; the nature of the land-tenure was yet imperfectly understood, and the relative situation and condition of the natives concerned in the production of the revenue, had not been fully explained. These several points, it was necessary should be enquired into, before decisive measures could be taken for fulfilling the intention of the legislature, and the orders of the directors, by establishing permanent regulations of internal policy. His Lordship therefore determined to continue for a time, the practice of annual settlements for the different districts, through the agency of the collectors, superintended by the revenue committee; while interrogatories were issued to the most experienced of the civil servants, and other practicable means resorted to, by which requisite information might be obtained. The revenue and judicial institutions were, however, immediately revised and regulated, in conformity to the directions from home. The committee of revenue, had already changed its designation to that of, the board of revenue. Its authority and functions were continued, subject to some little variation in the rules prescribed for its guidance. The European civil servants

Regulations of 27th June 1787.

also superintending the several districts into which the country was divided, were, each of them, vested with the powers of collector, judge and magistrate; in which several capacities, their authority was to be exercised, and their proceedings kept distinct; except that all judicial proceedings relative to the collection of the revenue, were to be considered appertaining, as heretofore, to the office of collector. In proposing this union of different authorities in the same person, the court of directors, were influenced by the consideration of its having "a tendency "to simplicity, energy, justice and economy:" and the India government, in promulgating their orders on the subject, did not omit to remind the officers selected for this purpose, of the great importance of the trust, and of the good they might have in their power to dispense, in proportion as they acquitted themselves with diligence and integrity, not confining themselves to a literal and languid discharge of official duties, but directing their attention, with zeal and activity, towards the accomplishment of whatever, in the course of their management, might be found calculated to promote the interests of the government, the prosperity of the country, or the happiness of individuals placed under their authority.

For the administration of justice in the cities of Moorshedabad, Dacca, and Patna, distinct courts were established, superintended by a judge and magistrate; the office of collector not being, in these situations, necessary. From the decisions of the provincial courts of justice, appeals were allowed, within certain limits, to the governor general and council, in their capacity of judges of the sudder-dewanny adawlut; and from the decisions of the collectors, appeals were allowed, first to the board of revenue, and thence to the governor general in council.

The administration of criminal justice remained vested in the naib nazim, or deputy of the nabob; to whose courts, superintended by the Mahomeddan law officers, criminals apprehended by the magistrate, were referred for trial; except on petty charges, which were to be decided on by the collector in his capacity of magistrate, and the punishment within certain limits, inflicted under his inspection. Towards the end of the year 1790, a very important change took place in this arrangement, founded (as it appears by the observations with which it was introduced) on the inefficacy of the different plans pursued from 1772, to the present time, arising principally from the great delay experienced in bringing offenders to justice, as well as to defects in the

constitution of the criminal courts. It was therefore declared that, with a view to insure a prompt and impartial administration of the criminal law, and in order that all ranks of people might enjoy security of person and property, the governor general in council [14] had resolved to accept the superintendence of the administration of criminal justice throughout the provinces. In conformity to this resolution, the nizamut adawlut, or chief criminal court of justice, was again removed from Moorshedabad to Calcutta, to consist of the governor general and members of the supreme council, assisted by the *cauzy ul cauzaut* or head cauzy of the provinces, and two moofties. Four courts of circuit superintended respectively by two covenanted servants of the company, denominated judges of the courts of circuit, with each a cauzy and moofty to assist the judges and expound the Mahomeddan law, were at the same time, established for the trial of offences not punishable by the magistrates. The judges were required to hold a general jail delivery every six months, at the stations of the several magistrates within their divisions, and to report their proceedings for the confirmation, in capital cases, of the nizamut adawlut in Calcutta. While one judge was employed on the circuit; the other, was required to perform the jail delivery at the city or head station of his division. The regulations in each department of the civil and criminal judicature, and for the management of the land revenue, were revised, considerably enlarged, and printed in the English and native languages, for general information, with modes of appeal prescribed from the provincial authority through each subordinate court, until, if necessary, redress might be sought before the governor general in council, in whose supreme controul the different authorities centered, and whose decision was final, in all cases relating to the administration of justice and internal policy among the natives, except in civil suits, wherein the amount adjudged should exceed sicca rupees 50,000, or £Stg 5,800; which were appealable to the decision of the king in council.

·Bengal Consultations, 3d Dec. 1700 – Lord Cornwallis's Minute recorded.

Regulations for the sayer revenue, for the opium contract, and the salt monopoly, were at this time, introduced to promote the interests of the government, as well as to ameliorate the condition of the different classes of natives to whom they were applicable: But as these, will be more particularly mentioned hereafter, your Committee will now proceed to give an account of the steps taken, in the progress and conclusion of the permanent settlement of the land revenue.

The objects to which the government directed its enquiries, as preparatory and necessary to this measure, were, the past history of the districts, and of the landholders belonging to them; the rights of the different orders of the latter, as they were recognized under the native government; the existing rules by which the revenue was collected, and the ancient usages, as far as they could be traced; the amount of the revenue which it would be proper, under the instructions from home, to demand from each landholder, and the regulations which it might be necessary to establish, with a view of guarding the under tenantry and cultivators from oppression, and of securing to them the enjoyment of their property. The information obtained on these topics is too voluminous and diffuse to be presented to the House. But your Committee is of opinion, that a minute of Mr. Shore (now Lord Teignmouth) delivered on this occasion, should not be withheld, as it appears to them to contain information derived from experience and diligent research, in regard to the character and condition of the natives of India, the past and present state of the country, and the laws and practices of the Mogul government; which may at all times be referred to with advantage, as an authentic and valuable record.

Appendix No 1.

On a consideration of the information obtained, it appears, that although great disorder prevailed in the internal administration of the provinces, on the Company's accession to the Dewannee, a regular system of government had subsisted, under the most intelligent and powerful of the Mogul governments, in which the rights and privileges of the different orders of the people were acknowledged and secured by institutions derived from the Hindoos, which, while faithfully and vigorously administered, seemed calculated to promote the prosperity of the natives, and to secure a due realization of the revenues of the state.

As it was the opinion of some intelligent servants of the Company, that it would, in the approaching settlement, be more advisable to resort to the institutions and rules of the old government, with which the natives were acquainted, than to proceed upon principles and rules in the administration of justice and revenue, derived from a state of society to which they were entire strangers; your [15] Committee will proceed to explain the scheme of internal policy in the management of the land revenue; to which it was contended by the persons above alluded to, the preference should be given.

In the extensive plains of India, a large proportion, estimated in the Company's provinces at one-third by Lord Cornwallis, at one-half by others, and by some at two-thirds, of land capable of cultivation, lies waste, and probably was never otherwise. It became therefore of importance to the native governments, whose principal financial resource was the land revenue, to provide, that as the population and cultivation should increase, the state might derive its proportion of advantage resulting from this progressive augmentation. Whatever might be the motive of its introduction, the rule for fixing the government share of the crop, had this tendency. This rule is traceable as a general principle, through every part of the empire which has yet come under the British dominion; and undoubtedly had its origin, in times anterior to the entry of the Mahomeddans into India. By this rule, the produce of the land, whether taken in kind or estimated in money, was understood to be shared, in distinct proportions between the cultivator and the government. The shares varied when the land was recently cleared and required extraordinary labour; but when it was fully settled and productive, the cultivator had about two-fifths, and the government the remainder. The government share was again divided with the zemindar and the village officers, in such proportion, that the zemindar retained no more than about one-tenth of this share, or little more than three-fiftieth parts of the whole; but in instances of meritorious conduct, the deficiency was made up to him by special grants of land, denominated *nauncaur* (or subsistence). The small portions which remained, were divided between the *mokuddim* or head cultivator of the village, who was either supposed instrumental in originally settling the village, or derived his right by inheritance or by purchase from that transaction; and had still the charge of promoting and directing its cultivation; the *pausbaun gorayat*, whose duty it was to guard the crop, and the *putwarry* or village accountant, perhaps the only inhabitant who could write, and on whom the cultivators relied for an adjustment of their demands and payments to be made on account of their rents. Besides these persons, who from the zemindars downwards, can be regarded in no other light than as servants of the government, provision was made, either by an allotted share of the produce, or by a special grant of land, for the *canongoe* or confidential

Letter from the Assistant on deputation to the Collector of Banglepore, dated 11th August 1790.

Appendix No. 2.

Reports from the district of Banglepore, of investigations in Furkeya, Monghyr, Selimabad and Curruckpore.

agent of the government, whose name implies that he was the depositary and promulgator of the established regulations, and whose office was intended as a check on the conduct, in financial transactions, of all the rest. Under the superintendence of this officer, or of one of his *gomastahs* or appointed agents, were placed a certain number of adjacent villages, the accounts of which as kept by the putwarries, were constantly open to his inspection, and the transactions in which, with regard to the occupancy of the land, and the distinction of boundaries, came regularly under his cognizance, in a form that enabled him at any time, when called upon, to report to the government the quantity of land in cultivation, the nature of the produce, the amount of rent paid, and generally, the disposal of the produce, agreeably to the shares allotted by the rules as above explained. To his office moreover, reference might be had to determine contested boundaries, the use of rivers or reservoirs for irrigation, and generally in all disputes concerning permanent property or local usage within the limits of his official range. Your Committee have been more particular in describing the office of the canongoe, because they find, that although proscribed and abolished (perhaps precipitately) as pernicious in Bengal and Bahar, after the conclusion of the permanent settlement of the land revenue, the same office in the Ceded and Conquered districts, and in the province of Benares, has more recently been pronounced "of great utility, and calculated to "render much public benefit," and the several officers found there, continued in the exercise of their functions. A certain number of villages, with a society thus organized, formed a pergunnah; a certain number of these, comprehending a tract of country equal perhaps to a moderate sized English county, was denominated a chuckla; of these, a certain number and extent formed a circar, and a few of these, formed the last or grand division, styled a soubah; of which, by the dewanny grant, the British government had obtained two, the soubah of Bengal and that of Bahar with part of Orissa.

Letter from the Collector of Bauglepore, on the constitution and duties of the Canongoe's office, dated 6th Dec. 1787.

Appendix No. 3.

Regulation 6, of 1808.

From this concise representation of what appears to have been the provincial organization of the revenue department, your Committee think it may appear [16] that when the Mogul government was in its vigour, if it be supposed that the different offices from the highest downwards, were at any time judiciously filled

and faithfully discharged, the rents of the lands might have been collected from the cultivator, without oppression; and the different shares of the produce distributed by the rules described, under a just observance of the rights of the parties concerned; but as this, was scarcely to be expected throughout so extensive an empire, more especially when in its decline, when exaction on the one part, and concealment and evasion on the other, were likely to be practised, the *khas* collection, or collection immediately by Government, was only occasionally and in particular instances, resorted to. In practice, it was more usual to have recourse to the zemindarry settlement, or to a species of farming system, by the appointment of an aumil or superintendent, who in designation, was no more than an agent, but in practice, was often required to engage for the production of a certain amount of revenue.

To make the settlement which might be for a term of years, but which was commonly annual, the subadar or dewan of the empire, either proceeded into the provinces, or summoned the landholders to his presence. If they agreed to the amount proposed, the settlement was made with them; if not, it was open to a farmer or aumil, who could tender security, if required, for the discharge of his engagements; which included not only the amount of revenue to be paid to the government, but also the due distribution of the allotted shares to the zemindar, and the inferior village officers as before enumerated. The profit to the farmer was supposed to be derived principally from the means which he might possess of extending the cultivation; and, the zemindar, besides his established share of the produce, had when the settlement was made with him, the same advantage. In both cases, this was probably the smallest part of the advantages they really derived; more especially, if situated beyond the reach of control.

On the same principle that the canongoes and village accountants were stationed in the province, a head canongoe and superintendent of the treasury was stationed with the subahdar; whence were forwarded, the annual revenue accounts to the seat of empire; and whence might at any time, proceed orders or forms of reports to the provincial canongoes and accountants for the minutest particulars relative to the actual state or produce of any one or all of the different villages, contained within the limits of the province over which the subahdar presided.

Sufficient traces remained to shew, what was the original state of these institutions, in Bahar; but in Bengal, the disorders which increased as the Mogul empire declined, had destroyed the efficacy of those checks, which had enabled the governing power to acquire an accurate account of the village collections. The office of the canongoe was become little more, than a name; and no better mode appeared for gaining knowledge of the value of the lands, than could be obtained by a comparison of different years collections, or by reference to village accounts, which were liable to fabrication. The difficulty was increased by a difference which had originally prevailed in the mode of forming the assessment in Bengal, from what has been described as the practice in Bahar. In Bengal, instead of a division of the crop, or of the estimated value of it, in the current coin, the whole amount payable by the individual cultivator, was consolidated into one sum, called the *assul* or original rent; and provision made for the zemindar, the village accountant, the mundul and the other inferior officers, by other means than by a division of the zemindarry portion of the produce. This was effected, either by grants of land, or by the privilege of cultivating on lower terms than the rest of the inhabitants, and partly in money; a mode which, as it afforded the officers of government no interest in the accuracy of the village accounts, rendered the fabrication or concealment of them, the more feasible. It moreover placed the zemindar in a condition more consistent with European notions of proprietary right in the soil, than could be inferred from his portion of the produce, shared with the officers of government; and was, perhaps, the foundation of much of that difference of opinion, which appeared in the official discussions on that topic, under the supreme government at this time.

Under this view of the Mogul system, as it formerly existed, and of the state into which it had fallen, it was by some suggested as advisable, for the Company to leave open the means of participation in the advantages expected to result [17] from increased population and general prosperity, which might reasonably be counted on, under the British government, by continuing the practice of periodical settlements of the land revenue, under the checks instituted by the Mogul authority. These, it was contended when brought back to their original state of utility, and improved by such regulations as might be superadded by the British government, would, under a just and vigilant administration, unite the liberal policy of an European state with the

strength and energy of an Asiatic monarchy, and be altogether better suited to the genius, experience and understanding of the natives, than institutions founded on principles, to them wholly new, derived from a state of society with which they were unacquainted, and the ultimate views of which, they were not able to comprehend. But the leading members of the supreme government appear to have been, at an early period of the transactions now commencing, impressed with a strong persuasion of the proprietary right in the soil possessed by the zemindars, or if the right could not be made out, consistently with the institutions of the former government, that reason and humanity irresistibly urged the introduction of it. In the decision of this question, was contemplated the introduction of a new order of things, which should have for its foundation, the security of individual property, and the administration of justice, criminal and civil, by rules which were to disregard all conditions of persons, and in their operation, be free of influence or control from the government itself. The whole, might be reconciled to a strict observance of the orders from home, which appeared to disclaim all views of an increasing land revenue, requiring only that the amount, at whatever it might now be fixed, should not be liable to fluctuation or defalcation, as it before had been; and that the rules for the collection of it, should be permanent. If any deviations from the established usages of the natives should occur, in what was intended to be done, the advantage was still so entirely on their side, particularly in regard to the landholder, that it was presumed they would at once sufficiently perceive the benefit intended, and not object to it because the mode of introducing it was new, nor regret the abolition of practices injurious to them, on account of their having been of long standing. Thus, although the intention of the government must have been manifest from the outset, a discussion of the principal points on which the new system depended was invited, and free discussion allowed by the government to its officers, whose sentiments as derived from local experience, might suggest the best means of carrying into effect the intended measures.

Though the servants of the Company had possessed the dewanny authority over these provinces more than 26 years, and especial enquiries had at different times, been prosecuted into the state of the revenues, and the condition of the inhabitants; yet much uncertainty still remained, in regard to the rights and usages of the different orders of people connected

with the revenues. But the ability and experience of the Author of the minute, which has been referred to, appears to have supplied what was wanting, and to have enbled the government to proceed without delay, to the formation of a settlement of the land revenue, for a period of ten years, and publish general orders and instructions for the direction of the collectors of the different districts of Bengal, in pursuance of the orders from home, towards the end of the year 1789, and similar orders for the province of Bahar, in the year following; but owing to unexpected obstacles, and new circumstances that arose in the course of these arrangements, it was not before November 1791, that an amended and complete code of regulations for this purpose, was prepared and promulgated by the government, nor till the year 1793, that the decennial settlement was declared to be concluded in every district.

As the conclusion of the decennial settlement has led to one of the most important measures ever adopted by the East India Company, both in reference to themselves, by fixing the amount of their land revenue in perpetuity, and to the landholders, in establishing and conveying to them rights, hitherto unknown and unenjoyed in that country; your Committee think the House may expect from them, a particular account of the nature of this settlement.

The first point proposed in the interrogatories, circulated by government, was intended to determine the person with whom the settlement should be made; and here no difficulty occurred; for whatever might be the difference of opinion [18] among those who were officially consulted on the theoretical question of proprietary right in the soil, a general concurrence prevailed in favour of the settlemnt being made with the zemindar, in all practical instances, where no disqualification from minority, sex, or notorious profligacy of character, presented objections. In such cases, provision was made for vesting the estate, in trust for the possesssor; and in instances of the zemindar refusing to accede to the amount of the rent required, the estate was to be farmed, and a provision similar to the zemindarry share, which has been described, provided for his maintenance.

The next consideration was the amount of the assessment to be fixed on the lands. This, as it was subsequently to become the limit of the resource which the government could ever in future derive from the land, it was necessary should be fixed,

with the utmost accuracy; but it appears that means adequate to so desirable and important a purpose, were not to be found. The lights formerly derivable from the canangoe's office, were no longer to be depended on; and a minute scrutiny into the value of the lands by measurement and comparison of the village accounts, if sufficient for the purpose, was prohibited by the orders from home. Under these circumstances the attention of the government was excited by an estimate of the resources of the country, extracted from the antient records, by Mr. *James Grant*, the officer in charge of the Khalsa or Exchequer office. By this document it was endeavoured to show that the real value of the lands had been concealed, and the confidence of government abused by the native officers, entrusted, during the early part of the dewanny grant, with the management of land revenue; and that the aggregate assessment ought to be above half a million per annum, estimated in English money, more than had at any time been collected. The performance alluded to is in many respects, meritorious and interesting, and the Committee have been induced to insert it in the Appendix, as explanatory of the antient rules and tenures, under the Mahommeddan dominion; and of the state of the revenues: but in regard to the amount of the assessment suggested for Bengal, the misconceptions of the author, appear to have been sufficiently explained, in a minute of Mr. Shore, already given in the Appendix; and a medium of the actual produce to government, in former years, drawn from the scanty information which the collectors had the means of procuring, was the basis on which the assessment on each estate, whether large or small, was ultimately fixed, with a reference to the principle suggested by the directors, namely, that a moderate jumma "if regularly "and punctually collected, unites the consideration of their "interest, with the happiness of the natives and security of the "landholders, more rationally than any imperfect collection of "an exaggerated jumma, to be enforced with severity and exac-"tion." The collectors to whom the task of adjusting the assessment on the lands, and of forming engagements with the landholders was entrusted, under such stipulations as the government deemed necessary for the protection of the lower orders of landholders and cultivators, reported their progress in detail to the board of revenue; upon whose recommendation, when approved by government, the settlement was finally concluded with the landholders for the term of ten years. The whole amount of Land Revenue, by these means, and by this agency,

Appendix, No. 4.

obtained from the provinces of Bengal, Bahar, and Orissa, ultimately proved, for the year 1197, corresponding with the year 1790-1 to be sicca rupees 2,68,00,989. or £. sterling 3,108,915; and from the province of Benares sicca rupees 34,53,574 or £. sterling 400,615.

In the progress and conclusion of this important transaction, the government appeared willing to recognize the proprietary right of the zemindars in the land; not so much, from any proof of the existence of such right, discernible in his relative situation under the Mogul government, in its best form, as from the desire of improving their condition under the British government, as far as it might be done consistently with the permanency of the revenue and with the rights of the cultivators of the soil. The instructions from home had warned the government against the danger of delusive theories; and the recent enquiries had disclosed a series of rights and privileges, and usages, admitted in the practice of the Native government, from the principal zemindar down to the actual labourer in husbandry, which it was necessary should be attended to, before the zemindar could be left to the uncontrolled management of his estate. The *talookdar*, the *chowdry*, the *mundul*, the *mokuddim*, had each his distinct right admitted, [19] under the native government. Although they might be subject to exaction and oppression of various kinds, yet their rights, under the existing mechanism of a malguzarry or assessed village, did not appear liable to be called in question; and these, were sufficiently distinguishable; but the case with regard to the lower and more numerous class of the natives (the cultivators or ryots) was more multifarious and intricate; particularly in the Bengal province, where the village records, from the neglect of the canongoe's office, could no longer be relied on, and where the practice of granting *pottahs* or leases had fallen into irregularity and confusion, and in some places, almost into disuse, from the same cause. The necessity which hence arose, of leaving many of these points unsettled when the engagements were concluded with the zemindars, created a doubt of the expediency of rendering those engagements irrevocable, before it could be experimentally ascertained whether the different objects which led to their introduction were attainable under them. The fear of confirming, under a perpetual settlement, abuses which might not have yet come to light, or if discovered, were not of a nature to be at once obviated, seems to have suggested a trial of the decennial

settlement through the whole or even a part of the term engaged for, before any assurance should be afforded the zemindars that their assessments were to be fixed for ever. The objections arising on these grounds, against any intimation being given to the landholders of an intention to render their settlements permanent and irrevocable, without a previous reference to the court of directors, are ably urged in the proceedings of the supreme government at this period; and were replied to by the governor general, in a minute dated 3d February 1790, which proved satisfactory to the directors. At the present time, when your Committee are informed that settlements of the same nature, are in progress in the recently acquired territorial possessions of the East India Company, your Committee are of opinion that the minutes recorded on the above occasion should be printed for the information of the House, and they accordingly are to be found in the Appendix.

Appendix, No. 5.

From the proceedings alluded to, it appears, to have been determined by the governor general in council, that the notification in question should immediately be made to the zemindars; that if approved by the directors, to whose decision the point was to be referred, the settlements which had just been concluded, should be rendered perpetual, or be fixed for ever.

The directors in their reply (dated 29 September 1792) to the reference which was made to them on the progress of the settlement, and to the proposal of rendering it perpetual, expressed themselves in high terms of approbation of what had been done; and of assent in regard to what was further proposed to be accomplished. They seemed to consider a settlement of the rents in prepetuity, not as a claim to which the landholders had any pretensions, founded on the principles or practice of the native government, but a grace, which it would be good policy for the British Government to bestow upon them. In regard to proprietary right to the land, the recent enquiries had not established the zemindar on the footing of the owner of a landed estate in Europe, who may lease out portions, and employ and dismiss labourers at pleasure; but on the contrary had exhibited, from him down to the actual cultivator, other inferior landholders, styled talookdars, and cultivators of different descriptions, whose claim to protection, the government readily recognized, but whose rights were not, under the principles of

Appendix 12 (A.) to 2 Report of Select Committee, 1810.

the present system, so easily reconcileable, as to be at once susceptible of reduction to the rules about to be established in perpetuity. These, the directors particularly recommended to the consideration of the government, who in establishing permanent rules were to leave an opening for the introduction of any such in future, as from time to time might be found necessary, to prevent the ryots being improperly disturbed in their possessions, or subjected to unwarrantable exactions. This, the directors observed would be clearly consistent with the true practice of the Mogul government, under which it was a general maxim that the immediate cultivator of the soil, duly paying his rent, should not be dispossessed of the land he occupied; "and this" (they further observed) "necessarily supposes that "there were some limits, by which the rent could be defined, "and that it was not left to the arbitrary determination of the "zemindar; for otherwise, such a rule would be nugatory; and "in point of fact, the orginal amount seems to have been "anciently ascertained and fixed by an [20] act of the sovereign." Subsequent enquiries, particularly in the Deccan, and more southern part of India, have confirmed these observations. The division of the crop or produce taken in money or in kind, fixes and limits this demand, and as long as the ancient rules were scrupulously observed, the state and its subjects derived a mutual advantage from the increase of cultivation, while the *rate* of taxation remained fixed and invariable. Notwithstanding the foregoing reservations, the advantage actually to be conferred, in rendering the amount of revenue, which the landholders had recently entered into voluntary engagements to pay, perpetual or fixed for ever, and thereby securing them from any further demand of rent, or tribute, or of any arbitrary exaction whatsoever, was so new, so unexpected, and of such inestimable value to the landholders, as led the directors to believe would induce them assiduously to employ themselves in improving their estates, and on the other hand, would place the security of the public revenue on a solid basis, founded on the growing prosperity of the country.

On a point so singularly interesting to the East India company, as the amount of the land revenue, which was now in Bengal to be fixed for ever, the directors, after lamenting the want of better data than the experience of a series of past years, joined to the recent enquiries, had afforded, expressed themselves satisfied in its appearing likely to prove equal to

what they had, after consideration of the exigencies of government, and of a reserve proper for extraordinary services, already had it in view to obtain; and they did not wish to expose their subjects to the hazard of oppressive practices, by requiring more; yet on consideration of the extent of land which lay waste throughout the provinces, and adverting to what had formerly been the practice of the native government, in participating in the resources derivable from its progressive cultivation, they would be induced to acquiesce in any arrangement which might be devised, with a view to secure to the East India company, a similar participation in the wealth derivable from such a source, provided it could be effected without counteracting the principal object of encouraging industry, and be reconciled with the principles of the system, which was about to be introduced; and they concluded their letter with observing, that "the demand from the land, the "great, and now almost the only source of revenue, is *fixed*, with "the exception of any addition which may be made from "resumption, or what may arise from uncultivated lands (if that "resource should be available) *it is fixed for ever*; a most "serious argument, for strict economy in the expenditure of "what is so limited; for the utmost care on our part, that our "known resources being on the one hand restrained from "increase, they may on the other, be preserved from diminution." On the authority of the orders conveyed in this letter, Lord Cornwallis proceeded without loss of time to notify by proclamation, bearing date the 22d March 1793, to the landholders, the permanency of the settlements which had just been formed, as well as of those which were yet in progress, whenever they should be completed. The terms of the first three articles of the proclamation are as follow:

Letter from the Directors, 29 Aug. 1792; par. 56.

Art. 1st. "In the original regulations for the decennial settlement of the public revenues of Bengal, Bahar and Orissa, passed for these provinces "respectively on the 18th of September 1789, the 25th Novem- "ber 1789, and the 10th February 1790; it was notified to "the proprietors of land with or on behalf of whom a settle- "ment might be concluded, that the jumma assessed upon the "lands, under those regulations, would be continued after the "expiration of the ten years, and remain unalterable for ever; "provided such continuance should meet with the approbation

Regn I. 1793.

"of the honourable court of directors for the affairs of the East "India Company, and not otherwise:"

Art. II. "The Marquis CORNWALLIS, knight of the most "noble order of the garter, governor general in council, now "notifies to all zemindars, independent talookdars, and other "actual proprietors of land, in the provinces of Bengal, Bahar "and Orissa, that he has been empowered by the honourable "court of directors for the affairs of the East India Company, "to declare the jumma, which has been or may be assessed "upon their lands under the regulations above-mentioned, fixed "for ever."

Art. III. "The governor general in council accordingly "declares to the zemindars, independent talookdars, and other "actual proprietors of land, with or on behalf of whom a settle- "ment has been concluded under the regulations [21] above- "mentioned, that at the expiration of the term of the settle- "ment, no alteration will be made in the assessment which "they have respectively engaged to pay, but that they and "their heirs and lawful successors will be allowed to hold their "estates at such assessment for ever."

During the time that the settlement of the land revenue was in progress, and until an answer to the reference for rendering the decennial settlement perpetual, could be obtained from England, the government was occupied in devising remedies for the imperfections and abuses which prevailed in other departments of the internal administration. The next in importance to the land revenue, as presenting an object for reform; was the *Sayer* or inland customs, duties and taxes, or generally whatever was collected on the part of government and not included in the *mehaul* or land revenue. This department, comprehending whatever was calculated to bear an impost in towns or markets, in places of fixed or of occasional resort, or on the roads, being less susceptible of reduction to fixed rules, was more open to imposition and abuse, and consequently the scrutiny introduced on the present occasion, presented an object of peculiar interest for the government to reform. The more effectually to accomplish this purpose, it was by advertisement on the 11th June 1790, notified that (with an exception of the tax on tenements, which appeared derivable from the land thus occupied) the management and collection of the sayer revenue, would in future be separated

from the zemindarry charge, and placed under the authority of officers to be appointed directly on the part of government. But in proceeding to act upon this resolution, the good conduct of the natives, who were now to be placed in this charge, under the immediate control of the officers of government, appeared as little to be depended on, as when they acted under the control of the zemindars. The advantage therefore to the public interests was doubtful, while the additional expense to be incurred in salaries, was certain and unavoidable; and therefore, as the shortest way of getting rid of the embarrassment, which the resolution for the resumption of the sayer had occasioned, the government determined that it would be advisable to abolish this class of collections altogether, and to allow the zemindars a compensation for the loss, which it should be made to appear they respectively had suffered thereby.

The tax on spirituous liquors was reserved out of the abolition, and has since been regulated and rendered more productive than formerly; and Your Committee observe, that the abolition of the tax has not been final, or under any such declaration, as should preclude the government at any future time from the option of restoring the collections in question, in whole or in part, under such regulations and restrictions as they may deem expedient.

Your Committee will next proceed to notice the reforms introduced into the rules established for securing the Company a revenue derivable from the monopoly of Salt, and for improving the condition of the natives employed in the manufacture of that article.

The Salt with which the inhabitants of the populous provinces of Bengal and Bahar are supplied, is obtained from the earth found impregnated with sea salt at the mouths of the Ganges, in the tracts contained between Ballasore and Chittagong. On the acquisition of the Dewanny, the inland trade in salt, beetle nut and tobacco, was vested in an exclusive company, for the benefit of the European servants; who enjoyed the profits of the concern, in lieu of salary.[1] The regulations of the 3d September 1766, fixed the price at which salt should be sold, in lots to the natives, at two hundred rupees per hundred maund; and prohibited the sale of it, on these

[1] [Consult *Bengal District Records, Midnapur*, vols. 1 & 2. Editor.]

terms, to any but the natives. Other restrictions, calculated to secure the natives from the injurious effects of a monopoly, were likewise introduced; which lasted till the January following, when the society above-mentioned of trade, was abolished by orders from the court of directors; but, owing to the time necessary to terminate the contracts which had been entered into for the supply of salt, this society was not finally put an end to, till October 1768. The advantage to the government, had been a duty of 50 per cent. on the value of the salt manufactured, which, together with fifteen per cent. on beetle, was estimated to produce an annual [22] revenue of twelve or thirteen lacs of rupees. On the abolition of the society of trade, the manufacture appears to have been thrown open to the native merchants, who might employ the manufacturers; and to such of the zemindars as by their situations, possessed the convenience, and by their sunnuds the right, of making salt within their limits: but restrictions were still imposed, to prevent the opulent natives from entering into combinations for the purpose of monopolizing the sale of salt in the interior, and from oppressing the manufacturers.

In the year 1772 it was determined, 1st. "That the salt "in every part of the province should be on the same footing:— "2d. That the salt should be made for the company:— 3. "That the colluries or manufactories in each district, should be let in farm for five years." By the conditions of the farm, a certain quantity of salt was to be delivered at a stipulated price, which was then to be dealt out at a fixed price to the native conductors of the inland trade, who had agreed beforehand to aid the farmers by advance of money for the payment of the labourers or lower classes of manufacturers.

In July 1777, the practice of farming the mahauls or manufactories was continued; but the salt produced, was left to the farmer's disposal.

As the revenue accruing to the Company up to this time, from the manufacture of salt, did not appear equal to what might, under a more judicious management be derived from it, a new system was introduced in September 1780, "for the "provision of salt by agency, under which all the salt of the "provinces was to be manufactured for the company, and sold "for ready money, at moderate fixed rates, to be ascertained "and published at the beginning of every season by the governor general and council." The European agents employed in this

department, were restricted by oath to their avowed allowances: but, exclusive of a salary, they were allowed a commission of ten per cent. on the profit which should accrue to the Company under their management; and by public advertisement, the manufacturers of salt were required to place themselves under their direction. This plan was strenuously opposed in Council; but the result appears to have justified the expectations formed by the governor general, Mr. HASTINGS, who proposed its introduction; for the net average amount of revenue brought to account in the first three years following the new mode of management, was sicca rupees 40,00,500. or £.S^{ng}464,060. and the same, for the three years preceding the arrival of Lord Cornwallis S^{a} R^{s} 45,03,900. or £.S^{ng} 522,450.

Colebrooke's Supplement, page 386.

Regulations recorded on 10th Dec. 1788.

The regulations introduced by Lord Cornwallis, do not alter the general plan of the monopoly as above introduced; but are calculated to remove all compulsion from the manufacturers, and to guard them from the impositions of the intermediate native agents, standing between the covenanted European servants of the company, and the labourers in the manufactory. Your Committee have the satisfaction of observing, that under these rules, the revenue derived from salt has largely increased, and that the net advantage to the Company, from this and improved sales, has risen to sicca rupees 11,725,700. or £. S^{ng} 1,360,180. on an average of the last three years.

The monopoly of the Opium, produced from the culture of the poppy, is the third principal branch of the East India Company's territorial revenue in India.[1] In considering this as a financial resource, it appears that the practice of the Mogul government has been adopted; under which the opium was farmed out, on an exclusive privilege for a peiscush or annual payment in advance.

In 1773 the contract, or exclusive privilege for providing opium, was granted to Meer Munheer, "in preference (as it was "stated by government) to any one else, because being the "person who had been employed by the gentlemen of Patna "in that business, he was the best acquainted with the proper

[1] [The reader should study the papers connected with the XIIth charge against Warren Hastings at his Impeachment. In reply Hastings said "When I succeeded to the Government of Bengal, Ophium (*sic*) was a monopoly for individuals, and the Company acquired no revenue from this article: it has produced to the Company, during my administration, 534,009 £: sterling; and it is an improving branch of revenue." Editor.]

"mode of managing it; and would account for any outstanding "balances." He was to deliver the Bahar opium at 320 rupees; the Oude at 350 rupees per maund. In the notification made by the government on this occasion, wherein the zemindars [23] and others were required to afford their assistance, it was added, that the purchases of opium would be made, to the satisfaction of the cultivators, and no oppression would be committed.

On a renewal of the contract to these persons in 1775, on the same terms, the contractors engaged "to carry on their "own business without oppression to the ryots, and would not "force them to prepare the lands for the cultivation of the "opium poppy, nor force them to cultivate the opium poppy, "but leave them to till the lands as most agreeable to them-"selves." In the same year, it was notified, that the next contract for the supply of opium would be made on proposals to be tendered to the government for that purpose; and the proposals received, were renewed and accepted for the following year. The government having heard of forcible means used with the cultivators, strictly enjoined the provincial council to attend to the orders, they had before received, to prevent force or compulsion being used to oblige the ryots to cultivate the poppy in preference to any other article.

The terms of this last contract, appear to have furnished the rule on which the contract was conferred by special favour, without any additional provision for the protection of the cultivators, for the subsequent years, until 1785; when the government determined that the contract should be exposed to public competition, and for a term of four years, be disposed of to the highest bidder.

On the conclusion of the engagement entered into, the government reserved to itself the appointment of inspectors to superintend the provision and manufacture of the opium; and declared it to be the duty of "the collectors of the several "districts to hear all complaints of the ryots against the con-"tractors and their officers and to grant such redress, according "to the former practice and usage of the respective districts, "as may be required; and that this provision be publicly "notified by advertisement throughout the districts where opium "is manufactured, with this condition, that the contractors may "appeal to the board from the decision of the collectors, "provided such appeal be made within one month from the "date of such provincial decision; which is in the mean time

"to be in force and obeyed, till the judgment on the appeal "shall have been passed."

Before the expiration of the last-mentioned contract, Lord Cornwallis had arrived in India; and the same scrutiny which was carried on the other departments, appears to have been extended to the means which had been used for the supply of opium. Though the mode of supply by contract was not discontinued, but on the contrary, renewed by advertisement for another term of four years, many new conditions were required from the contractors; the particulars of which your Committee do not deem it necessary to enter into, farther than to explain, in what respects they were calculated for the relief and protection of the cultivators and manufacturers. The government, as long as it had assumed the monopoly of opium, must have had an interest in keeping down the price paid to the cultivators; at the same time that policy suggested the necessity that the price they received should [not] be reduced to so low a rate as to discourage the cultivation, and thereby diminish the quantity produced. These considerations, produced the establishment of a medium rate, at which, by weight, the cultivator had, from a remote period, been accustomed to deliver his crude opium to the person, whether agent or contractor, who, on the part of government, was appointed to receive it. Upon this rate, which appears in the village account as the *assul*, or originally established rate, certain *abwabs* or cesses, had subsequently become imposed, in the same manner as practised in the land rents. The principal part of these impositions, were abolished under the present contract; and the rate stated, at which the contractor was required to purchase the crude opium from the cultivator.

Colebrooke's Supplement, page 405.

Advertisement for Opium Contract, 29th July 1789.

Your Committee cannot but notice the singular principle on which these contracts must have proceeded, wherein the government, on contracting for the price at which they were to receive the opium, at the same time prescribed the price at which it should be purchased by the contractor; more especially when it appears, that as the latter, was to exceed the former, it might be supposed that the contractor agreed to supply opium to the East India Company, at a lower rate [24] than he could purchase it himself. Though the result will sufficiently demonstrate the erroneous tendency of these contracts, yet the mistakes committed in them, were not discovered soon; and the present

contract for four years had its course, and another contract for the same period was entered into, and had continued to the end of its term, before the ill consequences discovered themselves, in the depression in the trade, which, under judicious management, was calculated to be, and which has since shewn itself, to be a very considerable financial resource.

The Settlement of the land revenue having been effected, in the manner which has been described, and rendered perpetual by the court of directors, with the concurrence of the board of commissioners for the affairs of India, Lord Cornwallis proceeded without delay to perfect the system of internal administration, which he had undertaken to introduce. For this purpose, the regulations framed at different periods of his administration, were revised and printed, for the guidance of the officers of government, and translated into the native languages for the information of the inhabitants at large. This example has been subsequently followed by the presidencies of Fort St. George and Bombay; and the code of regulations thus framed, may be considered as the statute book of the British government; the nature and importance of which, will appear from the preamble of Regulation XLI. of 1793, where it is stated to be, "essential to the future prosperity of the British in Bengal, "that all regulations which may be passed by government, "affecting in any respects the rights, persons or property of their "subjects, should be formed into a regular code, and printed with "translations in the country languages; that the grounds on "which each regulation may be enacted should be prefixed to "it; and, that the courts of justice should be bound to regulate "their decisions by the rules and ordinances which those regula- "tions may contain. A code of regulations framed upon the "above principles, would enable individuals to render themselves "acquainted with the laws upon which the security of the many "inestimable privileges and immunities granted to them by the "British government depends, and the mode of obtaining speedy "redress against every infringement of them; the courts of "justice will be able to apply the regulations, according to their "true intent and import; future administrations will have the "means of judging, how far the regulations have been productive "of the desired effect; and when necessary, to modify or alter "them, as from experience may be found advisable; new "regulations will not be made, nor those which may exist be "repealed, without due deliberation; and the causes of future

"decline or prosperity of these provinces, will always be "traceable, in the code, to their source."

Your Committee will now proceed to give an account of the system of internal government as modified by Lord Cornwallis, and established by the code of regulations above-mentioned, beginning with the department of the revenue, which stands first in the code.

THE REVENUE DEPARTMENT.

Bengal printed Regulations.

It has been already stated, that the superintendence of the settlement and collection of the revenue and the controul over the conduct of the collectors, was agreeably to orders of the court, of September 1785, vested in a board of revenue, consisting of a president (who is always one of the members, selected from the civil service of the supreme council) and four members, each of whom are under the restraint of an oath prescribed by the act. Besides its ordinary functions, the board was originally constituted a court of review, and of appeal, from the decisions of the collectors acting in their capacity of judges of adawlut, in all causes relating to the public revenue, which appertained to the mahal adawlut, in contradistinction to all other suits which came under the jurisdiction of the dewanny adawlut. Lord Cornwallis, deeming it incompatible with the principles of the system he was about to introduce, that the officers of the revenue should decide on suits, the cause of which originating in their own department, might render them not wholly disinterested in the decision, annulled the judicial powers of the officers in the revenue department, and transferred the cognizance of all matters wherein the government might be concerned to the same court of dewanny adawlut, which was to dispense justice among the inhabitants in [25] general. The board of revenue being thus relieved from the exercise of judicial functions, would, it was understood, have more time to bestow on the various duties assigned to its members, which duties are recited in regulation the II[d] of 1793, enacted for their guidance. The board of revenue is held at the seat of government; it has a secretary, with assistant translators, and other subordinate officers, European and native. In this board, is vested the general controul over the collectors of the land revenue, with authority to superintend their proceedings, and to suspend them from their offices, if negligent in the performance of their duty,

Their own proceedings are, in like manner, subject to the superintendence of the government; and the orders of government in this department, are circulated, through the board of revenue to the collectors. The board of revenue is constituted a court of wards, with powers to controul the conduct and inspect the accounts of those who manage the estates of persons disqualified by minority, sex or natural infirmity, for the administration of their own affairs. The board make periodical reports to government on the state of the revenues; and their proceedings in detail, are transmitted through the government to the court of directors.

The only instances in which the *collectors* are allowed to retain any of their judicial functions, are such as relate to the continuance of the provincial pensions, and the separation of the talooks or small estates from their dependence on the zemindarries to which they are attached. It had been the practice of the native government, to grant pensions to various descriptions of Mahomeddans and Hindoos. The greatest part of these, were small stipends granted in reward of merit, or through motives of devotion and charity to Brahmins, to Faqueers, and to Mahomeddan families, in a state of decline. Some were for a fixed term, and others in perpetuity; but all were chargeable, either on the revenue or on the sayer collections; and many had probably been held, without an adequate authority. Without entering into a scrupulous examination of the rights by which these pensions were enjoyed, the British government had been accustomed to authorize the payment of them; and on the conclusion of the decennial settlement and the abolition of the sayer revenue, provision was made for the continuance of all such as should, on investigation, be found duly authorized under rules which were enacted for the purpose. This investigation being on a subject declared to be gratuitous, is entrusted to the collector, subject to the revision of the board of revenue, and to the ultimate determination of the governor general in council. The collector also decides in the first instance, on talookdarry claims for separation, it being a point in which his office is supposed to contain the best information, but the appeal in this case lies to the courts of justice, the subject being a private right, over which the government profess to exercise no controul.

Regn. XXIV, 1793.

The collectors being divested of their magisterial authority,

it became necessary to provide, by other means, for the collection of arrears of land revenue. This has been done by a regulation conveying ample powers for the enforcement of all such demands, by attachment and sale of the defaulter's property, and by imprisonment of his person, where the property should prove inadequate to answer the demand. The government, solicitous to prevent the recurrence of corporal punishment, which had under former systems been practised, in the regulation enacted on this occasion, avoids all personal restraint beyond what may be necessary to establish the justice of the demand, but is precise in its form of process prescribed for the collector to follow, and peremptory in regard to a sale of the land, in the last resort. The same regulation affords to the zemindar the means of obtaining redress, by a suit for damages against a collector for acts of unauthorized severity, or for the enforcement of an unjust demand, or for any unauthorized proceeding in his official capacity, whereby the party may sustain damage. It discriminates also the cases, in which the suit is to be considered as virtually prosecuted against the government, and against the collector individually. The functions of the collector are to assess the tax imposed on spirituous and fermented liquors, and intoxicating drugs; to superintend the division (by sale or by decrees of the judicial courts) of landed property paying revenue to government; to apportion the public revenue on land, ordered to be sold for the discharge of arrears of revenue; to procure land for the native invalid soldiers; and he is required to dispose of the amount of his collections, as may be directed by the accountant general; to keep and transmit his periodical [26] accounts, in the forms prescribed to the board of revenue, and generally to perform whatever duties may be required of him, by a public regulation, or by special orders from the board of revenue. These officers act, under the restraint of the oath prescribed by act of Parliament. In their establishments are included one or more European assistants, taken from the junior part of the covenanted servants; a dewan appointed by the board of revenue, and other native officers, agreeably to the list of establishments contained in No. 60 of the Appendix to the second Report of this Committee; a copy of which list is by Act of Parliament, required to be laid annually before this House.

33 Geo. III, chap. 52, sec. 6.

The division of the provinces into collectorships, remained

nearly as before; no further alteration being made, than such as was more convenient in defining them by rivers, or other natural boundaries, where any such occurred.

Officially subordinate to the collectors, are the *tehsildars*, or native collectors, posted in a few instances, where the extent of the district or the great number of petty landholders, renders assistance necessary to the European collector. In Bengal and Bahar, their functions are limited to the receipt of the revenue, in the division of the district where they are posted; in Benares, and in the Ceded and Conquered provinces, the situation and employment of the tehsildars, will be explained, in the account to be given of the settlement of those provinces.

It must have appeared, from what has been stated, that the inhabitants of the Company's territorial possessions, whose condition was considered to be the most improved, by the introduction of the new system, were the class of landholders or zemindars. Under the native government, the zemindars were liable to an annual requisition for such an amount of revenue or tribute, as a minute local scrutiny of the village accounts, aided by a measurement of the land, if necessary, might warrant, leaving them simply their *russoom* or established proportion of the produce, and their *nauncaur* or special grant of land, where such existed, joined with the advantage derivable from an extension of cultivation, or what might be obtained by reletting the land in parcels to under-renters, as a compensation for the trouble and risk of the charge; and subject to imprisonment, corporal punishment, and dispossession, in case of failure in the performance of their engagement. If they declined entering into engagements on the plea of excessive demand, they were restricted to their allowance of russoom or nauncaur; while the land was liable to be farmed, or committed to the immediate management of an officer of government. By the terms of the perpetual settlement, no farther demand is to be made upon the landholder, whatever may be the augmentation of his resources, by increased cultivation, or any other means, than the amount of the jumma or revenue which he has already voluntarily engaged to pay. On the other hand, he is declared not entitled to remission, on the plea of loss from unfavourable seasons, inundation, or any other natural calamity; and in the event of his falling in arrear of the regular payment of the revenue,

his land is liable to be sold, in liquidation of the balance outstanding.

Thus far, the present tenure and condition of zemindar may appear similar to that of a freeholder in this country; but in India, as already has been mentioned, subordinate rights were found to exist, which justice and humanity required should be protected, before the privileges of the zemindars, under the new system, were declared fixed for ever. These were, the rights of the talookdars, or inferior zemindars, and of the ryots or cultivators. The former were of different descriptions; some of them, already entitled to separation from the zemindar's authority, or to make engagements with and pay their revenue directly, to the ruling power, others, by former custom, were dependant on the zemindar, as on a liege lord. The hand of power had so often and so variously controlled the right, as to render the real extent of it, doubtful; and hence it became difficult to frame such rules for the separation of talooks, as might in all instances, be free of objection. The collectors, therefore, on concluding the settlement, after separating such of the talookdars, whose right to that condition was unquestionable, left all others subject to future investigation, under the rules and regulations established for trying and determining the rights in question, which rendered all such claims cognizable in the first instance by the collector, from whose decision apppeals were to be had, to the courts of dewanny adawlut. The effect of the regulation, authorizing the separation of talooks, must have appeared consonant to the sentiments of the directors, who, in their letter of 19th September 1792, suggested the inconvenience, [27] if not danger, which might arise from the great extent of some of the principal zemindarries; and the regulation alluded to, continued in operation till 1801, when, from the great number of separations into minute portions of land which had occurred under it, and from the opportunity it afforded for practices injurious to the revenue, it was deemed necessary to establish a limited period, beyond which no further separations should be allowed. Other inconveniences resulting from the encouragement held out to application for separation by the rules alluded to, and the obscurity of the rights to be determined under them, were observable in a few instances, wherein considerable zemindars found their estates in portions

Regn. VIII of 1793.

Regn. I, 1801.

wholly taken from them, and themselves reduced to the condition of pensioners of government. In some other instances, the purchasers of land at the public sales, held for the liquidation of balances of revenue, were left in a similar predicament, and compensation for the loss sustained, claimed by the purchaser, and allowed by the government. Your Committee are enabled to state, in proof of the uncertainty which must have attended the decision of the right in question, that though the mokuddims, noticed in a former part of this Report, sued and established their right to separation before the judge of the provincial court of Bhauglepore, they lost their cause in an appeal which was made from that decision to the superior court at Moorshedabad.

A similar inconvenience, resulting from the rule established for selling land in portions to realize arrears of revenue, has induced the regulation, which restricts those divisions to portions which shall not bear an assessment of revenue, under sicca rupees 500 per annum. But the Mahomaddan and Hindoo laws of inheritance, still in force for the division of hereditary property, may probably carry this inconvenience to an extent which, will oblige the government to apply a remedy, by enacting a restrictive regulation in those cases likewise.

Regn. VI, 1807.

With respect to the cultivators or ryots, their rights and customs varied so much in different parts of the country, and appeared to the government to involve so much intricacy, that the regulation only provides generally for engagements being entered into, and pottahs or leases being granted by the zemindars, leaving the terms to be such as shall appear to have been customary, or as shall be particularly adjusted between the parties; and in this, it is probable that the intentions and expectations of the government have been fulfilled, as no new regulation yet appears, altering or rescinding the one alluded to. It is moreover to be expected, that the parties, on experiencing the inconvenience, expense and delay, combined with the uncertainty attendant on decisions in the newly constituted courts of justice, will come to a reasonable agreement between themselves; the zemindars, for the sake of retaining the cultivator, by whose means alone his estate can be rendered productive; and the cultivator, for the sake of gaining a subsistence on the spot where he has been accustomed to reside.

Regn VIII, 1793.

The village accountant, or putwarry, whose duties have been described, it was deemed necessary to retain under the new system; but he is, by the regulations, placed in the situation of a servant to the zemindar, for the purpose (besides keeping the village accounts) of furnishing information respecting the lands which may at any time, be ordered for sale by the collector or by the courts of justice. But for the canongoes, whose functions have also been described, no employment appearing necessary, the office was, by the government, declared abolished, and the lands which they possessed in right of office, and some of them by inheritance through many descents, were pronounced resumable, on the principle of the possessors being merely the servants of the state, and removable at pleasure. The severity of this decision was afterwards so far mitigated as to leave the principal canongoes a maintenance; but the office and the russooms, or income derivable from it, have not been restored to them, in Bengal and Bahar.

Regn. VIII. 1793.

In determining to abolish this ancient institution, it may be doubted whether the Government did not proceed hastily on the evidence of abuses in the administration of it, and without sufficient regard to its utility, under wholesome rules. What tends to confirm this appearance of precipitancy, is the necessity that has since arisen for preserving the office in Benares, and the Ceded and Conquered districts, under a subsequent introduction of the Bengal regulations for the government of those provinces. By Regulation V. of 1808, it is provided, that "the office of canongoe having been found of great utility "under former governments [28] in the Ceded and Conquered "provinces, and being calculated to render much public benefit "in those provinces, and in the province of Benares, under "proper rules and restrictions," is accordingly continued; but on a footing somewhat different as it is no longer hereditary, nor the salary payable by russoom, but immediately from the government treasury.

To supply the want of the office of canongoe, in recording the changes of landed property, and other local circumstances, which the new system could not conveniently dispense with, a quinquennial register of landed property, with an intermediate register of changes, was established, and ordered to be kept by native officers, under the inspection and superintendance of the collector of each district, with translations of the same in the

English language. Provision appears to have been made for verifying the leaves of the register by the signature of the judge of the district, and by other precautions for rendering it authentic and complete, as a record to which reference might be had by the officers of government and by the courts of justice, for information respecting the assessment of the revenue in particular divisions of land, and for determining boundary disputes, and other circumstances, wherein the demands of the government and the rights and property of individuals, are concerned. But as it does not appear, that these registers have yet been finished, it may, perhaps, after a lapse of so many years, admit of a doubt, whether they ever will be completed. A circumstance that seems to countenance this conjecture, is the necessity recently felt of re-establishing the canongoe's office in the upper provinces, which your Committee have reason to believe the registers in question, were meant to supply.

Your Committee have been induced to mention these and other circumstances of a similar nature, from an impression, that in settling the revenue, and introducing regulations of a permanent nature, into the new acquisitions of territory under the different presidencies, in which important service the India government is now actually employed, the operation of the new system, introduced into Bengal, should be kept constantly in view; in order that any errors which may have been committed, through inadvertency or precipitancy or want of experience, in those possessions, may be avoided on future occasions.

The only regulations remaining under this head, which your Committee think it necessary to mention, are those which provide for the resumption, by government, of land held exempt from the payment of revenue, either surreptitiously or under invalid titles.

The circumstance of land, to a considerable extent, existing under the general denomination of *bazee zemeen*, or land exempt from the payment of revenue, appears noticed in the proceedings of the government of Bengal in the year 1782; when it was remarked, that "partial attempts had been made "at different periods, to ascertain the extent and annual "amount of these lands." But no general register had yet been formed; and the records of former investigations, were either lost or dispersed, and what existed, were too inaccurate to be relied on. Although means had been used in 1772, to prevent

the practice of alienating land without authority, there was reason to believe the abuse on the part of the zemindars still continued, and that the institution of an office, to be denominated the bazee zemeen Dufter, was necessary to check it. The Superintendent of the bazee zemeen dufter, assisted by a competent establishment of native officers, was authorized to traverse the provinces of Bengal and Orissa, for the purpose of collecting information, and forming a register of the lands in question; and, as an incitement to diligence in the discharge of his duty, he was, in addition to his salary, allowed a commission on all the resumptions of land which might, by his means, be brought on the rental of government. The province of Bahar was exempt from this enquiry; it being presumed, that the provincial council had already made the necessary enquiry on the subject. The records contain no account of any material service having been performed, in consequence of this institution. On the contrary, it appeared to the government to be a source of great abuses, by protecting fraudulent alienations of the public revenue; and in 1786 the bazee zemeen dufter (or registry of lands exempt from the payment of revenue) was abolished; and a part of the duties, under other regulations, committed to the charge of the collectors of revenue in their respective districts. No further alteration in it appears to have been introduced, [29] till the year 1790, when Lord Cornwallis brought forward the regulations, which were afterwards included in the code published in 1793, "for trying the validity of the claims of persons holding "or claiming a right to hold lands, exempt from the payment of "revenue to government." The object of these regulations, is to define the circumstances under which the titles to the different descriptions of grants therein cited, shall be deemed valid; such as, proof of possession prior to the company's accession to the dewanny, or of competent authority since that event; and to empower the collector of the district to prosecute suits on the part of government in the dewanny adawlut for resumption, where the title to possession cannot be maintained. But it does not appear that any considerable resumptions have been made. Indeed the effects of the first miscarriage of a plan, intended to discover the vast alienations which had been made of the public possessions, are still sensibly felt, and the recovery of them is now, perhaps, from continued enjoyment, become impracticable..

To the account which has already been given of the

revenues, derivable from the monopoly of salt and opium, little is necessary to be added here. The regulations passed for securing the monopoly of those articles; for preventing smuggling in the former, and adulteration in the latter; for preventing the officers employed on the part of government from compelling persons to engage in the manufacture of either; for ensuring a due performance of engagements, when voluntarily contracted by the manufacturers, and for affording them redress, through the means of the courts of judicature, when aggrieved by the agents of government; were revised, and introduced into the code published in 1793. No material alteration appears to have been made in this regulation relative to the salt, since that time, except the establishment of chokeys, under the superintendence of covenanted servants, to prevent smuggling; and a reduction in the rate of commission allowed to the salt agents.

In regard to the Opium, the revenue arising from it having considerably diminished, and the trade in it declined, owing to the debasement of the article by adulteration, the mode of provision by contract was discontinued; and in 1799 the agency of a covenanted servant of the company adopted instead. This change in the management of the opium monopoly, has answered the expectations formed of it, in every particular; and the net revenue arising from it, which on an average of the last four years of the contract, was S^{a} R^{s} 8,19,400, or £. S^{tg} 95,050 has on an average of the four years, of which the latest accounts have been received, proved, S^{a} R^{s} 59,80,100 or £. S^{tg} 693,700.

Regn. VI. 1799.

The Agents appointed for the provision of salt and opium, previously to entering on their office, are required to take and subscribe an oath, which restricts them from deriving any advantage themselves, or knowingly from permitting any other person to do so, beyond the avowed allowance from the government.

THE CIVIL COURTS OF JUSTICE.

Your Committee have already described the state of the judicial department in Bengal, previous to the introduction of the new system; when, in each of the districts into which the provinces were divided, a European servant presided, and

exercised the functions of collector of the revenue, judge of the adawlut, and superintendent of the police; under rules which kept his proceedings distinct and separate, in each of those departments.

This was, the constitution of the internal government which the court of directors had chosen for their territorial possessions in India, when in 1786, Lord Cornwallis was appointed to carry into effect the improvements which they had determined, for the administration of those possessions. On that occasion, the directors accompanied their orders with the following observations:

"We are actuated in all our ideas concerning the preserva-
"tion and government of our possessions in
Letter to Bengal, 12th August 1786, para. 85.
"India, by the necessity of accommodating
"our views and interests to the subsisting "manners and usages of the people, rather than by any abstract "theories drawn from other countries, as applicable to a "different state of things. We have therefore, upon a full view "of the subject, adopted this conclusion, that it will tend more "to simplicity, energy, justice and [30] economy, to reinvest the "provincial chiefs or collectors with the superintendence of the "courts of dewanny adawlut."

It must be acknowledged that the proposed establishment of an individual authority in each district, was consonant with the practice of the native governments, in which, from the monarch, in gradation to the inferior village officer, the authority of the immediate superior was absolute, and commonly regarded with implicit obedience, till injustice or oppression forced an appeal to an higher power. It is moreover evident, that the advantages and disadvantages, the good or evil, attending this system, would depend more on the qualities of the individual agents presiding in it, than in any regulations that could be framed for their guidance. In proportion as the European chief or collector, stationed at a distance from the seat and immediate superintendence of the government, should be active, vigilant and upright, or indolent and corrupt, it might be expected that the conduct of his inferior officers, stationed throughout the district, would be found to partake of the same qualities; and that the welfare of the inhabitants would thus in a certain degree, depend on the choice to be made of the person who was to be placed, in authority over them. The

uncertainties which might attend on such a selection, and other reasons, which are stated at large in the minute of Lord Cornwallis, for rejecting this system, and in the room of it, to introduce one which he proposed should be "upheld by its own "inherent principles, and not by the personal qualities of those "who would have to superintend it." A system under which it would no longer be necessary for the people to court the patronage of individuals, or to look beyond the laws for security to their persons and property. In conformity to these principles, the public regulations in various passages, inculcate the free access that may be had to the courts of justice for redress, not only from grievances arising from the infringement of rights on the part of individuals, but from the abuse of authority in the officers of government; and have in Regulation III. of 1793, pointed out a mode whereby the government may be brought to account, and may be compelled to answer for any injury done to the meanest of its subjects, by the authorized conduct of its officers, or by an act of its own, passing rules in anywise injurious to the rights of individuals. The preamble to Regulation III. of 1793, contains the following passage:—"The government have "resolved that the authority of the laws and regulations lodged "in the courts of justice, shall extend, not only to all suits "between native individuals, but that the officers of goverment "employed in the collection of the revenue, the provision of "the company's investment, and all other financial or com-"mercial concerns of the public, shall be amenable to the "courts, for acts done in their official capacity, in opposition "to the regulations; and that government itself, in superin-"tending these various branches of the resources of the state, "may be precluded from injuring private property, they have "determined to submit the claims and interest of the public "in such matters to be decided by the courts of justice, "according to the same manner as the rights of individuals."

Minute of 11th Feb. 1793.

Appendix, No. 9. (\) to 2d Report of Select Committee, 1810.

Letter from Bengal, 6th March 1793.

The preamble to Regulation II. of 1793, which separates the judicial and financial functions, assigns the following reasons for that measure:—"The collectors of the revenue "preside in the courts of mahal adawlut, as judges, and an "appeal lies from their decisions to the board of revenue; and "from the decrees of that board to the governor general in

"council in the department of revenue. The proprietors can "never consider the privileges which have been conferred upon "them as secure, while the revenue officers are vested with "those judicial powers. Exclusive of the objections arising "to those courts from their irregular, summary, and often "*ex-parte* proceedings, and from the collectors being obliged "to suspend the exercise of their judicial functions, whenever "they interfere with their financial duties, it is obvious, that if "the regulations for assessing and collecting the public "revenue are infringed, the revenue officers themselves must "be the aggressors, and that individuals who have been "aggrieved by them, in one capacity, can never hope to obtain "redress from them, in another. Their financial occupations "equally disqualify them from administering the laws between "the proprietors of land and their tenants. Other security "therefore must be given to landed property, and to the rights "attached to it, before the desired improvements in agriculture "can be expected to be effected." Guided by the foregoing principles, and for the reasons [31] above stated, Lord Cornwallis proceeded to divest the revenue board of its powers as a court of appeal, and the collectors of their authority to decide in causes relative to the collection of the public revenue; and to refer the decision of such matters, common with all suits falling under the cognizance of civil judicature, to a new court of adawlut, which was now established in each provincial division, under the superintendence of an European covenanted servant, of higher official rank than the collector; in whose person were united the powers of judge and magistrate, and to whom was to be entrusted the superintendence of the police within the limits of his division.

Bengal printed Regulations.

The courts of justice thus constituted, a register and one or more assistants were appointed from the junior branch of the European covenanted servants; and those of the best qualified among the natives were selected and appointed to each court, a Mahomedan and Hindoo law officer, to expound the koran and shaster, in causes which might be referable to the determination of those authorities. To each court was allowed a competent establishment of ministerial officers; and for the assistance of the parties in suits, vackeels, or native pleaders were nominated to act, when constituted on special authority for that purpose, in conducting the proceedings under the

established rules; which as to the forms of proceeding in the courts, differed little from those introduced in the same departments in the year 1781.

The local jurisdiction of the several courts extends to all places included within the limits of the zillahs or cities, in which they are respectively established. All natives as well as Europeans and other persons not British subjects, residing out of Calcutta, are amenable to the jurisdiction of the zillah and city courts. But British subjects, whether in the service of His Majesty, civil and military, or otherwise, are placed under the operation of rules suitable for that purpose, and consistent with the jurisdiction of the supreme court in Calcutta, as applying to that description of the Company's subjects. British subjects not in a public employment, if allowed to reside 10 miles beyond the limits of the latter jurisdiction, are required to subject themselves under penal obligations to the authority of the zillah courts, in civil suits wherein the amount sued for shall not exceed 500 sicca rupees; precautions are likewise observed in the regulations, to prevent that interference among the domestics and dependants of his excellency the Nawab at Moorshedabad, which in the discretion of the court which it concerns, may be avoided, "taking care at all times and in all "matters, to pay every proper attention to the dignity and "long established rights of the Nawab."

To prevent the time of the zillah and city judges from being occupied with the trial of petty suits, and thereby to enable them to determine causes of magnitude with greater expedition, they are empowered to authorize their registers to try causes for a value not exceeding 200 rupees. But this power being originally allowed the judge, under restrictions and obligations for his revision, which by defeating the object of saving his time, rendered it nugatory, the objectionable part of the regulation was rescinded, and the register's decree to a certain amount made final, unless the judge himself saw cause to revise and reverse it. To a greater amount than the above, the register's decisions were made referable to the court of appeal; but the appeal has since been changed to the judge of the city or zillah court. With the same view of relieving the judge, he has more recently been allowed the discretion of referring causes of a larger amount occasionally to his register's decision, but the decrees of the latter, are no longer final in any case, an appeal lying from them to the judge, who

is, moreover, empowered at any time to take a suit out of his register's hands, and try himself.

As a farther relief to the zillah and city courts from the trial of petty suits; for the convenience of parties residing at a distance from the seat of justice; and to promote by additional subordinate judicatures, the speedy administration of civil justice, a regulation has been enacted, authorizing the appointment of *native commissioners* to hear and decide, in the first instance, on suits of personal property not exceeding the value of 50 rupees. These are of three descriptions; namely, *aumeens* or referees; *salian* or arbitrators; and *munsifs* or native justices. The titles sufficiently designate their functions, which have [32] undergone such modifications, as appeared expedient since their first institution. The cauzees of the four cities and other towns, are referees and arbitrators by virtue of their office; and by a regulation dated in 1803, proprietors and farmers of land, tehsildars and creditable merchants, are eligible under the discretion of the judge, for the same trust; but the munsif, or native justice, is required to be selected with peculiar care, and reported for appointment to a higher authority. These natives act, under the obligation either of an oath, or a declaration in writing to the same effect, and under restrictions devised to ensure a faithful discharge of the trust reposed in them. Their powers do not extend further than to suits for personal property of the value of 50 rupees, and from their decision an appeal may be had to the zillah or city judge, who alone has authority to enforce their decrees. The native commissioners receive no salary, nor are they allowed any establishment; but as a full compensation, receive the institution fee of one anna per rupee, or something more than 6 per cent. on the amount of all causes investigated by them, or settled before them by agreement of the parties.

In all well regulated governments, it has been deemed expedient to provide against the possibility of unjust or erroneous judgments in the courts of primary jurisdiction, by constituting tribunals of review or appeal. To render them efficient, it is necessary they should be easy of access; but previously to the year 1793, as already has been noticed, the only courts of appeal under the Bengal presidency, were at Calcutta. In suits concerning rent or revenue, which were excluded from the jurisdiction of the dewanny adawluts, and cognizable in the first instance by the collectors, the appeal lay

to the board of revenue, and ultimately to the governor general in council. In causes decided by the courts of provincial dewanny adawlut, appeals lay to the governor general and the members of the supreme council, before whom (to prevent more of their time being occupied in appeal, than could be spared from the other departments of the government) the amount appealable was restricted to one thousand sicca rupees. But under this restriction, it was found that the greater number of causes decided by the provincial courts, were not appealable; moreover the distance and expense of travelling, in many cases operated as an exclusion from the court of appeal. To remedy these defects, which were experienced in the former judicial system, the governor general in council, by Regulation V. of 1793, instituted four provincial courts of appeal; one in the vicinity of Calcutta, one at the city of Patna, one at Dacca, and the fourth at Moorshedabad; each court to be superintended by three judges (covenanted servants) styled "the first, second, "and third judge of the court, to which they were appointed:" a fifth court of appeal constituted in like manner for the province of Benares, was established in 1795, and a sixth court, for the Ceded and Conquered provinces, has been instituted in 1803. A register, with one or more assistants from among the European civil servants, is attached to each of these courts; also three native law officers (a cauzee, moofty, and pundit) with a competent number of native ministerial officers. After various modifications of the rules and restrictions, under which recourse might be had from the inferior tribunals to the provincial courts of appeal since 1793, in subsequent regulations passed in the years 1794, 1795, and 1803, it appears that an appeal now lies to the provincial courts of appeal in Bengal, Bahar, Orissa and Benares, in all causes whatever that may be tried by the judges of the city and zillah courts in the first instance; but the decrees of the latter, on appeals from the native commissioners, are final, and likewise from their registers, except for real property, where the decision of the latter is reversed; in which case, an appeal lies to the provincial court of appeal. But the latter court is allowed a discretion to admit an appeal in any case, wherein it may see special reasons for so doing. The provincial courts are empowered to take further evidence, as they may think necessary for the just determination of the suit before them, or to refer the suit back to the court in which it originated, with special directions to the judge, regarding the additional evidence he is to receive, as may be

deemed most conducive to justice, recording in every case the reasons for exercising the powers thus vested in them. The provincial court, in common with the city and zillah courts, are prohibited from corresponding by letter with the parties in suits, or with each other, on matters within their cognizance. All official intercourse is by certificate or precept in writing under [33] the official seal and signature; and every process, rule and order, limits a certain time for the execution and return being made to the same; disobedience or negligence in an inferior court, being reported to the sudder dewanny adawlut at Calcutta, which has power to suspend the judge from his office, notifying the same for the determination of the governor general in council. "If any person shall charge the judge of a city or "zillah court before the provincial court of the division, with "having been guilty of corruption, in opposition to his oath, "the provincial court is to receive the charge, and to forward "it to the sudder dewanny adawlut; provided the complainant "shall previously make oath to the truth of the charge, and "give security, in whatever sum the court may judge proper, to "appear and prosecute the charge when required." On such a charge, the sudder dewanny court proceeds, in a manner which will be hereafter stated. By these rules, which restrict the provincial court from the exercise of any personal authority over the judges of the city and zillah courts, the respect due to official character is meant to be maintained; while a strict observance of the regulations, and the subordination requisite for the public service, is preserved by the authority delegated to the sudder dewanny adawlut, under the controul of the governor general in council. But the principles on which these rules have been established, may be best explained, by an extract from the minute of Lord Cornwallis, by whom they were introduced, dated 11 February 1793.

Appendix, No. 9. (A.) to Second Report of Select Committee 1810.

"To prevent the characters of the judges "being wantonly aspersed, rules should be "laid down to deter people from making groundless accusations. "The provincial courts should not be permitted to make "enquiries in the first instance, into the charges that may be "preferred against the zillah or city judges, but should be "directed to forward them to the sudder dewanny adawlut. "This court shall issue a special commission to the provincial "court to make such enquiries, and to take such evidence "respecting the charges, as it may think advisable. The "observance of this formality will be essential; it will not

"obstruct the bringing forward of well founded complaints; at "the same time, it will operate to deter people from making "groundless charges. To delegate to the provincial courts of "appeal a power to enquire into such charges, without a "previous reference to the sudder dewanny adawlut, would in "fact be making the judges of the city and zillah courts "personally subject to their authority. This would even deprive "the city and zillah judges of all weight and consequence in "the eyes of the people, and lessen that respect with which it is "necessary they should look up to their decisions. The "judges of the provincial courts should possess no authority "over the judges of the city and zillah courts personally; their "control over them should be only that of a superior court "empowered to revise their decrees, when regularly brought "before them in appeal."

From all decrees of the provincial courts, in cases where the value of the thing decreed exceeded one thousand rupees, an appeal was originally allowed to the sudder dewanny adawlut, consisting of the governor general and members of the superior council, with the cauzy-ul-cauzzaut, or head cauzy, two moofties, two pundits, a register, assistants, and other ministerial officers: but the appeals preferred being found to occupy too much of the court's time, the limitation for appeal was, in 1797, extended to suits for money or personal property not exceeding, in amount or value, five thousand rupees. This limitation proving insufficient for the intended purpose, it was in the following year, extended likewise to real property of the same estimated value.

Regn. XII. 1797.

Regn. V. 1798.

Notwithstanding these alterations in the rules for limiting appeals, the accumulation of undecided causes so far increased, as to require more time for their decision, than could conveniently be spared from the various duties which the governor general in council had to perform. The same observation was applicable to the proceedings in the nizamut adawlut, or superior court of criminal jurisdiction; which court also was composed of the members of the supreme government, assisted by the law officers and ministerial officers beforementioned. Moreover it was deemed essential, by Lord Wellesley, "to the impartial, prompt and efficient "administration of justice, and to the permanent security of the

Reg. IX. 1793.

Reg. II. 1801.

"persons and properties of the native inhabitants of these "provinces, that the governor general in council, exercising the "supreme legislative and executive authority of the state, should "administer the judicial [34] functions of government by the means "of courts of justice, distinct from the legislative and executive "authority." It was accordingly determined that the government should relinquish the jurisdiction of the sudder dewanny and of nizamut adawlut, and place it in courts especially instituted; over which were to preside, three judges, denominated the chief, second, and third judges; the chief judge to be one of the junior members of the supreme council, and the other two, to be selected from among the covenanted civil servants, not being members of the supreme council. By a subsequent regulation of the government, however, the sudder dewanny and nizamut adawluts were made to consist of three judges, neither of whom was a member of the supreme council: But this arrangement was annulled in the year 1807, and a new one, adopted; by which the number of judges was augmented to four, the chief justice being a member of council, as formerly. Since that period, a regulation has been passed, for augmenting the number of puisne judges, according as, from time to time, may appear necessary for the dispatch of business.

Reg. X. 1805.

Reg. XV. 1807.

Regulation XII. of 1811.

The power of admitting special appeals in *all* cases which the provincial courts of appeal possess, is likewise vested in the sudder dewanny adawlut; and in all these courts, the rules for receiving, trying and deciding appeals and suits, originally instituted, are, as far as circumstances would admit, founded on the same principles. The judgments of the court of sudder dewanny adawlut are final in all cases within the limitations prescribed by the statute of 21st Geo. 3d, cap. 70, sec. 21, namely £5,000, at the medium rate of 50,000 current rupees; beyond that limitation, appeal lies to his Majesty in council, in conformity to the statute above referred to. But no *rules* having been prescribed by that statute for the admission of appeals, the governor general in council has established the following to be in force, until his Majesty's pleasure be known thereupon:—"All persons desirous "of appealing from a judgment of sudder "dewanny adawlut to the King in council,

Reg. VI. 1793.

Reg. XII. 1797.

Reg. XVI. 1797.

"are required to present their petition of appeal to the sudder "dewanny adawlut, either themselves, or through one of the "authorized pleaders of that court, duly empowered to present "such petition in their behalf, within six calendar months from the "date in which the judgment appealed against may have been "passed. In case of appeal to his Majesty in council, the court "of sudder dewanny adawlut may either order the judgment "passed by them to be carried into execution, taking security "from the party in whose favour the same may be passed, for "the due performance of such order or decree as his Majesty, his "heirs or successors may think fit to make on the appeal; or to "suspend the execution of their judgment during the appeal "taking the like security in the latter case from the party left "in possession of the property adjudging against him; but in all "cases, security is to be given by the appellants to the satis-"faction of the sudder dewanny adwlut, for the payment of all "such costs as the court may think likely to be incurred by the "appeal, as well as for the performance of such order and "judgment as his Majesty, his heirs or successors shall think fit "to give thereupon."

It remains to notice such general provisions relative to the whole of the civil courts, as have not been mentioned, in describing them separately.

Reg. VII. 1793.

For the convenience of suitors in the courts of civil judicature, and to obtain for them the assistance of natives of character and education, better qualified than their private agents formerly employed could be supposed to have been, a regulation was enacted for the selection and appointment of native pleaders, or vackeels, in the zillah and civil courts, and in the courts of appeal, and sudder dewanny adawlut, under the rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trust. The great number of regulations at this time, and subsequently enacted; and the form and precision required to be observed in the judicial proceedings, has rendered it indispensable that the natives, who are in general represented as illiterate, should have guides to conduct them through the intricacies of the new institutions. Previously to their practising, the pleaders are required to take and subscribe an oath, binding them to a faithful discharge of the duties they undertake; and (in consequence, as it is understood, of the greater obligation of a retrospective oath upon the conscience of Mahomeddans)

pleaders of the Mahomeddan faith are directed to be [35] sworn half yearly, to the truth and fidelity of the duties they have actually discharged. To afford the pleaders and all other persons the means of gaining a knowledge of the regulations introduced by the British government, printed copies and translations are ordered to be kept for public inspection upon a table expressly allotted for that purpose, in every court room, where any person may refer to them, and take copies. Each court is moreover furnished with a considerable number of copies of the regulations, for distribution among the vackeels of the court and others, as far as they will go. The pleader is engaged by a small retaining fee, and ultimately rewarded by a percentage on the amount sued for, which is awarded to him to be received from his client, or from the opposite party, as determined by the decree. Many rules and restrictions for the guidance of the public pleaders, and to ensure their fidelity towards their clients, are provided, which it would be superfluous to insert here, but which are detailed in the code of regulations printed by the government.

The *choutahy*, or fourth part of the value of property recovered in a court of judicature, seems to be considered in most parts of the Indian peninsula, as the compensation or fee due to the ruling power, for the administration of justice. The early abolition of this exaction, on the accession of the British power to the government of Bengal, and in lieu of it, the introduction of a small per-centage on the institution of the suit, has been noticed. This institution fee, under subsequent modification, continued to be received until the establishment of the courts of dewanny adawlut and courts of appeal, in 1793, under the new system; when, with a view of affording the readiest possible means of relief to such as should be compelled to have recourse to judicial process, it was provided, that no expense whatever beyond the fee of the pleaders, whom the parties might choose to entertain, and the actual charge of summoning their own witnesses, should be incurred in the prosecution of any civil suit, or in the appeal. But this indulgence, arising from motives of humanity, misapplied to a community peculiarly disposed to litigation, was soon found to be productive of such an inundation of suits, as was likely, by overwhelming the provincial adawluts with business, to put a stop to the course of justice altogether; and the government was obliged to have recourse again, in 1795, to an institution fee,

Reg XXXVIII. 1795.

as well as to fees on exhibits, established at rates, such as might render law more expensive, without discouraging recourse to it, where the cause of action might be well founded. As a further discouragement to litigation, and with the view of increasing the revenue derivable from stamps, the pleadings in civil suits tried by the judges and registers of the civil and zillah courts, and by the courts of appeal, as well as all miscellaneous petitions presented to these courts, are required to be written on stamped paper, of a certain size and description, bearing a duty in proportion to its magnitude. But with a view to afford more speedy decisions in the first instance, on claims for rent, or for possession of land, than the forms and deliberate proceedings of the courts could afford, which was become more necessary in consequence of the removal of all such suits from the collector's office into the courts of justice, a regulation was enacted for summary mode of proceeding, to be exempt from the usual fees and expenses incurred in other cases. The same exemption from expense is allowed in case of poverty; but the plaintiff or appellant *informâ pauperis* is required to establish his pretensions by witnesses, and to find bail for his appearance on requisition from the court, and is placed under such other restrictions as appear calculated to check unnecessary or vexatious litigation. Rules are established for the prosecution of charges of corruption or extortion preferred against the ministerial officers, European or native, attached to any of the civil or criminal courts of judicature; and likewise for the investigation of any similar charge against a city or zillah judge or judges of any court of appeal, and for a reference of the case at discretion for trial by special commission, or to the sudder dewanny adawlut, or before the supreme court of judicature, under the provisions made by act of parliament in the latter case.

Besides the forms and mode of procedure prescribed for the several courts, in receiving, trying, and deciding causes, subsidiary rules of various kinds have been established, for the security and benefit of the natives, among which perhaps the most important is, that for preserving to them their own laws and usages, in certain cases, originally introduced by the plan for the administration of justice in 1772, and [36] continued in the existing regulation, in the following terms:—"In suits regarding "succession, inheritance, marriage and cast, and all religious "usages and institutions, the Mahomeddan laws, with respect to "Mahomeddans, and the Hindoo laws with regard to Hindoos, are

"to be considered the general rules by which the judges are to "form their decisions;" for the assistance of the European judges, the Mahomeddan and Hindoo law officers, attached to each court, expound the law of their respective persuasions by written answers put to them for that purpose, quoting the books of authority which they follow. It is not usually deemed necessary to subject the proceedings to the delay which would ensue from a reference to the law officers, in all matters of contract and dealings between individuals; but, in all cases of an intricate or special nature, not expressly provided for by the regulations or when the parties themselves particularly desire it, it is customary, and obviously consonant to the general rule, that the matter in contest, should be determined by the law of the parties. In one instance, wherein the custom of succession to a zemindary differed from the *law* of succession to landed property, the government has interfered in favour of the latter, since the acknowledgment of proprietary right by the Company in the zemindars. This custom, which accords with the general law of England, had been established from immemorial usage in Bengal, Bahar and Orissa, whereby zemindaries of great extent, on the death of the possessor devolved entire to the heir, in exclusion of his relations, who were entitled to a suitable maintenance only from the produce of the estate. This custom has been abrogated by Regulation XI. of 1793, as tending to prevent the general improvement of the country.

Reg. III. 1793.

Harington's Analysis of Bengal Laws and Regulations

See Reg. X. 1800.

The regulations above cited, with another, for supplying ascertained defects in the Mahomedan laws relative to loans and interest, with provisions for defining and securing the rights of landlords and tenants, appear to be the whole of the rules which the British government has yet found it necessary to prescribe, in amendment of the established laws and usages of the country, upon matters of private contract and inheritance. But the right has been reserved, and declared, by which the government may, at any time, introduce remedial or supplementary laws, such as further experience may suggest to be expedient and necessary for the benefit of the inhabitants at large. These, whenever the necessity for them occurs, are required to be printed and submitted for previous inspection and approbation at home, in the mode prescribed by act of parliament.

For the purpose of preserving the records of the courts of judicature, and to facilitate the means of reference to them, two native keepers of the records are appointed for each of the city and zillah courts, civil and criminal, the provincial courts of appeal, and the sudder-dewanny and nizamut adawlut. In the several courts of civil justice, is likewise required to be kept a diary of proceedings, in which every order or act of the court is to be minuted in the language in which it is issued, with references to the pleadings, depositions, exhibits, and other papers, read and filed in each cause; and for the information of the sudder-dewanny adawlut, the zillah and city judges are required to furnish a monthly report of causes decided by themselves, their registers, and the native commissioners in their respective jurisdiction.

The provincial zillah and city courts, are allowed to adjourn annually during the Hindoo festival called *dussarah*, which is fixed and occurs in parts of the English months of September and October; and during the Mahomeddan fast, which is moveable. The court of sudder dewanny has a discretion allowed for its adjournment.

THE CRIMINAL COURTS OF JUSTICE.

Bengal printed Regulations.

It has already been noticed, that the introduction of the new system of internal government in 1793, divested the collectors of the office of magistrate, as well as of judge; and transferred those functions to the zillah and city judges. Previously to entrance on his office, the magistrate takes an oath, binding himself to perform the duties required of him by the public regulations, to the best of his ability, to act with impartiality and integrity, and not to accept himself, or knowingly allow any one acting under him, to accept, any fee or reward, or any emolument, beyond what government authorize. His local jurisdiction as magistrate is co-extensive with his jurisdiction as judge; and all persons, Europeans as [37] well as natives, not being British subjects, are amenable to his authority. Natives residing within the town of Calcutta, or within the local jurisdiction of the supreme court of judicature, are not of course included in the rule cited. To obviate the ill consequences which might result from the exemption in favour of European British subjects remotely situated, the magistrates are required to qualify themselves by oath, taken before one of the judges

of the supreme court of judicature, to act as justices of the peace; and rules are specially provided for the apprehension and conveyance to Calcutta, of persons of the above-mentioned description, who may render themselves liable to criminal prosecution in the supreme court.

It is declared to be the duty of the magistrate, "to "apprehend murderers, robbers, thieves, "housebreakers, and persons charged before "him with crimes and misdemeanors;" and in certain cases, such as abusive language, calumny, assaults or affrays, he is authorized to pass sentence himself, though subject to the controul of the courts of circuit and nizamut adawlut, and to punish the offender with corporal chastisement, imprisonment or fine, within certain limits. These powers have been since enlarged, by regulation the IX. of 1807, whereby the magistrates are authorized to pass sentence on petty thefts, and other offences, not exceeding 12 months imprisonment, or a fine not exceeding 200 sicca rupees. A discretion is, by the same regulation, allowed to the magistrate, in regard to the rank and condition in society of the person accused, whom he may have to summon or to apprehend, lest, by implicitly following the original mode prescribed for his guidance in such cases, he should violate the rules of decorum so scrupulously observed among the natives, and thereby inflict unmerited disgrace, or provoke new crimes. The same consideration for the customs and deep-rooted prejudices of the natives, has suggested various modifications of the rules originally established for compelling appearance before the magistrate, in cases which require it, or for proceeding to confiscation of property, and proclamation of outlawry, in the event of incorrigible contumacy or resistance to process on the part of the accused; and it is not altogether improbable, that towards the inhabitants of the provinces recently brought under the British dominions, still farther relaxation may be required from the strictness of the original rules founded on the practice of European judicature, that may be necessary in Bengal and other parts of the country which have been longer under the British dominion, where the inhabitants are consequently better qualified to comprehend the reasonableness of a system, which disregards rank, and in the dispensation of justice, nearly confounds all distinction of society.

Reg. IX 1793.

Reg. IX. 1807.

The registrar of the city or zillah adawlut, and his assistants, are assistants to the magistrates. The services likewise of the

native law and ministerial officers, are common to both courts; to which also in some instances, are attached *sebundy*, or provincial corps of native troops, especially embodied to guard the jail, and applicable to any service the magistrate may require.

The jails appear to have been, formerly, any building in the vicinity of the court of justice, which could conveniently be hired or appropriated for the purpose.[1] Under the new system, prisons have been erected, at a great expense, on plans, separating the debtors from the criminals, and prisoners under sentence from those detained for examination, or for further evidence. In these prisons also, the women are kept apart from the men, and every attention is paid to the health and suitable accommodation of the prisoners. The European surgeon of the station is required to afford his medical aid with that of a native physician acting under him; and, to ensure a strict observance of the rules established for these purposes, a report is required by the nizamut adawlut from the judge of circuit, of his having visited the prison in person, and of the state in which he found it.

Depositions before the magistrate are written commonly in the Persian and Bengal language and character, on separate papers, signed, attested and arranged according to their respective dates. But the original regulation still in force, requiring a record of all complaints, and the orders upon them to be kept in the English language, has been found so burthensome and useless, as to have become obsolete in practice. This is very much to be regretted. It appears to [38] your Committee, that a body of English records would be found, in the course of time, highly valuable to British India, and to the learned and philosophical in Europe, as opening new views of society and manners.

When the magistrate has satisfied himself as to the nature of the case before him, he either releases the prisoner, admits him to bail, administers the punishment within the limits of the power delegated to him, or commits him for trial before the court of circuit.

The magistrates, on receiving notice of the time when the judges of circuit are expected to arrive, require, by public advertisement, the attendance of all persons admitted to bail,

[1] See an article in *Bengal: Past & Present*, vol. viii, "Some Records relating to the origin of the late Presidency Jail." [Editor].

as well as of all prosecutors and witnesses bound over to appear before the court of circuit. On the arrival of the judges of circuit, the magistrates lay before them a calendar of the prisoners committed or held to bail, specifying, besides the names of the prosecutors and prisoners, a brief statement of each case. The calendar is accompanied by the proceedings of the magistrates on each charge, and all material documents relative thereto. A second calendar, containing the particulars, and accompanied by proceedings, in all cases, of prisoners apprehended on charges cognizable by the court of circuit, but discharged for want of evidence; and a third calendar, of persons tried for crimes and misdemeanors, cognizable by themselves and their assistants, specifying the charge and the sentence.

Reports are made monthly by the magistrates to the nizamut adawlut; 1st, of persons apprehended, specifying the name, date of charge, and the order passed thereupon for punishment, committed for trial before the court of circuit, or released: 2d, of casualties by death, removal to other stations, or escapes, and of prisoners released: 3d, of prisoners sentenced by the court of circuit in each month: 4th, a report of prisoners whose trials are under reference to the nizamut adawlut: 5th, a report of sentences received from the nizamut adawlut in the present month: 6th, a report of prisoners under charge of the magistrate to be tried by the court of circuit. The magistrates also transmit to the nizamut adawlut, half-yearly reports of convicts in confinement under sentences, within twenty days after termination of session, by the court of circuit;—And in the month of January, two annual reports are, by a late regulation, to be furnished, of all criminal cases depending before the magistrate and his assistants, specifying the name of the accused, and the particulars concerning his case: 2d. an abstract statement of the number of robberies, and other crimes of a heinous nature, reported by the police officers to have been committed within their respective jurisdictions, in the course of the preceding English year; the number of persons supposed to have been concerned in the commission of such crimes, and the number apprehended and convicted, or committed for trial, before the courts of circuit. The object of the last report appears to be for the information of the government, of the crimes which may be prevalent in the different districts, and of the efficiency of the measures adopted for the suppression of them.

When the numerous duties required of the magistrate, in his double capacity of judge and magistrate, together with the precision and strictness of the rules under which he acts, are considered, it will not appear unreasonable that he should be allowed to delegate a portion of his magisterial functions to his assistant; accordingly, the magistrate may impower his assistant, when he shall have taken the prescribed oath, to decide on petty charges and misdemeanors, to the same extent that he himself is authorized, by the original regulation of 1793. But these powers are delegated only in cases of necessity from want of time, and then under restrictions, which would render the magistrate censurable, were errors frequently committed by his assistant. Before an explanation be given of the mode of procedure in the courts of circuit, it may appear necessary to say a few words on the nature of the laws by which those courts are guided.

In making the Mahomeddan law the rule for the administration of criminal justice, the British government has followed the practice of the Mogul government, reserving to itself, the right of introducting such alterations and modifications, as reason and humanity may suggest.[1] The koran is commonly understood to be the standard of the Mahomeddan law: but, containing few passages applicable to the ordinary occurrences of life, the deficiency is supplied by [39] numerous commentators, not only on the text, but on the traditional accounts, precepts, actions and decisions of their prophet. These writings are the productions of eminent lawyers, from among the two religious sects which divide the Mahomeddans all over the world—the *Shya*, followers of *Alee*; and the *Sonees*, or more general traditionalists. The authoritative writings of Aboo *Haneefa*, and his disciples *Aboo Yoousuf*, and *Imam Mahommud*, who were of the latter sect, govern judicial decisions in India. When no precedent can be found in these authorities, but in the decisions of subsequent lawyers, the cauzee is by the Mahomeddan rule, directed to abide by the judgment of the latter; and in the want of precedent altogether, the cauzee may exercise his own judgment. The principal distinctions of the Mahomedan penal code are classed, as follows: 1st, *Kissas*, or retaliation, including *disjut*, or the price of blood. 2d, *Hoodud*, or prescribed penalties. 3d, *Ta eer*, and *Seasut*, discretionary correction

Harington's Analysis.

[1] Consult Acharyya: *Codification in British India*. Tagore Law Lectures. Calcutta, 1914. [Editor].

and punishment. The nature of the first may alone be sufficient to suggest the necessity which the British government, at an early period of its administration, felt, for interfering to controul the futwas, or sentences of the nazim, when given on the principle of retaliation, or of the fine for blood. In 1772 some additional rules were introduced, for the punishment of a particular description of public gang robbers, termed Decoits, concerning whom more will be noticed under the head of Police. But on the assumption of the nizamut, or administration of criminal judicature in 1790, and the reform of the courts of circuit, and formation of the new code of regulations in 1793, a wider range was taken in modifying and supplying the defects of the Mahomeddan law, for the government of decisions to be passed in the provincial criminal courts. The most important and necessary of these alterations were, in overruling the distinctions made by Aboo Haneefa, and directing, that in determining on the punishment to be inflicted for the crime of murder, the intention of the party, rather than the mode or instrument used, should be considered; in controlling the seasut, or discretionary correction, and introducing a remedy to the obstruction of justice, arising either from interference or neglect on the part of the heirs of the person murdered, and in commuting sentences of mutilation to imprisonment and hard labour. The deficiencies of the Mahomeddan authorities were supplied, in regard to what might be deemed an adequate punishment for perjury and forgery, or subornation of either of these crimes, which have a peculiar prevalence among the natives of India; and to this intent, in addition to the ordinary punishment, the gross offence is marked in characters indelible on the offender's forehead.

For the punishment of gang robbery, the government found it necessary, in 1807, to enact special rules; the Mahomeddan code not furnishing any thing sufficiently applicable to the peculiar character and practice of the banditti, termed Decoits, who infest the lower provinces of Bengal, and appear to carry on their depredations more frequently and to a greater extent of late, than in former times. The latest measures to which the government have had recourse, for the suppression of decoits, will be noticed in the III[d] division of this Report.

The right existing in the government, to alter the Mahomeddan law, appears to have been virtually recognized in the Act of the 13th George III. chap. 63, sect. 7, vesting in it, authority for the ordering, managing and governing, "in like

"manner (as the Act recites) to all intents and purposes what-"ever, *as the same now are, or at any time heretofore might have* "*been exercised* by the president and council in select com-"mittee;" because it was *then* before the legislature, that the president and council *had* interposed, and altered the criminal law of the province in 1772. Such alterations, and all future necessary amendments thereof, appear, by the above clause, to be legally sanctioned; and it may be observed, that the alterations in question, are sufficiently justifiable on the principles of reason and humanity.

The government has also deemed it expedient to take measures for putting a stop to the barbarous practices of certain Hindoos, not sanctioned by their shaster, in devoting the life of infants to the sacred waters; of certain Hindoos of high cast in Benares, who on a prospect of inability to provide suitably for their female children, were induced not unfrequently to put them to death; and of other casts of Hindoos, who with a view to deter the execution of legal process, or in revenge for a supposed injury, would murder their females or their children, [40] under a persuasion that by such means, they could command and direct spiritual vengeance against their adversaries. But in regard to immolation in the various modes practised by self-devoted victims, who are invariably Hindoos, no further interference is permitted to take place, on the part of the magistrate, than may be necessary to ascertain from the party, that the resolution taken has been voluntary, and in nowise influenced by improper means.

The public Regulations in 1799 and 1804, provide for the trial of persons charged with crimes against the state; and in the event of war and open rebellion existing in any part of the British provinces, the governor general by a special regulation of 1804, may suspend the ordinary functions of the criminal courts, and authorize the introduction of martial law. And the government, "for reasons of state," has reserved to itself, the power of ordering into confinement, and retaining there, any persons whatever, where the exigency of the case may appear to require it.

Originally, there were four courts of circuit, each consisting of the three judges, who composed the provincial courts of appeal, with the native law officers attached to those courts. The same registers and the same native officers are attached to both courts. They act under the obligation of an oath

specially prescribed; and the native law officers of the court of circuit take a retrospective oath every six months, for the reasons before stated in the case of the native pleaders. In 1795, a fifth court was established for the provinces of Benares, and in 1803, another court of circuit for the provinces obtained by treaty from the Nawab of Oude. Under the jurisdiction of the latter, was afterwards (in 1805) placed the territory conquered from Scindeah in the Doab and on the right bank of the Jumna; and in 1806, and adjustment of the zillah and city jurisdictions, (comprehending the entire provinces under the Bengal presidency) being made, the whole were included in the divisions of the courts of circuit, according to the following arrangement:

CALCUTTA DIVISION:

"1. Burdwan;—2. Jungle Mohauls;—3. Midnapore;—4. "Cuttack;—5. Jessore;—6. Nuddea;—7 Hoogly;—8. Foreign "Settlements of Chinsurah, Chandernagore, and Serampore;—9. "Twenty-four Pergunnahs.

DACCA PROVINCE:

"1. Mymensing;—2. Sylhet;—3. Tipperah;—4. Chitta-"gong;—5. Backergunge;—6. Dacca Jellalpore.—7. City of "Dacca."

MOORSHEDABAD DIVISION:

"1. Bhauglepore;—2. Purnea;—3. Dinagepore;—4. Rung-"pore;—5. Rajeshahy;—6. Beerbhoom;—7. City of Moorshed-"abad."

PATNA DIVISION:

"1. Ramghur;—2. Bahar;—3. Tirhoot;—4. Sarum;—5. "Shahabad;—6. City of Patna."

BENARES DIVISION:

"1. Mirzapore;—2. Allahabad;—3. Bundlecund;—4. "Jaunpore;—5. Goruckpore;—6. City of Benares."

BAREILLY DIVISION:

"1. Cawnpore;—2. Furruckabad;—3. Etawah;—4. Agra; "—5. Allyghur;—6. South Saharunpore;—8. Mooradabad; "—9. Bareilly."

The jail deliveries at the four principal cities are held monthly; that of the 24 pergunnahs (in the vicinity of Calcutta)

quarterly; those of the other zillahs, half yearly. By the original regulation of 1793, the judges of each division formed courts for the circuit; one consisting of the first judge, accompanied by the register and moofty; the other of the second and third judges, attended by the second assistant and cauzy. As this necessarily closed the provincial court [41] during the absence of the judges, it was ordered, in 1794, that two of the judges should hold the two courts of circuit; while the third in rotation remained at the latter station, to execute the current business of the civil court; but this too much obstructed the decision on appeals, for which the presence of two judges was necessary. It was therefore, in 1797, enacted, that instead of two Judges holding a jail delivery, one of the two junior judges should proceed in turn on the circuit; while the senior, with the other, remained for the decision of appealed civil causes at the sudder or chief station. This rule remains still in force, with the exception (by a regulation in 1806) of the senior judge being now required to take his turn on the circuit, common with the other two.

The judge of circuit holding the half-yearly jail delivery, proceeds to the residence of the magistrates of each zillah, within his division, and remains there till he has gone through the calendar, which the magistrate lays before him on his arrival. The proceedings of the court of circuit are ordered to be conducted in the following manner: "The charge against "the prisoner; his confession, which is always to be received "with circumspection and tenderness if he plead guilty; the "evidence on the part of the prosecutor; the prisoner's defence, "and any evidence which he may have to adduce, being all "heard before him; the cauzy or moofty (who is present during "the whole of the trial) writes at the end of the record of the "proceedings the futwa or exposition of the Mahomeddan law, "applicable to the circumstances of the case, and attests it "with his seal and signature. If the futwa of the law officers "acquit the prisoner, and the judge, after attentively considering "the evidence and circumstances of the case, concurs in such "acquittal; or if the futwa declare the prisoner to be convicted "of the charge, or of any part of it, and the judge concur in "such conviction, and be by the regulations empowered to "pass a final sentence on the case without reference to the "nizamut adawlut, he is to pass sentence accordingly, and to "issue his warrant to the magistrate for the execution of it. "If the judge of circuit disapprove the futwa, and have not by

"any regulation been authorized to pass sentence, then, "notwithstanding such futwa, whether for the punishment of the "prisoner or for his acquittal or discharge, if the prisoner be "duly convicted, and liable to a sentence of perpetual imprison- "ment or death, the proceedings upon the trial are to be referred "for the sentence of the nizamut adawlut. If the judge of circuit "concur with the law officers in the conviction of the prisoner or "prisoners, and none of them be liable to a sentence of death, "the judge is empowered to pass sentence; but the sentence, in "all cases referable to the nizamut adawlut, is not final until "confirmed by that court. In all trials referred, the judges are "required to notice, in their letters accompanying the pro- "ceedings, the particular cases, which under the public "regulations are deemed proper to incur capital punishment, "imprisonment for life, or extension or mitigation or remission "of punishment; stating at large the grounds of their judgment, "whether for or against the prisoner."

If the judge of the circuit disapprove the opinion of the law officers, on any reference to them on points of law, or on any question arising in the course of the trial, not especially provided for in the public regulations; he is nevertheless to be guided by it, but he may withhold passing sentence, until the proceedings in the case, together with his own objections, have been referred for the consideration of the nizamut adawlut.

In the mode prescribed for the attendance of the witnesses and taking their depositions, care is taken to preserve the decorum due to sex and condition according to the customs of the country.

As soon as practicable after the conclusion of each trial a copy of the record is transmitted to the nizamut adawlut, accompanied with an English letter, stating the opinion of the judge on the evidence adduced. The record includes the whole of the proceedings, with every examination and material paper taken by or delivered into court, and Persian translations of all examinations which may have been taken down in any other language. The whole of the papers and proceedings received by the magistrate upon the case referred, are also transmitted.

On the return of the judges from their circuit, they are required to make a report to the nizamut adawlut, containing such observations as they have made [42] during the circuit, touching the effects of the present system in the prevention and

punishment of crimes; the state of the jails, the treatment and employment of the prisoners, and whatever matters appear to deserve the notice of the Court.

These reports are forwarded to the government by the nizamut adawlut, accompanied with their observations upon them, containing, as they are understood to do, the most authentic representations of the state of the country, and the operation and effects of the internal government. These documents are of great importance, and highly merit the attentive consideration of the superior authorities in this country.

The court of nizamut adawlut or superior criminal court, as constituted by the regulations of 1793, consisted of the governor general and members of the supreme council; but for persons before stated, it was in 1801 enacted, that the court of nizamut adawlut should thenceforth consist of three judges, to be denominated respectively, chief judge, and second and third judge of the nizamut adawlut, assisted by the head cauzy of Bengal, Bahar, Orissa, and Benares, and by two moofties; the chief judge to be one of the two junior members of the supreme council, and appointed by the governor general in council, and the other two, to be selected and appointed by the same authority from among the covenanted servants of the Company, not being in council. The regulation constituting one of the members of the council the chief judge, was, in 1801, rescinded by Regulation X. of that year, which provided that the chief judge should be selected, like the other two, from among the covenanted servants, not being of the supreme council. This provision was however altered by a Regulation of 1807, already referred to, which directs that the court of sudder dewanny adawlut and nizamut shall revert to what they were in 1801, with the addition of a fourth judge in each court, to be chosen as the other two puisne judges are, from among the covenanted civil servants of the Company; and a regulation was passed in 1811 for empowering the government to extend the number of judges, as occasion might require.

The judges of the nizamut adawlut, or superior criminal court, take and subscribe the oath taken by the judges of circuit; the register and law officers are also sworn in like manner, as the same officers in the courts of circuit. The mode and order of proceeding, and the execution of process, are alike in all the criminal courts, except that lately, owing to increase of business in the nizamut adawlut the judges may hold

separate sittings, and pass sentance; except in cases where the single judge so sitting does not concur with the judge of circuit before whom the trial took place, in which case the presence of another judge must be had before the sentence can be passed; and a similar provision has likewise been made, enabling one officer to do, what it originally required two to perform.

The court of nizamut adawlut takes cognizance, and submits to the governor general its observations on all matters relating to the administration of justice in criminal cases, and to the police, and exercises the general powers intrusted to the late naib nazim, the Nawab Mahomed Reza Khan; but its authority, and the exercise of its functions are more defined; and by the Regulations printed in the country languages, are meant to be made generally known. In cases of life and death, as well as in all cases of corporal punishment, fine and imprisonment, the sentences of the nizamut adawlut are final. A power of remission or mitigation of punishment is however reserved to the governor general in council, whereby any unreasonable rigor, or any other objection observable in the futwa, as proceeding from the peculiar quality of the Mahomeddan law, may be obviated.

* Regulation VI 1796.

THE POLICE

From the description which has been given of a zemindarry under the native government, it will appear that, aided by numbers of inferior officers, maintained in the different villages, the zemindar must have possessed considerable power within his limits, more especially when his zemindarry was of great extent.[1] It has also been noticed that the Asiatic governments inclined to the establishment of individual authorities, in gradation from the sovereign downwards to the [43] village mockuddum or mundul. It was consistent with this principle, that the zemindar exercised the chief authority, and was entrusted with the charge of maintaining the peace of his district or zemindarry. In his official engagement, he became bound to apprehend murderers, robbers, housebreakers, and generally all disturbers of the public peace. If he failed in producing the robber, or the thing stolen, he was answerable to the injured person for the amount of the loss. If the zemindarry was farmed, the farmer who possessed the authority, incurred the same responsibility: and when committed to the charge of an officer on the part of

[1] D. J. McNeile's *Report on the Village Watch in the Lower Provinces of Bengal* (Calcutta, 1866) is full of most valuable historical materials. [Editor].

the government, the same responsibility, and the means of supporting it, devolved on that officer. The means thus provided, were ample for maintaining the peace; and when properly directed, could not fail of efficiency, from the great number of individuals who might at any time, be called forth in defence and for the security of the inhabitants, consisting not only of the pausbauns or village watchmen, whose special duty it was to be always in readiness for that purpose, but all those likewise over whom the zemindarry authority extended. But this institution had, under the old government, fallen into a state of disorder; and it was not thought expedient to attempt its re-establishment. The reasoning upon this, as upon some other topics at this time, proceeded, as in the preamble to the Regulation XII of 1793, more on the abuse that had been experienced of the authority in question entrusted to the zemindars, than on the means which might have been found for restoring and applying it, to the public benefit: and concluded with a declaration of the expediency of calling on the zemindars to discharge their police establishments, and of prohibiting them from entertaining any such establishments in future. Divested of the power, they were of course relieved from the responsibility, in regard to robberies committed within their limits, unless it should be proved that they connived at, or were accomplices in the offence, or "omitted to afford every "assistance in their power to the officers of government for the "apprehension of offenders."

Reg. XXII. 1793.

The new scheme of Police introduced by the Regulation alluded to, has divided the country into police jurisdictions of ten coss or twenty miles square. Each division is guarded by a darogah with an establishment of armed men, selected and appointed by the magistrate of the zillah. The darogah is empowered to apprehend on a written charge, and to take security for appearance before the magistrate, when the offence is bailable. In other cases, he was required to send the prisoners to the magistrate within a limited time, unless for petty assaults and the like, in which cases the magistrate himself may decide, and wherein the parties themselves agree to drop proceedings. Under such circumstances, the darogah is allowed to receive a written testimonial of conciliation termed *razenamah*, and to discharge the prisoner.

The pausbauns, pykes, and other descriptions of village guards, who still have their subsistence from the village

establishment, are, by the regulation above cited, placed under the authority of the darogah, who keeps a register of their names, and on a vacancy occurring in their number, calls on the zemindar, to whom the privilege still appertains, to fill it up. As an encouragement to vigilance in the darogahs, they are allowed ten rupees from the government on the conviction of every decoit or gang robber apprehended by them, and ten per cent. on the value of stolen property recovered, provided the thief be apprehended.

The cities of Patna, Dacca, and Moorshedabad, are divided into wards, guarded by darogahs and armed parties; the whole, subject to the superintendence of an officer retained from the former system, denominated cutwal, to whom the general police of the city, and regulation of the market, was entrusted. It does not appear that any oath of office has been required from the darogahs and cutwals; but being appointed on the recommendation of the magistrate, he may be considered to a certain extent, responsible for their general good conduct; they moreover all give security for their good behaviour, and are further declared punishable in the event of their violating the trust reposed in them. For the city and province of Benares, a deviation was allowed from the system in Bengal, in compliance with the recommendation of the resident, on his carrying into effect the settlement of the revenue in that district, in the manner which will be hereafter noticed. The resident was probably aware of the powerful means [44] when called into action under suiatable superintendence, which the zemindar possessed, of maintaining the peace of the country; and therefore, instead of annulling his authority, he proposed to render it efficient, by regulations adapted to that purpose. The zemindars and tehsildars were accordingly vested with the functions of police officers under the responsibility imposed upon them by the former system, with rules for their guidance, similar to those established for the police darogahs of the lower provinces. In the city of Benares, and in the principal towns, Jewanpore, Ghazepore, and Mirzapore, the local experience of the resident appears to have justified the introduction of regulations for the police, differing in some particulars from the system established for the principal cities in Bengal and Bahar, and better adapted to the circumstances of those places, and the temper of the people, than the latter would have proved.

Reg. XVII. 1795.

An establishment of police similar to the one above described for Benares, was in 1803 introduced into the provinces of Oude, lately obtained by treaty from the Nabob; and in the following year into the more recent acquisitions of territory obtained by conquest from Dowlut Rao Scindeah, and by cession from the Peshwa.[1] The regulation by which the latter introduction has been made, expressly provides, "that the "zemindars, farmers and other holders of "land, shall not be exonerated from the duties and responsibili- "ties imposed on them by the terms of their existing engage- "ments, or by the ancient and established usages of the country, "for the prevention of robberies and other disorders, and for the "maintenance of peace and good order within their limits."

Reg. XXXV. 1803.

Reg. IV. 1804.

The systems of police thus established for the territorial possessions held under the presidency of Bengal, continued in force till the year 1807, when a considerable alteration of them was found to be expedient.

Experience had made it evident to the government that the system of police introduced in 1792, and confirmed by the printed regulations of 1793, was inadequate to the purposes proposed; and that a necessity existed for again calling in zemindarry aid, to the assistance of the police darogahs. The measures taken on this occasion by the government, for a partial recurrence to the former system of police, will be stated in the next division of this Report, where the Committee propose to enquire into the practical effects which have been experienced from the new system of internal government introduced in 1793.

Before they proceed to the third general head of their Report, on the practical effects of the foregoing system, the Committee propose to notice the measures which have been pursued by the Bengal government, for introducing the same system of internal government into the province of Benares, and into the territory more recently acquired by treaty from the Nawab Vizier, and in commutation of subsidy, and by conquest from the Mahratta states.

BENARES.

The strong objections entertained by Lord Cornwallis against the principles and the practice of the native Asiatic governments in India, induced his Lordship, at an early period

[1] Consult Aitchison: *Treaties, etc.*, 1909 edition, vol. vi, pp. 62-64. [Editor].

of his administration, to direct his attention to Benares, with the view of extending to that province, the same reforms which he was preparing to introduce into Bengal. To effect this, it was necessary to prevail on the Rajah to relinquish the exercise of those zemindarry functions, combined with a degree of regal authority, which, if the British government did not acknowledge him by right to possess, they always allowed him to exercise; and to consent to the restoration of those landholders whom the severities of his ancestors had either driven from the province, or compelled to descend to the station of cultivators. The negociations and preparatory measures for these purposes were conducted, under instructions from the supreme government, from the years 1787 to 1794, and ended in the conclusion of an agreement, dated 27th October 1794, whereby the Rajah relinquished the administration of his zemindarry concerns into the hands of the British government, with the exception of what related to certain lands of inconsiderable extent, which had been hitherto the patrimony of his family, when inferior zemindars, or enjoyed as jagheers or regal grants from the Mogul government. Over these lands, the Rajah retains some share of his former authority; but in all other parts of the [45] province, it was agreed that the governor general in council should "introduce the same system and "rules for the administration of justice, and for the concerns of "the revenue, as were, in 1793, established within the provinces "of Bengal, Bahar, and Orissa."

Regn. II sec 10. 1795.

Notwithstanding this explicit relinquishment of all interference in the revenue concerns of the province, the second article of the agreement endeavours to preserve the semblance of authority for the Rajah, in a mode so peculiar, as to induce the Committee to insert it. Article 2d. "The revenue settle- "ment made of the lands within the rauje of Benares, &c., "having taken place with the privity and approbation of Rajah "Mehipnarrain Behauder, the pottahs or leases, and farigh "khutties or acquittances thereof, are passed under the seal "and signature of the said Rajah to the aumils, zemindars, "and farmers; and the dufter or office, and kezanchee or "treasurer of the said Rajah having always remained for the "carrying on of the country (*i. e.*, revenue) business, the said "signature, seal, office and treasurer, are to remain in force and "be continued as usual."

How the collector of the revenue has been able, consistently with his obedience to the constituted authorities in Calcutta,

"to continue the Rajah's said signature, seal, office and "treasurer, in force as usual," may appear difficult to conceive, unless it has been under the influence of that authority to which it is probable the Rajah has found it prudent on all occasions to submit, without entering into those contests, which the ambiguity of the terms quoted, might otherwise give rise to. By this agreement, the *istemerary* pottah or permanent grant made by the governor general in 1781 was recognized, whereby the revenue of the zemindarry of Benares was fixed in perpetuity at 40 lacs of rupees; and as all above that amount which the province might and probably would produce under the new management, would be an excess on the fixed revenue, which the government could not, consistently with its engagement appropriate to its own advantage, it is provided, that one lac of rupees, out of this surplus, shall be enjoyed by the Rajah; and that the remainder, to whatever amount it may arise, after defraying the expense of the new judicial revenue and police establishments, together with that of a Hindoo college instituted for the study of the vedas and shasters, "shall "be applied under the authority of the Company's government "to the repairing of roads, the construction of bridges, the "promotion of the cultivation, &c."

The resident, Mr. Jonathan Duncan,[1] to whom was assigned the important duty of modifying the Bengal code of regulations to the circumstances of Benares, had already, by an attentive local investigation, and by temporary arrangements made during the eight years that he had superintended the affairs of the province, prepared the way for the proposed reforms. On the 27th May 1795, the settlement he had made of the land revenue was, by a regulation of the government, declared perpetual; and the whole code of regulations, as modified by his recommendation, was at the same time extended to Benares.

Under these regulations, the city of Benares, with a certain extent of country round it, formed a judicial division, and the rest of the province was distributed into three other divisions. To each of these jursidictions, was appointed an European covenanted servant as judge and magistrate, with an establishment of European assistants and native officers, similar to what has been described in the lower provinces. A court of appeal and circuit was established at the city of Benares, for the administration of criminal justice throughout the province;

[1] Governor of Bombay, 1795 to 1811. [Editor].

the chief judge of which was constituted agent to the governor general in political concerns. The land revenue of the entire province was placed under the superintendence of one collector, and the whole of these officers, were placed under the authority and control of their respective heads of departments at the seat of government in Calcutta.

The principal points to which it was found necessary to direct the attention of the resident, in modifying the Bengal code to the circumstances of Benares, appear to have been the following:

On the relinquishment of the rajah's functions as zemindar, and in the course of the president's investigation of the affairs of the province, the landholders with whom the settlement was to be made, appeared to be on a footing somewhat [46] different from the zemindars of the lower provinces. They are officially designated "for the most part as *village zemindars*, * paying "the revenue of their lands to government jointly with one or "more *putteedars* or partners, descended from the same common "stock;" the designation adds, that "some of these putteedars "have had their interior puttees or shares, rendered distinct; "whilst those of the major part, still "continue annexed to, and blended or in "common, with the share or shares of the principal of the family, "or of the headmen among the brethren, being either one or "more, whose names have been usually inserted in the pottahs, "cabooleats, and other engagements for the public revenue." There are others denominated "talookdars, who have depending "on them a greater or less number of village zemindars, many "of whom, retain the right of disposing by sale of their own "estates, subject of course to the payment of the usual jummah "to the talookdar." These talookdars, by the terms of the perpetual settlement, "are left to assess their village zemindars, "either in proportion to their own sudder jumma, with some "addition for the charges of management, or according to the "extent and value of the produce, as local custom or the good "will of the parties may direct." It should appear from this, that more distinct traces of the ancient Hindoo revenue system remained in Benares, than existed in Bengal, during the enquiries which were prosecuted, preparatory to the introduction of the permanent settlement of the land revenue in that province.—The village zemindar of Benares appears to be the mockuddim found in certain parts of Bahar, and the potail of

* Regn. II 1795.

the Carnatic, both of whom are head men of villages, who are responsible to the government, for maintaining and promoting the cultivation of the land, and who in the first-mentioned portions of territory possessed the right of disposing of their situations by sale or gift to others, who might enter upon them under the same obligations of service, and might enjoy the same advantages as their predecessors, either in a distinct share of the produce, or in having the settlement or farm of the village made with them, on such terms as might be agreed to, on the part of the government. The division of the crop between the Government and the cultivator, in proportions which varied in a small degree in different parts of the country, appears to have furnished the rule for estimating the assessment of revenue, in the settlement which was rendered permanent. This settlement, after the best endeavours of the resident to accommodate it, to the principles of proprietary right in the land, has left many points in the code of regulations, scarcely reconcileable with such a tenure, and still to be referred to the ancient local usages, and the records of the canongoe's office. The canongoes, whose functions were abolished in Bengal, were continued in Benares under the permanent settlement, and the support of them "in the full exercise of their functions," made an express condition, in the written engagements entered into on the part of government with the landholders. The turbulent habits prevalent among the newly restored zemindars, rendered it expedient to continue them for a limited period, under the same native officer who had been employed during the former administration, termed aumil. The functions of this officer (who was and is employed under most of the native governments) partook of the joint nature of farmer and tehsildar or collector of the revenue. He was made answerable, under personal and collateral security, for the payment into the collector's treasury of the full amount of the public assessment on the lands comprised in his division, though he engaged not to collect from the landholders more than their stipulated shares of that assessment; and therefore, as a compensation for the trouble and risk, and in reimbursement of the expense of the undertaking, he was allowed a salary, computed at 11½ per cent. on the amount he collected. Under the native governments it is not unusual for the aumil to exercise the whole authority, civil and military, within his division, and to be the arbiter in cases of life and death. In Benares, after the introduction of British influence, he had been

Regn. II. 1795.

restricted to the exercise of his functions, as an officer of the revenue and police; the expense he unavoidably incurred in the latter department was understood to be provided for, in the salary above-mentioned. Provision was made for the gradual abolition of this office, by a regulation which permitted the emancipation of a landholder from the aumil's authority, whenever he should apply for, and be found deserving of that indulgence, and for the payment of his revenue directly into the treasury of the collector.

The sale of land by auction, or in any other way, for realizing arrears of land revenue, appears to have been unusual, if not unknown in all parts of India, before [47] its introduction by the British government into the Company's dominions. In the present settlement, it appears introduced into the cabooleats or voluntary agreements of the landholders, in the following terms:

Regn. II. 1795.

"They bind themselves to pay the stipulated "annual revenue punctually, and agree, in "case of failure, that their property real and personal, shall be "sold to make good the deficiency." In the lower provinces, the zemindars had been relieved from the charge, and prohibited from taking any concern in the police. In Benares, the resident deeming the authority, information and influence naturally acquired by the aumils or tehsildars and landholders, the strongest foundation on which the efficiency of police could be established, prevailed on the government to allow a deviation from the Bengal system, so far as to commit the charge of the police to the aumils jointly, and subordinate to them, to the landholders and farmers of land, under the responsibility for robberies or thefts committed within their respective limits, which they had been subject to, under the Rajah's government. The whole were placed under the magistrate's control, with rules for their guidance, similar to those which had been established in the lower provinces.

Regn. XVII 1795.

Bengal printed Regulations.

The code of regulations for Bengal, Bahar, and Orissa, has, with little alteration been extended to Benares, and the civil and criminal laws administered are the same, in both those parts of the Company's dominions; but in consideration of the high respect paid by the Hindoo inhabitants to their character, the Bramins of Benares have received some special indulgencies, in the mode of proceeding against them, on criminal charges; and it has been further provided in their favour, that in all

cases where by the law, a Bramin would be adjudged to suffer death, the sentence shall be changed to transportation, or otherwise mitigated at the discretion of the government. On the other hand, it having been discovered that the Bramins residing in certain parts of the country, occasionally converted the reverence paid them into the means of distressing individuals, and of evading the laws, the government has interfered to suppress these practices:—among these, were the holding out the threat of obtaining spiritual vengeance on their adversaries, by suicide, or the exposure of the life, or the actual sacrifice of one of their own children or near relations. Occurrences of this nature were not on any pretence in future, to be exempt from the ordinary cognizance of the magistrate, and the usual course of the criminal law. Another tribe of Hindoos, designated *Rajekoomars*, were accustomed to destroy their female infants, in consequence, as it has been understood, of the difficulty experienced in procuring matches for them in marriage, suitable to their high cast. The resident having prevailed on the Rajekoomars formally to renounce this custom, under penal obligations, any future observance of it, subjects the party offending to the ordinary punishment of murder.

Subsequently to the introduction of the foregoing regulations into Benares, the judicial establishment at Ghazeepore[1] was withdrawn; and the province is now divided between the jurisdictions of the provincial courts of Juanpore and Mirzapore and the city court of Benares. The police, established at the recommendation of the late resident, has also undergone a material change, by being withdrawn from the tehsildars (native collectors of the revenue) and the landholders, and entrusted to the charge of darogahs, or native justices of the peace, on small salaries, as in the lower provinces of Bengal, Bahar and Orissa.—The inexpediency of this alteration in the system first established, your Committee will notice hereafter, when they come to treat on the present state of the police under the Bengal presidency.

THE CEDED AND CONQUERED PROVINCES.

The Committee have next to notice the acquisition of an extensive and populous tract of Country, obtained by treaty, in the Soubahdarry of Oude; and to explain the system of internal administration introduced into those valuable provinces, which are officially designated the Ceded Districts in Oude.

[1] See Oldham: *Memoir of the Ghaseepoor District*, Calcutta, 1870. [Editor].

By the treaty alluded to, bearing date the 20th November 1801, his excellency the Nawaub Vizier, in commutation of subsidy, ceded to the honourable the East India Company in perpetual sovereignty, the provinces above-mentioned, yielding, according to the schedule, an annual gross revenue of Lucknow Sicca Rupees 1,35,23,474, or about £1,600,000, sterling. [48]

On the removal of the nawaub's officers, the affairs of the Ceded districts in Oude were placed under the superintendence of a lieutenant-governor[1] and board of commissioners, to whom were confided the settlement of the revenue and the formation of a temporary scheme of internal administration, which was intended to continue, till sufficient information should be acquired of the circumstances of the country, to warrant the establishment of a more permanent system. Under this temporary provision, the European civil servants of the Company acting under the orders of the lieutenant governor, and stationed in the districts into which the acquired territory was divided, possessed individually the entire civil authority, officiating as collectors of the revenue and judges and magistrates within their respective limits. The functions of the commissioners were more laborious, and of yet greater importance than those of the judges of appeal and circuit in the lower provinces; their duties requiring them to assist the governor general in council, and the lieutenant governor, in the formation of laws and regulations adapted to the state and condition of the dominions recently obtained; and in their capacity of a court of circuit and appeal "to superintend the administration "of the laws over a great extent of country, and over a race of "people, unaccustomed to any regular system of order or law, "and habituated to commit the utmost excesses of violence "and oppression."

Letter from Governor General to Mr. Henry Wellesley;—dated 27th Feb. 1802.

The duty of the collectors combined the labour and difficulty of ascertaining the resources of a new country; of settling a system of law and revenue in all its details, and of collecting that revenue, with the arduous charge of administering the offices of magistrate and judge to a people, such as has just been described.

The affairs of the Ceded districts in Oude, continued under the administration thus formed, till the beginning of the year 1803; when a settlement of the land revenue having been

[1] The Hon. Henry Wellesley, a brother of the Governor-General. [Editor].

concluded for a period of three years, and the other purposes of the lieutenant governor's appointment being accomplished, the lieutenant governor resigned his office; and the commission for the provisional government of those provinces, was dissolved.

Letter from Lieutenant Governor of Ceded Districts;—dated 10th Feb. 1803.

Though the proceedings of the commission had been regularly submitted for the approbation of the governor general in council, the lieutenant governor, on his resignation of office, delivered in a Summary of the arrangements which had been made in the Ceded districts; from which the following particulars have been obtained:

The collection of the land revenue for the year in which possession was received from the vizier's officers, proceeded on the existing engagements with the landholders and aumils or native collectors: but on the expiration of that year, the foundation was laid for a permanent assessment, by the conclusion of a settlement for three years with the landholders, in all instances where it was found practicable, on the terms proposed. In other cases, the lands were let to farm, and in a few instances, the collections were left to be made from the cultivators, by the officers of Government. These engagements for the land revenue proceeded in some instances, on *russud* or annual augmentation, founded on the expectation of increased cultivation; and the increase thus obtained for the third year of the settlement over the estimate at which the lands had been received in commutation of the subsidy, appears to have 82,99,589 Lucknow sicca rupees, or an advantage gained by the cession, of more than 19 per cent. on the Vizier's rent roll. In addition to this, a prospective augmentation of the revenue was expected by the lieutenant governor from a new regulation of the customs, from a duty imposed on the sale of spirituous liquors, and from an extension to this part of the Company's dominions, of the monopoly of salt; which, altogether would, after deducting the expenses of establishment necessary for the administration of an improved system of government, augment the financial resources of the East India Company, by a considerable excess in their nett receipts from Oude, over and above what had ever yet been obtained from the vizier, on account of subsidy. The actual amount thus stated in prospect, by the lieutenant governor, was 56,38,012 Lucknow sicca rupees, or more than half a million sterling per annum; and although the expectations thus formed, have not in every

instance been fulfilled, the revenue realized since the cession, has, under the disadvantages of an unfavourable season, and after temporary incursions of cavalry in the course of the late Mahratta war, exceeded the [49] amount formerly received, as subsidy. The advantages, however, which the supreme government had in view, from the acquisition of these provinces, were chiefly of a political nature, to be derived from internal arrangements calculated for the security of property, and the tranquillity and happiness of the native inhabitants.

The internal administration to which the servants of the East India Company succeeded in Oude, appears to have been of the worst form of those described in the former part of this Report. The nawab Vizier having divided his territorial possessions among aumils or native collectors (who entered into agreements for the payment of a stipulated amount of revenue) committed the entire authority and control, civil and military, over the inhabitants, to their discretion. The landholders were chiefly of the class which has been described in Benares, as village zemindars; but there were others of higher rank, who bore the title of rajah, and appear rather, in the condition of tributaries than of subjects. While these persons discharged their assessment of revenue, they were left to the exercise of absolute dominion within their limits. They possessed strong holds garrisoned by their adherents, and not unfrequently withheld the revenue, till compelled to the payment of it, or to a compromise, by the approach of a military force. The negligencies, defects and abuses, which prevailed in the government of Oude are forcibly stated in many documents which have been laid before the House, and particularly in a paper addressed by the late MARQUIS CORNWALLIS, when governor general, to the late nawab Vizier, dated the 12th August 1793. In this paper, Lord Cornwallis earnestly exhorted his excellency to exert himself in effecting those reforms in the internal administration of his affairs, which appeared indispensable, not less for his own ease, than for the introduction of order and regularity among his subjects. His lordship did not propose an introduction of the system which had been recently applied to Bengal; but a reform of the system which properly belonged to the Vizier's dominions; a recurrence to which, in its more perfect state, under a just and vigorous administration, would in his opinion, have been sufficient to restore the affairs of Oude to the flourishing condition in which they had been left by *Sujah*

ul Dowlah, at whose death, his lordship reminded the Vizier, that he succeeded to "a full treasury, disciplined troops, a "regular revenue, and submissive subjects."—It may have been in consideration of these circumstances, and of the inexpediency of a sudden and violent change, that LORD WELLESLEY was induced, on the acquisition of these provinces, to frame his first institutions for the management of them, more on the model of the native governments, than on the system introduced into the lower provinces. Hence, the entire authority for the collection of the revenue, the administration of justice, and the preservation of the public peace, was centered in one individual civil servant, appointed to superintend each provincial division. The checks upon the collection of the land rents, existing in the putwarries or village accountants, and in the canongoes or public notaries, were left untouched; and the police was entrusted to the landholders and native collectors, under the responsibility to which they had been always accustomed.

The same considerations which influenced the adoption, might have induced, a continuance of this mode of internal administration, till the natives should have had the benefit of a longer acquaintance with their European rulers; but the strong encomiums which had uniformly been bestowed on *Lord Cornwallis's* institutions, had probably influenced the determination, by which the Bengal regulations were introduced into the Ceded provinces of Oude, with a degree of precipitation, that appears, on no other grounds to be intelligible.

The application of the Bengal code of Regulations to the provinces ceded by the nabob Vizier, bears date the 24th of March 1803. The regulations are printed and published for general information, as in the lower provinces; and such modifications have been added, as the condition of the natives of the new country rendered advisable.

Bengal printed Regulations.

The Ceded provinces are divided into seven zillahs or *districts*; in each of which, are stationed a civil servant, exercising the functions of judge and magistrate, and another civil servant exercising the functions of collector of the revenue. A court of appeal and circuit is established at the town of Bareilly, [50] and the establishments of registers, assistants, and native law and ministerial officers to these departments, are such, as have been described in Bengal.

In the department of the police, the system introduced into Benares has been adopted in preference to that of Bengal; and the tehsildars or native collectors, and principal landholders, are accordingly vested with powers for the apprehension of all robbers and other disturbers of the public peace, under the obligation of either producing the offender, or of making good the loss.

Reg. XXXV. 1803.

In the department of the revenue, a regulation was enacted recognising and confirming the triennial settlement of the land revenue, made by the board of commissioners, and approving the separation of the sayer or impost duties, from the mehaul or land revenue, made at the same time; notifying also, that at the expiration of the triennial term, another settlement would be made, with the same persons (if willing to engage) for three years, "at a fixed equal annual jumma or assessment, to be "formed by taking the difference between the annual amount "of the first lease, and the actual yearly produce of the land "at the time of its expiration, and adding two-thirds of such "difference to the annual rent of the first lease;" at the expiration of this term, a settlement for four years would be made, "with the same person, if willing to engage, at a fixed equal "annual jumma, formed by adding to the annual rent of the "second three years, three-fourths of the net increase of the "revenue during any one year of the period." It was further notified, that at the end of the last mentioned term of four years (completing altogether the term of ten years, from the first settlement) a permanent settlement would be concluded "with "the same persons (if willing to engage, and if no others with a "better claim should come forward) for such lands as might be "in a sufficiently improved state of cultivation to warrant the "measure, on such terms as the government should deem fair "and equitable." In these terms, the supreme government pledged itself to the landholders for the introduction of a permanent settlement of the land revenue, at the expiration of a period, such as originally was proposed as experimental for the same purpose in Bengal; but without the reservation then observed, of the approbation of the court of directors to confirm the agreement. It may however be presumed that this omission was an oversight; which a subsequent regulation repaired, when the government had to determine on the system of internal administration, which it might be proper to introduce into another extensive acquisition of territory, more recently annexed

Reg. XXV. 1803.

to the dominion of the East India Company, in the same part of India.

The provinces alluded to are those which were conquered from the Mahratta chieftains, Scindia and the Berar rajah, and others, which about the same time, were ceded to the East India Company by his highness the Peshwah, in commutation of subsidy. The former comprehend the principal part of the Dooab or tract of country confined between the rivers Ganges and Jumna, the country situated on the right bank of the latter river, from its leaving the mountains of Cashmeer to near its confluence with the Ganges; and the province of Cuttack, situated westward of Midnapore, and uniting, by the course of the sea-coast, the provinces subject to the Bengal presidency to those under the presidency of Fort St. George. The latter acquisition or ceded territory consists of the province of Bundlecund, situated on the right bank of the Jumna, above Allahabad.

These provinces, with the exception of Cuttack and Bundlecund, were, during the continuance of the Mahratta war, placed under the general control of his excellency the commander-in-chief, the late LORD LAKE; whose orders, the civil servants entrusted with the immediate charge of them, were directed to obey; but in 1805, after the conclusion of peace between the British government and the Mahratta chieftains, the lands in the Dooab, and on the right bank of the Jumna, with the exception of the city and vicinity of Delhi, were formed into five districts, under the administration of judicial and revenue officers, and placed under the controul of the superior authorities at the presidency, in the same manner as the Ceded provinces in Oude, to which these are contiguous. The city of Delhi, and a tract of country round it, have been continued under the nominal authority of the Mogul; but are really under the government of the British resident. [51]

Regn. VIII. 1805.

The government determined to extend to these provinces the code of regulations which had recently been introduced into the ceded districts of Oude; and the vicinity, and similar habits of the people, rendered little modification of the regulations necessary. On this occasion, the British government notified to the landholders in these provinces, the plan which it was intended to adopt for the settlement of the land revenue. This plan was precisely the same as that which has been described, in reference to the

Reg. IX. 1805.

Ceded districts in Oude, namely, the sayer or impost duties, to be separated from the mehaul or land revenue; and settlements of one, three, and four years in succession, to be concluded; the last of which settlements was to become permanent, if agreed to by the landholders.

These terms, though promulgated in a printed regulation of the government, could not in every part, be rigidly adhered to; a severe drought had diminished the produce of the harvests in a degree that rendered remissions of the current revenue unavoidable; and it seems at length to have occurred to the government, that in the promise of a settlement in perpetuity, at the expiration of the term specified, they had exceeded their authority, and gone beyond the powers assumed on a former occasion by LORD CORNWALLIS, who promised such a settlement to the landholders in the lower provinces, only on the condition of the future approbation of the court of directors.

Sect. 5, Reg X. 1807.

The government accordingly, in Regulation X. 1807, supply this omission, by informing the landholders, that the settlement for the term of four years, being fixed in perpetuity, will depend on the confirmation of the court of directors being obtained to that arrangement.

When the settlement made for three years approached to a termination, and it became necessary to prepare orders for the settlement of four years, which might, in consequence of the notification, become permanent, the government deemed this a measure of so much importance, as to require the superintendence of a special commission, which was therefore appointed. The commission consisted of a member of the board of revenue, and another experienced civil servant, with a secretary, accountant and assistant, and a competent establishment of native officers. In this commission, was vested the general control of the revenue affairs of the Ceded and Conquered districts, with the exception of the territory assigned for the support of the royal family at Delhi, and the province of Cuttack; the powers and authority delegated to the commissioners being the same, as those which before had been exercised in these provinces, by the board of revenue.

Revenue Letter to Court of Directors; dated 31st July 1807.

In communicating to the court of directors the establishment of a commission for the above purpose, the government observed, that the distance of the Ceded and Conquered provinces from the presidency; and the difficulty of

obtaining accurate information respecting the actual resources of the land, had demonstrated, that the control of the board of revenue (in whom that duty had been vested from the time of the dissolution of the subordinate government of the Ceded provinces) was less efficient in the formation and adjustment of assessments, than was desirable, considering the great importance of the duty, both to the government and the landholders; and that these, and other local reasons, had rendered the commission necessary.

Revenue Letter to Court of Directors; dated 15th Sept. 1808.

Having entered on the execution of their commission, it appears, that doubts began to be entertained, of the expediency of concluding a permanent settlement, in the newly acquired territory; and it was deemed advisable to call for the opinions of the collectors, which were accordingly given in answers to queries, circulated by the commissioners on the various points connected with the measure in question.

It is to be regretted, that the detailed proceedings of the government, and the commissioners, on this subject, are not yet arrived from India; the copies originally sent having been lost with the ships which conveyed them; but the result is collected from the general correspondence of the Bengal government.

The commissioners, in their final report on this interesting and important subject, under date the 13th April 1808, stated their opinions to be adverse "to the immediate conclusion of a "permanent settlement in the territories subject to their "control;" and as they were probably apprised of its being the fixed determination of the government to carry through the proposed arrangement, at all events, resigned their officers, rather than be the instruments of [52] measures, which their judgment, founded on local observation, could not approve.

It is impossible to suppose, the commissioners in delivering their opinions, could have been actuated by any other motive than a consciousness of the inexpediency of the measure; nor is any other motive imputed to them by the government. It is therefore to be regretted that their proceedings are not yet before the Committee, as it is probable, that their reasons, adduced against the immediate introduction of a permanent settlement, will be found to proceed on local circumstances, presenting obstacles to an arrangement, which, on general

principles, the commissioners themselves might be ready to approve. The government letter of the 15th September 1808, which announces the resignation of the commissioners, refers to their report, and to the minutes recorded in council, which are stated to be in answer to it. The letter itself, contains no further argument in support of the measure, than an appeal to the discussions which led to the permanent settlement in the lower provinces; and to the experience which has been had of its favourable effects, in that part of the country. In a subsequent dispatch, of the 31st August 1810, the government avoid entering into any detailed discussions, "because" (as they observe) "the principal reasons which can be assigned "*a priori*, for the measure, have already been submitted; and "because the reports and information which they were from "time to time, receiving from the new board of commissioners "(appointed in the room of those who had resigned) would "probably when complete, establish the expediency and sound "policy of the measure, beyond a question."

It is not at all surprizing that the court of directors should not have been convinced by arguments founded on general principles, when the propriety of the measure proposed to be adopted in these provinces, depended altogether on local reasons, or a knowledge of the resources of the country recently acquired, and on the actual fitness of the people to receive the benefits which might be intended for them. In all these particulars, the prevailing weight of evidence is decidedly against the immediate conclusion of a perpetual settlement in these provinces; and accordingly, the directors, in their reply, stated it to be *not* their intention to proceed immediately to the introduction of such a settlement in the Ceded and Conquered provinces, "beacuse it would be "premature to fix in perpetuity the land "rents of those countries, at so early a "stage of their connexion with them, when their knowledge of "the revenue actually derived from them by the zemindars, "and of their capability must be necessarily imperfect, and "when the people are yet, so little habituated to their "government." They further proceed to observe, "that the "mistakes committed in the settlement made of the lower "provinces, under all the advantages that a long experience "of their resources afforded, and the inconveniences which were "felt from it, though the natives, had been so much longer

Letter to Bengal, 27th Feb. 1810, paras. 45 & 46.

"under the British government, suggested the danger of "precipitancy in the measure proposed, and point out the "propriety of great caution and deliberation being observed, in "proceeding to a measure, which is to be irrevocable."

The court of directors were not at this time, in possession of the report of the commissioners, which had been forwarded to England on one of the lost ships. A copy of it, was afterwards received; and having been taken into consideration, a letter was dispatched to India at the latter end of last year, in which the court adopted a still more decided language against any immediate or early measures for permanently settling the Ceded and Conquered provinces; and restrict the government abroad from entering into leases, for a longer period than five years. In this dispatch, they defer giving any opinion upon the system of administration which it may eventually be proper to introduce into those provinces, the revenues of which have not been definitively fixed, intending at an early period, to convey their sentiments fully on the subject: and state their impression, as produced by the perusal of the document above referred to, "that the proposed final settlement "of the revenues of these territories would be premature, "supposing the arrangement otherwise to be completely "unexceptionable: that it would be attended ultimately, with a "large sacrifice of revenue; that they were by no means "sufficiently acquainted, either with the resources of the country, "or with the rights and ancient customs of the different classes "of landholders, to venture upon a step of so much importance, "and in its nature, irrevocable; and [53] that whether the measure "may be eligible at a future period, and what modifications it "may be prudent to apply to it, are questions, which will remain "open for discussion." The intention of the Bengal government to proceed to the conclusion of a permanent settlement was announced to the inhabitants of the Ceded and Conquered provinces, in a Regulation, bearing date so long before, as the 24th March 1803, wherein the approbation of the court of directors, as a condition, is omitted. This omission, as the Committee have already stated, was supplied by a subsequent Regulation.

Revenue Dispatch to Bengal, dated 27th Nov. 1811.

Reg. XXVII. of 1803. Reg. X. of 1807.

Though the two commissioners appointed in the room of those who resigned, will probably be more compliant than their predecessors, and proceed to execute the orders of their

superiors, without waiting to enquire into and discuss the expediency of them, yet it may be presumed, that, on the receipt of the foregoing instructions, the Bengal government will postpone the proposed settlement, to give time for more ample information being transmitted to the court of directors, than has yet been furnished, respecting the nature and resources of the new acquisitions; the extent of the land cultivated, and of that capable of being made so; the quality and value of the produce, the land tenures, the mode of collecting the rent, whether in money or by a division of the crop, with the proportions of the latter, allotted to the government, its officers, and the cultivator; the recent history of the revenue administration, and the local usages; the character of the inhabitants, with other objects which might suggest themselves in the course of a local enquiry. All these particulars, the court of directors will naturally desire to be made acquainted with, before they proceed to give their sanction to arrangements, which are to define and establish the land tenures, and fix, in perpetuity, the amount of territorial revenue to be derived to the state.

The Committee have now reported on the system of Internal Government, introduced by LORD CORNWALLIS, and established by a code of Regulations promulgated in 1793; and have, in each department of Revenue, Judicature and Police, noted such modifications as were soon after adopted, to render those regulations more perfect.

The Committee have also stated the manner in which the same system has been extended to the province of Benares, and to the territories lately acquired by treaty from the Nawaub Vizier, and by commutation of subsidy and conquest from the Mahratta states.

The Committee will next proceed to explain the practical effects of the New System, from the period of its introduction, down to that of the latest advices received from India.

III.

ON THE PRACTICAL EFFECTS OF THE NEW SYSTEM OF INTERNAL GOVERNMENT.

THE REVENUE DEPARTMENT.

UNDER the Native Government, and, to a certain extent, under the British administration of the Indian provinces, previous

to the late change of system, it had been customary for the landholders of distinction, and other principal inhabitants, to maintain, in proportion to their rank, an intercourse with the ruling power; and in person, or by vakeel (or agent) to be in constant attendance at the seat of government, or with the officer in authority over the district, where their lands or their concerns were situated. To establish an interest at the durbar, and to procure the protection of some powerful patron, were, to them, objects of unceasing solicitude. This intercourse and these pursuits, were at an end, or had become useless, under the new system; the zemindar was become vested with proprietary right in the land: the assessment on it, to which he had voluntarily [54] acceded, was permanently fixed, and he was referred to the Code of Regulations, as the only protection longer necessary to maintain him, in the possession and enjoyment of these benefits. As long as he should conform strictly to the rules therein laid down for his guidance, he would have nothing to fear, but might with confidence look to the administration of the laws for his security; on the other hand, it behoved him, with diligence and accuracy, to inform himself fully in regard to what those laws were, lest he should expose himself to the penalty to be incurred by a breach of them.

The improvement of the country, and the security and happiness of the inhabitants, which the government expected would follow gradually from this change of system, equally depended on a due conformity throughout the community, to the regulations introduced; and it was rendered of importance, therefore, that the operation of the regulations, whether favourable or otherwise, should be distinctly known.

To this end, general encouragement was given to the European servants employed in the different departments; and it was declared by Regulation IX. of 1793, to be a point of duty for the judges of circuit, to report officially their observations on the subject: and a form was provided, for bringing under the notice of the government, any imperfections in the existing Laws, and for proposing a remedy, in the form of new ones. The first exercise of this duty, appears to have occurred, on the following important occasion.

The new system had abolished, under severe penalties, the exercise of the power formerly allowed the landholders, over their tenantry and cultivators, and of the collectors of the revenue, over the landholders; and had referred all personal

coercion, as well as the adjustment of the disputed claims, to the newly established courts of justice.

The Regulations which, in pursuance of these principles, provided for the liquidation of the dues of government, by the sale of the defaulter's lands, was sufficiently brief and efficient; but the rules for the distraint of the crop or other property, founded on the practice in Europe, and intended to enable the zemindars to realize their own rents, by which means alone they could perform their engagements with the government, were ill understood, and not found to be of easy practice. In the courts of civil judicature, the accumulation of causes undecided, had proceeded to such an extent, as almost to put a stop to the course of justice; or, at least, to leave to a zemindar little prospect of the decision of a suit, instituted to recover payment of his rent, before his own land, by the more expeditious mode of procedure, established against him by government, was liable to be brought to sale in liquidation of an outstanding balance. These circumstances, were brought under the notice of government so early as the year 1795, by the board of revenue, in consequence of representations which had been made to them from different parts of the country; and particularly from the extensive and populous district of Burdwan, where the number of civil suits, pending before the judge, was stated to exceed thirty thousand; and where, by computation, it was shewn, that in the established course of proceeding, the determination of a cause could not, from the period of its institution, be expected to be obtained, in the ordinary course of the plaintiff's life.

Appendix, No. 6.

The government in their answer to the board of revenue, and in their observations addressed to the court of directors, appeared unwilling to admit that the evils and grievances complained of, arose from any defects in the public regulations; and in regard to some particular instances which were stated, the government ascribed them chiefly to the mismanagement, which had long marked the conduct of many of the principal zemindars; a correction of which, might be looked for from time, and the operation of the principles of the regulations. The very grounds of the complaints which had been brought forward, the government farther observed, namely, those whereby the tenantry were enabled to withhold payment of their rents, evinced that the great body of the people employed in the cultivation of the land, experienced ample protection

from the laws, and were no longer subject to arbitrary exactions. It appears, however, that the evils complained of did not affect the cultivators, but the zemindars; who now in their turn, suffered oppression from the malpractices of the former, and from the incompetence of the courts of justice to afford them redress and as a further progress of them, was likely to affect the interests of the government, by [55] exposing portions of the land sold, to the hazard of a reduction in the rates of the assessment, as well as the property of the zemindars, it became indispensable that a remedy should be applied. The government accordingly proceeded, first to modify the rules for restraint; the object of which, as far as they were meant to afford the landholders, the means of enforcing payment from the tenantry and cultivators, were found to be contracted by some of the restrictions under which they were to operate.

Reg. XXXV. of 1795. The objectionable clauses were therefore repealed, and a new Regulation introduced for remedying those defects. Additional courts of adawlut were established; and the number and powers of the natives entrusted with the decision of suits of small amount, were immediately increased and enlarged; but, with respect to the delay which had been ascribed to the established forms of proceeding, the government did not think any alteration necessary, observing that "forms were

Rev. Letter, 15th May 1795. "equally essential to the due administration "of justice, and to the quick decision of "causes." The efficacy of the reforms thus introduced, the government observed, would appear from the operation of the regulation, which required periodical reports to be made by the judges of circuit; and in regard to the state of the business in the courts of justice, a new regulation was enacted, requiring monthly and half yearly reports to be made, of the decision of causes, as well as of the number remaining on the file in the several courts of justice throughout the country.

In announcing to the court of directors these measures of reform, it was stated, that the discussions which

Rev. Letter, 15th May 1795. led to the adoption of them, would evince the beneficial operation of the new system of internal administration; in which it was provided, that in the event of any of the regulations being found inadequate to the end proposed, or productive of inconvenience, the evil would become immediately forced upon the notice of government, in a

shape, which, while it marked its nature and extent, would suggest the application of a proper remedy.

The experience of the four following years, did not justify the expectations formed with regard to the efficacy of the remedies applied; but shewed, that the inconveniences and grievances complained of, still prevailed. The revenue was not realized with punctuality; and lands to a considerable extent, were periodically exposed to sale by auction, for the recovery of outstanding balances. In the native year 1203, corresponding with 1796-97, the land advertised for sale comprehended a jumma or assessment of sicca rupees 28,70,061,* the extent of land actually sold bore a jumma or assessment of sicca rupees 14,18,756,† and the amount of the purchase money sicca rupees 17,90,416.‡ In 1204, corresponding with 1797-8, the land advertised was for sicca rupees 26,66,191, the quantity sold was for sicca rupees 22,74,076, and the purchase money sicca rupees 21,47,580. Among the defaulters, were some of the oldest and most respectable families in the country. Such were, the rajahs of Nuddea, Rajeshaye, Bisherpore, Cossijurah, and others; the dismemberment of whose estates, at the end of each succeeding year, threatened them with poverty and ruin and in some instances, presented difficulties to the revenue officers, in their endeavour to preserve undiminished the amount of the public assessment.

* £. 332,927.
† £. 164,576.
‡ £. 207,688.

It was however remarked, that during the period which had now passed since the introduction of the permanent settlements, although the revenue had not been realized with the punctuality which might have been expected, yet neither the assets nor the amount realized, had fallen below the amount of former periods, but had even exceeded that standard of comparison. In proof of this, the government, in a letter of 31 October 1799, refer the directors to their orders of 12 April 1786; wherein their expectation of an assessment was stated at sicca rupees 2,60,00,000, whereas the average of the actual collections, since the conclusion of the settlement, had exceeded that amount by more than five lacks of rupees annually, besides an available balance which remained at the end of the preceding April, of sicca rupees 29,00,000.

The government farther observed, that this had been effected, though the personal coercion formerly practised, had been abandoned, and the most scrupulous punctuality observed,

in maintaining inviolable the public engagements; that whenever a deviation had taken place, it had never been with a view to augment the resources of the government, but on the contrary, to relieve the individual, by a sacrifice of the public interest. [56]

These observations were probably made, with a view to reconcile the directors to what might otherwise appear an unfavourable state of affairs in the revenue department; for, besides the distresses, which as before-mentioned, had befallen a large portion of the principal zemindars, and the continual advertisements which were made in the public newspapers, of land on sale for the recovery of arrears, the territorial revenue was so far from being realized with the facility and punctuality deemed necessary, that some of the members of the board of revenue, in consequence of the heavy balances which at this time occurred, went so far as to recommend and strongly to urge a recurrence to the former practice of confining the landholders, for enforcing the payment of arrears. This, the government declined adopting, on the ground that it would have a tendency to degrade the characters, and weaken the authority and respectability of the landholders, and thereby deprive them of the influence derivable from personal exertion, at a moment when the state of their affairs rendered personal exertion, most necessary for their relief. The government was of opinion, that the fear of losing their estates which were liable to sale to liquidate the balance of revenue, would operate more powerfully with the zemindars, than any considerations of personal disgrace: and they deemed it essential to strengthen, rather than adopt any measure which might reduce, the power of the zemindars over their under-tenantry, who, it appeared had, under the general protection afforded by the courts of justice, entered into combinations, which enabled them to embarrass the landholders in a very injurious manner, by withholding their just dues, and compelling them to have recourse to a tedious and expensive process, to enforce claims which ought not to have admitted of dispute.

Minute recorded by the President of the Board of Revenue, dated July 1799.

Rev. Letter of 31 Oct. 1799.

In explaining to the court of directors this state of affairs, it was observed, that the licentiousness of the tenantry, although its effects, as involving the zemindars in ruin, were in

Rev. Letter, 31 October 1799.

particular cases to be regretted, indicated nevertheless a change of circumstances which ought to be received with satisfaction, inasmuch as it evinced the protection intended to be afforded by an equal administration of justice, to be real and efficient; and shewed that the care and attention which the directors, with so much solicitude had urged the government to observe for preventing the oppression formerly practised by the more powerful landholders, had not been exerted in vain; and that in the success of those exertions, a foundation had been laid for the happiness of the great body of the people, and in the increase of population, agriculture and commerce, for the general prosperity of the country. On a minute entered by a member of the board of revenue, respecting the ruin of some of the principal zemindars and a great proportion of the landholders, the government observed, that it was unnecessary to refer to any other than the ordinary causes of extravagance and mismanagement, to account for what had happened in the instances in question, which were not such, as in a series of years, should excite any surprise; that "it had been foreseen, "that the management of the large zemindarries would be "extremely difficult, and that those immense estates were "likely, in the course of time, to fall into other hands, by "becoming gradually sub-divided, an event which however much "to be regretted, as affecting the individual proprietor, would "probably be beneficial to the country at large, from the estate "falling into the possession of more able and economical "managers." On the same subject, in a subsequent dispatch wherein the government notice the ruin of the rajahs of Dinagepore and Rajeshaye, whose estates had been at different times attached, and at length wholly sold, it is remarked, that it would be a satisfactory reflection, that what had happened to these large zemindarries would place the lands in the possession of better managers, who might be expected to improve the country, and with their own interest to promote those of the industrious cultivators of the soil, and to extend the general prosperity of the country.

Rev. Letter, 5 Sept. 1800.

It was thus, in explaining to the authorities at home, the effects and tendency of the new system, that the government generally found something to commend. When the operation of the regulations proved adverse to their expectations, in one respect; in another, something had occurred to console them

for the disappointment, by shewing that some different, but equally desirable end, had been attained. Thus, though the rules for distraint of property, instead of supplying the exercise of power formerly allowed the zemindars, had enabled the tenantry and cultivators to combine (as it is asserted) and ruin their landlords; yet this circumstance, it was observed, evinced that the great body of the people experienced [57] ample protection from the laws, and were no longer subject to arbitrary exactions. Thus too, when the sale of estates, and the dispossession of the great zemindars were, to be announced, it was remarked that however much the ruin of these defaulters was to be regretted, the directors would perceive with satisfaction, that the great ends were obtained by it, of dividing their estates, and of transferring the lands which composed them, into the hands of better managers.

These remarks your Committee cannot but notice, would appear inconsistent with the sentiments of liberality and benevolence, which are displayed through many parts of the India correspondence, and might suggest a doubt in regard to the sincerity of the intentions expressed by the ruling authority, for the prosperity of the principal zemindars, were it not certain that at the time they were written, the government and its principal officers were assiduously employed, in devising remedies for the evils complained of. This appears in the ample discussions which took place on the subject, and in the enactment of new regulations which were introduced on the occasion. But before the Committee proceed to explain these measures, they propose offering a few remarks on the apparent causes which reduced the landholders to a condition as above exhibited, so different from what might have been expected, under the operation and influence of the new system.

The principal cause of the distresses alluded to, appears to have grown out of the condition introduced into the permanent settlements, which declared, that the land should be held, as a security for the amount of the revenue assessed upon it, combined with the circumstance under which that condition was enforced, for the recovery of arrears of revenue.

Under the native governments, the recovery of arrears from defaulters was sometimes attempted by seizure and confiscation of personal property, or by personal coercion. The zemindar might experience the mortification of having the administration of the zemindarry taken out of his hands,

and entrusted to a sezawul. He might be imprisoned, chastised with stripes, and made to suffer torture, with the view of forcing from him the discovery of concealed property. He was liable to expulsion from the zemindarry. He might be compelled to chuse either to become Mussulman, or to suffer death. But under whatever degree of adversity the zemindars might fall, or whatever might be the extremity, or injustice, or cruelty practised on them, they had still the consolation of preserving their rank, and of being considered as *zemindars*. They themselves might come under the displeasure of the government, and experience its severities; but their families would still maintain the consideration due to their station in society; with the chance of recovering, in more favourable times, possession of their zemindarries. The policy of those governments, was adverse to the dispossession of a zemindar, who, by means of his family connexions and cast, might return and disturb the possession of his successor. Hence it appears, that even in cases where the zemindar, from rebellion or other misconduct, was deemed deserving of death, the succession of a near relation, or of an infant son, or of a widow placed under tutelage, was generally deemed preferable to the introduction of a stranger to the possession of the zemindarry.

Under the British administration, down to the period of the introduction of the permanent settlement, and the new code of regulations, it had not been usual to resort to the sale of land for the recovery of the arrears of revenue; and in a minute recorded on the proceedings of the board of revenue in July 1799, it is asserted, "that from the Company's acquisi-"tion of the ceded lands (consisting of the 24 pergunnahs, the "districts of Burdwan, Midnapore and Chittagong) comprehend-"ing, until the formation of the permanent settlement, a period "of thirty years; and from the accession to the Dewanny "until the above mentioned time, there had hardly an instance "been found of the property in landed estates having changed "hands, by cause of debts, either public or private; certainly "of the large ones, none." Although the engagements entered into for the five years' settlement, contained a clause subjecting the land to sale for the recovery of arrears, it does not appear that the measure was any where resorted to for that purpose, although heavy balances occurred, which to a considerable extent, proved irrecoverable. The land-holders, were therefore unprepared by any

Appendix, No. 7.

experience they could have had under the former governments, whether native or British, for the rules which were, by the terms of the permanent [58] settlement, introduced for the recovery of arrears of revenue from defaulters, and were perhaps not aware of the necessity, which the nature of the settlement imposed, for a rigid enforcement of them.

These rules in their original form as they stand in the code of 1793, rendered the zemindar liable to imprisonment, and his lands subject to attachment, if the whole or portion of any monthly instalment (in which the revenue was payable) should remain undischarged, on the first of the month following. At the close of the year, if the arrear was not by that time discharged, the whole, or a due proportion of the estate was to be exposed to sale by public auction, for the recovery of the balance due, together with interest at the rate of 12 per cent. per annum, which was to be charged upon it.

In the following year 1794, the governor general being, as it is stated in the preamble to Regulation IIId of that year, solicitous "to refrain from every mode of coercion not absolutely "necessary," an alteration was introduced, which exempted the landholders altogether from imprisonment; but, in other respects, rendered the rules for the recovery of arrears of revenue, much more rigid and severe, by empowering the revenue officers to bring the land to sale at any time in the course of the year, on the failure in payment of any monthly instalment; instead of waiting for that purpose, until the close of the year.

It was probably foreseen that this regulation altogether, but more especially the modification as above introduced, though it spared the person, would put the property of the zemindar to considerable hazard. The proportion of the produce of a zemindarry, fixed as the government share at ten-elevenths of the rent paid by the tenantry, though it had not in all cases, been fixed with minute exactness, sufficiently shews that it must have been in most cases, a large proportion; and that the most attentive and active management was indispensably necessary, to enable a landholder to discharge his instalments, with the punctuality required by the public regulations. In cases therefore, where any inequality unfavourable to the zemindar occurred, in fixing the amount of his assessment at the permanent settlement, the danger of his

falling in arrear, must have been enhanced; and if once in arrear, and his estate placed under the management of a native agent, deputed by the collector to hold it in attachment, and collect the rents, the dismemberment of his estate, and sale of his lands, must for the most part, have been inevitable. When the characters of the natives in general and in particular of the zemindars of high rank, as given by Lord Teignmouth, are adverted to, and when it is considered that the latter description of persons are not in the habit of personally transacting their own concerns, but of entrusting them to their servants, who were accustomed to seek for the means of extricating themselves from difficulties, in intrigues with superior authorities, more than in their own individual exertions; the events which have been stated in the sales of land, and in the ruin of a great portion of the landholders, will appear to be no more than the necessary consequences of the regulations above-mentioned, operating in some cases, on persons who had not yet qualified themselves to act with safety under them, and in others, operating in a manner contrary to what was the object of their enactment. With respect to the latter position, the admission of the Government may be taken as authority, wherein in the correspondence above quoted, they acknowledge, that under the operations of the regulation for distraint of the crop, the tenantry had found it practicable to withhold the payment of their rents; the consequences of which could have been no less in all cases than the distress, and in many, it may be presumed, the ruin of their landlords.

In addition to these disadvantages, which the zemindars laboured under, the slow progress may be noticed of suits through the courts of judicature, to which they were referred for redress, against defaulters; though their own payments to the government admitted of no delay, but might be promptly enforced by exposure of the land to sale by auction. The hardship which these circumstances imposed, in some instances, was strongly displayed in an address from one of the collectors to the board of revenue, in behalf of the zemindar of Burdwan. The collector observes, that he (the Rajah) begs leave to

Letter from the Collector of Burdwan to the Board of Revenue, 9th January 1794.

Appendix, No. 8.

"submit it to your consideration, whether "or no it can be possible for him to discharge his engagements to government, "with that punctuality which the regulations "require, unless he be armed with powers, "as prompt to enforce payment from his

"renters, as government had been pleased to authorize the "use of, in regard to its claims, on him; and he seems to think it "must have proceeded from an oversight, rather than from "any just and avowed principle, that there should have been "established two modes of judicial process under the same "government; the one, summary and efficient, for the satis- "faction of its own claims, the other, tardy and uncertain, in "regard to the satisfaction of the claims due to its subjects; "more especially in a case like the present, where ability to "discharge the one demand, necessarily depends, on the other "demand being previously realized."

Under the circumstances which have been explained, it may not appear extraordinary if the landholders in contemplating the new system, were more struck with the inconveniences they experienced, from its introduction and early progress, than they were, with any advantages which they could promise themselves from its ultimate operation. The following passage will in some measure elucidate this point. It is extracted from a Report made to the government by one of the collectors, in answer to an enquiry as late as the year 1802, in regard to the operation of the regulations for collecting the revenue from the zemindars.

Letter from Collector of Midnapore, of 12 February 1802.

"All the zemindars, with whom I have ever had any "communication, in this and in other districts, have but one "sentiment, respecting the rules at present in force for the "collection of the public revenue. They all say, that such a "harsh and oppressive system was never before resorted to, "in this country; that the custom of imprisoning landholders for "arrears of revenue, was in comparison, mild and indulgent to "them; that though it was no doubt the intention of govern- "ment to confer an important benefit on them, by abolishing this "custom, it has been found by melancholy experience, that the "system of sales and attachments, which has been substituted "for it, has, in the course of a very few years, reduced most of "the great zemindars in Bengal to distress and beggary, "and produced a greater change in the landed property of "Bengal than has perhaps ever happened, in the same space of "time, in any age or country, by the mere effect of internal "regulations." In another part of the same report, the collector, after commenting on a regulation then recently introduced, observes, "Before this period, 1799, complaints of

"the inefficacy of the regulations were very general among the "zemindars, or the proprietors of large estates; and it required "little discernment to see, that they had not the same powers, "over their tenants, which government exercised, over them. "It was notorious, that many of them had large arrears of rent "due to them, which they were utterly unable to recover; "while government were selling their lands for arrears of "assessment." The collector adds, "farmers and intermediate "tenants were till lately, able to withhold their rents with "impunity, and to set the authority of their landlords at "defiance. Landholders had no direct control over them; they "could not proceed against them, except through the courts of "justice; and the ends of substantial justice were defeated, by "delays and cost of suit."

The Committee conceive it has now been shown, that the great transfer of landed property, by public sale and the dispossession of zemindars, which were observed to take place in an extreme degree, during several years after the conclusion of the permanent settlement of the land revenue, cannot be altogether ascribed to the profligacy, extravagance, and mismanagement of the landholders; but have, to a certain extent followed, as the unavoidable consequences of defects in the public regulations, combined with inequalities in the assessment, and with the difficulties, obstructions, and delays, with which the many nice distinctions and complex provisions of the new code of regulations were brought into operation, among the very numerous, but for the greater part, illiterate inhabitants of the Company's provinces, who were required to observe them.

The disadvantages to which the interests of the Government were subjected, during the period which has been alluded to, arose from the difficulty and uncertainty there was found, in duly apportioning the demand of revenue on the sub-divisions of the estates, which for the recovery of arrears of revenue, it became necessary to expose, in parcels from time to time, to sale. The public faith was pledged, not to increase the amount of revenue assessed on the land; and the great proportion which the revenue bore to the produce, rendered a correct adjustment indispensable, to prevent diminution in the established receipts; for the part of an [60] estate sold might, if over rated, prove unequal in produce, to defray its assessment; the consequence of which would be, a loss to the purchaser; terminating in another sale for the recovery of an unavoidable

balance, and ultimately obliging the government, either to assume possession of the estate, with its resources reduced below the scale of its assessment, or to render the proprietary right in it, worth possessing to a new purchaser, by diminishing its assessment of revenue.

By such a transaction, the portion of the original estate left with the zemindar, would be benefited, in the exact proportion in which the assessment had been unequally distributed and over-rated, on the part sold: and the government would thereby be subjected to a permanent loss of revenue, in the manner above stated.

To prevent any such inequality, the rule for assessing the divisions of landed property into two or more lots, was clear and precise, in the following terms, as it stands in Regulation I. 1793: "The assessment upon each lot shall be fixed at "an amount, which shall bear the same proportion to its "actual produce, as the fixed assessment upon the whole of "the lands of such proprietor, including those sold, may bear "to the whole of their actual produce." The exact adjustment of the revenue on lots of estates exposed to sale, would have been by this rule extremely easy, had the data been procurable with sufficient exactness: but the actual produce of the whole, or of the part of an estate, could now be known only to the zemindar and his own servants. The means which the former governments possessed, and might have exercised for this purpose, were relinquished, on the conclusion of the perpetual settlement. The directors had already prohibited the practice of minute local scrutinies: the canongoe's office was now abolished; and the putwarry or village accountant, declared to be no longer a public officer, but the servant of the zemindar. Under these circumstances, the real produce of the whole, or any part of an estate, could be known only to the proprietor; whose interest it was to represent, for the reasons above stated, the produce on the part distrained for sale as great as possible; by which means, he might procure a diminution in the rate of assessment, on the part remaining. Deceptions of this nature would be unavailing, in cases where the whole estate was exposed to sale, in one lot; but, in the gradual dismemberment of some of the great zemindarries, they appear for a time, to have been successfully practised by the confidential servants of the Rajahs of Jessore, Nuddea, Burdwan, and other defaulters of that rank; sometimes, with a view to

their own emolument, at others, to that of their employers; but in all cases, with an effect injurious to the revenue of the state.

The prevalence of these bad practices, and the imperfections in the regulations are recognized in the preamble of Regulation VII. of 1799; which acknowledges, that the powers allowed the landholders for enforcing payment of their rents, had in some cases, been found insufficient; and that the frequent and successive sales of land, within the current year, had been productive of ill consequences, as well towards the land proprietors and under-tenants, as in their effects on the public interest, in the fixed assessment of the land revenue. It further notices the purchases which it was believed some of the zemindars had made of their own lands, in fictitious names, or in the names of their dependants; the object of which, was to procure, by the indirect means which have been described, a reduction of the rate of assessment. The regulation alluded to was enacted, with the view of removing these evils and imperfections, by rendering the means allowed the landholders, more brief and efficient than they before were, for realizing their rents; and by postponing the sale of their land, for the realization of arrears of the public revenue, until the close of the current year. The power of the collector over defaulting landholders, is strengthened by the discretion allowed him to arrest, and for a limited time, to imprison their persons, without any reference to the judicial authority presiding over his district.

These alterations, as far as they depart from the rules originally introduced, appear to be, in the same degree, a recurrence towards the system which was in former practice: but however that may be, they are acknowledged to have proved highly salutary; and if their operation may be judged of, from the improved state into which the affairs of the revenue department have subsequently been brought, their efficacy for the purposes proposed, must be fully acknowledged. [61]

It appears, from the correspondence with India, subsequent to the introduction of the improvements in question, that the balance outstanding at the close of each succeeding year, down to the latest advices, has greatly diminished; and the ultimate balances, part of which are still recoverable, become less than one-half per cent. upon the whole amount of the public assessment. The exposure of land for sale, for the

recovery of arrears, has of course been, in proportion, less frequent; and it seems reasonable to infer, that the value of land has risen, in consequence of its coming less abundantly to market for sale. These are incontestible proofs of the regularity, with which the different parts of the revenue system are at length, become adjusted; and of the ability of the country to produce the amount of revenue which was assessed upon it, under the permanent settlement.

ADMINISTRATION OF CIVIL JUSTICE.

IN proceeding to describe the operation of the judicial system established in the East India Company's territorial possessions, your Committee could have wished to advert to the population of those provinces, with a view to indicate how far the means provided may appear adequate to the distribution of justice among the people, under the forms of practice prescribed by the code of regulations framed in 1793. But the enquiries of your Committee do not enable them to state, with any precision, or with much confidence, the amount of the population, even of the old territories of the Company, consisting of the provinces of Bengal, Bahar and Orissa, with that of Benares, afterwards annexed to them. The government of Bengal called for information on this head, from the collectors and judges stationed in the districts; but the returns were so imperfect, and where they were made by those two descriptions of officers, so contradictory, that no general conclusion could be drawn from them. An actual enumeration of the inhabitants of those provinces, or a calculation founded on data, promising a high degree of certainty, is still a desideratum. Nothing more has yet been produced, than the estimates of ingenious men, who differ considerably among themselves. The first opinion promulgated after the Company's acquisition of the Dewanny, concerning the population of the three provinces, was, that it amounted to ten millions. Subsequent observations led to a persuasion, that this estimate was far too low. SIR WILLIAM JONES, about five-and-twenty-years ago, thought that the population of Bengal, Bahar, Orissa, and Benares, amounted to twenty-four millions: and MR. COLEBROOKE about ten years ago, computed it to be thirty millions. If any opinion were now to be offered on a point, which has not yet been subjected to strict investigation, perhaps there would be no

danger of exceeding the truth, in adopting a medium between the two last calculations, and supposing the population of the four provinces to be not less, than twenty-seven millions.

It is not be supposed that the suits arising in such a population as this, could have been enquired into and adjusted, in a formal manner, by the collector alone; who, as exercising the functions also of judge and magistrate, presided, and was the only agent in whom authority for that purpose, was vested, prior to the introduction of the new system. Suits of importance, or such as involved property to a considerable amount in the civil department, or such as materially affected the resources of the government, or the rents of individuals in the revenue department, it is probable were investigated and reported by the collector himself, in the mode prescribed by the regulations then existing: but by far the greater part of those petty claims, which must continually have arisen between individuals possessed of little property, and spread over so great an extent of country as the districts in question, it is reasonable to suppose, were either settled by the collector or his officers, in a summary manner, or obtained adjustment among the people themselves, by modes peculiar to their tribes or casts or by reference to their *gooroos*, or spiritual guides.

The principle on which LORD CORNWALLIS proceeded, to introduce a new and more perfect system of judicature, required, that means should be provided for a regular determination of suits, however small the amount, without any impediment, from the distance the complaint would have to travel for redress; and that the file of the European judge should not be encumbered with a [62] greater number of suits of this description than he might be able to decide, without neglecting those of more magnitude.

With a view to these purposes, a selection was made from among the principal natives, of persons duly qualified; who were authorized, under regulation XL of 1793, to receive and decide on plaints in the first instance, where the amount in dispute did not exceed the value of 50 rupees; and to these authorities, the judge was allowed to refer for decision, as many plaints that came before him, under fifty rupees, as he might think proper.

In order to afford the readiest access to the new courts of justice, it was ordained, that the deposit fee on filing a suit,

should be abolished; and that in every case, an appeal might be obtained from the original decision, however small the amount sued for, to two distinct courts of appeal.

But the means thus taken to facilitate, if not to encourage litigation, by affording law proceedings at little or no expense, were soon found to defeat their own purpose, by producing such an accumulation of causes on the judges' file, as threatened to put a stop to the course of justice. In one district, the number on the file, was said to be thirty thousand; and the probability of decision to any suit, estimated to exceed the ordinary duration of human life.* The settlement of revenue disputes being now removed from the collector's office, and confined to the courts of justice; this delay equally affected the revenue of government, as it did, the interests of individuals, and rendered the application of an immediate remedy indispensable. The measures resorted to for this purpose, in the revenue department, have already been stated. In the judicial department, an additional court was established in the district alluded to; but the most effectual relief from the inconvenience sustained, was the enactment of regulation XXXVIII. of 1795, which revived the deposit fee, or commission paid on the institution of each suit, and in other respects, rendered the proceedings costly to the party cast, or nonsuited. The imposition of this expense, was expected to repress litigation in future; and with respect to the causes already instituted, they were, for the greater part, got rid of, by a requisition for the deposit fee to be paid on them, within a limited time. The suitors in general being, from local distance, uninformed of what was intended to be done, or from want of confidence in their cause, indifferent to it, or from poverty, unable to avert it, by the payment required; no greater number of suits remained on the file, when the period for dismissing them arrived, than appeared to be manageable; and the judges recommenced the exercise of their functions, so far disencumbered, as allowed them to entertain a better prospect than had yet been enjoyed, of their being able to fulfil the objects of their several appointments.

* Letter from the Collector of Burdwan to the Board of Revenue, of 27 Feb. 1795.

Appendix, No 6.

From 1795, when the above regulation was introduced, down to 1802, farther provisions were resorted to, with the same view of expediting the decision of causes, and of keeping down the number of them on the file. Thus, the registers of the

provincial and city courts were, in 1796, authorized to officiate occasionally in the absence of the judge; in 1797, the commission, or fee paid on the institution of suits, was considerably augmented and extended to the proceedings of the head native commissioners. A farther limitation was assigned to appeals; and in the same year, the expenses of process in the sudder-dewany adawlut, in the provincial courts of appeal, and in the zillah and city courts, was farther considerably enhanced, by a regulation, which required that all law proceedings should be written on stamped paper provided for the occasion, and bearing an impost to the government.

Regn. V, 1797.

Notwithstanding these measures, which were adopted with the view, principally, of checking litigation, and affording those who had reasonable grounds for resorting to the courts, an early decision of their suits; it appears, that in the year 1801, the number of causes undecided was again so great, as to attract the notice of the court of directors; who, in their letter dated the 23d March of that year, expressed their desire to the government of Bengal, that steps might be taken for reducing the number. The Committee have enquired into the number of causes actually depending, on the file, about this time, in the several courts, and before the native commissioners; and have given, in the Appendix, a particular statement of the same. By this statement it appears, that the number of causes depending on the 1st January 1802, before the five courts of appeal, was 882; before the judges of the 28 city and zillah courts 12,262; before the registers of the last-mentioned courts 17,906; and before the native [63] commissioners 131,929. It appears further, that the number of causes, which had been decided in the course of the preceding period, was in the five courts of appeal, 667; by the 28 judges of the city and zillah courts, 8,298; by their registers 14,124; and by the native commissioners, 328,064. It is to be remarked, that these numbers include the causes which were referred to arbitration, and such as were withdrawn by mutual consent of the parties; which will considerably reduce the number of those causes which underwent investigation; and, perhaps account for the almost incredible number, which must otherwise be supposed to have been decided by the judges and their registers. With respect to the suits decided by the native commissioners, though these must have

Appendix, No 9.

consisted of petty claims, the greatest of them not exceeding the value of fifty rupees, or less than seven pounds sterling, and determined probably in a summary manner; the number is, nevertheless, such as may excite surprise, and sufficiently evinces the magnitude and difficulty of the undertaking, which proposed to administer justice by formal process, and in petty cases, to so numerous and litigious a population.

Subsequent reports are not calculated to shew, that the difficulty of keeping down the number of causes, depending on the file, has at all diminished; or that the means, resorted to for that purpose, have been as successful as was expected. A letter from the Bengal government, of the 30th September 1803, states that although the aggregate number of suits depending throughout the provinces, on the 31st December 1802, was considerably less than the number depending on the 31st June preceding; yet "it had been found impracticable to reduce "the number of depending causes, at some of the courts, "sufficiently for the purpose of ensuring to the parties a prompt "decision on their claims; and that this accumulation of "business had taken place, in the zillah courts of Tirhoot, "Dacca, Jellalpore, and Bahar; where it appeared, that the "number of causes depending, exceeded the number which had "been decided, or dismissed from the file, in the course of the "five preceding years." Under these circumstances, an early decision of suits was not to be expected in the courts alluded to; and the government resolved on instituting the office of assistant judge, in cases where the state of the file might render it necessary to resort to that measure; the apointment to cease, when the arrear of causes, should be sufficiently reduced. The judges were at the same time empowered to refer causes of greater amount, to the decision of the native commissioners, than had before been allowed; and additional provisions were made, for expediting the decision of causes of small value. These measures, the governor general expressed his confident expectation, would have a material tendency to expedite the decision of civil suits throughout the country. It is yet doubtful, how far this expectation has been fulfilled, or how far the court of directors have been relieved from the solicitude they appear to have felt on this subject; when in their remarks, addressed to the Bengal government, on the 14th September 1803, having noticed the almost incredible number of suits undecided, they observe, that "to judge by analogy of the courts in Europe,

"they would be induced to think so great an arrear would "scarcely ever come to a hearing." Noticing in another letter of a recent date,* the accumulation of suits under the Presidency of Fort St. George, the Directors have expressed the following sentiments, which in the opinion of the Committee are just, and applicable to both Presidencies; "We should be very "sorry, that from the accumulation of such arrears, there should "ever be room to raise a question, whether it were better to "leave the natives to their own arbitrary and precipitate tribunals, "than to harrass their feelings, and injure their property, by an "endless procrastination of their suits, under the pretence of "more deliberate justice." In justice, however, to the assiduity of the European civil servants, entrusted with the administration of the laws, it must be observed, that however great the number of causes in arrear may appear to be at any period, to which the remark of the court of directors can be applied, the number of decisions passed in the course of the year preceding, will be found to have been proportionably great; so that a fair inference may thence be drawn, that the suitors had not, in general, a period of unexampled length to wait for a decision of their claims; and that, in comparison with what is commonly experienced in Europe, the advantage, in point of dispatch, would probably be found to be in favour of the courts of India. In the course of the year 1804, the number of decisions were as follow:—In the court of sudder-dewanny adawlut 51 suits decreed and dismissed; in the five [64] provincial courts of appeal 726 suits decreed and dismissed, and 29 withdrawn or adjusted between the parties themselves; by the 29 zillah and city judges 6,940 suits decreed and dismissed, and 725 adjusted between the parties; by the four assistant judges 879 suits decreed and dismissed, and 45 adjusted between the parties; by the 29 registers 6,433 suits decreed and dismissed, and 1,347 adjusted by the parties; by the *sudder aumeens*, or head native commissioners, 6,387 decreed and dismissed, and 2,439 adjusted by the parties; by the other native commissioners, 95,208 decreed and dismissed, and 155,971 adjusted by the parties. The total number of causes thus discharged from the file, by European agency, being 15,029; by native agency, 101,595.

* Rev. Dispatch to Fort St. George, 26 March 1812.

Although the foregoing circumstances evince the solicitude with which the Bengal government have endeavoured to afford the natives of those provinces, a ready decision of their suits,

and to enable the judges of the different courts, to keep down the number of causes on the file, within moderate limits; yet it must be confessed, that these objects are by no means so nearly attained, as to render their further exertions unnecessary. With respect to suits of small amount, the native commissioners to whom they are referable, may be indefinitely increased in number, at no expense to the state; and a regulation has been enacted, with a view to this measure; but an augmentation of the number of European judges, adequate to the purpose required, would be attended with an augmentation of charge, which the state of the finances is not calculated to bear; and the same objection occurs to the appointment of assistant judges. In the mean time, the evils arising from the delay of justice appear in a variety of shapes, according to the nature of the suits instituted, and the character of the people among whom they arise. To this cause, in Bahar, the judge of circuit ascribes numerous commitments for the breaches of the peace: His words are, "the commitments for breaches of the peace "(arising from boundary disputes and other "contests concerning landed property) are "ascribed to the great, though unavoidable "arrear, of untried causes pending in some "of the courts; since by necessarily protracting for years, the "decisions of suits, it frequently drove the suitors to despair; "and induced them to run the risk of taking justice into their "own hands, by seizing the object in dispute, rather than to "await the tardy issue of a process, which threatened to exceed "the probable duration of their own lives."

Report of Mr Seton, Judge of Circuit for Patna, dated 20 June, 1798.

THE ADMINISTRATION OF CRIMINAL JUSTICE.

THE Regulations of the Bengal Presidency have provided, that each judge of the criminal courts shall, at the conclusion of his circuit, besides the ordinary report of his proceedings, communicate, through the sudder-dewanny adawlut, such observations as may occur to him, on the operation of the public regulations, and on the general condition of the people in the provinces through which his circuit lies.

It is obvious, that communications of this nature, from intelligent persons, must be of the greatest public utility, by apprizing the government of any mistakes, which may have been committed in the enactment of the law, and of any

existing evils, which it might require the interference of the legislative authority to remove. It is hardly to be supposed, that, in describing the effects of the new system of internal administration, any of the public servants would lean to the unfavorable side; or, without sufficient foundation, transmit accounts which would prove disagreeable to the government to receive. A communication of this nature, might be rather suspected of painting things in colours, pleasing to the government, with the view of bringing the writer into favourable notice; but no motive can be assigned for a wanton provocation of resentment, in a quarter where it must always be the interest of a public servant, to stand on favourable ground, by misrepresentation, or by any statement of facts and opinions, which the writer does not believe to be accurate and well founded. The Committee are, therefore, induced to think, that the Reports alluded to, are entitled to attentive consideration; more especially in instances, where defects are stated to exist, [65] and evils are represented to prevail, in the administration of the Company's territorial possessions.

In addition to the periodical Reports above mentioned, the Committee have to notice the recourse they have had to very voluminous documents of the same nature, which describe the condition of the provinces, and the state of the administration of justice in the year 1802. These papers consist of answers to interrogatories, which were circulated among the judges, magistrates, and the collectors of the several districts, by LORD WELLESLEY, on the occasion of a tour which his Lordship proposed making through the provinces under his immediate government; and are described, by the Bengal government, as "containing a valuable "body of information, on the internal state "and resources of the Company's provinces; "the administration of civil and criminal "justice; the protection to persons and property enjoyed by "all descriptions of Company's subjects, under the existing "laws; and the encouragement afforded by the present system, "to the improvement of agriculture, and to the extension of "commerce." The government of Bengal, on transmitting these reports to the court of directors, requested, that the court would refrain from founding any order on them, until they should be in possession of a digest of the information conveyed in them, which SIR GEORGE BARLOW was about to furnish. It does not

Governor General to Secret Committee; 28 Sept. 1801.

appear that any such digest, has yet been received, or that any order, founded on the reports in question, has been passed by the court of directors.

The Committee have made a selection of such reports above mentioned, as appear to them to be of the most importance, and they will be found in the Appendix. They were made by the judges, in answer to the interrogatories circulated by Marquis Wellesley, or at the conclusion of their circuits.

Appendix, No. 10

Appendix, No. 11.

From an attentive consideration of these several documents, the Committee are enabled to submit the following Observations to the notice of the House, on the administration of Criminal Justice, and on the state of the Police throughout the provinces under the presidency of Bengal.

The judges of the criminal courts, attended by the native law officers of their establishment, proceed on their respective circuits every six months. On their arrival at each judicial station, the calendar of offences is laid before them, containing a list of the prisoners, the crimes laid to their charge, and the names of the witnesses on both sides. These preliminaries having been observed, the trials commence, and are conducted on the principles, and in the mode, which have been detailed in a former part of this Report.

The offences which are observed chiefly to prevail in the upper provinces, including Benares and Bahar, are burglaries, effected by breaking through the walls of houses; murder, from various motives; robberies attended with murder and manslaughter.

In Bengal, in addition to the foregoing crimes, must be noticed decoity, or gang robbery, attended often with murder; perjury and subornation of perjury, practised for the most atrocious purposes. These crimes are not unfrequent, in many parts of the country; but the Bengal provinces appear to be more than any other characterized by them, as will more particularly be explained, under the head of Police.

The charges of these descriptions, which the judge of circuit has to investigate, and with the assistance of the law officers, to acquit or pass sentence upon, or to refer to the review and determination of the nizamut adawlut or superior criminal

tribunal, are not in the upper provinces more numerous than are commonly dispatched, in a few weeks; but in the Bengal provinces, the judge seldom returns to his station before it is time for his successor, to commence his circuit; and it has happened in the Dacca division, that the circuit has, in its duration, considerably exceeded six months. During all this time, excepting what may be required by the judge in passing from one station to another, he is incessantly employed in the most arduous and important duties that can be confided to a public servant; that of conducting the trials of persons charged with capital crimes. The perplexities he meets with, and the intricacies he has to unravel, in the course of this service, are such as arise, partly out of the simplicity of character prevalent among certain classes of the inhabitants, and partly out of their [66] peculiar habits of depravity; and may be judged of from the following extract, which is taken from one of the most able, intelligent, and interesting expositions that has appeared on this subject. It is the Report of Mr. (now Sir Henry) Strachey, on his completion of the 2d session of 1802, for the several districts in the Calcutta circuit. On this occasion, the number of persons tried, are stated to have been about 1,000, and the number convicted 446. A great portion of the charges appears to have been decoity or gang robbery; to the trials for which crime, the following observations more particularly apply, than to any other.

Appendix, No 11.

"In the course of trials, the guilty very often, according to "the best of my observation, escape conviction. Sometimes an "atrocious robbery or murder is sworn to, and in all appearance "clearly established, by the evidence on the part of the "prosecution; but when we come to the defence, an *alibi* is set "up, and though we are inclined to disbelieve it, if two or three "witnesses swear consistently to such *alibi*, and allude every "attempt to catch them in prevarication or contradiction, we "are thrown into doubt, and the prisoners escape.

"Very frequently the witnesses on the part of the prosecution, "swear to facts, in themselves utterly incredible, for the purpose "of fully convicting the accused; when if they had simply "stated what they saw and knew, their testimony would have "been sufficient. They frequently, under an idea that the proof "may be thought defective, by those who judge according to "the regulations, and that the accused will escape, wreak their

"vengeance upon the witnesses who appear against them, and "exaggerate the facts in such a manner, that their credit is "utterly destroyed.

"Witnesses have generally, each a long story to tell; they "are seldom few in number, and often differ widely in character, "casts, habits and education. Thrice over, viz. to the darogah, "the magistrate, and the court of circuit, they relate tediously "and minutely, but not accurately, a variety of things done and "said. Numerous variations and contradictions occur, and are "regarded with cautious jealousy, though in reality they seldom "furnish a reasonable presumption of falsehood.

"But who shall distinguish between mistake and imposture? "What judge can distinguish the exact truth, among the "numerous inconsistencies of the natives he examines? How "often do those inconsistencies proceed from causes, very "different from those suspected by us? How often from "simplicity, fear, embarrassment in the witness; how often, "from our own ignorance and impatience?

"We cannot wonder that the natives are aware of our "suspicious and incredulous tempers. They see how difficult "it is to persuade us to believe, a true story; and accordingly "endeavour to suit our taste, with a false one.

"I have no doubt, that previously to their examination as "witnesses, they frequently compare notes together, and consult "upon the best mode of making their story appear probable "to the gentleman, whose wisdom it cannot be expected should "be satisfied with an artless tale; whose sagacity is so apt to "imagine snares of deception, in the most perfect candour and "simplicity.

"We cannot but observe, that a story, long before it "reaches us, often acquires the strongest features of artifice "and fabrication. There is almost always something kept "back, as unfit for us to hear; lest we should form an opinion, "unfavourable to the veracity of the witness. It is most "painful to reflect how very often witnesses are afraid to speak "the truth, in our cutcherries.

"We cannot study the genius of the people, in its own "sphere of action. We know little of their domestic life, their "knowledge, conversation, amusements, their trades, casts, or "any of those national and individual characteristics, which

"are essential to a complete knowledge of them. Every day "affords us examples of something new and surprising; "and we have no principle to guide us in the investigation of "facts, except an extreme diffidence of our opinion; a "consciousness of inability to judge of what is probable or "improbable.

"Sometimes we see the most unfair means taken by "informers and thieftakers, to detect and apprehend the "accused. We find confessions extorted and witnesses "suborned; at the same time, we think the accused guilty; "and the prosecution fails, merely because the unfair play "used against them, leads us to suspect more.

"When we recollect the extreme uncertainty to us, of "every fact which depends on the credit of the natives, to "support it, who can wonder, that a very [67] slight circumstance, "should turn the scale in the prisoner's favour, and that, while "we think innocence possible, we hesitate to condemn to death "or transportation?

"I do not speak of these things, with any view of proposing "a remedy. If the mind is not convinced of guilt, an acquittal "must follow; and we have nothing left to do, but to lament "that a robbery, or a murder, took place, and that justice has "failed to overtake the offenders.

"I have no new rules to propose, for the conduct of trials "in the criminal courts, or for admitting or believing evidence. "I am inclined to think, no new rules of evidence can serve "any purpose; but to embarrass the courts and create new "obstacles to the conviction of the guilty.

"The evil I complain of is extensive, and, I fear, irrepar- "able. The difficulty we experience, in discerning truth and "falsehood, among the natives, may be ascribed, I think, "chiefly to our want of connexion and intercourse with them; "to the peculiarity of their manners and habits; their excessive "ignorance of our characters; and our almost equal ignorance, "of theirs."

A Report from the circuit judge of the Patna division, made about the same time, contains the following remarks:— "Few of the murders, and only one of the robberies charged, "really occurred: the rest are merely fictitious crimes, brought "forward to harrass an opposing litigant, or revenge a quarrel,

"The criminal court is the weapon of revenge to which the "natives of this province, resort on all occasions. Men of "the first rank in society, feel no compunction, at mutually "accusing each other of the most heinous offences, and support- "ing the prosecution with the most barefaced perjuries; nor "does the detection of their falsehood create a blush."

The number of persons tried on the circuit, at the conclusion of which the former of these reports was made, is stated to have been about 1,000, and the number of persons convicted and punished 446. The circuit comprehended the districts of Midnapore, Jessore Nuddea, Hooghley, Burdwan, and the twenty-four pergunnahs. In the same year the Moorshedabad circuit, comprehending the five judicial stations of Bhauglepore, Purneah, Dinagepore, Rungpore and Rajeshaye, presents 477 criminal charges, and 1,274 persons tried. That of Patna presents 78 charges and 203 persons tried. That of Dacca containing six districts, presents 173 charges, and 567 persons tried. So that in the six months to which these reports refer, the whole number of charges tried in the four circuit divisions; comprehending the provinces of Bengal, Bahar, and Orissa, amounted to 1,728, and the persons tried to 2,490. The subsequent six months present the following numbers: On the circuit of Calcutta, 335 charges, 1,182 persons tried: Moorshedabad, 446 charges, 1,096 persons tried: Patna, 146 charges, 387 persons tried: Dacca, 165 charges, 512 persons tried: in all, 1,092 charges, and 3,177 persons tried.—The number in the whole year 1802 being 2,820 charges, and 5,667 persons tried. In the five following years, the business of the criminal courts in some degree increased, the number of persons tried being in 1803, 5,866; in 1804, 5,610; in 1805, 6,196; in 1806, 5,798; and in 1807, 5,713; the average of the five years being 5,831.

On a supposition of the business of the above year 1802, being equally divided between the judges of the four courts of circuit, for any of the half-yearly gaol deliveries, each judge would, on the above average, have more than 700 persons to try, and he might dispatch the business, at the rate of somewhat more than four trials per diem, if the whole six months were employed on the circuit with little time allowed for travelling from station to station. But in the foregoing instance, the Calcutta division presents the unequal numbers of 335 charges, and 1,182 prisoners, augmenting the business

of the judge in a degree, which on the average, must have required him to try more than seven persons in a day, one day with another, in order to get through his circuit in the time allotted, before the commencement of the circuit following.

It may serve to explain the practicability of a judge getting through this share of business, to observe, that on certain trials, and more particularly in cases of decoity or gang robbery, the same evidence may serve to convict or acquit all the persons, of whom there may be many concerned, in the same offence; and that the fate of more than one person is thus determined by the same process, [68] and at the same time. But even on this ground, though the remark be applied in every case, and the business be thereby considerably reduced, enough will remain, in addition to what has besides been remarked, to evince the unremitting attention that is required in a judge of circuit for the performance of the duties of his office, and the acquirements which an European civil servant must possess to qualify him for the same.

The uncertainty of the evidence arising from the depravity of the people, among whom perjury is reckoned a light offence, and attended with less obloquy than the most trifling violations of cast, renders the duty of the judges on criminal trials, particularly arduous. The selections for this important office are probably made, from among the most able and experienced of the civil servants, who have served long enough to be acquainted with the language and habits of the people. Of the integrity of the persons thus employed, there can be no reason to entertain any doubt; and when it is recollected that they have the assistance of natives learned in the laws, and experienced in the manners of the people, who attend them officially on the circuit, it may perhaps be fair to assume, that the criminal laws are as well administered, as could have been expected when the new system of government was introduced.

With respect to the delay experienced, in bringing persons charged with crimes to trial; although it is probably not so great as when formerly it was the subject of objection to the then existing system, it appears still to occur, in a degree productive of evil, and which it should be an object with the government, to remove.

The gaol delivery is made once in six months; and though this may appear sufficiently frequent in a well regulated

community, as in Great Britain, the commitment of offenders for the purpose of investigating the charges against them, at a future period, is productive of inconvenience to the natives, and of expense to the government in India, from the necessity it imposes of summoning the witnesses, and maintaining them, while in attendance a second time. But the greatest objection noticed by some of the judges of circuit to this delay, is the advantage it gives for conspiracy, either to involve the innocent, or to shelter the guilty, by artifices, in the practice of which some of the depraved classes of the natives, more especially in the districts round Calcutta, have acquired a proficiency, that threatens to turn the administration of justice into a scourge to the rest of the inhabitants.

But the Committee have to notice the delay in the administration of criminal justice in some of the districts, arising from another cause, which is of more pernicious tendency than that experienced by those committed for trial; inasmuch as it affects those against whom no evidence has yet been taken, and may therefore involve, the innocent as well as the guilty. The delay here alluded to, is that which frequently occurs at the office of the magistrate, where, from press of business or other causes, months are represented to elapse, before the person apprehended can be brought to a hearing; during which time, he is lodged in a crowded prison, where, not unfrequently, death overtakes the prisoner before the causes of his apprehension can be enquired into. The stations to which these observations particularly apply, are Dacca, Burdwan, Jessore, Hooghly, Nuddea, the twenty-four Pergunnahs, or Calcutta; and the evil seems to arise, from the European civil servant presiding at those stations, having more business on his hands, than it is possible for one person to transact. If as judge, he is impressed with the necessity of making an exertion for the reduction of the civil suits on his file, the business of the magistrate's office, is in danger of falling in arrear; and if he employs himself sufficiently in the latter, to prevent the detention of witnesses on criminal charges continually coming before him, and to commit or discharge the persons accused, the file of civil causes must of course increase. Expedients have been resorted to, for the purpose of relieving the judge, by enlarging the limits of causes referable from him, to his register, and to the native commissioners, and by limiting the term for appeal to his decision. Something however is yet wanting, to complete that

system of speedy justice, both civil and criminal, which Lord CORNWALLIS was so desirous of introducing; but which has not yet attained to that degree of excellence, of which it may still be hoped it is susceptible. [69]

THE POLICE.

THE establishment of an efficient Police, though an object of the first importance, appears to be a part of the new internal arrangements, in which the endeavours of the supreme government have been the least successful. The difficulty of the undertaking, proceeds partly from the nature of the country, intersected by rivers, and abounding in woods and wastes, which afford a ready means of escape to robbers; but more perhaps, from the depravity of certain classes of the natives, who do not wait till driven by want to commit outrages, but follow robbery as a profession, descending from father to son. These are the decoits, or gang-robbers, who, though occasionally appearing in most parts of the country, are stated to infest in a peculiar degree, the lower or Bengal provinces.

The committee of circuit, as long ago as the year 1772, described the decoits of Bengal to be, "not like robbers in "England, individuals driven to such courses by sudden want; "they are robbers by profession, and even by birth; they are "formed into regular communities, and their families subsist "by the spoils which they bring home to them." This description of the decoits was given, to account for some measures of unusual severity, which it was at that time proposed to resort to, for the purpose of suppressing the offence in question, but which, if ever put in force, do not appear to have proved effectual; on the contrary, the depredations committed by decoits on the property, and the cruelties practised by them on the persons of the inhabitants, have been the subjects of much complaint down to the present time, and appears of late years, to have increased in those provinces to a considerable extent. One of the causes to which this may be ascribed, is the difficulty which has been experienced in obtaining the specific evidence which the practice of the courts of circuit requires to convict the offenders, and to the facility with which they in consequence escape punishment and recommence their depredations. On this point, the committee are induced to quote the following passage from a report made to the government by the magistrate of Dacca Jellalpore, in 1802:——"Decoits glory in the

"dread their names inspire; they therefore take no pains to "conceal their names; they become from these reasons, publicly "notorious; their names and characters are familiar to all the "inhabitants, even to those who have never seen them. "Witnesses against men of this description, risk their lives, if "they speak to any specific charge; if they only describe them "as notorious, in general terms, notice is not taken of it; "because mere public notoriety, without a specific charge, is "not deemed legally sufficient to convict them; and, in the "opinion of the prisoner, it is rather an addition to his reputation. "Those who volunteer to apprehend them, equally risk their "lives. Professional *goyendas* (or informers) are not, in the same "predicament; their spies watch the motions of the decoits, and "they avail themselves of this information to raise contributions, "by making arrangements with the sirdars (or leaders) as the "price of their silence. The difficulty of convicting these "sirdars, is in proportion to their notoriety; the greater their "reputation for robbery and murder, the more difficult it is to "get witnesses to come forward against them. There are in "my jail, many sirdars of this description, whose release from "confinement would be dangerous to the society at large, and "certain death to those who had any share in apprehending "them. If public notoriety (such as I describe) was deemed "sufficient to subject them to transportation for life, I think it "would be of the utmost benefit to the community, as the object "of their ambition (and extended notorious name) would, with "propriety, be made the cause of their punishment; I think it "would contribute much to check the evil."

"No magistrate who is attentive to his duty, can be long "without knowing the characters of notorious sirdars. In the "very course of business, he must become familiar with their "names; and although he has it not in his power to substantiate "legal and specific charge against them, for the reasons above "assigned, he feels it his duty to apprehend them; but is unable "to convict them, for want of that direct proof which the "atrocity of the prisoner's character prevents his obtaining."

But although the necessity of specific proof against these hardened offenders, may have been one of the occasions of the outrages which they perpetrate in the exercise of their depredations; there are others, which are equally deserving of notice.[70].

A comparison of the abundant means afforded by the former establishments, with the scanty provision made by the

present system, for suppressing gang robbery, may farther account for its recent prevalence in the Bengal districts.

Besides the usual establishments of guards and village watchmen, maintained for the express purpose of police, the zemindar had, under the former system, the aid of his zemindarry servants, who were at all times, liable to be called forth for the preservation of the public peace, and the apprehension of the disturbers of it. The officers employed in the collection of the sayer or impost duties before the abolition of them, and stationed at the *gunges*, or commercial depôts of grain, in the *bazars* or markets, and at the *hauts* or fairs, possessed authority and officiated for the preservation of peace, and the protection of the inhabitants and frequenters of those places. To convey an idea of the means possessed by a principal landholder for the purposes above-mentioned, it may be sufficient to notice the case of the zemindar of Burdwan: This zemindarry, on a rough estimate, may be taken at 73 miles long, and 45 broad, comprehending about 3,280 square miles; nearly the whole of which was in the highest state of cultivation, and well stocked with inhabitants. His police establishment, as described in a letter from the magistrate of the 12th October 1788, consisted of *tannahdars* acting as chiefs of police divisions, and guardians of the peace; under whose orders were stationed in the different villages, for the protection of the inhabitants, and to convey information to the tannahdars, about 2,400 *pykes* or armed constables. But exclusive of these guards, who were for the express purpose of police, the principal dependance for the protection of the people probably rested on the zemindarry pykes; for these, are stated by the magistrate to have been in number no less than nineteen thousand, who were at all times liable to be called out in aid of the police.

The whole of this last-mentioned numerous class of pykes, are understood to have been disbanded, in compliance with the new police regulations; and their lands, allowed them in lieu of pay, resumed. The amount of revenue brought to the account of government on this head, being trifling for their extent, it is probable that the greatest part of the number of pykes retain them, under connivance from the zemindar; but however this may be, the services of the pykes are lost to the police, while such of those persons as were really disbanded, are supposed to have had recourse to thieving for a livelihood. With respect to the *darogahs*, or head police officers, who have taken place of the tannahdars under the new system, it is observed of them,

that they are not less corrupt than the tannahdars their predecessors, and that themselves and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good, than the zemindarry servants employed before them. The darogah placed in a division of the country comprehending four hundred square miles, is, with fifteen or twenty armed men, found to be incompetent to the protection of the inhabitants. The village watchmen, and such as remain undismissed of the zemindarry servants, are, by the public regulations, required to co-operate with the darogah; but a provision of this nature, without the means of prompt enforcement, has not been attended with the desired effect; the influence of the zemindar as it existed in former times, being wanting to bring forth these aids into active exertion; while the darogahs who are represented as insulated individuals, are in their respective divisions, viewed with fear by some, with jealousy by others, and neglected by most of the inhabitants, possess not that personal consideration in the public mind, so necessary to aid them, in the efficient performance of their duty.

If the foregoing comparison be just, it must appear that the former establishments, were more ample and better constituted for the purposes of police, than those which have since been introduced, had their services been actively put forth and properly directed; but the enquiries made by LORD CORNWALLIS, induced him to believe, that the zemindars had misapplied the authority confided to them, as officers of police; and that the union of the functions of revenue and police in the same person, was a radical error, from which the evils prevailing in the latter department, had in a great measure sprung. His Lordship accordingly proceeded in the manner detailed in a former part of this report, to change the system which existed, and to introduce a police entrusted under the European magistrates, to native officers named daroghas, selected for the purpose, and maintained on fixed salaries. The defectiveness of this system of police, is explicitly [71] acknowledged in the preamble to regulation XII. of the year 1807, which states "that the police "establishments maintained by government in several districts "of Bengal, Bahar and Orissa, had been found insufficient for "the purposes of their appointment." Amendments had before this period, been made to the police rules; and additional means devised for the suppression of crimes, by rendering the punishment of them more exemplary and severe. Public outrages nevertheless increased, more especially in the Bengal

provinces: and the government at length, deemed it expedient to introduce the above regulation; for the purpose of granting to the zemindars, tehsildars, farmers of land, and any other principal inhabitants who might be deemed qualified for the trust, authority to act as *aumeens* or commissioners of police.

The aumeens of police are, under this regulation, appointed by a sunnud, or commission from the magistrate, with the approbation of the governor general in council. Their authority is concurrent with that of the police darogah, for the suppression of crimes, and the apprehension of public offenders; and for these purposes, the rules for the conduct of both are the same; but the aumeens are restricted from taking any cognizance of those petty offences and disputes, which the latter is allowed to enquire into and adjust. The aumeen is required to deliver over his prisoners to the darogahs of the district or division in which he resides; instead of sending them, as the darogah does, direct to the magistrate.

Thus it appears the government have found it necessary to recur to the practice, which, in 1792, was so much disapproved; namely, of combining, in any case, the functions of revenue and police; and have again called forth the exercise of those powers, which the landholders, native collectors of the revenue, and other respectable inhabitants possess, for the protection of the people, and the apprehension of public offenders.

Of the propriety of this principle, no doubt can be entertained; the most intelligent reports of the judicial servants, for some years previously, having represented the agency of the landholders, as essential to a salutary improvement in the police, though there is reason to regret, that the situation of things has so much changed since the zemindars were deprived of the authority thus restored to them, as to have afforded less promise of success from the measure, than might have been otherwise expected. The dismemberment of the principal zemindarries, by the sale of land, to realize arrears of revenue, and the separation of talooks, or small estates (noticed in a former part of this report have reduced the efficient influence of the landholders, who, for the greater part, approach nearer now, than they did formerly, to the condition of mere cultivators. The dismission of the zemindarry pykes, and of the establishment formerly maintained for the collection of the sayer duties, have contributed to the same end. It may therefore appear

doubtful, whether it would now be practicable in Bengal, to restore the efficiency of the old system of police, were it even in the view of the government, to attempt it; or whether, if restored, it would answer any useful purpose, clogged with the numerous and complicated rules and restrictions under which the zemindar would now be required to officiate. It indeed appears, that the regulation already referred to, as enacted in the year 1807, has since been rescinded, as far as it related to the appointment of aumeens of police, by regulation VI. of 1810. That the state of the police, in the lower provinces, in regard to decoity, had not experienced any amendment, under the operation of the first-mentioned regulation; appears from the following passage of a letter, addressed by the governor general to the court of directors, of a date so recent as the 29th May 1810, describing the state of the police, as it was in the Bengal districts, a little before that period. "The evidence "lately adduced exclusive of a multiplicity of other proofs, "establishes, beyond a question, the commission of robberies, "murder, and the most atrocious, deliberate cruelties; in a "word, an aggregate of the most atrocious crimes: nor let it be "supposed, that these offences were of rare occurrence, or "confined to particular districts; they were committed with few "exceptions, and with slight modifications of atrocity, in every "part of Bengal."

The letter from which this extract is taken, was written to justify certain measures, which it had been judged necessary to resort to, for the purpose of restraining and preventing these evils, and which had been arraigned by Mr. Ernst, one of the magistrates, as objectionable, and as being calculated to [72] introduce greater mischiefs among the people, than the evil which it was to remove. The dispatches which have more recently been received relative to this discussion, appear of considerable interest; not so much on account of the subject to which they specially relate, which had been set at rest by the submission of the magistrate, afterwards made judge of circuit, who, having apologized for the warmth or disrespect of his expressions, was restored to his office, as from the information which they afford respecting the actual state of the police in the provinces under the presidency of Bengal.

The information to which the Committee more particularly allude, is contained in a Report on the state of the police, with suggestions for its

Appendix, No. 12.

improvement, by the Secretary to the government in the judicial department, entered on the consultations of government of the 29th September 1809. This document is particularly intended for the consideration of the authorities in this country: The writer observes, that were this report "intended solely for the consideration of the local government "in India, it would be superfluous to enter into details regarding "the inefficiency of the police, as unhappily, occasions have "too frequently arisen, to arrest their attention on this "important subject; but as the arrangements suggested, may "possibly attract the attention of the honourable the court "of directors to whom these evils may not be so familiar, a "brief exposition of them must be deemed a necessary introduc-"tion to any plan which may be suggested for the general "improvement of the police."

In this Report, are detailed the cruelties suffered by the inhabitants in the districts for the most part round the seat of government, from decoits or gang robbers, and the total inefficiency of the police, as it then stood, to suppress or restrain them; and it is endeavoured to justify the measures recently introduced, and to propose others, with the view of removing the evils complained of. In illustration of the cruelties commonly practised by the robbers, the evidence on some late trials is given, and the general prevalence of those cruelties, is proved by a reference to the reports of the circuit judge transmitted from different parts of the country. It is observed moreover, that though the evils in question "were "in some instances to be ascribed to the supineness of the "local magistrates, they were much more generally imputable, "to the defects of the existing system."

The Committee cannot forbear expressing their surprize, at the statement made in Mr. Secretary Dowdeswell's report, that the government were not enabled to discover in a shorter period than that alluded to, what is now unequivocally acknowledged on their proceedings, namely, "that the existing "system of police had entirely failed in its object." Though the letters from the Bengal government to the directors, down to April 1806, represent the commission of crimes, particularly perjury, to be increasing rather than the contrary, there is nothing said to excite any particular apprehension for the security of person and property enjoyed by the natives under the British government, or to create any doubt in regard to the

new system of police, having secured to the natives the benefits which were intended for them, by its introduction.

It is therefore, with the greater concern that the Committee find in the recent dispatch, so strong a manifestation of the great inadequacy which has been experienced of the establishments introduced in 1793, for the protection of the people from public robbers, and the ascendancy acquired by decoits in the provinces surrounding the seat of government.

It is stated in the report in question, that "the principal "cause why the measures hitherto adopted for the protection "of the peoples against robbery by open violence, have been "ineffectual, is, the very defective information which govern- "ment, and the principal authorities under government, "possessed respecting the actual state of the police."—"The "defect here noticed (says the writer of the report) may "arise, either from the very imperfect information which the "local magistrates themselves possess, respecting the state "of the police, or from an ill judged, but not an unnatural "solicitude, to represent the districts in the most favourable "state possible." Your Committee must here express their opinion of the dangerous tendency of indulgence in the disposition alluded to, of representing districts or things to be in a more favourable state, than they really are; as this may lead, first, to a postponement of the communication of unpleasant circumstances; next, to the suppression of information; and, finally, to the misrepresentation of facts. In the present instance, the [73] Committee have adverted to the information actually before the government and the nizamut adawlut, for some years prior to the date of the report above quoted; and it appears to them that the reports of the circuit judges, made through the nizamut adawlut to the government at the conclusion of each session, evinced the prevalence of gang robbery, not only in a degree sufficient to attract the notice of the government, but to call forth its endeavours to suppress it.

Its endeavours, from 1801 down to the period in question, for the improvement of the police, and for the suppression of gang robbery, appear in the new regulations, and in modifications of those already in force. The general object of these enactments, was to render the criminal law more severe, and the officers of police more vigilant; and as has been also before stated, to call in the aid of the landholders and other principal inhabitants, for the protection of the people against

decoits, and other depredators. But notwithstanding these measures, the disorders which they were intended to subdue, still increased; and towards the end of 1807, had acquired such a degree of strength, as to oblige the government to resort to measures, much more forcible than had hitherto been tried for the deliverance of the country from this growing and intolerable evil.

It does not therefore appear to have been, from any want of information in regard to the imperfect state of the police, that the government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy.

Regn. X. 1808. 28 Nov.

The measures above referred to, are those which appear to have been commenced in 1808, with Regulation the tenth of that year; "for the "appointment of a superintendent of police, and for defining "his jurisdiction and authority." The preamble of the Regulation states, that "by concentrating information obtainable "from different parts of the country in a particular office at "the presidency, a successful plan of operations might be "devised and executed, when the efforts of the local police "officers would be unavailing;" and "that measures conducive "to the discovery and seizure of the gangs of decoits, which "still continued to infest many of the districts in the province "of Bengal, might especially be promoted, by the appointment "of a superintendent of police." A power was accordingly vested in this officer, to act in concert with the zillah and city magistrates, or independently of them, for the detection and apprehension of persons charged with or suspected of decoity and other offences. His warrant or other process was, as he might determine, to be executed, either by his own officers, or through those of the local authorities. The government, moreover, upon the present occasion, deeming the urgency of the case to justify the measure, resolved to countenance the regular organization and official employment of public informers, for the purpose of discovering the haunts, and pointing out the persons of the most notorious of the decoits, or of any of their associates. The circumstance which led to this step, was the successful co-operation which had been afforded by one of the Calcutta magistrates, acting as joint magistrate with the magistrate of Nuddea, in freeing or endeavouring

to free, that district from decoits. Mr. Blacquiere,[1] who had resided in Bengal from his earliest years, possessed a perfect knowledge of the language and the manners of the natives, had recommended himself so far to the government by this service, that, although he was not a covenanted servant of the Company, it was determined to vest him with the powers of magistrate in such other districts, as, like Nuddea, had been overrun with decoits. The mode in which Mr. Blacquiere proceeded was, by the employment of *goyendas*, or spies and informers; some of whom, having themselves been principal robbers, it was understood would be particularly expert in detecting others who were still acting in that capacity. To these, were added the services of *girdawars* or overseers, or superintendents. The spies were to point out the robbers, and the overseers were to apprehend them.

As the employment of these agents, in the manner thus sanctioned, has given rise to much discussion between the government and some of the judicial officers, on the merit and success of this expedient, the Committee think it may be proper to state the information on these points, which the latest advices from the Bengal Presidency afford. The following account of the origin and employment of goyendas is taken from a minute, recorded on the 24th Nov. [74] 1810, by one of the members of the government, who was an advocate for the measure, and desirous of shewing that the employment of goyendas was not new in the police of Bengal:

"——Under no arrangement hitherto tried, has the efficiency of the police, been independent of the agency of informers and spies. Pecuniary rewards for detecting and bringing to justice decoits and other offenders, were offered as early as 1772, when the serious attention of the government was first drawn to the alarming prevalence of the horrid offence of decoity. But without going further back than the period when the regulations of the government began to assume generally the form, which they have since retained, the offer of a specific reward of ten rupees for every decoit, payable on the conviction of the offender, was authorized in 1792, and continued to be payable in the same mode, until

[1] William Coates Blaquiere. Died 15th August, 1853. He was a son of the Company's cloth expert at Santipur. In addition to his appointment as a police magistrate, he was Chief Interpreter or Translator of the Supreme Court for sixty years. See *Bengal: Past & Present*, vol. ii, p. 164: vol. v, pp. 312-13. [Editor].

"recently modified in pursuance of the arrangements, which we "resolved to adopt two years ago, for the reform of the police."

"Under the encouragement of head money offered by the "regulations of 1792 above quoted, the profession of a goyenda "first took its rise, and speedily spread itself over the country. "The subsequent introduction of police tannahs had no "tendency to check the employment, or control their proceedings. "Every tannah soon had its set of goyendas plying for "occupation, with the avowed countenance and support of the "darogah, who shared with them the head money for decoits, "convicted on evidence marshalled by them; and the specious "offers of professed goyendas occasionally induced incautious "magistrates to entrust them with general warrants and "indefinite commissions, for the apprehension of criminals, in "places particularly infested by robbers, or sometimes, in "consequence of the perpetration of a peculiarly heinous "decoity.—That abuses have been practised by *goyendas* or "informers, but still more by *girdwars*, or those entrusted "with power to apprehend, is unquestionable. Seeking a "livelihood by the profession in which they had engaged, but "not always able to procure it, by the slow means of the detec- "tion of crimes and proof of guilt, they have no doubt resorted "but too often, to various modes of extortion; sometimes, from "persons of suspected character, and at other times, from the "honest part of the community, under threats of accusation; "and have occasionally proceeded to prefer groundless charges, "and even to support them by false evidence; and instances "have actually occurred, where there has been too much "reason to believe, that the goyenda himself devised the "robbery, of which he convicted the unhappy wretches reduced "by his arts, to a participation in the crime."

There can be little doubt of the existence of spies, where-ever the laws hold out rewards to informers; and the increase of this class of people in Bengal, is satisfactorily traced to the pecuniary reward offered for every decoit, who might be convicted on information brought before the magistrate. The bad practices used by goyendas, your Committee find noticed strongly in the answer to the interrogatories circulated in 1801; but the abolition or rather the modification of the head money, for decoits, was not effected until 1810. There must consequently have been a wide field for the goyendas to move in, from their first appearance (according to the foregoing

Vide sec. 14. Regn. XVI. of 1810.

minute) in 1792, until the period referred to in 1810, where the modification of the reward, or head money, considerably narrowed the ground on which they had been accustomed to practise their atrocities.

The proceedings of the courts of justice, and the reports of the judges of circuit, furnish a strong confirmation of what has been stated with respect to the unprincipled practices of that description of people, and of the evils resulting from a combination between them and the darogahs or head police officers, for the purpose, as stated in the foregoing minute, "of sharing with them the head money for decoits."

The employment of persons of the above description, as instruments of police, might appear to require explanation, more especially as it has been objected to, by some of the most experienced servants in the judicial department. In the correspondence last received from Bengal, the reasons are adduced, which dictated the expediency of employing those persons under the police; and they are as follow; 1st. the necessity which arose for the adoption of some strong measure, to check or suppress the outrages committed by decoits, which had long been prevalent; and on a sudden, had acquired a most alarming height in those [**75**] districts particularly, which were most adjacent to the seat of government. 2d. The good state of the police within the limits of the town of Calcutta, where goyendas had been employed by the magistrates, and particularly under the direction of Mr. Blacquiere. 3d. The benefit experienced in the district of Nuddea, from the employment of Mr. Blacquiere with goyendas, for the discovery and seizure of decoits, which suggested the employment of the same means, more extensively. 4th. The rules under which goyendas were directed to be employed, which prohibited their receiving general warrants, and restricted them to the employment of pointing out persons accused of crimes, to the girdwars, or officers, who attended to apprehend them.

The institution of the new office of superintendent of police, and the extension of Mr. Blacquiere's functions, with authority to employ goyendas, is represented to have been attended with early success, in the discovery and apprehension of many gangs of decoits, and the seizure of some of their most notorious sirdars, or leaders; one of them at the distance of 500 miles from the part of the country from which he fled to avoid detection. But the satisfaction which this must have afforded

the government, underwent probably some abatement, on the discovery which was made, that some of the goyendas thus employed, had, in concert with the girdwars, actually been committing depredations on the peaceable inhabitants, of the same nature as those practised by the decoits, whom they were employed to suppress. These persons were convicted before the court of circuit; and suffered the punishment due to their crimes. The government admit, that there were probably more of these enormities committed by these instruments of police, than had come to light; but they nevertheless deemed it expedient, that the smaller evil should be endured, rather than the agency of goyendas, in freeing the country of decoits, should be relinquished.

The court of directors, it may be presumed, will be anxious to learn the issue of these measures, under the great solicitude they must feel, for their proving ultimately successful in the object of their introduction. What has appeared in the latest intelligence on this subject, affords assurance, that after about two years' experience of the efficacy of the new measures, decoity or gang robbery, had met with a check; and had been reported by some of the circuit judges, to have happened less frequently in most, and to have ceased in some, of the Bengal districts, where antecedently it had prevailed, in the greatest degree. It is earnestly to be hoped, that these assurances may be confirmed by experience.

CONCLUDING REMARKS.

Although the view given, in the foregoing part of this Report may show, that certain imperfections are still found in the system of internal government in the Bengal provinces; yet it can, in the opinion of your Committee, admit of no question, whether the dominion exercised by the East India Company has, on the whole, been beneficial to the natives. If such a question were proposed, your Committee must decidedly answer it, in the affirmative. The strength of the government of British India, directed as it has been, has had the effect of securing its subjects, as well from foreign depredation, as from internal commotion. This is an advantage rarely experienced by the subjects of Asiatic states; and, combined with a domestic administration more just in its principles, and exercised with far greater integrity and ability, than the native one that preceded it, may sufficiently account

for the improvements that have taken place; and which, in the Bengal provinces, where peace has been enjoyed for a period of time, perhaps hardly paralleled in Oriental history, have manifested themselves in the ameliorated condition of the great mass of the population; although certain classes may have been depressed, by the indispensable policy of a foreign government. The nature and circumstances of our situation, prescribe narrow limits to the prospects of the natives, in the political and military branches of the public service: strictly speaking, however, they were foreigners who generally enjoyed the great offices in those departments, even under the Mogul Government;—but to agriculture and commerce every encouragement is afforded, under a system of laws, the prominent object of which is, to protect the weak from oppression, and to secure to every individual the fruits of his industry.

The country, as may be expected, has, under these circumstances, exhibited in every part of it, improvement on a general view, advancing with accelerated progress in latter times. [76]

FORT ST. GEORGE.

FORT ST. GEORGE.

YOUR Committee having furnished the House with as correct a view as the official records of the East India Company has enabled them to afford, of the past history and present state of the extensive possessions under the Bengal Government, with reference to the immediate objects of this Report; they will now lay before it, a similar detail respecting the territories subject to the presidency of Fort St. George.

In the prosecution of this further purpose, their attention will, in conformity to the arrangement which they have pursued in the preceding branch of their Report, be directed, in the first instance, to the revenues of that presidency: And, in stating the information which they deem necessary, with a view to the elucidation of this extensive topic of enquiry, your Cominittee will report upon it in the following order:

Ist.—They will give an account of the measures and systems which have been progressively resorted to, for the administration of the revenues in the antient possessions of the Company under the government of Fort St. George, down to the period when the system of permanent zemindarry tenures was established therein.

IInd.—They will furnish the same kind of information, with respect to the modern possessions subject to that government, into which the system of permanent zemindarry tenures has hitherto been introduced only to a limited extent.

ANTIENT POSSESSIONS.

NORTHERN CIRCARS

OF the antient possessions under the presidency of Fort St. George, the Committee will first call the attention of the House to those denominated the Northern Circars.[1]

Grant's Political Survey of the Northern Circars.

They originally formed part of the antient kingdoms of Oria and Telinga; having with the whole of those kingdoms, been brought, in the thirteenth century, under the mussulman

[1] See Preface to the Madras appendix to this Report. [Editor].

dominion of Beder. In 1687, they were conquered by Aruungzebe; by the issue of successful rebellion they passed, in 1724 from the descendants of that emperor to Nizam ul Mulk, the soubah or viceroy of the Deccan, who still retained that title, though he had established for himself a distinct, though tributary kingdom, of which the city of Hydrabad was the capital. He was succeeded by his third son, Salabut Jung, who, being greatly indebted for his elevation to intrigues and military assistance of the French East India Company, rewarded their services, in 1752, by a grant of the circar of Condavir or Guntoor, which was soon afterwards followed by the cession to that Company, of the other circars. They did not however long remain in the hands of the French. The capture of Masulipatam, in 1759, by the British arms, having deprived them of all real power and influence; these territories reverted to the government of the Nizam, with the exception of the acknowledged dependencies of the town and fortress of Masulipatam, which were retained by the English East India Company. This course of policy on the part of the British power would seem to have been dictated by the pressure of other concerns, and by the fear of engaging in an undertaking, apparently beyond its strength. Deprived of the support of the French, Salabut Jung, whose resources were as feeble as his conduct was irresolute, was soon superseded in his authority, by the influence of his brother Nizam Alli. It is not necessary for your Committee to enter into the history of an offer made by the new soubah to the East India Company, of the Northern circars: or of the circumstances which put an end to the negotiation on that subject. It is sufficient to state, that the discovery of an intention on the part of the Nabob of Arcot, of eventually adding the sovereignty of the circars to his dominions in the Carnatic, induced Lord Clive, in 1765, to obtain from the Mogul a grant of four of them, namely, Cicacole, Rajahmundry, Ellore and Condapilly; which in the following year was confirmed by a treaty entered into with the Nizam.

Letters from Fort St. George, 9th November 1762. 1st August 1766

4th Report of Committee of Secrecy, 1782, Appendix 10.

Letter from Fort St. George, 1st November 1759.

Letter from Fort St. George, 9th November 1762.

Grant's Political Survey of the Northern Circars.

4th Report of Committee of Secrecy, Appendix 10.

The remaining circar of Guntoor was at that time, in the

2nd Report of Committee of Secrecy, 1782.

possession of Bazalet Jung, the brother of the Nizam, by whom it was held as a jaghire. It was contingently stipulated for in the treaty with the Nizam, subject to the life of Bazalet Jung; but did not devolve to the East India Company, till the year 1788. A treaty had indeed [77] been most improperly concluded with Bazalet Jung, in the early part of the year 1779, by the government of Fort St. George, without the consent of the Nizam, for the cession of this circar; and in a few months afterwards, it was granted by the same government to the Nabob of the Carnatic, on a lease of ten years; but the whole transaction was annulled in the following year, by the authority of the government of Bengal.

Letter from Fort St. George, 27th June 1769.

Letter of Mr. John Sullivan to the Court of Directors of 3d Feb. 1779, respecting the Northern Circars.

As on the acquisition of the four circars, two of them only had acknowledged the authority of the company, and as their servants were of necessity, but very imperfectly informed of the usages of the people; there was every reason to believe that the first arrangements to be made, would be attended with great difficulty. It was therefore judged expedient, to administer the government for a time, in the manner which had been found established. The local management of the circars of Rajahmundry, Ellore and Condapilly was consequently committed, under a lease for three years, to a native, Hussein Alli Khan, who had before governed the country in the name of the Nizam, and who, as deputy of the British government, was invested with all the power and splendor of a viceroy. The circar of Cicacole was placed, under another delegate.

On the discontinuance of this native administration in 1769, the Circars were placed under the charge of provincial chiefs and councils, into which the Company's commercial factories were then converted. To the chief and council of the factory at Masulipatam, was entrusted the management of the districts of Condapilly, Rajahmundry and Ellore. The southern division of Cicacole was placed under the chief and council at Vizagapatam; and as the factory at Ganjam had been formerly abandoned, a chief and council was established for conducting the affairs of that part of the country. This system of internal government, as your Committee have shown in the former part of this Report, obtained in the Bengal provinces; and, as will

be explained in a subsequent part of it, was continued in the Northern circars until the year 1794. On these provincial boards, devolved the whole political, civil and revenue administration of the country. Your Committee find, that a few years after the establishment of the provincial chiefs and councils, measures were taken by the court of directors, to investigate the state of the Northern circars. Their instructions to the presidency of Fort St. George on that occasion, are contained in a letter dated the 12th of April 1775. In these instructions, which form No. 5 of the Appendix to the Second Report of the Committee of Secrecy, appointed by the House of Commons in 1782, "to inquire into the causes of the war in the Carnatic, "and the condition of the British possessions in those parts," the court of directors represented, that one object of the Madras government must be to acquire a competent knowledge of the territories under their charge, and to establish a judicious and permanent system for their future management; and they therefore directed that a committee of circuit, to be composed of five members of the council at Fort St. George, should be appointed to inquire into the state of the Northern circars and the Jaghire, by ascertaining, with all possible exactness, the produce of the respective countries, the number of inhabitants, the state of the manufactures, the fortified places, the military strength of each rajah, zemindar or landholder, the expense of his household and that of his troops, and the means he had of defraying those expenses; the gross amount of the revenues, the articles from which they arose, the mode by which they were collected, the charges of collection, the specific proportion usually received by the rajah or zemindar, and that, which custom or usage allotted to the cultivator, as the reward of his labour. The Court at the same time, intimated that it was not their wish to deprive zemindars of their annual income; that on the contrary, they desired to secure it to them, without leaving them under the necessity of keeping an armed force to collect it; and that it was also their earnest desire to deliver the inhabitants from undue exactions and oppressions, as far as might be in their power. They further directed that the committee should particularly inquire what security the natives

recently established [illegible]
introduced into the northern circars.

A Committee was accordingly appointed for these purposes;

2nd Report of Committee of Secrecy, 1782.

but it was abolished by the government of Fort St. George, in 1778, very soon after it had commenced its labours. The history of this proceeding, which it is unnecessary here to detail, is explained in the Second Report of the Committee of Secrecy, of 1782; from which it will appear that it met with the strong censure of the court of directors.

The committee of circuit was revived in 1783; and it continued to prosecute the objects of its inquiry, until the year 1788. The reports which were from time to [78] time, received from this temporary board of inquiry, furnished the government with a fuller and more particular view of the state and affairs of the Northern circars, than had been before received, from the local authorities in those districts; but the knowledge which they afforded, of the amount of the revenues actually collected from the lands, and of the value and resources of the lands themselves, was necessarily in a great measure, hypothetical; for besides the opposition which the committee of circuit received from the provincial councils, few of the members of whom the committee was composed, appear to have been acquainted with the native languages; and, as it is stated by themselves, they depended wholly, for what intelligence they obtained on those subjects, on the zemindars and the native officers in the villages, the very persons most interested to conceal the truth, and to impose upon them false information. It appears indeed that the zemindars, in several instances, refused to furnish the committee with any information, respecting the points to which their investigations were directed. The government, it is to be observed, had not yet exercised any active interference in the business of the revenues; and as the authority of the zemindars was little less than regal, it was not to be expected that the researches of such a committee, invested too as it was, with but very limited powers, could have led to any thing like accurate results.

While the committee were pursuing their inquiries, the court of directors transmitted to Fort St. George, in 1786, a political survey of the Northern circars, by Mr. James Grant, a senior merchant of Bengal, which had been brought under the notice of the court, and which the court, deeming well worthy of the serious attention of the Madras government, strongly recommend to their notice. This gentleman, to whose enquiries on the subject of the Bengal revenues, the committee have had occasion to allude in the

General Letter to Fort St. George, 28th April 1786.

former part of their Report, had been public minister at the court of the Nizam. While resident at Hydrabad, he cultivated an intercourse with an eminent and experienced native statesman, and thence obtained access to valuable public records, which had been hitherto closed with cautious jealousy, against foreign inspection. Of these, and other sources of knowledge respecting the affairs of the Northern circars, Mr. Grant's acquaintance with the Persian language, enabled him to make the fullest use. The result of his inquiries is contained in the Political Survey. Though the opinions and doctrines of Mr. Grant, on the subject of landed rights, do not in all points, agree with the more correct information which has since been acquired on that subject, his Survey throws so clear a light on the Mahomeddan system of revenue economy in the Northern circars, and in other parts of India, that the Committee have inserted it, in the Appendix to their Report.

Appendix, No 13

From the information furnished by the work in question, by the reports of the committee of circuit, and by other official documents, your Committee are enabled to lay before the House, the following general view of the internal state of the Northern Circars.

These territories, when acquired by the Company, consisted of zemindarry lands and havelly lands.

The zemindarry lands are situated in the hill country of the western frontier, and in the plains between the hills and the sea. The hill zemindars, secure in the woody and unwholesome heights which they inhabited, and encouraged by the hope of an eventual asylum in the dominions of the Nizam, or of the rajah of Berar, had often furnished examples of sucessful depredation and unpunished revolt. They were surrounded by military tenants, whose lands were held, on stipulations of personal service; and whose attachment to their chiefs was increased, by the bond of family connection. These zemindars consisted of three classes: First; The *Velmas*, of Telinga origin, who were driven from the Carnatic in the year 1652, by the Mahomeddan arms, and who established themselves on the borders of the Kistna. Second; The *Rachewars*, of the race of the ancient sovereigns of Orissa, who were also compelled by the Mahomeddans to relinquish the plains of the circars, and retired to the highland woods, that formed their western frontier. Their possessions

Reports of Committee of Circuit: Grant's Political Survey: Sullivan's Letter to Court of Directors of 3d Feb. 1779.

are principally situated to the north of the Godavery. Third; The *Wooriars*, being petty chieftains of the military tribe, who, after the overthrow of the empire of Orissa by the Mahomeddans, were enabled, from their local situation, to acquire an independent jurisdiction. Their possessions are chiefly situated, in the high lands in the northern division of Cicacole.

The zemindars in the plains, could boast of no higher extraction than being descended from the officers and revenue agents of the sovereigns of Orissa, who were [79] employed by the Mussulman conquerors, in the management of their new acquisitions, and who appear to have first acquired lands and influence, after the conquest of Aurungzebe, and during the distracted administration of his children.

The military force of the zemindars, like that maintained by the Poligars in the modern possessions under the Madras government, consisted of three descriptions. First; The *common Peons*, who were paid in money, and whose constant attendance was expected. Secondly; The *Mocassa* Peons, who were paid by grants of land, subject to a quit rent only. Thirdly; The *Munnoverty* Peons, who consisted of military tenants of a higher order, and who were bound to bring their adherents with them to the field. At the time the Circars came into the heads of the Company, the zemindars were, for the most part, in a very irregular state of subjection to Nizam Ally. During the weakness of his government and that of his predecessors, they had embraced every opportunity to extend their power, and to assume a degree of independence, incompatible with any other character than that of tributary chiefs. In the pursuit of these views, they were assisted by the successive wars and contentions for empire, which followed the death of Aurungzebe in 1707. Amist these convulsions, arose a dispute for the succession to the soubahship of the Deccan, in which Nizam ul Mulk, by maintaining himself, in opposition to the orders of the Mogul, excited the zemindars to disregard an authority, which then possessed not the means of enforcing their obedience. During the period of Nizam ul Mulk's usurpation, little progress was made in restoring these countries to a state of order; and a second contest for the government of the Deccan, arising upon his death in 1749, the confusion of the internal government was continued and increased. Such was the state of the northern circars when obtained by the French. At the

General Revenue Report to Government 25th Sept. 1786.
Grant's Political Survey.
Reports of Committee of Circuit.

commencement of their administration, they made the zemindars feel the weight of their power; but being called upon to march their troops into different parts of the country, for the purpose of supporting Salabut Jung, before their authority was established, they were soon driven to the necessity of temporizing with those they had attempted to subdue, and disorders ensued, which prevailed from the time the French were expelled the circars. They reverted to the government of the Nizam, under whom they continued, to the period when they were transferred to the English East India Company. In that interval, the whole system of internal management had become disorganized. Not only the forms, but even the remembrance of civil authority, seemed to be wholly lost. These circumstances, to which the Committee have thus thought it necessary briefly to advert, will account to the House for the state of power and influence in which the zemindars were found by the Company, when they received the sovereignty of the Circars.

The hill zemindars, who were descended from the rajahs of the kingdom of Orissa and who were entrusted with the protection of a district from the incursions of robbers and wild beasts, and with the suppression of internal commotions, were on account of the difficulty of keeping them in strict subjection, allowed by the Mussulman conquerors, to retain their former habits, and to enjoy the government share of the produce from their mountainous but fertile lands, on condition of paying a tribute, and the performance of the duties of protection abovementioned, which they had been accustomed to discharge. But the zemindars in general, whom it does not appear could be made to submit to the Mahomeddan authority, were never acknowledged by their rulers as independent or tributary chiefs, or as even having any property in the land. On the contrary, it would seem from the process which the Mussulman government observed, when capable of vigour, in realizing the revenues of the districts, as well as from the constitutional checks established through every part of them, (checks similar to those which the Committee have described, as having existed in the Bengal territories) that zemindarries were offices of trust, and that the possessors of them, were accountable managers and collectors, and not lords and proprietors of the lands; that the money they paid to government, instead of being, in the nature of a tribute or mere acknowledgment of subjection or fealty, was no other than a jumma or revenue, annually calculated upon the produce of the several zemindarries; that, as a check

upon the conduct of the Zemindars, there were officers appointed by the state, to keep an account of the cultivation and produce, and whose duty it was to furnish the foujdar or governor of the country, at the proper season, with accounts and statements of its produce, who thereupon, formed the jummabundy or revenue settlement of the year, which was variable in its amount, and in general, proportionate to the estimated value of the harvest. The duty of the zemindar, as declared in his sunnud of appointment, was to [80] superintend that portion of country committed to his charge, to do justice to the ryots or peasants, to furnish them with the necessary advances for cultivation, and to collect the rent of government; and as a compensation for the discharge of this duty, he enjoyed, as did the zemindars of Bengal, certain allotments of land, rent free, termed *saverum*, which were conveniently dispersed through the district, so as to make his presence necessary every where, in order to give the greater effect to his superintendence. He was also entitled to receive certain *russooms* or fees on the crops, and other perquisites, drawn from the sayer or customs, and from the quit rents of houses. These personal or rather official lands and perquisites, amounted altogether to about ten per cent. on the collections he made in his district or zemindarry. The office itself was to be traced, as far back as the time of the Hindoo rajahs. It originally went by the name of *Chowdrie*, which was changed by the Mahomeddans for that of *Crorie*, in consequence of an arrangement, by which the land was so divided among the collectors, that each had the charge of a portion of country yielding about a crore of *dams*, or two and a half lacs of rupees. It was not until a late period of the Mahomeddan government, that the term crorie was superseded by that of *zemindar*, which literally signfying a possessor of land, gave a colour to that misconstruction of their tenure, which assigned to them an hereditary right to the soil. It accordingly appears that in the year 1769, on the establishment of European agency in the management of the Nothern circars, the zemindarries were described by the presidency of Fort St. George, "as lands held "by certain rajahs or chiefs, as their here- "ditary estates, paying a certain tribute to "the government, and being subject to suit "and service, in a manner very similar to "the antient feudal tenures." An idea was also entertained in 1771, by the chief and council at Masulipatam, that "the zemin-

General Letter from Fort St. George, 8th March 1769.

General Report of Revenue Board, dated 25th September 1786.

"darries were no other than feudal districts, for which the rajahs, "who were the proprietors of them, paid a tribute to government, "in proportion to their value; and if called upon, ought to "attend in time of war with a certain number of troops." And in subsequent years, it would appear that a very close adherence to the tributary system was observed in the conduct of the British government towards the zemindars; until the general investigations of the committee of circuit, and the more particular researches of several enlightened servants of the Company, established the fallacy of the construction which had been, at least, tacitly admitted with respect to zemindarry rights, and set them forth, in their true character. While the strength of the Mahomeddan government was entire, and indeed, whenever it was afterwards enabled, on occasions to exert it, the conduct of the zemindars was subject to a rigid control, and many instances of punishment, the most severe, are recorded in the annals of the country. It appears that they were in general, continued hereditarily in the management of the lands, but not necessarily so; for it was no very uncommon practice to remove them for acts of misconduct and disobedience; and an instance is on record, of their having been generally displaced by the Nizam's government, in the last century. In the early period also of the French government, the greater part of them, were dismissed from their employments, but permitted to enjoy their sauverum lands, and the other privileges or fees which, as has been shown, constituted the authorized emoluments attached to the office of a zemindar.

Reports of Committee of Circuit; and Memoirs of Mr. Willam, delivered into Government in the years 1786 and 1787.

The practice of our Government in the zemindarry lands, (and which was found to exist when the circars came into its possession) was to allow the zemindars to appropriate the revenues of the districts to their own use, in consideration of paying a certain sum to the government, stipulated in the written engagements they entered into; which sum was denominated jumma, or rent. These resources, they realized, by collecting them from the ryots or actual cultivators, either in kind or money, or, as was almost universally the case, by farming them to persons, on annual or longer leases; the contracts including one or more villages, districts, or larger portions, and sometimes entire zemindarries.

By the custom of the Hindoo government, the cultivators

were entitled to one-half of the paddy produce (that is, grain in the husk) depending on the periodical rains. Of the crops from the dry grain lands, watered by artificial means, the share of the cultivator was about two-thirds. These, were the proportions which generally obtained; but particular casts were allowed a larger share, as well as strangers, that is, those ryots who were not fixed residents in the villages. Before the harvest commenced, the quantity of the crop was ascertained in the presence of the inhabitants and village servants, by the survey of persons unconnected with the village, who from habit, were particularly skilful and expert, in judging of the produce, and who, in the adjustment of this business, were materially aided by a reference to the produce of former years, as recorded by the accountants of the villages. The [81] cultivators were at liberty, if they thought it necessary, to make another survey by people of their own; and if any material difference appeared in the two estimates, a third account was taken, under the orders of the village officers. The quantity which belonged to the government being thus ascertainted, it was received in kind or in money. Before the division took place, certain deductions were made from the gross produce, which the Committee will hereafter explain. Of the plantation or garden culture, which was of greater value than the other descriptions of produce, no larger portion was demanded from the ryots than one-fourth to one-eighth of the entire yearly crop, according to the additional expense, trouble and time required, in bringing such articles to maturity, and the distance and hazard of carrying them to market. The rule with respect to these superior articles, as well as small grains, was to assess them with a fixed money rent, not liable to fluctuation, as the produce might be more or less.

Such were the rights of the ryots, according to the antient usage of the country. In consequence, however, of the changes introduced by the Mahomeddan conquest, and the many abuses which later times had established, the share really enjoyed by the ryots, was often reduced to a sixth, and but seldom exceeded a fifth; for instead of the former usage, the expedient of an impost originally founded on a measurement of the arable land, and of additional assessments in proportion to that impost, was generally adopted, and the amount of such additional assessments had no bounds, but those which limited the supposed ability of the husbandman. In those parts of the country where the practice of receiving the rents in kind,

or by a monied valuation of the actual produce, still obtained, the cultivators were reduced to an equally unfavourable situation, by the arbitrary demands and contributions to which they were subjected, beyond the stipulated rent. The effects of this unjust system, were considerably augmented by the custom which had become common with the zemindars, and to which your Committee have already alluded, of sub-renting their lands to farmers, whom they armed with unrestricted powers of collection, and who were thus enabled to disregard, whenever it suited their purpose, the engagements they entered into with the ryots; besides practising every species of oppression, which an unfeeling motive of self-interest could suggest. If they agreed with the cultivators at the commencement of the year, for a rent in money, and the season proved an abundant one, they then insisted on receiving their dues in kind. When they did take their rents in specie, they hardly ever failed to collect a part of them, before the harvest time had arrived, and the crops were cut; which reduced the ryots to the necessity of borrowing from money lenders, at a heavy interest of 3, 4 and 5 per cent. per month, the sums requisite to make good the anticipated payments that were demanded of them. If from calamity or other cause, the ryots were the least remiss in the discharge of their rents, the officers of the renters were instantly quartered upon them, and these officers they were obliged to maintain, until they might be recalled, on the demand being satisfied. It was also a frequent practice with the renters, to remove the inhabitants from fertile lands, in order to bestow them on their friends and favourites; and to oblige the ryots to assist them, when they happened to be farmers, in the tilling of their lands, and to furnish them gratuitously with labourers, bullocks, carts and straw.

In addition to the assessment on the lands, or the shares of their produce received from the inhabitants, they were subject to the duties levied on the inland trade which were collected by the renters under the zemindars. These duties which went by the name of Sayer, as they extended to grain, to cattle, to salt, and all the other necessaries of life passing through the country, and were collected by corrupt, partial, and extortionate agents, produced the worst effects on the state of society, by not only checking the progress of industry, oppressing the manufacturer, and causing him to debase his manufacture; but also by clogging the beneficial operations

of commerce in general, and abridging the comforts of the people at large. This latter description of imposts, was originally considered as a branch of revenue, too much exposed to abuses, to be entrusted to persons not liable to restraint and punishment. It was therefore retained under the immediate management of the government: The first rates were easy, and the custom-houses few; but in the general relaxation of authority prevailing in the circars, this mode of raising revenue for the support of government, was scandalously abused. In the course of a little time, new duties were introduced under the pretence of charitable and religious donations, as fees to the chokedars or account-keepers, guards and other officers at the stations; as protection money to a zemindar, or as a present to those who farmed the duties. Not only had the duties been from time to time, raised in their amount, and multiplied in their number, at the discretion of the zemindars, and the renters under them; but they were at length, levied at almost every stage, [82] and on every successive transfer of property. Uniformity in the principles of collection was completely wanting; a different mode of taxation prevailing in every district, in respect to all the varieties of goods and other articles subject to impost. The consuming system of oppression had, in some instances, been aggravated by the Company's government, which, when possessed of a few factories, with a small extent of territory around them, adopted the measure of placing chokies or custom stations in the vicinity of each, for the purpose of ascertaining the state of trade within their own limits, as well as to afford them a source of revenue. Under the head of Sayer Revenue, was also included a variety of taxes indefinite in their amount, and vexatious in their nature, called *moterpha*; they consisted of imposts on houses, on the implements of agriculture, on looms, on merchants, on artificers, and other professions and casts.

With respect to the Havellies of the Northern circars, they appear to the Committee to have consisted of the demesne or household lands of the circar or government. They were composed of districts in the vicinity of each capital town, which were originally resumed by the Mahomeddan government, and had been annexed to those towns, for the supply of the garrisons and numerous establishments both civil and military of the Mussulmans. This arrangement appears to have been founded on considerations of policy; for it not only exempted the landed interest in general, from the licentious demands

and arbitrary interference of military officers, but it likewise secured to the garrisons a supply, that was equally independent of the interested combinations of zemindars, and of the casual fluctuations of the market. Those under the chief and council at Masulipatam were very inconveniently situated, consisting of detached districts widely separated from each other. Some of the Havellies had been taken from the zemindarry lands, on account of their fertility, but these were few; some were rendered such, by the French; and considerable additions were made to them, after the establishment of the Company's government, by the assumption of lands in the possession of the zemindars, on account of rebellion or other misconduct; or by the immediate management of such lands, reverting to the rulling power, in consequence of failure of heirs in a zemindar. Tne Havellies constituted a large part of the Northern circars; and since the establishment of the British government they may be correctly described, as being portions of territory, which were not, in the hands of zemindars, but in those of the government, and in which it was therefore optional, to adopt any system of management for collecting the land revenue from the ryots, that might be preferred.

The government possessed the right to certain proportions of the crops, after making the customary deductions for the use of the pagodas and other local purposes, which were regulated by the same principles, as in the zemindarry lands. The mode in which the land revenues of the Havellies were collected by the Company's government, was by renting those of a whole circar to one individual, though it would appear they were at first, for some years, let in smaller farms. The persons to whom they were thus rented, were the *dubashes*, who were stewards or agents, or to such as derived their influence from characters of that description, belonging to the different chiefships and councils; being strangers, *soucars* who advanced money, or others who made that kind of farming their profession. The unqualified conveyance by the government itself, of most of its powers to these large speculating renters, necessarily conferred upon them, the most ample means of oppression; and appears to have occasioned, but in a still greater degree unjust and vicious system of internal administration, which existed in the zemindarry lands.

The sayer duties were farmed out either to those who rented the lands, or to other persons under separate leases.

There were other sources, from whence a public revenue was derived in the Havellies. These consisted of the sea and land customs, collected at the different ports, on imports and exports; and of exclusive rights of manufacture and trade, in certain articles, such as salt, arrack, beetle nut and tobacco, for which an annual payment was made to the government: These latter, went under the denomination of *farms* and *licences*. The duties on imports and exports appear to have been at some periods, also rented; but were in general, retained under the management of the subordinate local authorities of government.

It was only by an active and faithful discharge of duty, on the part of those officers of inspection whose business it was to keep an account of the territorial produce, and of every thing connected with the rights, both of the ryots and of [83] government, as arising from the land; that the abuses and irregularity of the zemindars, renters and managers, and of the inferior agents employed in making the collections, could be prevented or restrained. It had been anciently provided by the Hindoo government, that there should be a public officer in each village, who was required to keep an exact register of the quantity of land held by each ryot, the part of it cultivated, his means of cultivation, the actual produce, the proportion he was entitled to receive from the crop, whether by agreement or usage, the shares actually received from him, or the payments made by him, as well as an account of every other circumstance or transaction in his village, that respected the tenures under which the lands were held. The appointment of this officer, was intended as a check on the conduct of the collector of the village, whose duty consisted in assigning land to new settlers, in receiving the rent due from each occupant, and in forwarding the general business of cultivation within the limits of his petty jurisdiction. The accounts of each village thus taken in detail, were transmitted to another officer appointed in each district or division of a province, who formed therefrom abstracts of the state of cultivation, of the produce, and capacity of the several villages within his district. The accounts of this officer, operated as a check on the collector of the district, to whom those in the villages, were the subordinate agents. These accounts, were again reduced by the provincial or head accountant, whose duty it was also to register all sunnuds and territorial grants of every kind. There was

also a head or provincial officer, who superintended the department of collection and receipt. By the means thus described, the government was regularly and constantly furnished with every necessary information respecting its land revenues and other territorial rights. These aboriginal appointments, though going under different names, except as to the *curnum* or village accountant, and *potail* or village collector (whose titular designations still remain unchanged, in the greater part of the country) appear to have been retained by the Mahomeddan governments, and to have been confined to Hindoos. The curnum was in general, and still is, a Bramin.

The excellence of this system appears to have consisted, in the operation of mutual checks on personal agency; and in the simplification of forms and accounts. Its efficiency depended scarcely less, on the degree of superintendance and controul which was exercised by the ruling power over its officers engaged in letting out the lands, and in settling and receiving the rents; than over its official registers. It will accordingly be found, that as the zemindars or district collectors acquired an undue influence in the country, as they became more free and less shackled by the authority of government, and as the practice gained ground of allowing them to farm for a stipulated sum, the revenues of the countries under their charge, instead of accounting to the state for the collections they made; the officers of inspection lost their efficacy, and gradually became themselves, the instruments of abuse. When the committee of circuit reported on the state of the Northern circars, the official registers, instead of being checks on the zemindars and renters, had by acceding at first to their views and encroachments, from weakness or venal motives, fallen into contempt, and lost not only their authority, but their emoluments also. Some contenting themselves with the allowance attached to their offices, continued to hold them, as sinecures; while on the other hand, a few who were rich and aspiring, acquired a footing of power and consequence, little inferior to that of a zemindar; and it was the practice with many of them to act as renters, sometimes as subrenters, and as agents under the renters; thus combining the inconsistent functions of a collector and a comptroller of the revenues. Instances also existed of the duty of the village accountants having been performed by the district register; Hence it was, that an attention to original institutions, and the necessary

means of preserving the public revenue, and the rights of individuals, were entirely neglected.

Among the various abuses which had arisen from the want of an efficient inspection on the part of the government, and which prevailed both in the zemindarries and the Havellies, were the alienation of lands, and the collection of russooms or perquisites. If was the custom of the Hindoo government to grant small allotments of the soil, free of rent, or at low rents, for the support of the pagoda establishments, and their priests; for charitable uses, such as keeping up choultries for the accommodation of travellers, and for the subsistence of the Bramins and other favoured inhabitants. Similar territorial appropriations were also made to the revenue officers of the state, as well as to the public officers and servants of the villages, or individuals employed, in conducting the general concerns, and administering to the public wants and necessities of those petty communities, into which the whole country is divided. [**84**]

Of their internal form and constitution, the committee of circuit have afforded only an imperfect account: but later and more particular enquiries have clearly shewn, that they do not differ in their nature, from those existing in the modern territories in the peninsula. A village, geographically considered, is a tract of country comprising some hundreds or thousands of acres of arable and waste land: politically viewed, it resembles a corporation or township. Its proper establishment of officers and servants consists of the following descriptions: The *Potail*, or head inhabitant; who has the general superintendence of the affairs of the village, settles the disputes of the inhabitants, attends to the police, and performs the duty, already described of collecting the revenues within his village: a duty which his personal influence and minute acquaintance with the situation and concerns of the people renders him best qualified to discharge. The *Curnum*: who keeps the accounts of cultivation, and registers every thing connected with it. The *Talliar* and *Totie*: the duty of the former, appearing to consist, in a wider and more enlarged sphere of action, in gaining information of crimes and offences, and in escorting and protecting persons travelling from one village to another; the province of the latter, appearing to be more immediately confined to the village, consisting, among other duties, in guarding the crops, and assisting in measuring them. The *Boundaryman*; who

preserves the limits of the village, or gives evidence respecting them, in cases of dispute. The *Superintendent of the Tanks* and *Watercourses* distributes the water therefrom, for the purposes of agriculture. The *Bramin*, who performs the village worship. The *Schoolmaster*, who is seen teaching the children in the villages to read and write in the sand. The *Calendar Bramin*, or astrologer, who proclaims the lucky or unpropitious periods for sowing and threshing. The *Smith* and *Carpenter*, who manufacture the implements of agriculture, and build the dwelling of the ryot. The *Potman*, or potter. The *Washerman*. The *Barber*. The *Cowkeeper*, who looks after the cattle. The *Doctor*. The *Dancing Girl*, who attends at rejoicings. The *Musician* and the *Poet*. The officers and servants, generally constitute the establishment of a village; but, in some parts of the country, it is of less extent, some of the duties and functions above described being united in the same person; in others, it exceeds the number of individuals which have been described.

Under this simple form of municipal government, the inhabitants of the country have lived, from time immemorial. The boundaries of the villages have been but seldom altered; and though the villages themselves, have been sometimes injured, and even desolated, by war, famine, and disease; the same name, the same limits, the same interests, and even the same families, have continued for ages. The inhabitants give themselves no trouble about the breaking-up and division of kingdoms; while the village remains entire, they care not to what power it is transferred, or to what sovereign it devolves; its internal economy remains unchanged; the Potail is still the head inhabitant, and still acts as the petty judge and magistrate, and collector or renter of the village.

In addition to the portions of land appropriated to the pagoda establishment, to the local officers of government, and to the village servants, they each were entitled to certain small shares or perquisites from the crops of the villages; which were allotted to them, generally before, but sometimes subsequently, to the division of the produce between government and the cultivators. Provision appears to have been also made, in the mode last described, for the maintenance of public servants incapacitated by age or accident from the discharge of their duty. The fund of these disbursements, in which the several classes of revenue officers and village servants likewise parti-

cipated, as one of the sources of their official emoluments, was the sayer or inland duties, and the sea and land customs.

The practice of allotting lands free of rent, or at low rents, and of applying shares of the agricultural produce, and of the customs, to the uses and purposes above explained, was followed by the Mahomeddan government; with whom it was also a frequent custom to provide for their relations, and to reward the higher ranks of their officers in the military and civil departments, by large grants of land, under the name of *jaghires*. The territorial grants to the religious institutions of the country, and for charitable purposes, bear the name of *enaums*; those to the revenue officers and servants in the villages, are called *mauniums*; but both descriptions generally pass under the former name, in the official records of the Company. The perquisites from the crops are denominated *russooms* or *marahs*.

Of the different descriptions of land, which have been enumerated, those attached to the revenue officers in the department of inspection and account, descended from [**85**] one family to another, in consequence of the offices in question being hereditary in their principle. Those also may perhaps be considered as permanent alienations of land which were bestowed on public institutions, and likewise those enjoyed by the different classes of government officers employed in the business of collecting the revenues; for though these officers were not, under the Mussulman rule, necessarily hereditary, the *offices* themselves, were neither temporary nor occasional, but constituted an integral part of the government. With regard to the jaghires granted by the Mahomeddans, either as marks of favour, or as rewards for public services, they generally if not always, reverted to the state on the decease of the grantee, unless continued to his heir, under a new sunnud; for the alienation in perpetuity of the rights of government in the soil, was inconsistent with the established policy of the Mahomeddans, from which they deviated only in the case of endowments to the religious establishments and offices of public duty, and in some rare instances, of grants to holy men and celebrated scholars.

It appeared to the committee of circuit, from the best information they could obtain, that in numberless instances, lands of considerable extent were enjoyed by individuals on the tenures above described, and entered, either in the village or district register as such, which had been conveyed, without

sufficient authority; perhaps granted by an aumildar, a zemindar, or a temporary renter; or not granted at all, but obtained through the collusion of the agents employed in making the collections or the registers, either at the price of a bribe, or as a mark of favour to their friends. One of the latter descriptions of officers, who, as has been explained, formed an established part of the constitution of every village, was the *curnum* or register of the lands situated within its boundaries, who made his return to the *despondeahs* or district registers, acting under the *canongoe* or register of the province. In many parts of the circars, there were no less than three or four persons passing under that description in one village, who were in the possession of rent-free lands, without discharging any duty. The clandestine appropriation of land, and the acquirement of it, under fictitious tenures, were carried to the greatest extent by the zemindars, and by the renters in the Havellies; but more particularly, by the former, who, in addition to the spots which they had at their own discretion, allotted for the support of their armed retainers, had contrived to possess themselves of whole villages in the Havellies bordering on the zemindarries, which they held as suaverums or lands attached to their offices, but which in fact, were mere usurpations, effected by them, when they were allowed to rent the Havellies, or, in times of weakness and disorder, when the inhabitants were glad to connive at any innovations on the part of a zemindar, so long as he extended the promise of that protection, which the authority of the aumildar was inadequate to afford them. It also appears that the zemindars had surreptitiously annexed to their zemindarries not only villages that were havelly, but entire pergunnahs: and one instance was discovered of a zemindarry jurisdiction, which consisted altogether of lands, thus secretly and illicitly converted. From these causes, a large proportion of the produce of the soil, and of the soil itself, had been fraudulently or irregularly alienated from the government, and to the extent of such alienations, the rights of the ruling power had been encroached upon, and its territorial revenues diverted into private channels.

It does not appear that any regular or settled administration of justice had existed in the Northern circars, since the Mahomeddan power ceased to be a controlling authority in that quarter. There were, during the former period, four courts of justice in the circars,

Reports of Committee of Circuit.
Letter Mr. John Sullivan to the Court of Directors, of 3d Feb 1779.

where cauzees officiated chiefly in criminal causes; the foujdars or the aumildars reserving to themselves the infliction of capital punishment, and the determination of causes of magnitude. The Hindoos generally had recourse to their own laws, through the medium of arbitration, in preference to an appeal to the Mahomeddan tribunals. The arbitrators on the occasions, were, for the most part, the head men or collectors of villages; to whose decision it was the practice, in the other parts of India, from the most ancient times, to leave the settlement of all petty matters of dispute, occurring among the inhabitants.

On the dissolution of the Mahomeddan rule in the Northern circars, the zemindars, or their principal servants, exercised the powers which formerly belonged to the aumildar or provincial governor of the country, when it formed a part of the territory of the Nizam; but unrestrained by any superintending authority.

All that was done by the zemindars and renters, was rather tolerated by the British government, from the necessity of the case; than formally recognized, by it. The only courts of justice under the Madras government, whose powers extended to the [86] Northern circars, were those of the quarter sessions and oyer and terminer at the presidency, established under his Majesty's charter of 1753; and the jurisdiction of those tribunals as far as respected the natives of the circars, was limited to Vizagapatam and to the other factories on the sea coast established by the Company, when that charter was obtained. The chiefs and councils, indeed, were allowed to exercise a power in cases of heinous offence; but it extended no further than the confinement of the culprit's person, who, after an imprisonment, longer or shorter, was released; but without a previous trial of the offender. The provincial boards appear also to have taken a concern in the adjudication of civil disputes, but unrestrained by any forms, and, as it should seem, in hardly any matters but those of a revenue nature. It also appears, that the commandants of the sepoy battalions not unfrequently assumed to themselves the right of deciding disputes and causes in the districts; nor was it uncommon, for military officers to bring natives to summary trial for crimes, and to order at their discretion, the infliction, of punishment.

The reports of the committee of circuit afford but little information on the subject of police in the circars. It may,

however, be collected from other official sources of intelligence, of a later date, that little more than the traces of regular police establishments existed in those districts; though it would appear that at some period, not very remote, the same municipal institutions there prevailed, which are found to exist in other parts of the territories of Fort St. George. This conclusion is supported by the partial existence of village watchers, similar to those who go by the name of *talliars* and *tottes*, in other parts of the country, where the original constitutions of the Hindoos have been better preserved, and who acted under the superintendence of the head men of villages. Where these remnants of the old establishments had no existence, the duties of police were performed by the revenue servants of the zemindars or the renters, who in the former case, were aided by the military of the zemindars, and in the latter, by the peons of the revenue servants. In some of the principal towns, a distinct establishment, of a cutwal and peons was entertained; but it is said to have differed entirely from those kept up under the Hindoo government, and was of Mahomeddan origin. These establishments were merely local, and not connected with the general police of the country.

Such was the state of internal administration in the Northern circars, when the committee of circuit reported on that subject.

It has been seen, that in the instructions sent out from England for the guidance of that committee, they were required to state their sentiments as the expedience of introducing into the Northern circars, regulations for the administration of justice, similar to those which then existed in Bengal; but upon this subject, they did not feel themselves competent to give an opinion, and contented themselves with recommending that in any arrangement which might be made, particular attention should be paid to the laws of the Hindoos, and that the process should be rendered as simple, and the charge for fees as moderate as possible.

Your Committee however find, that in the Appendix to one of their Reports on the Havelly lands of Cossimcottah and Cicacole are contained the minutes of two of the members, in which they take occasion to record their respective ideas, as to the mode of administering justice, which appeared to them best adapted, to the existing state of that part of the circars. It was

proposed by one of them, that a court should be established at Vizagapatam, consisting of six natives of the Bramin cast, whose decisions should be according to the shastries, on questions of inheritance, marriage, cast or other religious matters; that in cases of debt and disputed accounts, they should sit as arbitrators, or recommend the complaining parties to choose or appoint others, whose decrees should not be binding, unless approved by a superintendent of justice (being as your Committee conclude, an European) who should have the same powers, as were then possessed, by the judges of the adawluts in Bengal. It was farther proposed that appeals should, in certain cases, lie to the chief and council. The authority of the court in regard to public offences, was to extend to corporal punishment, imprisonment, working on the roads, and moderate fines. The plan proposed by the other members of the committee was, that the chief and council should be constituted, a court of justice at the subordinacy; to which all descriptions of persons should be amenable in cases of private or public defalcation, and oppression: that, for the administration of justice in the remote parts of the country, the principal inhabitants of an extent of territory producing two lacs of rupees, should be directed to chuse a person properly qualified to be the judge among them; that the Hindoo law should be attended to rather than that of the Koran; and that a register of the proceedings of the courts should be regularly kept, as was likewise proposed under the former plan. [87]

It does not appear that any measures were adopted for the better administration of justice, in consequence of the reports of the committee of circuit. Legislative authority was considered to be wanting for that purpose; and any arrangements which might have been made, could have been productive but of little effect, in a country in which the power and influence of government were but very imperfectly established.

The measures recommended by the committee, for remedying the abuses existing in the management of the land revenues, are also principally suggested in the form of minutes, which stated the sentiments of each individual member on that particular subject. Their propositions were essentially to the same purport and effect; and may be reduced to the following heads:—The appointment of European superintendents in the zemindarry and havelly lands; the discontinuance

of the mode of renting and sub-renting, which then prevailed, and which they described, as the primary cause of the impoverishment of the country; the discontinuance of the assessments, and additional assessments on the land, and a recurrence to the old method of receiving the government share of the crop in kind, on a survey estimate of its amount, or a fair monied valuation of it. The formation of the havellies into divisions, consisting of three or four pergunnahs, and the placing each division under a native manager, subordinate to the superintendent, who should rent out the villages in small allotments to the inhabitants, granting *cowles* or leases to the renters, specifying the shares to which the inhabitants were entitled; and *Tuccavee*, or advances of money for carrying on the cultivation, to such as required it and when the inhabitants were not willing to enter into engagements of the above description, the managers should collect the government share in kind from each cultivator, and dispose of it, in the best manner he could. It was also recommended by one of the members, that the zemindarries should likewise be put under the same sort of management, on behalf of the Company and the zemindars. The other propositions were, a restoration of the offices of check and controul, to their former state of efficiency; the abolition of unauthorized collections, as well as such taxes as bore with particular severity on the inhabitants, and the resumption of irregular grants or alienations of land of recent origin; the reduction of the military establishments of the zemindars, and the settlement with them, of a permanent jumma for their respective zemindarries, on equitable principles.

In the early part of 1786, and while the enquiries of the committee of circuit were pending, the court of directors, with a view to a permanent system of revenue management, which they had in their instructions to that committee, in 1775, pointed out to their attention, transmitted to the Madras government a copy of those orders, which, as your Committee have stated in the former branch of their Report, were carried out by Lord Cornwallis to Bengal in that year; and which may be considered as the foundation of the proceedings in that part of India, which terminated in a settlement in perpetuity of the lands:—and in furnishing the Madras government with a copy of such instructions, the court of directors observed, "it was "likewise their wish to have formed a permanent arrange-

Letter to Fort St. George, 28th April 1786.

"ment of the revenue department under that presidency, upon "principles similar to those adopted for Bengal; but that they "did not feel themselves competent to decide from the "materials before them, how far the regulations prescribed for "Bengal might apply to the management of the revenues under "the Madras government; that they also doubted whether "there was at that time, sufficient information to be collected "from their records, or to be obtained from persons then in "England, to enable them to detail their system in an equal "degree, concerning the collection of the revenues at Fort St. "George, or the conduct to be observed with regard to the "various landed tenures in the Deccan or Carnatic, subject to "that government; that they should give this matter, early "consideration; and that if their researches should prove "satisfactory, they would transmit their instructions to the "presidency of Fort St. George, by a subsequent conveyance; "but that they in the mean time, directed the particular "attention of the government to the several subjects suggested "by the dispatch to Bengal, and required them to forward their "sentiments to England, with every necessary document that "could tend to elucidate this important subject." The communications subsequently received from Fort St. George, in reply to this, and to several other references of a later date, which had been made to that presidency on the same subject, shewed that much remained to be done, before any permanent system of management could be adopted.

As long as the zemindars were allowed to maintain their military establishments, a bar presented itself to an effectual improvement of the affairs of the country, by preventing the Company's servants from pursing any detailed enquiries, with a view to [88] that essential object. This measure of reducing the military establishments of the zemindars, appears from an early period, to have been pressed by the court of directors on their government abroad, as one of urgent expediency, whether it related to the maintenance of their authority, as a preliminary step to the establishment of good government, or to the due realization of the revenues. But the general situation of things, the condition of the Company's finances, the inconvenience of employing troops in the mountainous zemindarries, the contiguity of many of them, to various potentates, jealous of the Company's power and acquisitions, added to the warlike and turbulent disposition of the zemindars themselves, their

combining spirit, and the hazard of irritating them; all these circumstances, forbad the adoption of those vigorous proceedings, which could alone be effectual for the accomplishment of that object.

The superintending management of the affairs of revenue, appears to have been hitherto conducted by the president and council, without the aid of a subordinate establishment; but in June 1786, a board of revenue, formed on the plan of the committee of revenue then existing at Calcutta, was established at Fort St. George; in whom was vested, subject to the control of government, the superintendency of the whole administration, settlement and receipts of the revenues, and with whom the chiefs and council were directed in future to correspond, being also required to obey all instructions issued by the board, which might in any way relate to their departments. This board was instituted agreeably to the prescriptions of the acts of 1784, and to instructions issued to the government of Fort St. George in conformity thereto. On the establishment of the committee of revenue at Calcutta, the provincial councils were abolished. It therefore became a question with the Madras presidency, whether it would be advisable to pursue the same course, in the territories under their government; but this system of agency was deemed necessary, to check the conduct of the zemindars, without which their subjection was considered extremely precarious.

Secret Letter from Sir Archibald Campbell, 5th August 1786.

It further appears to your Committee, that in the latter end of the same year, and pending the enquiries of the committee of circuit, Mr. Wm Oram addressed to the government, a memoir on the innovations and abuses which had been practised in the Northern circars, with respect to the collection and management of the revenues, and on the total inefficiency of the existing offices of check, to which your Committee have already alluded, whereby the authority of the governing power and its resources, were perverted, and the inhabitants exposed to great oppression and distress. This gentleman, while he officiated as secretary to the committee of circuit, and latterly as a member of it, appears, by his ardor and intelligence to have materially assisted the object of its researches. With a view to the correction of the above-mentioned evils, he proposed that a Company's servant should

Madras Revenue Consultations, 8th Dec. 1786. Revenue Letter from Madras, 24th Feb. 1787.

be appointed to inspect the conduct of the native revenue officers, to examine their accounts, to register all particulars relating to the produce and revenue, the receipts of the zemindars and their military disbursements, all claims respecting lands and immunities; and to enquire into such other matters, as were formerly attended to by the canongoe or head native register, when that office was in a state of efficiency; that the superintendent of revenue inspection, should be assisted by revenue inspectors with a suitable establishment of despondees or district registers, but that neither the superintendent nor his assistants should interfere with the payments of the kists, which were to be made as usual to the chiefs and councils, nor with any orders issued by the latter. The advantages which he expected to result from the adoption of this arrangement were, that it would afford government, in addition to the annual revenue accounts, the correct and minute information of an eye witness, as to the state of the circars; that it would secure a compliance with revenue regulations, and that prompt conformity to them, which could only be obtained by individual agents; that while it would afford confidence to the several descriptions of inhabitants, by furnishing a direct channel of representation to the presidency, it would operate as a corrective on the tyranny of the zemindars, by rendering their conduct liable to scrutiny; and that it would also serve to remove those deceptions which were practised in the business of the revenues, by leading to the acquisition of a regular, correct and solid body of information, as to the real condition, actual revenue, personal rights, and various interests in the country.

The Madras government being fully satisfied of the utility and necessity of such an inspection, in districts where the officers of revenue established by the Mahomeddan government had become not merely useless, but even subservient to the very purposes which they were meant to counteract; and being convinced that a knowledge of the native languages was necessary to be possessed by the individuals to whom the [89] proposed duty should be confided; appointed Mr. Oram to the office of superintendent, with two European assistants. Their powers were limited to the havelly lands, but with the intention to extend them to those of the zemindars, on a more favourable occasion.

The office of superintendent of revenue inspection, was of but short duration; the necessity for its continuance being, as

it was thought, rendered unnecessary by the appointment in April 1787, of European collectors and assistants to the management of the havelly lands, who acted under the immediate authority of the board of revenue. This measure, while it superseded the functions of superintendent of revenue accounts, excluded the power of the provincial chiefs and councils from the havellies; but in respect to the latter, it was intended to be experimental only, and on that principle it was approved of by the court of directors, who thought that the "authority of the chiefs and councils ought to be permanent," whenever a fixed plan of revenue should be established.

In this fluctuation of measures and authorities, little progress could be expected in the removal of abuses, or in the attainment of correct information; but while the havellies were under the superintendent of revenue accounts, some reforms were made in regard to the sayer duties and the russooms, or fees collected by the renters and revenue officers, from the merchants and other traders passing through the country; although the general objects of his appointment had been, but in a very limited degree, accomplished.

The havellies continued in a state of separation from the authority of the provincial boards, until the middle of 1792, when it was resolved by the Madras presidency, agreeably to their original intention, to re-annex them to the respective chiefships, the collectors being still left in the subordinate management of the revenues.

The policy of this change, appears to have been very questionable. The financial system of Bengal, proceeded on the principle of giving to the board of revenue a distinct and accurate view of all revenue transactions. On this account, the several collectors were ordered to correspond immediately with them, and were directed to record and transmit in full detail, the circumstances of their own conduct, and the particulars of every occurence that was connected with disbursement or receipt. The appointment of collectors in the havellies of the Northern circars, appears to have been formed on the same views, and on nearly the same plan; but the alteration adverted to, tended to augment the authority of the provincial councils, in proportion as it deprived the board of revenue of a part of its efficient controul, and lessened its means of information. The records of the Company accordingly present, at the period, continual collisions of authority and of opinions, between the

board of revenue, and the provincial establishments; and notwithstanding the promulgation of new regulations full of equity and justice towards the inhabitants, yet no real progress was made to a vigorous establishment of the Company's authority, or a regular system of revenue management, in the Northern circars, until Lord Hobart[1] took upon himself the responsibility of abolishing the provincial councils, and of appointing throughout the country, collectors directly amenable to the authority of the board of revenue.

This important reform, had indeed been brought under the consideration of the board of revenue, by successive members of that board, in minutes; which whilst they reflect great credit on the intelligence and abilities of their authors, afforded undoubted evidence of the imperfect administration of the Northern circars, and of the necessity of a fundamental change. The two minutes of Mr. Charles Nicholas White which immediately preceded this change, dated the 14th February and 25th March 1793, are added in the Appendix; and are amongst the proofs given by that gentleman, of the intelligence and ability which distinguished the long course of his honourable services to the Company.

Appendix, No. 14.

It appeared that the zemindars still kept up their large military establishments, which were on frequent occasions, employed in resisting the orders of government; while they were attended with an enormous expense, and were extremely burthensome to the inhabitants; that they neglected the cultivation and improvement of their districts, trusting to interested and rapacious managers; that the ryots were still exposed to great distress, from exorbitant demands and additional assessments; that the provincial councils possessed little experience of the interior management and detail of the collections in the zemindarries, which, added to their distant and stationary situations, in a manner disqualified them from judging, with any correctness or precision, of the real condition of the districts; that any enormities committed [90] within the limits of the respective zemindarries, were not considered a matter of enquiry at the subordinates, or if known, were apparently disregarded; that the chiefships had constantly represented the inconvenience resulting from any attempts to interfere with the internal

[1] Robert Hobart, fourth Earl of Buckinghamshire, after whom Hobart Town is named, was Governor of Madras from 1794 to 1798 in which last year he was recalled owing to a difference with Sir John Shore Died in 1868. His son Vere Henry, Baron Hobart, was Governor of Madras from May 1872 to April 27, 1875, on which last date he died at Madras. Lord Robert Hobart had been, when appointed Governor of Madras, nominated to succeed Sir John Shore as Governor-General. [Editor.]

controul of the zemindars, which impressed them with ideas of their own independence, and encouraged them to frequent acts of resistance. Their interference, indeed, when it was exercised, generally speaking, extended only to the zemindars themselves, with whom they formed the settlements; and but seldom to the interior business of the revenues, except in a few cases of sequestration, which were considered as temporary expedients, and which more usually proved unsuccessful.

Memoirs of Mr. Oram
Minutes of Mr. White.
Report of Revenue Board, 31st Oct. 1789.

It appears to your Committee, that boards, like those of the provincial councils, fixed as it has been stated at one place, and from their constitution, calculated rather for deliberation than for action, whose discussions and whose dissentions, often interested, impeded instead of accelerating public objects; the members of those boards being but seldom acquainted with the country languages, and trusting the management of affairs to their native dubashes, or principal agents and interpreters; were but ill qualified to gain that accurate knowledge of the revenue concerns, and the customs and usages of the country, which could enable them (even had the authority of government been better established) to apply a remedy to prevalent abuses and defects. Those boards could, indeed, be considered only as commercial councils, upon which by accident, the whole political, financial, and revenue administration had fallen; and it was a system, without any defined responsibility; for a great part of the business before it, was transacted by the chief alone, the council receiving his report of all personal interviews with the zemindars and others. The prevalence of native duplicity and counteraction, in the servants of the different members, and the commanding influence unavoidably possessed under such a system, and under such masters, by the head servant of the chief, operated in themselves, as insuperable obstacles to a just and efficient administration of the revenues, by defeating every wholesome measure that might be adopted for that purpose.

Before the Committee explain to the House, the steps which were taken for the abolition of the provincial councils, they will add a brief account of the different settlements which had, from time to time, been formed in the zemindarries and in the havellies, during the continuance of those establishments. To enable the Committee to furnish this information, they have been under the necessity of referring to many voluminous

records; but they were very materially assisted in the prosecution of this research, by a report of the board of revenue, dated the 3d of September 1799, to which they shall have occasion to refer, in a subsequent part of this Report.

Those concluded with the zemindars, appear to have been annual, till 1778; in which year, all the zemindars, except those in the northern division of Cicacole, were summoned to the presidency by Sir Thomas Rumbold,[1] who formed a settlement for five years with those of Masulipatam, to yield 12½ per cent. above their jummas or rents for the preceding year, in consideration of the extended period of the leases. But the payment of this addition, was not then enforced; on the contrary, the zemindars were permitted to withhold it, on granting obligations to discharge the amount, in the event of the committee of circuits declaring that their zemindarries were able to bear it; and at the close of these leases in 1783 very considerable balances had accrued. The conduct of Sir Thomas Rumbold in this transaction was brought under the notice of the House in the year 1782, and became the subject of particular investigation and report by a Committee of this House. From 1783 to 1786, when the board of revenue was instituted, annual settlements, on the terms of the expired leases, were resorted to; and the balances on the average, annually decreased. It was found by the board, that great irregularities had prevailed, both in the accounts and payments. No proper distinction had been preserved between the current revenue and the balances; the former was permitted to fall back, so that the jumma of the current year was not discharged, until the succeeding one, and then only apparently; credit having been often given to the zemindars for their kists or instalments, under the head of "bills receivable;" which bills were not paid for a long period, if at all. The board of revenue appear to have given their attention to correct these irregularities; and they recommended a settlement for three years, to commence from the 25th September 1786; and having received the opinion of the committee of circuit, as to the ability of the

2d Report of Commitee of Secrecy, 1782.

[1] Sir Thomas Rumbold. Born June 15, 1736, went out to India as a writer, but like Clive took to arms. He served under Stringer Lawrence in 1754, and came to Bengal with Clive in 1757, serving as an officer at Plassey. He accompanied Verelst to Chittagong when that place was ceded to the Company in 1760 and was subsequently Chief at Patna. On his retirement from Bengal, he became M. P. for Shoreham (1770). He was Governor of Madras from Feb. 1778 to April 1780, and was made a Baronet in honour of the capture of Pondicherry, Oct. 27, 1778. Died Nov. 11, 1791. The stories told by numerous writers about his humble birth and his having originally been a writer in a London Club or a fiddler at a theatre are merely spiteful. [Editor.]

zemindars to pay the increase of 12½ per cent. their report was transmitted to the chief and council at Masulipatam, as the guide by which that body were to be regulated, in their assessment of the new jumma. A settlement was accordingly concluded for that period. The current revenue was the same as fixed by [91] Sir Thomas Rumbold; but the settlement provided for the liquidation of a considerable amount of the balances, and such portion of the arrear of 12½ per cent. as the zemindars were considered respectively able to bear; and although this period was not without its irregularities, it appears that the general balances continued to decrease.

The next settlement concluded was for three, and eventually five years, commencing with the 25th September 1789; and the zemindars, with a few exceptions, were assessed at two-thirds of the gross collections from their respective districts, according to the estimate of the committee of circuit, which was declared by the board of revenue and by the government, to be an equitable rate of assessment; and this principle accordingly received the approbation of the court of directors. The realization of this settlement was greatly affected by the famine in 1791 and 1792, which rendered considerable remissions necessary; and in consequence of the injurious effects of this calamity, and the hope of deriving useful information from the investigations of the collectors, it was resolved to continue the same rate of assessment.

The circar of Guntoor, as your Committee have stated in a foregoing part of this Report, did not come into the Company's possession until 1788. It consisted of zemindarry lands; and the ancient mode of adjusting the annual settlements with the zemindars, appears to have prevailed; that is, the probable value of the standing crop was ascertained by surveyors, and by that computation, the sum paid by the zemindars to the government was principally regulated. The settlement for the first year, was made under the superintendence of the chief of Masulipatam, on the principle of a survey valuation of the crop, conducted by persons employed by the chief; the authority of the zemindars being suspended, until the value of the produce should by this means be ascertained. In the following year, the circar was placed in the hands of a collector, who entered into an engagement with the zemindars, for a pecuniary equivalent for the estimated government share of the produce. The unfavourable result of this settlement led, in the next year, to the formation of one with the head

inhabitants of the villages, which proving equally unsatisfactory, a committee was appointed to investigate the causes of the deficiency, and the actual state of the country; which continued with greater success under the charge of this committee for 1790-1, and until it was dissolved, in the middle of the following year; when the circar was again placed, under the management of the chief and council of Masulipatam. The zemindars were then restored to their lands, and assessed on the principle of two-thirds of their gross revenue, agreeably to the statements of seven years' gross collections, taken chiefly from the accounts of the curnums or vilage registers. The setllement was for three years, so as to expire at the same period with those of the other zemindars under the chief and council of Masulipatam; but the cowles stipulated for its extension two years longer, provided the zemindars were punctual to their engagements. This extension was granted to one of the zemindars only, who had alone adhered to his engagements; and, at the expiration of that period, his jumma was augmented to what was considered to be two-thirds of the gross produce of his zemindarry.

In the southern division of Cicacole, which was dependent on the chief and council of Vizagapatam, by far the greater part of the zemindarry lands were in the possession of Vizieram Rawze; whose zemindarry had been considerably enlarged in consequence of his predecessors and himself having seized on the possessions of other zemindars in the division, who had either perished in the defence of their lands, had become exiles, or were languishing in confinement. It also appears, that the zemindars, who retained possession of their lands, had, as the result of conquest, become tributary to the zemindar of Vizianagrum. Till the year 1778, this zemindar was assessed by the provincial council at Vizagapatam, at a fixed sum, very inadequate to his receipts. In that year, his rent was raised, and continued the same till 1788, when the annual demand upon him, was further increased; but was still much less than the proportion of the revenue paid to the state, by the zemindars under the chief and council at Masulipatam.

With respect to the zemindars in the northern division of the Cicacole circar dependent on the chief and council at Ganjam, since the annulment in 1781 of a ten years' lease granted in 1779 by Sir Thomas Rumbold to the late Ballkistna, (the dubash and interpreter of the chief and council,) for the whole of the division, including both zemindarry and havelly lands, the practice was to make annual settlements with the

zemindars, providing for a reduced current revenue and a proportion of old balances; but the lands were assessed on no fixed principle. The Committee find that the practice of taking the security of money lenders for the revenue, had long obtained in this district; [92] originating in the little dependence to be placed on the zemindars for the payment of their rents, and the desire of thereby avoiding the occasion for employing troops, in a country so unhealthy and difficult of access, in the event of a zemindar's failure: but this practice had latterly been discouraged, as well from not having answered the professed purpose, as because it was the means of introducing a class of people who employed the temporary authority which they had purchased on speculation, to the greatest possible advantage for themselves, without regard to the inhabitants, or to the welfare of the country.

The settlements of the Havellies of the Northern circars, were also made by the provincial chiefs and councils, until the appointment of collectors in 1787; the whole lands of a circar being farmed out for a certain period to a renter, and generally in consequence of an advertisement for proposals. Of the sort of persons with whom these engagements were concluded, your Committee have given some account, in a former part of this Report. The last contract of this description in the havellies under the chief and council of Masulipatam, was made for ten years, with the public interpreter at that subordinacy.

The havellies dependent on the chief and council of Vizagapatam, and situated in the southern division of Cicacole, were let in 1777 for ten years, to Sitteram Rauze, the brother of the zemindar of Vizianagrum.

In 1779 a ten years' lease was entered into for the havellies dependent on the provincial council of Ganjam, with Ball Khistna; who, it has been already seen, had also contracted for the income arising from the payments of the several zemindarries under that board; and whose contract was annulled by the court of directors, at the end of the second year.

On the establishment of collectors in the havellies in 1787, two different modes of collecting the dues of government, arising from the produce of the lands, appear to have been practised. The one, was called an *aumanee* settlement, according to which the produce was divided between the cultivator and the state, or in other words, government received its share in kind. It had long been resorted to in the circars, both in the zemindarries and the havellies, on temporary and

accidental occasions; such as when a zemindarry was sequestered, but not forfeited, or when a difficulty was experienced in letting out the lands, in consequence of an unfavourable season, or from any other cause. This principle of revenue management was adopted, on the appointment of collectors to the havellies, as the best means then within their reach, of ascertaining the value of the lands, and the amount of produce which they yielded. Though well adapted to secure the rights of the government in that produce, it was of all kinds of settlement the most open to abuse, and was frequently attended with great loss and inconvenience, both to government and to the cultivator. It was necessary under this system, to keep up a large establishment of native officers, who generally formed a combination with the inhabitants against the state, in order to defraud it of its rights; and to check and bring to light these artifices, was extremely difficult, while so many facilities to the practice of deception existed; and as the crops could not be taken in by the ryots, until their value was estimated by the servants of government, they were often suffered to remain so long on the ground, as to be greatly damaged, and during that time, were unavoidably liable to depredations. The other mode, which was resorted to by the collectors in the havellies, for realizing the public dues from the cultivators, was to farm out the lands for a stipulated rent, in portions containing a whole pergunnah, or in less divisions, instead of letting out the lands of a whole circar or province to one individual, as was before the practice.

By the introduction of these more detailed methods of collecting the territorial revenues, the abuses and irregularities which had been practiced by the renters under the old system, were, to a certain extent, removed, and the situation of the ryots proportionably ameliorated; while a considerable increase of revenue appears to have been derived, which partly arose from the resumption of lands which had been granted by the sole authority of renters, usurped under their management, or enjoyed by persons for the performance of services, which were considered to have become useless. The want, however, of an adequate knowledge of the country languages, necessarily rendered it impracticable for the Company's servants, then employed in the havellies, if otherwise qualified, to enter into those enquiries, and to collect that information, respecting the affairs of the districts committed to their charge, upon which alone any regular or benificial system of internal arrangement could be

founded. It is stated on this subject, by Mr. White, in his minute of the 25th March 1793, already referred to by the Committee, "That "hitherto he did not remember to have heard of any Company's "servant, who had obtained such a [93] knowledge of either of the "two prevailing languages in the southern and northern divisions "of the coast, as to enable him to undertake with success any "enquiry in order to ascertain what writings or records were "existing of the learned casts relating to the laws, customs or "history of the country; or to trace with any correctness former "usages, the increase or decrease of the revenues for any "length of time, and the cause of any variation." It therefore followed, that depending, as in a great degree they must have depended, on their dubashes; they could not but be, as they represented to have been, constantly exposed to interested combinations among the natives, to thwart their views and measures; and through artful machinations, to deceive them, were too frequently made the instruments of some fraud or scheme of oppression.

Appendix. No. 14.

There was another cause, beside the neglect of so essential a requisite of qualification (and to which indeed that neglect was also, in a great degree, to be ascribed) which, from its sensible effect in retarding, in the hands of the provincial councils and of the collectors, the progress of revenue administration, not only in the northern, but also in the other parts of the Company's antient possessions on the coast, deserves to be noticed by the Committee. They here refer to the very slender and insufficient allowances to those employed, in that line of service. It is true that this state of things was, in part, imputable to the low condition of the Company's finances, which avoidably prevented them from placing the revenue, or any other department of the public service, on a suitable scale of remuneration. It was not, however, the less an evil; nor perhaps was its consequences so unfavourable, on any line of the service, as on those to whom was confided the collection and management of the revenues; for, as it is justly observed by Mr. White in his minute from which your Committee has just quoted, "while men are vested with a considerable trust, and so "inadequately rewarded, with various temptations around them, "few would refrain from improper channels of gaining advan-"tages; and still fewer, who would exert themselves with zeal "and ardour for the prosperity of the country."

On this subject, Lord Cornwallis had expressed himself to

Govr. General to Court, dated 2d May 1792.

the court of directors in the same year, with a zeal and energy, which placed in the strongest light the nature of the evil, and the necessity of reforming it. "I consider it" (he said) "a duty "to you and my country to declare, that the best rules and "regulations that can be framed either by yourselves or by the "governments in India, will prove totally nugatory and useless, "unless you adopt, as a decided and fixed principle, that liberal "salaries shall be annexed to every office of trust and respon- "sibility, at all the presidencies; that all perquisites shall be "abolished, and that the most rigorous checks shall be estab- "lished to prevent your servants from attempting to acquire "fortunes, by means that are often practised, though never "publicly avowed: but for the pursuit of which, many of them "find an almost unanswerable apology, by representing the "impossibility of their even existing, on their narrow and "wretched public allowances. The system that has been so "fatally pursued in this country, of granting trifling salaries to "men employed in high trust, and who are surrounded with "great temptations, and of leaving them to look for their "subsistence and future hope of retirement, to prequisites and "unavowed emoluments, is as cruelly destructive of the morals "of individuals, as it is ruinous to the interests of the Company."

The Madras government were induced to call the attention of the court of directors to the proceedings of the board of revenue, respecting the proposed change in the form of local administration in the ancient territories of the Company, in a letter dated the 9th of May 1793, in which, after referring to those proceedings, they express themselves as follows: "On "reviewing the system of administration for the revenue "department, we cannot help being forcibly struck with the "defects subsisting, in the subordinate or executive parts. The "board of revenue at the presidency, is very properly confined "to the single duty of superintending and regulating the details; "but in the subordinate departments, we find various mixed "and incompatible duties. Your chiefs and councils in the "circars, are both superintending and executive officers. In "their former character, they direct the civil, commercial and "revenue concerns of the Company within their respective "districts; in their latter character, they act as collectors, "settling and receiving revenue, and performing such other "duties of detail, as their stationary situations would permit.

"It is easy to perceive that these establishments, are not "calculated to reach the objects of an executive authority. "The business of a collector requires, among other essential "qualifications, great intelligence and activity; to execute his "orders with the necessary dispatch, he must be totally "unfettered; to execute them with propriety, he must make "himself acquainted with the languages, dispositions and "circumstances [94] of the people; the various descriptions of "landed tenures; the sources from which the public revenues are "drawn, and the means by which they may be most effectually "secured and improved. If his attention be dissipated by other "employments, or his motions restrained by useless forms, "he can never attain this knowledge; and without it, the "warmest zeal and the best intentions will succeed, but in a "very limited degree.

"It has been urged, we believe, in favour of the establish- "ment of chiefships, that their constitution gives them a degree "of power and respectability, which may be useful in curbing "the independence, and subduing the refractory spirit of the "zemindars. But as far as we are able to determine, no such "effect has been produced by their exertions. It is now near "thirty years since the Company became possessed of the "circars; and at this moment, their influence is very little, if "at all better established, than it was the first day. The "zemindars still keep the same troops, and exercise the same "authority, within their respective districts. The oppressions "they commit are, we believe, in no degree abated; and their "engagements to the Company are as ill performed, as they "have been at any period.

"Judging then from the trials of experience, as well as "from the principle itself, we do not hesitate to offer it as our "opinion, that the establishment of chiefs and councils should "be abolished; and that the Northern circars, like every other "part of your possessions, should be divided into collectorships, "and the administration of the whole conducted, exactly upon "the same plan.

"This reform must necessarily be accompanied by another "which has been long wished, but never yet attempted; we "mean, an entire reduction of the military power and indepen- "dance of the zemindars; whose condition at present, is utterly "incompatible with all views of improvement, under any system.

"Your honourable court, justly aware of the expediency of "such a measure, has repeatedly given orders that the zemin- "dars should be required to surrender their forts, and dismiss "their armed followers; and such requisitions have, in a variety "of instances, been made; but as your servants were unwilling "to take upon themselves the responsibility of any attempt to "enforce obedience, no vigorous efforts were ever tried for that "purpose, and of course the object remains still to be accom- "plished.

"We think this point, however, of so much importance, "that we take the liberty of suggesting, whether it might not "be advisable to authorize your administration, at once to "complete the reform, with the concurrence of the governor "general in council, and under such other precautions, with "respect to time and arrangement, as may appear to him "necessary.

"There is nothing in the proposed measure, which is "inconsistent with the just rights of the zemindars; and we "cannot suppose therefore that any formidable resistance will "be made to it; but admitting that the attempt should even "produce some temporary inconvenience and loss of revenue, "these are small considerations, compared with the benefit "of establishing an authority, which will enable you to protect "the inhabitants, and to cultivate the prosperity of so valuable "and extensive a part of your possessions."

In the following year, Lord Hobart succeeded Sir Charles Oakley[1] in the government of Fort St. George. One of the first objects which engaged his lordship's attention, was the state of the circars, to which it had been especially called by the disturbed condition of the Vizagapatam district, occasioned by the contumacious conduct of the zemindar of Vizianagrum, and which, at that time, required an energy of proceeding on the part of government, and knowledge of its real situation, incompatible with the existing system of administering the affairs of those provinces. On the proposition of his lordship, the government of Fort St. George therefore, without waiting the result of the reference they made, in the preceding year, to the court of directors, but having previously obtained the sanction of the governor general in council to the measure; abolished the chiefs and councils, and

Revenue Letters from Fort St. George, 23d Nov. 1794; 14th Feb. 1765. President's Minute, 24th Oct. 1794.

[1] Retired September 7, 1794. [Editor.]

appointed collectors in their stead, to the management of the country; who were declared subject to the authority of the board of revenue, in the same manner as the collectors in the other part of the Company's possessions on the coast, then consisting of the Jaghire, the lands round Cuddalore, and the territory but recently acquired, of Baramahl and Dindigul. The chief and council at Ganjam had already been discontinued in 1790, and a resident with two assistants appointed in their place. When this change was made in the internal government of the circars, proclamation was issued, dated the 10th November 1794, declaratory of the particular objects it had in view. It, in [95] the first place, notified the change of system, and required all zemindars, talookdars, and other landholders, to pay due obedience to the collectors, as the regular constituted representatives of the Company. It next proceeded to explain, the nature of the information which the collectors would be expected to furnish, namely, every information relative to the actual state of the country, its population and resources; the mode of assessment and collection by the zemindars and other landholders; the shares of the produce allotted to the inhabitants, and by what means secured to them; the state of the tanks, reservoirs and watercourses; the number of sibbendy or military employed in each district, of which each zemindar was especially required to deliver to the collector a true and correct statement, and how armed, upon pain of forfeiting their zemindarries; all particulars respecting enaums, mocassa and other lands exempt from tax, or paying a reduced rent to the circar; the number of revenue officers employed; the nature of their respective duties, by whom paid, and whether in money or land; the chokies established, with the rules and rates of customs, and upon what principle assessed and collected. It called upon the zemindars and other landholders to aid the collectors in procuring the above particulars of information, warning them that government was fully resolved to support the authority of the collectors, and that any person or persons who might be detected in throwing obstacles in their way, or attempting to fabricate or impose upon them false statements or accounts of the public revenue, should be rigorously punished for every such offence. It prescribed, that the collectors should attend to the general adjustment of all differences and disputes; and they were positively directed to prevent any persons, whether European or native, in the civil, commercial, or military departments, from using any improper influence

in purchasing in the bazar or any other place, where grain, cattle or provisions of any kind were sold, otherwise than as individuals; and it strictly forbad all persons on pain of the severest displeasure of the government, from making use of the name of the Company upon any occasion, unless authorized so to do; a practice which under the feeble and imperfect exercise of the superior authority of the government, had been but too often resorted to by individuals with impunity, and had been attended by consequences, as injurious to the natives, as they were disreputable to the British administration. It declared that no zemindar or landholder had the right to assume to himself the power of inflicting punishment, extending to death or mutilation; but that in all cases of capital offences, he was required to apprehend the offenders, and to send them, with a statement of their crimes, and every written and personal evidence that could be obtained in proof of their guilt, to the collector; who was to take charge of the prisoners, to make a regular and due examination and enquiry, and transmit his proceedings to the presidency, for the final decision of the governor in council. It further declared, that in establishing a regular system for the management and collection of the revenue, through the medium of collectors, there was no intention on the part of the government to deprive the zemindars and landholders of their just claims; but on the contrary, the change was equally intended to preserve their privileges, and to guard them against undue exactions, as it was to secure the happiness of the people, and the peace, prosperity and improvement of the country; and was to be considered as introductory to a permanent settlement of their jumma or rents, upon a just and equitable principle of assessment. The proclamation concluded by repeating to the zemindars, a communication made to them by government in the month of November 1786, that the Company's servants were under the most solemn and positive obligations, not to accept of money or any valuable thing, as a gift or present from persons paying revenue to the Company.

Instructions of a nature correspondent with the terms of this proclamation, were at the same time, given to the collectors; who had been already furnished with certain regulations for the guidance of such officers, which were framed and adopted in the year 1791. They were also

Circular Instructions. 8th Nov. 1794. Appendix, No 15.

required by these instructions, to make it a part of their duty to attend to the adjustment of all differences and disputes; to ascertain if any, and what prisoners were then kept under restraint by the zemindars, the period of their imprisonment, and on what account confined, and to transmit a list of such, with their remarks, for the information of government. It was likewise signified to the collectors, that as every means hitherto devised for securing the due payment of the public revenue from the zemindars, had failed in effect, they were, in order to provide for its more certain realization, to prepare a statement of each zemindar's possessions, divided into as many quotas as there were to be kists; and each quota as near as possible, to the proportionate value of the above distribution; so that in case of non-payment of any one kist a month beyond the fixed period of its having fallen [96] due, that portion of the zemindarry mortgaged as security for its payment, should be forthwith assumed, and become havelly or government land, for ever; and a proportionate deduction be made from the annual jumma, payable by the zemindar. The collectors were further instructed, in the event of any lands falling under the immediate management of the Company, or in settling those of the havellies, not let out on lease, that it was the wish of government, that the inhabitants should be induced by every reasonable encouragement, to rent their own villages in preference to any other mode of management; and if possible to divide the landed property in the villages into several farms, to be let out to the first and even second class of ryots, as the best means of extending individual property, and of securing the improvement and prosperity of the country, by placing the renters more under the immediate protection of government, and thereby securing them from the many vexations to which they were necessarily subject, from intermediate renters, and their numerous dependants and servants. The government were aware, that it would be attended with more labour to the collector, and that he would perhaps even at first, have the prejudices of the people to encounter; who, either mistrustful of the real object of the system, or fearful of entering into immediate engagements with government, which they knew must be punctually fulfilled, had hitherto been with difficulty, made sensible of the advantages it held out to them. They trusted, however, that it would be the care of the collectors to satisfy and remove those prejudices and doubts, by the fullest explanations; by assuring them of the support of government,

and of advances being made to aid the industry of those, who might stand in need of it; and by pointing out to them in the clearest manner, that not an anna beyond their fixed rent would be demanded of them; and that the produce of their labour beyond that sum, would be their own profit; the only security required, being, that of the inhabitants of each village becoming jointly and severally bound, for the rent to government.

This more detailed principle of revenue collection and management, here recommended to the collectors of the Northern circars, of letting out the lands of a village to the first and even second class of ryots in separate allotments, appears to have been for the first time adopted in the Baramhal country, constituting a part of the possessions under the Madras presidency, obtained in the year 1752, and was there introduced by Captain Read, the able and experienced person placed in charge of that division of territory; and whose success suggested the extension of the same system to the Northern circars, where the lands were under the immediate management of the Company's servants.

In the following year, the court of directors replied to the reference made to them in 1793, on the subject of the Northern circars, by authorizing the adoption of those measures for correcting the defects of the internal administration therein, and as inseparably connected with those measures, a reduction of the military force of the zemindars; the former of which, as your Committee have explained, had already been adopted, and the latter of which, had been put in a train of accomplishment. The court on this occasion, observed, that "the only thing on which they could rely with "certainty, was, that under the existing system, no hope could "be entertained of any amendment; that they were sensible "with the Madras presidency, that any effectual plan for "reforming the revenue system, must necessarily be accom- "panied with the entire reduction of the military power and "independence of the zemindars; that hitherto, clemency and "forbearance seemed to have encouraged the perpetration of "crimes, and a spirit of revolt against the authority of the "Company that they were convinced of the impolicy of any "longer receding from their just demands from an apprehension

Revenue Letter to Fort St. George, 2th April 1795.

"military force than that under the immediate authority of the "Company being maintained in the circars, they authorized the "Madras presidency, in concurrence with the governor general "and council, and under such precautions with respect to time "and arrangement, as might appear to them necessary, to take "effectual measures for accomplishing its entire reduction."

Although this change of internal government in the Northern circars, which was effected in the year 1794, followed up, as it soon after was, and as will be presently explained, by the decisive line of conduct pursued during the administration of Lord Hobart, with respect to the great zemindar Vizieram Rauze, appears, in a great degree, to have broken that spirit of independence and refractoriness among the zemindars, which any pretence would call into action, and which it was of the first importance to the interests of the Company to extinguish; yet it can only be considered [97] to have opened the way for the introduction of a settled government: for, except in the instance of the zemindar above alluded to, it does not appear that any decisive measures were taken to oblige the great landholders to reduce their military retainers. Stipulations were indeed made in the cowles, or leases, granted to the zemindars for a limitation of the number of armed people maintained by them; but they proved nugatory in their effect.

The settlements in the zemindarry lands, continued to be formed much on the principles which were formerly practised, except in those situated in the southern division of Cicacole. The Committee have already alluded to the extinction of the dangerous influence and power of the principal zemindar of that division; who had opposed arms to the authority of government. On that occasion, his son was appointed to the zemindarry, on a lease for three years, which expired on the 12 July 1799, and under which a considerable increase of revenue was stipulated for; and all the hill zemindars found in confinement, were restored to the lands of which they had been unjustly deprived by the Vizianagrum family, on leases of a similar description. The settlements were afterwards made with the zemindars of the division, from year to year, except in the cases of the zemindars of Jeypour and Belgaum, whose rents had been fixed in perpetuity.

Reports of Collectors.

The general plan adopted by the collectors in the havellies, was, to form their settlements with the head inhabitants, for the whole of

their respective villages, who subrented every field; and arranged with each cultivator for the rent he was to pay; or, as was most agreeable to the usage of the country, left it to the community of the village, to settle among themselves the amount of their respective rents; the inhabitants in this case becoming jointly and severally responsible for the aggregate demand upon the village. This mode of renting out the villages singly, had been strongly recommended to the collectors on their first being appointed to the havellies in 1787; but various difficulties prevented them from carrying it into effect at that period.

These village settlements were formed on the produce; that is, the share of the produce which belonged to government was commuted for a money payment, regulated with reference to the market price of grain, or, with reference to its price, on the average of a certain number of years. This was called a *Grain rent.* The settlements here referred to, were nevertheless of a very imperfect kind. They were not founded on a survey of the lands, nor does it appear, that the renters granted pottahs to the ryots, or that any other systematic precautions were attended to, for preventing the head inhabitants from oppressing the inferior cultivators, by defining the payments they were to make to the renters; or for gaining a particular insight into the rights and privileges of the ryots; or for ascertaining the real dues of the government, to which only, the renter was entitled. The collectors appear to have left the minutiæ of revenue investigation to their native dewans and dubashes, as was the practice of the provincial chiefs and councils; for the acquirement of the native languages was still a pursuit to which but few of the Company's servants had applied themselves. The first encouragement held out to the study of the native languages, was confined to the Persian, and consisted in the offer of a reward of five hundred pagodas to those who should attain a knowledge of it; but the advance of money to a teacher, absorbing nearly one half of his yearly salary, proved inconvenient to the young servants; and the expense necessarily incurred in the acquisition, was not reimbursed by the reward offered, even in the very few instances in which it was hastened. In the year 1791, it was therefore resolved to allow such of the junior servants as might be disposed to learn the Persian Mahratta, Gentoo or Telinga, and Malabar tongues, to draw a monthly allowance for a moonshee to instruct

Revenue Letter to Fort St. George, 21st January 1791.

them; and it was, at the same time, notified to them, that their diligence and attainments would be properly noticed, and that all promotion in the revenue and other lines of the public service, would be made with a particular regard to such attainments and qualifications. The experience, however, of five years, evinced the insufficiency of this plan; for it was found, that but few who received the language money, were able to transact business without the intervention of a native. The moonshee allowances were discontinued; and the measure was adopted, of granting handsome rewards of not less than 1,000 pagodas to such of the Company's servants, who could pass a fair examination before a committee at the presidency. A resolution had previously been passed in the year 1794, that on the expiration of two years from the 1st of January 1796, no Company's servant should be considered eligible to the office of collector, unless he should have made a proficiency in some one or other of the country languages; and to give greater effect to this regulation, the court of directors, in the [98] year 1797, gave directions, that in failure of meeting, in the civil department of the service, with persons qualified in the above respect as collectors or assistants, a selection was to be made from the military list, of persons so qualified for those situations. The grant of this discretional power appears to have been suggested by the ability and success of several military officers, who were then, and had been for some years, employed in conducting and settling the revenues, in the new possessions of the Company obtained in 1792. Though the pecuniary remuneration and other incitements which were held out to the civil service, to acquire a knowledge of the languages, appear, in some cases, to have been productive of the best consequences; yet it was not for several years, that the desired effect was experienced on the writers in general; for in 1799, a circular notification appears to have been sent to the collectors of districts by government, signifying, that "having great reason to be dissatisfied with the general "want of industry in the junior part of the civil service, and "particularly with their intention to the study of the native "languages, which were essential to the faithful discharge of "their duty;"—they directed that each collector should make quarterly reports of the industry of each of his assistants, and

Public Letter from Fort St. George, 23d February 1796.

Revenue Letter from Fort St. George, 14th Oct. 1794.

Revenue Letter to Fort St. George, 4th October 1797.

of the progress made by them, in the country languages. The collectors were further informed, that they were to make it their particular care to give constant employment to their assistants, in such manner as they might judge most for the public advantage; and they were strictly enjoined and held responsible for instructing them in every branch of revenue duty, and the local usages of the districts connected therewith. The government, at the same time, declared that "they were willing to hope "that a generous spirit of emulation and a sense of public "character, would stimulate them to an efficient discharge of "their duty; but that should they prove indolent or ignorant, "they were to be removed." And that it was their unalterable determination, "not to promote any gentleman in the revenue "department, unless he should possess a competent knowledge "of the administration of the revenue and of the country "languages." It was about this period also, that the college at Calcutta was established, to which the writers at Fort St. George were sent. These measures, a vigilant attention on the part of the board of revenue to the due observance by the collectors of the orders they had received from government, respecting their assistants, and the rewards afforded for the encouragement of the native languages, had visibly a very beneficial operation on the junior part of the service, as appears from a report of the board of revenue, made to the government, on that subject, in the beginning of the year 1802. But a very small proportion of those who had by their abilities and attainments thus distinguished themselves, were or could be promoted to the principal charge of districts in the Northern circars at that period; since the actual possession of those offices by senior servants, and the provisions of the act of parliament, regulating the allowances of the service, restrained the government from selecting the junior servants of the Company, except under very extraordinary circumstances of merit, or of local succession.

General Report of Revenue Board, 1st January 1803.

These circumstances will account for the little progress made subsequent to the abolition of the provincial boards in the circars, in dividing the landed property in the village into several farms, to be let out to the first and even second class of ryots, which, as your Committee have shown, was pointed out to the collectors of the Northern circars, in the instructions issued to them in 1794, as the best means of extending individual property, and of securing the improvement and prosperity

of the districts. During this latter period, the revenues were collected with greater regularity; and some further regulations were made, for introducing a partial reform of the abuses in regard to the sayer duties.

It appears to your Committee, that from the time when the intermediate agency of Hussein Alli Cawn was discontinued in the Northern circars, and provincial councils were established, and until the country was assessed in perpetuity between the years 1802 and 1804, there was no fixed principle of revenue management; the mode varying according to accidental circumstances; sometimes conducted agreeably to the sentiments of the existing government or board of revenue, both subject to a frequent fluctuation of members; at other times, the local authorities left them no option or choice, having, under various pretences, delayed the transmission of the necessary information, till the season had been too far advanced to allow of further delay, without the risk of an immediate loss of revenue; which reduced the revenue board to the alternative either of incurring that risk, or of yielding to the recommendation of the chiefs and councils, or collectors; and rather than subject themselves to the former, the latter had been resorted to. It appears also, that the conduct of the zemindars and renters had thrown a constraint on the measures of the board; it being the practice with [99] them, which was generally successful, to withhold their periodical payments at the close of their leases or settlements, in order to induce the government to renew them, on the condition of discharging the arrears thus occasioned; but in the latter years, from experience of the fallacy of this mode of settlement, the government were compelled to dispossess the defaulter of the lands in his occupation, even though at the apparent sacrifice of a long continued balance.

It appears also, that remissions of rent were constantly demanded, from some cause or other: that if they were not granted, and the stipulated payments were withheld, the balance was added to the future jumma or settled rent of the zemindar. But in cases so hopeless as to induce the assumption of the zemindarry, an immediate loss of revenue necessarily ensued; for every resource in the country, was usually drained before it was sequestrated, and not unfrequently the revenue of the current year anticipated. The collector, therefore, succeeding to the charge of the districts, could only be expected to

collect what might remain due from the inhabitants on the growing crops: for, in no instance, did the party dispossessed, render up any property in discharge of his arrears; and all attempts to discover it, proved fruitless. The hope of recovering balances, especially those of long standing, from the collections, exceeding the annual jumma and allowance for the zemindar, was generally found delusive; especially when there was a want of energy and exertion in those employed in the district. Of this, the large amount appearing on the books as desperate, at the time of permanently settling the lands, was a strong confirmation.

Your Committee also find that, in some instances, it was the custom to take security for the payment of the Company's demands. In these causes, the securities became the managers of the country, collected the revenues, and exercised all the authority of zemindar or renter; while the latter, used all the influence they possessed, as principals, to make private collections.

There were also other causes, which concurred to delay the benefits of the system introduced by Lord Hobart in 1794, into the Northern circars. These were, the frequent changes of collectors; the too general want of that local vigilance and knowledge of revenue concerns, upon which the success of every system of internal government must depend; and the great misconduct of some of the collectors. Many of them, represented that they had experienced great obstacles in obtaining correct statements of the revenue, through the intrigues of the native servants, and their combinations with zemindars and landholders, to falsify accounts; others, are stated to have pleaded the unsettled state of the country, the attention required for the introduction of village rents, the variety of detail connected with the collection of the revenue, including the customs, attending to the condition and repair of tanks, and the adjustment of complaints and disputes among the inhabitants.

It must, however, be allowed, that since the abolition of the provincial councils, a considerable improvement had taken place in the general character and efficiency of the revenue department of the service. By the arrangements then made, a new sentiment appears to have been excited in the individuals belonging to it, which may in a great degree, be attributed to the collectors having been taught to look for reward to avowed salaries, instead of remunerating themselves by

unauthorized emoluments, or those commercial speculations, which, besides withdrawing their attention from the immediate objects of their public duty, and rendering them a secondary consideration, not unfrequently placed the pecuniary interests of the Company's servants, and of those whom they were appointed to govern, directly at variance. To Lord Hobart it is owing that a new impulse was infused into the service. During the government of his successor, Lord Clive,[1] the same careful attention was continued to the merits and qualifications of those selected, either for conducting the important duties of the board of revenue, or for administering under their control the revenues in the interior of the country. Such as were found to have corruptly abused the power with which they were entrusted, were disgraced and punished, whilst those who had upheld the authority of the Company, and had adhered to the obligations of honour and of law, were distinguished by the approbation of government, and pointed out to the protection of the court of directors. This wise and liberal policy, appears to have given birth to a better order of things; and to have established throughout the service an honourable feeling of public virtue and of laudable ambition.

Such was the state of the Northern Circars, when the system of internal administration, already established in the antient territories under the Bengal government, was introduced into these districts. [100]

YOUR Committee will next report on the Jaghire, which surrounds the Presidency of Fort St. George; and which is, of the Company's antient possessions, next in point of importance to the Northern Circars.

The Jaghire appears to have been obtained in the years 1750 and 1763, from the Nabob of Arcot, in return for the services rendered him and his father by the Company.

It was rented to the Nabob on renewed leases, principally from year to year, until a short time before the war in 1780, when the presidency of Fort St. George took the management of it, into their own hands.

The Committee of Secrecy appointed in 1782, were, among other things, led to examine into the history of letting

[1] Edward Clive, first Earl of Powis, eldest son of the great Lord Clive. Governor of Madras, 1798-1803. Died 1839. [Editor.]

out the Jaghire to the Nabob; and in their second Report to the House, will be found a particular account of the circumstances, under which this territory had been so long left in his possession; of the different leases entered into with him; and of the correspondence which took place, between the governments abroad and at home, on this subject.

The Jaghire was twice invaded by Hyder Alli; in 1768, and in the war of 1780, when he entered it with fire and sword. On the termination of the latter war, in 1784, hardly any other signs were left in many parts of the country of its having been inhabited by human beings, than the bones of the bodies that had been massacred, or the naked walls of the houses, choultries, and temples, which had been burnt. To the havoc of war, succeeded the affliction of famine; and the emigrations arising from these successive calamities, nearly depopulated the district.

The system of management in the Jaghire, while it was rented by the Nabob, was of the same oppressive and unjust character, which marked the administration of affairs in his own territory, the Carnatic. It exibited throughout a scene of boundless exaction and rapacity, on the part of the government and its officers; of evasion, on that of the inhabitants; or of collusion between them, and the public servants; while the revenue diminished every year with the cultivation. The husbandman was entitled to a certain standard share of the crop, but a considerable proportion of it was extorted from him under the varied devices of *usual assessment*, *fixed assessment*, and *additional assessment*, *durbar-khirch*, and by private contributions levied by the revenue officers, for their own use. When the court of directors issued instructions in the year 1775, to the presidency of Fort St. George, to appoint a committee of circuit to investigate the state of the Northern Circars; they directed, in the same instructions, that such committee should extend its enquiries to the Jaghire, stating that many considerations induced them to keep that territory in the Company's immediate possession: that, unless the Nabob agreed to such arrangements as the Company deemed necessary for mutual advantage, they would no longer consent to his renting the Jaghire; and that the committee of circuit should have full liberty to explore the country, so as to ascertain its real produce and revenue in the manner described in the instructions respecting the Northern Circars. On the

appointment of that committee, it was proposed by the governor, that it should first proceed to the Jaghire; but this proposition was overruled. The committee, as has been stated in a former part of this Report, was abolished in 1778; and, when it was revived in 1783, it was not required to report on the Jaghire. During the time it was held by the Nabob, Mr. Barnard was employed in making a survey of the lands, which he completed in 1776. This survey may be considered to have thrown much more light on a very intricate subject of investigation, than a first attempt could be expected to afford, under similar circumstances; and it was highly creditable to the industry of Mr. Barnard. He possessed no authority in the districts, to aid him in the prosecution of his enquiries; difficulties were thrown in his way, by the Nabob; and the only sources of intelligence to which he could resort, were the statements of the curnums and inhabitants; which were of course, fabricated to serve their own views. The survey was in fact undertaken with a view, rather of forming some tolerable idea of the country, than of ascertaining with precision, affairs of revenue detail. [101]

On the assumption of the Jaghire by the Company's government, it was placed under the charge of the committee of assigned revenue, which was appointed on the breaking out of the war of 1780, to manage the Nabob's possessions in the Carnatic.* This Committee, in 1783, let out the country in fourteen large farms on leases of nine years, at increasing rents. In the following year, a Company's servant was appointed at the instance of the Committee of assigned revenue, as resident in the Jaghire in order to see that the several stipulations contained in the cowles or leases, were put into execution; and on the dissolution of the Committee in 1786, the general charge and control of affairs was confided to a superintendent with a clerk, being also a Company's servant, the resident still continuing to discharge the duty formerly allotted to him. The districts were soon afterwards placed under the sole charge of the superintendent. In 1788, the Jaghire was formed into two divisions, and each placed under a Collector; and, in the following year, it was divided into three collectorships, and the office of superintendent was abolished. At this time, the renters, with a few exceptions, had repeatedly failed in their payments

* Letter from Fort St. George, 5th June 1784.

Revenue Letter from Fort St. George, 12th Jan. 1786.

Revenue Letter from Fort St. George, 14th Oct. 1786

Revenue Cons., 28th July 1789.

under the leases for nine years. Their estates were sequestrated; and several of them, put into confinement.

From 1783, when the leases were granted, to 1789, the net receipts into the treasury had not, on an average, exceeded one-fourth of the sum at which they were valued in the grants of the Nabob. The districts were let by the collectors, appointed in 1788, to the inhabitants, in smaller portions than formerly, on leases for three years.

In 1790, the Jaghire was formed into two collectorships, called northern and southern; and the settlement yielded a considerable increase of revenue for the years 1791-2, beyond that of the preceding year's settlement. The amount at which it was rented, was however much below its former value.

Revenue Proceedings, 31st August 1790.

In 1793, assistants were appointed to the collectors; and in November 1794, the country was placed under the management of Mr. Lionel Place.

Revenue Letter from Fort St. George, 9th Oct. 1793.

From the time the Jaghire was taken out of the Nabob, until the administration of its affairs by Mr. Place, very little had been done for improving its condition; nor had any steps been taken, with the exception of Mr. Barnard's survey, for obtaining any real information of its concerns.

The renters to whom it was farmed in 1783, were men of very low origin, needy and ignorant of the business in which they had engaged. When the committee of assigned revenue received proposals for renting it, they were not possessed of any lights or materials that could properly guide their judgment, in fixing the rents. After, therefore, rejecting such offers as appeared extravagantly high, they were under the necessity of accepting those of such bidders, whose proposals were equal to the supposed value of the lands. The extreme necessities of government obliged them also, on renting out the Jaghire, to call upon the lessees to deposit sums of money in the treasury, by way of advance, on account of their rents, which, in addition to the supplies which they were under the necessity of raising for the relief of the inhabitants, and for the cultivation of the country, threw many of them into great distress, at the very commencement of their engagements; and being wholly

Revenue Proceedings, of 30th Sept. 1786, and 24th Aug. 1786.

unversed in the intricacy of revenue affairs, they were lost in confusion; because subject to all the impositions which the experienced artifice of the inhabitants could put upon them.

These evils appear to have been much augmented by the extension of a species of influence over the renters, which the Committee have had occasion to notice as existing in the Northern Circars, which had long produced its mischievous effects in the provinces of the Carnatic and Tanjore, then under native rulers, but which appears to have had a much more active operation in the Jaghire, under the administration of the Company, than while it was leased out to the Nabob.

The calamities of the war of 1780, occasioned the resort of almost the whole surviving population of the Jaghire to Madras, and induced many of the inhabitants to dispose of their interest in the land, for perhaps a month's subsistence, and often less. When peace was restored, the same inhabitants were allowed to cultivate the lands they had thus sold, on the condition of the most unqualified dependance on the purchasers. These purchasers, were the dubashes or their agents; and under this [102] denomination, was included the principal domestic in the service of an European. Through the means of these relations, they continued to retain the property which they had acquired in the villages; and by the pretended importance which they were enabled to assume, through their intercourse with Europeans, they kept the inhabitants in complete subjection. Some individuals, the most intriguing and aspiring of the dubashes, attempted to set themselves, in the place of the Nabob. They found means to introduce their own aumildars, and other servants, into the management of the country; fomented quarrels between the inhabitants and the renters; and thus, established an authority, far more effectual, than that of the government of Madras. After a little time, these quarrels subsided, or at least, reached not the ears of government; whose principles were so little known, or so easily misrepresented to the inhabitants, that their complaints were addressed to the dubashes themselves, who became the arbiters of all disputes.

Towards establishing their authority, the dubashes thought it necessary to give way to the pretensions of the inhabitants, regarding their share of the crops; as any thing like an enquiry into their rights, would have defeated their project of supplanting the power of government, and thereby making the Jaghire

a property to themselves. This gave rise to various animosities among the inhabitants. One man advanced pretensions for himself, and precluded the rest; property having been once thrown into confusion, was easily invaded. In this state of things, the dubash was pampered by both parties. His cows were sent to feed and fatten at the expense of his clients, and their carts and servants employed in his service, for whatever purposes he pleased, his favour being the only return expected.

The underling dubashes played the same part, on a lesser scale; so that, when the Company's civil servants were sent to the management of the Jaghire, the junto had become so formidable, that no one would venture to provoke its wrath. In the progress of this odious system, the former leaders of the inhabitants, in a great measure, lost their influence, or maintained it only, by showing a deference to a set of upstart dubashes, who but the other day were subservient to them; for many of them, had risen from being common ryots. Nothing could be more irksome to the head men of villages, than this humiliation; but it was impossible in such a state of things, they could resume their proper place in society.

The general description, which your Committee have here given of the dubash influence in the Jaghire, is taken from the reports of the collector; in which it is particularly developed, in all its baneful tendencies and effects: As long as it existed a powerful obstacle presented itself to any effectual measures being adopted by the Company's servants, for placing the revenue management of the country, on a proper footing.

It was an evil to eradicate which, both in that district, and in the Carnatic, formed a leading object of the administration of Lord Hobart. On the appointment of Mr. Place to the collectorship of the Jaghire, his particular attention was therefore called to the necessity of accomplishing so salutary a purpose, in that portion of territory. His efforts accompanied as they were, by a vigor and firmness of proceeding which could alone ensure them any success, appear to have had the effect of liberating the inhabitants from the power of a faction, whose views and machinations were alike hostile to their welfare, and the general prosperity of the country.

During the administration of Mr. Place, which continued till 1798, his attention was particularly directed to its internal

Reports of Collector; dated 30 Sept. 1795. 6 Oct. —— 6 June 1799.

improvement, to an investigation of the land revenues, to the discovery of abuses in the collection and management of them; and to the acquirement of information respecting the situation, the rights and privilegs of the ryots. In the neglected and confused state in which the country had long been, the revenue accounts and other documents, of which the collector could avail himself, afforded him but little information: With respect to the former, they were by no means, régularly kept up; and where they were to be met with, they were found to be mere fabrications, intended to conceal the peculations and irregular practices, as well of the accountants themselves, as of those employed in the collections. The services of the canongoes were discontinued by the Nabob; but they were allowed to enjoy their emoluments unimpaired. As to the curnums or village officers of record, many of them had been obliged to mortgage their lands before the war in 1780, in order to retrieve their distresses, and to seek other means of [103] livelihood. They had a short time returned to their villages, when Mr. Place was appointed collector; others, from misfortunes and penury, were compelled to seek relief among the ryots, on whom they became so dependant, as to prevent them from asserting, if they were disposed, the privileges of their office, or of representing the abuses that were going on. Those who still retained their authority in the villages abused their trusts, in every way that could serve their private views, or promote those of their superiors in the districts.

The measures adopted by the collector, with respect to the different descriptions of offices here enumerated, were as follows:—He abolished altogether the office of canongoe, and instituted in its stead, a department of record and account, consisting of a *sheristadar* and a suitable establishment of gomastahs, to act in the pergunnahs or districts; their duties being exactly the same as those which attached to the former offices, whose privileges were converted into a fund for defraying the expenses of the new establishment, which was placed under the immediate controul of the collector, and the individuals belonging to it, rendered liable to dismission for improper conduct or neglect of duty. He also restored to its original efficiency, the office of curnum, by obliging the creditors of those whose lands were mortgaged, but who had recently returned to their villages, to come to a reasonable settlement,

and re-establishing them in their perquisites, as well as those who, through their poverty and dependence on the ryots, had been unable to discharge their duty; and at the same time, removing those who had wilfully neglected, or corruptly violated it. The office of desmook he altogether did away.

The obvious expediency of availing himself of the services of the head inhabitants, in forwarding the business of agriculture, and in aiding in the settlement and realization of the revenues, within their respective boundaries, induced Mr. Place to put them on their original footing as collectors, acting under his servants employed in making collections in each district.

There was also in the Jaghire, a description of persons called *Nautwars;* who are represented to have been of ancient standing, and who were the head men of larger sub-divisions, including a circle of villages, the cultivation of which, they superintended on the part of government. They were not confined to the Jaghire, but were to be found in most parts of the Carnatic; though their services do not appear to have been continued, when that territory was annexed to the British government. Their dignity and reputed wealth, rendered them an early object of the Nabob's rapacity; who had either dismissed them, curtailed their privileges, or deprived them of such privileges altogether; occasionally restoring or removing them, as they furthered or resisted his views. The precariousness of the tenure, therefore, by which they held their office, was the means of destroying its utility, and it degenerated into an instrument of oppression. Impatient as they were under the dominion of the dubashes, which had reduced them to the level of common ryots, and eager to be emancipated from it, they evinced to Mr. Place a disposition to return to their duty. They were accordingly restored to their former footing; and again called into action, under such restraints as were best calculated to prevent the abuse of their authority.

By the aid of the curnums, potails and nautwars, of district collectors and accountants, and of the persons immediately employed about himself, over all of whom he exercised a strict inspection and control; and by such other means as suggested themselves to the collector, in the close and constant intercourse he kept up with the inhabitants in the different parts of the country; he succeeded in obtaining a statistical knowledge of the Jaghire, far more minute, than had ever been afforded, with respect to any part of the Company's old possessions.

The Cultivators of the land appear to have consisted of two descriptions, namely, *Merassadars*, and *Pyacarries* or *Paracoodies.*

When the Jaghire came under the Company's management, in 1780, great difficulties were experienced in laying down a rule for the division of the crops, each party claiming to himself the largest shares, which he had at any time, enjoyed; which led to much dispute between the renters and the ryots; and as a reference could not be had to those documents of account, which would have cleared up those points, the inhabitants were allowed to recur to the *mamool warum*, as it was called. or customary division; settling among themselves, in what it consisted. It [104] was reducible to no fixed rules; but every year varied, according to the interested purposes of one or the other.A new mode of apportioning and regulating the shares, was accordingly introduced by Mr. Place, in lieu of the mamool warum, as being more equal and just. It was founded on the principle which formerly obtained over the greater part of the peninsula, before additional assessments had been added to the public demand, of an equal division of the crop, taking one description of produce with another. The dry grain and horticultural produce had always been assessed, as in other parts of the country, at a fixed money rent, and continued to be so.

Besides their meerasse lands, these cultivators enjoyed a certain portion of prescriptive registered lands, wholly exempt from any government tax or rent. It appears also that the meerassadars enjoyed certain russooms or marahs, from the produce of the other lands cultivated by pyacarries.

The pyacarries, who are termed strangers by the meerassadars, are those who were called in by the latter to cultivate such lands belonging to them, as they did not chuse to cultivate themselves. Some of these, appear to have had a sort of life-estate in the meerasse lands they cultivated. They were called resident pyacarries; and they received no more than 45 per cent. of the produce. There was another description of pyacarry, who not being permanently fixed in any village, sometimes cultivated in one, and sometimes in another. He was a kind of sojourning husbandman, who generally cultivated, from year to year. Having only a temporary interest in the lands he occupied, and generally having meerassee lands, of his own in the adjoining village, the cultivation of which, he

was necessarily obliged to commit to other persons; he was allowed five per cent. more than the resident pyacarries, or fifty per cent. of the produce, after setting aside fees. It had been the practice of the government, to allot also to the pyacarries, certain portions of the lands of the meerassadars, when, either from inability, from want of hands, or any other cause, this was necessary. The shares of the produce allowed by the state, was, in like manner as in the former case, higher than those allowed to the meerassadars; but this difference was more than compensated to the meerassadars by their hereditary mauniums, neither of which the pyacarries enjoyed. The pyacarries, whom the meerassadars themselves allowed to cultivate their lands, paid a certain russoom or share to them, for that privilege.

Your Committee find, that, in an early period of Mr. Place's management, a discussion of considerable length arose, between the board of revenue, and the government, as to the rights of this denomination of ryot in the soil. This discussion was occasioned by a proposition, made by the collector, to remove certain meerassadars from their meerassee lands, who had refused to agree to his terms of settlement; and to appoint others to them, who were willing to cultivate, on the terms proposed; the board of revenue, who objected to their being deprived of their lands, considered them to possess a proprietary right in such lands; that whatever might have been the origin of their rights, they were regarded by the people, as hereditary rights; that they were certainly not introduced by the English government, and that, according to the assertions of the Hindoos, were far more antient than the Moorish conquest; and that the term *meerassee*, which was introduced by the Mahomedans, conveyed the idea of the tenure of property, or hereditary right. It had throughout the discussion, been maintained by the government, that the actual property in the soil was vested in the state, which alone had the power of making an absolute sale of the land; and any sale by the meerassadars, whether with or without the consent of government, was defined to be "a gratuitous recompence for the alienation of arable lands."—The claims advanced by the board in favour of the meerassadars, appeared to the governor in council inconsistent with the rights which they admitted to belong to the government; and it was

Revenue Cons.
8 January 1796
13 April "
27 May "
3 June "
15 July "

accordingly decided, "that the occupants of land in India could establish no more right, in respect to the soil, than tenantry upon an estate in England can establish a right to the land, by hereditary residence: and the meerassee of a villager was therefore defined to be, "a preference of cultivation derived from hereditary residence, but subject to the right of government as the superior lord of the soil, in what way it chuses for the cultivation of its own lands."

This question, as the Committee have stated, was agitated soon after Mr. Place was appointed to the Jaghire. He was subsequently led to inquire more particularly into the rights of the meerassadars; and communicated his sentiments on that subject to the board of revenue, in his final report respecting the Jaghire, dated 6th [105] June 1799. From this document it appears, that although he had formerly concurred in great part, with the government, in the definition of a meerassee, his ideas had undergone a material change. It is not deemed necessary to follow the collector through the train of elaborate reasoning, and of new facts which led him to view this matter in a different light, from what he had formerly done. It is thought sufficient to state, that he had become convinced that the meerassadar had an undoubted hereditary property in the soil; that he derived this right originally from the sovereign to whom he acknowledged obedience, and the rendering of a stated proportion of the produce, as the tenure by which he held it; that he sold, mortgaged, gave away, and left his lands to his prosterity; which the pyacarry could not; that until the term meerassee was employed by the Mahomedans to denote the lands of a meerassadar, they were described by a compound word in the Malabar language, *Caniatchy*; cani signifying land, and atchy heritage; and that this was the term employed by the natives themselves, to designate that particular description of lands; that though the exorbitant collections made from the land during the Nabob's government, had greatly diminished, and in many parts of the country, destroyed the value of this property; yet it was so cherished by the meerassadars, that they never quitted but from necessity; and that though absent for years from their lands, did not fail to assert their claim to them, when they felt it to be their advantage so to do. It further appears, that when Mr. Place first went to the Jaghire, he found the lands of many villages without meerassadar; the parents, children, and relations being extirpated; and that

the idea of permanent property was such in the minds of the natives, that they declined cultivating any fields thus appropriated, unless under the meerassee tenure, except such as would yield them the quickest and largest profit: and that by granting them cowles for lands "to them and their heirs for "ever, so long as they continued in obedience to the circar, and "paid all just dues, he was enabled to convert the most "stubborn soil and thickest jungle into fertile villages."

Though these further facts and opinions, and the measures which were in consequence adopted by the collector, for the establishment of the rights of the meerassadars, did not lead to a new discussion of the question, it has nevertheless been thought proper to advert to the claims, which were advanced on behalf of the meerassadars in the Jaghire; because it appears to have furnished the first instance of any such claims being brought forward, in favour of that description of ryots; and because the Committee will have occasion, in a subsequent part of this branch of their Report, to show that the revenue servants, in other parts of the Company's possessions in the peninsula, have since brought to light similar rights, as belonging to the meerassadars.

Extracts from Report of Mr. Place, dated 6 June 1799, on Land Tenures in the Jaghire:

Appendix, No. 16.

The mode of settlement introduced by Mr. Place into the Jaghire, was that of village rents, on the produce, being commuted for a money payment. The parties who entered into engagements for the rents of the villages, were those who held the principal shares of land, and these jointly; leaving it with those who possessed fractional shares, or in other words, those who were entitled to a portion of the shares, to adjust their right among themselves; each man's right and place being well known to one another; the collector contenting himself with the exercise of that superintending authority, which enabled him to redress disputes on this subject, when prepared, in the form of complaints. He could easily fix the value of all the lands together of one village; but he did not feel himself competent to assign to every small allotment, its portion, with sufficient exactness and regard to fertility of soil and other circumstances. The next two settlements in the Jaghire were also on the principle of village rents; the last of which, was left for the successor of Mr. Place to complete.

The revenue derived from the Jaghire, during the four

years it was under the management of Mr. Place, was far greater than had ever been received from it, since it had been granted by the Nabob.

It appears, that annual village settlements, on a still more accurate estimate of the produce, continued to be successfully made, until the lands were permanently assessed in 1802-3.

The administration of justice, both civil and criminal, was left in the hands of the aumildars and renters, during the continuance of the Jaghire in the hands of the [106] Nabob; but without any defined jurisdiction or authority, or any fixed rules to guide them. When it came under the management of the Company, the revenue servants in charge of the country, settled such disputes as were brought before them, more particularly since the adoption of the Regulations for the guidance of the collectors, which were passed in 1791. They either decided the matter themselves, or if any difficulty occurred, or if it related to the rules of cast, it was referred to arbitrators, named by both parties. The Committee, under the preceding head of this report, have adverted to the impediment which existed, on the score of legal competency, to the establishment of judicial courts in the territories under the Madras government. Though the idea was in consequence abandoned, of establishing any such, in the Northern Circars, until that impediment should be removed, by an express legislative authority; it nevertheless appears, that with regard to the Jaghire, instructions were sent out to Fort St. George, in 1785, to suggest a plan for the administration of justice; and that in the beginning of the following year, before those instructions could have been taken into consideration by the government, a scheme for instituting a civil and criminal court in that portion of territory, which had been recommended by the committee of assigned revenue, and formed on the principles of the Bengal Regulations of 1772 and 1781, was transmitted to England. In the year 1788, it received the sanction of the court of directors, and was ordered to be carried into effect. But an interruption to any progress in the adoption of that arrangement, was occasioned by the difficulty of finding natives of independence and character, to officiate as judges, by the breaking out of the war with Tippoo Sultan, and, not

Letter to Fort St. George, dated 8th July, 1785.

Revenue Letter from Fort St. George, dated 12th Jan. 1786.

Revenue Letter to Fort St. George, dated 20th August 1788.

Revenue Letter from Fort St. George, 6th Oct. 1792.

improbably, by the objections which had been urged by the collectors, against the introduction into their districts, at that time, of any authority independent of their own, as calculated to impede the realization of the revenues. On the termination of hostilities in 1792, the proposed regulations were again brought under consideration, and instructions were issued to the board of revenue, to adapt them to the Bengal Regulations, as revised in 1787; with an intention to adopt them in the districts, then recently acquired from Tippoo Saheb, as well as in the Jaghire. The Regulations, to which they were to be assimilated, vested the offices of collector, judge, and magistrate, in one person. In the latter end of 1792, the board of revenue underwent a complete change in its members; so that it devolved upon the board, to amend the Regulations, as had been proposed. Their report on that subject, was made in the following year; and was approved. It has been seen, that about this period, the Bengal government were engaged in modifying the Regulations, for the administration of justice in those territories, by separating the revenue from the judicial authority; a circumstance which led the board of revenue of Fort St. George, to state their reasons, why it was not advisable to apply the same principle to the Jaghire and the ceded districts. They observed, that the ideas and circumstances of the inhabitants under the Madras presidency, compared with those of Bengal, exhibited such a striking difference; that, however much they might admire the principle, they must lament the impracticability of adopting, at that time, the proposed regulations of the Bengal government: that those regulations separated the revenue authority from the judicial: that, independently of the advantages possessed in Bengal, on the first institution of their adawlut courts, they had been progressively extended and reconciled to the natives: that the complete subordination, which in those provinces, might admit of an authority distinct from that of the collector, did not exist on the coast; but that, on the contrary, it had been found, that a collector required every support, to give him the influence necessary to the realization of the revenues; and that they looked forward to a period of greater regularity, when the situation and tenures of the landholders and others, would allow of adopting the humane and liberal plan of Lord Cornwallis. It appears, that the regulations, as preferred by the board of revenue, were translated into the Persian and Gentoo languages. The court of directors were informed of these preparatory arrangements, in a letter dated the 20th February 1794; in

which the Madras government stated, that they only waited for the Malabar translation to give orders for the institution of the proposed court of adawlut. And in a subsequent revenue letter of the 14th February 1795, they stated, that when the final arrangements were made, they would be communicated to the court. The adoption of the measure appears to have been abandoned, until all doubts should be dissipated, as to the powers of establishing courts of justice within the Company's possessions on the coast, by a parliamentary enactment [107] on that subject: nor were any further steps taken to reform the administration of justice in the Jaghire or ceded districts, until the introduction of a general system of judicature for the whole territory under Fort St. George.

Home Farms.

The Home Farms, which are situated in the immediate vicinity of the presidency, formerly composed part of the Jaghire. The rights of government in these lands, had long been neglected. It appears, that a few years past, the board of revenue directed their particular attention to them, principally with a view to define the tenures of those, in whose occupation they were, and to ascertain their extent. The unauthorized alienations of a territorial nature, were found to be numerous, and the soil thus obtained, had deprived the Company of their just share of the produce, or of what had been commuted for it, a money payment, under the denomination of quit rent. Those who held no document from government, were required to take out a grant, before they could be considered lawful proprietors of the land. The territorial revenue chiefly arises from spots of ground, in the white and black town, and from gardens.

Cuddalore and adjacent Lands: Devicottah, Nagore and Negapatam.

With respect to these lands, which form the remaining part of the Company's old possessions, under the presidency of Fort St. George, they are but of small extent, and are appendages to the collectorships adjoining to which they are situated. They have generally been partly rented out on longer or shorter leases, and partly retained in aumanee; and the revenues still continue to be thus realized, except in the territory round Cuddalore, which has been of late years permanently settled. Cuddalore, or, as it was formerly called, Fort St. David, was the seat of the Madras Government; and, at no distant period, there was a chief and council there.

These, and the lands contiguous to them, suffered much during the war of 1780, having been nearly desolated. The inhabitants had either perished or emigrated, and the villages were mostly in ruins: but a happy change has since taken place in the state of the country: Its improvement has been great and rapid.

In concluding this head of their Report, your Committee will submit to the House, some account of the measures which have been adopted for introducing into the territories above described, those systems of revenue and judicial regulation, which were established in the Bengal possessions in the year 1793.

It has been seen, that the adoption of some permanent system for the collection of the revenues under the government of Fort St. George, as well as the institution of a regular system of jurisprudence, had, from an early period, been in the contemplation of the court of directors.

It has also been seen, that the causes which principally retarded the accomplishment of this important design, were the imperfect manner in which the authority of the Company had been established in the country, the little progress made by the local authorities, in the acquirement of revenue knowledge; and the want of legislative authority, for the introduction of courts of justice.

The first express intimation of a desire on the part of the court of directors, to see the Bengal revenue and judicial system established within the territories of Fort St. George, was conveyed in their letter to that presidency, dated the 21st April 1795; in which they authorized the abolition of the provincial councils, and the disbandment of the military followers of the zemindars, in the Northern circars. In that letter they stated, "that being thoroughly sensible of the propriety and expediency "of the late revenue and judicial regulations established in "Bengal, they directed the Madras government to consider the "expediency of adopting similar plans for the Northern circars, "including the Jaghire and the Ceded districts (consisting of "the Barahmahl, and Dindigul, then recently acquired) further "stating that, should that government be of opinion, after "mature deliberation, that the Bengal arrangements might be "extended with equal promise of general advantage to the "districts under their superintendence, they (the court) confided

"in their wisdom [108] and discretion to carry the same into "effect, by such degrees and in such manner, and at such times, "as local circumstances might appear to warrant."

Revenue Letter from Fort St. George, 2d Oct. 1795.

In their reply to this letter, the Madras government informed the court of directors, that so much remained to be acquired in knowledge, and reformed in practice, that they should use great caution in introducing the Bengal judicial regulations, to the extent allowed by the court; "that "they were aware that the establishment of the judicial system, "on its present footing, did not take place in Bengal, until "various other modes for the accomplishment of an effectual ad- "ministration of justice, had been attempted; and that although "that which had been adopted, was the result of the experience "of the defects of the former systems improved, by the liberal, "sagacious and benevolent mind of Lord Cornwallis, they were "induced to think that imperfect as that system was it had the "effect of preparing the people for that which had been subse- "quently introduced; and that, whatever they might find it "expedient and advisable to do, for the attainment of so "important an object as the effectual administration of justice, "could only be progressive, having always in view the establish- "ment of a system founded on similar principles to that in "Bengal and ultimately conformable to it, in every particular.

A plan had been, as the Committee have stated, actually prepared, though it was not carried into effect, for the establishment of courts of justice in the Jaghire and in the ceded districts. It has also been shown, that the board of revenue assigned reasons, of a similar kind to those which have just been quoted for not framing such plan agreeably to the principles of the Bengal code.

Judicial Letter from Bengal to the Court of Directors, 1st Sept. 1796.

It appears, that the supreme government, who had been apprized of the instructions conveyed by the Madras government of the 21st April, 1795, thought it proper in the following year, to direct that government to furnish them with their sentiments on the subject of those instructions, and to inform them whether they had taken any measures for carrying them into effect. The presidency of Fort St. George was at the same time, furnished with a copy of the Bengal regulations. The Bombay government appears also to have been furnished with a copy of them; with a view to the eventual

settlement of the province of Malabar, then under its charge. Both governments had been previously supplied by Lord Cornwallis, before he left India with the papers containing the discussions respecting the decennial settlement of the lands in Bengal, and the regulations for the administration of justice.

Revenue Letter from Fort St. George, 18th Oct. 1794.

The court of directors, in answar to the dispatch from the supreme government, of 23d May 1798, expressed their desire to see the Bengal system of internal administration extended to the coast of Coromandel and Malabar; and stated that they were sensible the defective knowledge of the resources of those countries, and the little progress that had been made in establishing the public authority, so as to make it felt and esteemed, rendered it improbable that the completion of that object would be obtained, as soon as it were to be wished: that they nevertheless approved of the Bengal presidency having made this a subject of correspondence with the other presidencies; and that they relied on the zealous co-operation of that presidency with the subordinate governments for its gradual accomplishment.

A few months after the date of the Court's letter, Lord Wellesley, the governor-general, issued instructions to the Madras government, in consequence of the pecuniary distress of that presidency, (as represented to him during his visit there, on his way to Bengal to institute an inquiry into the state and condition of all the branches of the public expenditure and resource, in order to effect every just and salutary reduction of the one, and every practicable improvement and augmentation of the other. In these instructions, it was signified to be the wish of the supreme government, that, with this reform of the civil establishment at Madras, should be connected the introduction of the same system of revenue and judicature on the coast, as had been established in Bengal; a measure, which it was thought, no time should be lost in effecting. For the purpose of carrying these orders into force, the presidency of Fort St. George, in the month of September following, appointed a committee for the revision and reform of the establishments of the civil service. To the commander-in-chief, it was committed to suggest retrenchments in the military department, and to the board of revenue, to report on the

Bengal Government to Fort St. George, 6th Aug. 1798.

Public Letter from Fort St. George, 15th Oct. 1798.

Madras Government to Revenue Board, 10th Sept. 1798.

extension to the Madras territories, of the system of revenue and judicial administration in Bengal. [109]

General Report Revenue Board, 1st Oct. 1798.

The board of revenue were furnished with the papers respecting the decennial settlement in Bengal, containing the discussions which took place, as preliminary to the permanent assessment of the lands, and with the regulations prescribing the rules and principles of the system.

Revenue Board to Government, 21st Sept. 1798.

Government to Revenue Board, 29th Sept. 1799.

Report Revenue Board, 3rd Sept. 1799.

In the latter end of 1799, they delivered in to the government, an elaborate report on the arrangements necessary for the introduction of the proposed plan of internal government; comprehending the administration of the revenues, and the administration of justice. It was stated by the board, in relation to the former branch of this important subject, and to which the Committee here propose to confine themselves, that, strongly impressed as they had been, from experience, with the necessity of some change that should substitute system for that mode of management, which had hitherto rested on temporary expedient; if regard to their own convenience ought to have determined their minds as to the period for recommending this change, it would have been proposed long before; but reflecting, that in a permanent settlement of all the land revenue, not only the interests of the Company, but those of the landholders were, in a most important degree, involved by the amount to be assessed on the latter, as it bore a just proportion, or otherwise, to their actual means, they had been induced to enter into a very laborious undertaking, with the view of ascertaining, as nearly as might be practicable, the real resources of the several districts; and, though disappointed in this object, they had at least established, as they conceived, the improbability of arriving at that knowledge which they wished to acquire; inasmuch as their endeavours for that purpose, however they might, in their progress, have produced partial information, and corrected much abuse, had ultimately failed in attaining their end. As the situation and description of those connected with the lands in the Northern circars, and in the other territories then subject to the presidency of Fort St. George, were thought to bear a great affinity to the state of things in those respects, in the Bengal possessions, when an

assessment in perpetuity was applied to those possessions, it was considered by the board, that the necessity was thus obviated, of discussing anew the subject. They, therefore, contented themselves with quoting from the documents which had been received from Bengal, and from the general regulations of that government, such parts as served to convey a connected idea of the systems themselves, compared with the evils which they were intended to correct, and of the arguments on both sides, in regard to their adoption; as equally evincing, in the opinion of the Board, the policy of extending those systems to the Madras territories. The propositions of the board of revenue, were therefore fundamentally and substantially the same, as those which had been reduced to practice under the supreme government, as far as relates to the land revenues; subject to one exception, which it is proper to mention.

Under the Bengal government, nearly the whole lands were in the hands of zemindars, at the time of the permanent, settlement, and it only remained to establish those zemindars on the footing intended by the rules of that settlement. But in the territories subject to the Madras presidency, a very large portion of them, was neither in the possession of zemindars nor poligars; but was under the immediate management of the Company's servants. It therefore became a question in what mode and under what form, an assessment in perpetuity should be carried into effect in those parts which came under the latter description; and as the zemindarry principle was deemed the most expedient by the board of revenue, they recommended that such lands should be formed into estates, consisting of mootahs or divisions of land, yielding a revenue from about 1,000 pagodas to 10,000 pagodas per annum, so as to constitute zemindarries of a convenient size, which should be either granted to individuals in proprietary right, or sold to such, by public auction.

When the board made their report on this subject, the East India Company had possessed the Baramahl and Dindigul countries about seven years, and had just acquired the provinces of Canara and Coimbatoor, and the pollams of Balghaut. The Malabar country was not then transferred from the Bombay presidency; nor had the Company obtained the Carnatic, Tanjore, and the districts ceded by the Nizam; but arrangements were in progress, for the annexation of those territories,

to what at that period, constituted the possessions under the government of Fort St. George.

On the receipt of this report by the Madras presidency, they directed the board to prepare the materials for forming a permanent settlement of lands, on the [110] principles they had laid down, from the best information which their records and recent enquiries might afford; and the board of revenue in the following month, issued their instructions to the collectors of districts in which they explained the principles of the intended new settlement and system of internal administration, in order the better to enable the collectors to furnish the requisite information in the first instance, and ultimately to carry into effect the wishes of government. In these instructions are also detailed, the data on which the assessment of the lands was to be founded; and the collectors were directed to prepare every necessary information, respecting the rights of "the talookdars, and under-tenantry throughout "the different districts, that in confirming the proprietary rights "of the zemindars, they might not violate the ascertained "rights of other individuals." It does not appear that the local authorities were on this, or on any previous occasion, required to state their opinions on the policy or fitness of the measures, then in contemplation; and in the above mentioned instructions, the attention of the collectors was called to an order, which had been recently passed by the Madras government, which stated, that as the public prosperity and welfare absolutely required the introduction of the new system without delay, such of them would be removed, who should be found either incapable or unwilling to execute such orders as they might receive on that subject.

Government to Revenue Board, 4th Sept. 1799.

Circular Instructions to Collectors, dated 15th October 1799: Appendix, No 18.

The sentiments of the supreme government, on the subject of the report of the board of revenue, with which they had been furnished, were transmitted to Fort St. George, in a letter dated the 31st December 1799; and a further communication on the same subject, was made by Lord Wellesley to Lord Clive, the governor at that presidency, dated the 8th January 1800.

Appendix, No. 3, to 2d Report of Select Committee, 1810.

On a reference to these documents, it will be found, that the principles on which it had been proposed to assess the

lands, received the approbation of the Bengal government; and authority was given to form a decennial settlement for the districts on those principles, under a conviction entertained that no benefit would arise from a delay in the adoption of them in the Northern circars, in the expectation of obtaining more accurate statements of their natural resources. This decennial settlement was eventually to be rendered permanent, if approved of by the court of directors. The governor general in council, on this occasion, distinctly informed the Madras government, that the acknowledgment of a proprietary right in the zemindars existing, or those to be created, was not to be allowed in any respect, to affect the rights of the ryots or others, who had hitherto been, in any respect, subject to the authority of the zemindars or other landholders; nor was it to be construed to preclude government from passing any laws or regulations, which might occasionally be deemed expedient, for the protection of the rights of the ryots, or of other persons, or for any other purposes, which might be deemed essential to the good government of the country. The authority thus given to the Madras presidency, was not confined to the Northern circars, but extended to the other ancient possessions on the coast of Coromandel, as well as to the territory since acquired. The reservation which provided for a reference to the government at home, previously to the definitive conclusion of an assessment in perpetuity, would appear to have been made, in consequence of a similar clause having been inserted in the original settlement of the land-revenue in Bengal; but on a reconsideration of the subject, the supreme government were of opinion that such a restriction would be productive of prejudicial consequence to the public interests; for that unless the assessment (to use the words of that government) "was to be made final in the first instance, it was "impossible not to suppose that many of the zemindars, with "reference to the fluctuating principles on which the settle- "ments of the land-revenues of the Northern circars had been "hitherto made, would entertain doubts of its permanency; and "that this impression would necessarily operate to retard "the conclusion of the settlement; and would probably affect "the terms of it." This observation, they proceeded to state, "applied with greater force to the havelly lands, which formed "a large proportion of the Company's territories on the coast. "These lands (they added) which are now the property of the "Company, are to be disposed of at public sale, as estates

Revenue Letter from Bengal to the Court of Directors, 18th Jan. 1800.

"subject to a fixed revenue: And it is obvious that the value "of the estates cannot be estimated, until the amount of the "revenue at which they should be assessed in perpetuity, shall "have been finally determined; and it cannot be expected that "individuals will embark their property in the purchase of these "estates, while a possibility shall remain, of the public demand "on them being augmented." [111]

* Governor General to Chairman of Court of Directors, 6th March 1800.

* Lord Wellesley took occasion to address a separate letter on this point, to the chairman of the Court of Directors; from which it appears, that he had acted on information from Madras, which convinced him of the expediency of the measure on which he had determined.

† Revenue Letter from Fort St. George, 22d Jan. 1800.

† The Madras government had, a few months before, apprized the court of directors of the receipt of the report from their revenue board, and of the transmission of it, to the supreme government; as well as of the measure in the mean time adopted, for collecting the necessary materials for permanently settling the lands.

‡ Revenue Letter to Fort St. George, 11th Feb. 1801.

‡ In the early part of 1801, the court of directors took into consideration the proceedings which had taken place on that subject, in a revenue letter to Fort St. George, dated the 11th February 1801; in which they stated that they had perused with attention the report of the revenue board of Fort St. George, and their subsequent instructions to the collectors; that they approved of their industry and abilities in the investigation and elucidation of the important and complicated subject to which their report related, and particularly of their having availed themselves of the information contained in the minutes and proceedings of the Marquis Cornwallis and Lord Teignmouth, at the time when a similar arrangement was under the consideration of the supreme board at Calcutta; that, upon mature reflection, they had determined to concur in the instructions of the governor general, for proceeding, at once, to the permanent assessment of the lands on the coast; that particular cases might occur, in which the court might regret that the final correction of error did not remain with them; but that this inconvenience, should it prove one, was much more than counterbalanced by the danger which might accrue to the whole system, if a doubt of its permanency should, in the

early stage of its execution, be created in the minds of the natives, with whom these transactions were to be carried on: that two other considerations had operated to produce the decision of the court on this subject; that, in the first place the subject was not a new one; that the leading principles of the measure, had already received the sanction of the court; that the general principles therefore being recognized, it was only the detail and execution of those principles, which were to be left in the hands of the Madras presidency; and that detail could, with infinitely more advantage, be conducted on the spot, than by the ablest investigation that could be given to it, at home: that although the court vested the Madras government with full power to proceed in the final execution of a permanent arrangement, there were a few general principles of caution, which it was necessary to point out to their attention; that the first which naturally presented itself was, that although the court would sincerely rejoice to see the measure finally completed, they did not expect that the government abroad were to proceed in it, with a precipitancy inconsistent with full and accurate investigation; that it should always be borne in mind, that they were concluding a settlement, which good faith, and the honour of government required, should be held, for ever, sacred and inviolable; that it was a measure, on which was to rest for ever the extent of the Company's interest in the extensive landed property entrusted to the care of the presidency of Fort St. George; that in proportion therefore, as the decision they were to pass, was permanent and irrevocable, in the same proportion, ought their previous enquiry to be accurate, and their information complete:—that in the next place, it behoved them to attend, in a particular manner, to the different situations of landed property, not only of different provinces and districts, but of different estates, in the same province and district; that they would certainly err, if it was supposed to be necessary that whole provinces and districts should be settled with, at the same time; that the information respecting one estate in a district, might be so complete, while that of a neighbouring estate, might be so imperfect, as to create great irregularity; that not doubting that the Madras government would give to the subject their unremitting attention, the court could only in general say, that they should be much more satisfied to learn that it was *well* done, than that it was *quickly* done; that it was impossible to peruse the report of the board of revenue, without being

satisfied that the detail of the business, was of a most extensive and complicated nature; and that, impressed with that reflection, it was equally impossible for the court to indulge any impatience, under the lengthened period to which the necessary investigation might extend: that there was a material difference, as noticed by the board of revenue, between the state of the several provinces in the Carnatic, and those of Bengal, where the measure of permanent settlement was first taken into [112] consideration: that the Bengal provinces were infinitely farther advanced in the habits of order and subordination to Government, than most places in the Carnatic, and certainly much more so, than in the generality of the Poligar provinces, or the districts of the Northern circars; that they were not so ripe for the reception of those benefits and blessings, intended for them, as if they were accustomed to the habits and feelings of civilized society: that there was a material circumstance to be attended to, in the conduct of this important measure; *viz.*, that any attempt to introduce a regular system of order, or just sentiments, respecting the value of permanent rights, would be idle and nugatory, till their minds were to a certain extent prepared, to feel the importance of the benefits they were about to receive: that the first object therefore was, to establish the authority of government itself, in the different zemmdarries, before they were invited to participate in the advantages to be conferred on them: that this never could be effectually done, till that spirit of rebellion and insubordination, which was so conspicuous in the Northern circars, was suppressed: and that it was of the first importance to the attainment of that object, that all subordinate military establishments should be annihilated within the limits then subject to the dominion of the Company: that the countries to which this observation applied, must be brought to such a state of subjection, as to acknowledge and submit to the principle, that, as they must be indebted to the beneficence and wisdom of the British government, for every advantage they were to receive, so, in like manner, they must feel indebted solely to its protection, for the continuance and enjoyment of them: that the court held these truths to be so incontrovertible, as to preclude all expectation of any benefit to be derived from an attempt to introduce either a permanent system of land revenue, or the exercise of a regular judicial authority, till this essential preliminary was secured: that from the nature of the business to be executed, it was obvious,

that the successful execution of it must ultimately rest on the accuracy and integrity of the enquiries to be conducted by the collectors, and other officers subordinate to the board of revenue: that, if any of the Company's servants, then in those situations, were, from a defect of talents, or circumstances, unequal to the extension of the duties they were, called upon to perform, they were to be removed, and others capable of doing the duty, substituted in their room.

In the following year, a special commission was appointed by the government of Fort St. George; to whom was delegated the important business of arranging the settlement of a permanent land revenue in those districts, which then admitted of it, by an application of the materials which had been collected for that purpose, by the local authorities, under the orders which were issued to them on the 15th October, 1799. This commission was limited, in its powers, to such proceedings as were necessarily connected with the immediate object of its institution, so as not to interfere with the ordinary line of duty which attached to the board of revenue. The progress made by the commissioners in the important undertaking committed to their charge, having rendered their further services unnecessary, they were discontinued; and the extension of the permanent settlement to those districts into which it had not been introduced, was left to the superintendence of the board of revenue.

Madras Government to Board of Revenue, on the appointment of a Special Commission for permanently settling the lands; dated 9 Feb. 1802.

Appendix, No. 17.

Revenue Letter from Fort St. George, 12th September 1803.

The new system was established in the different districts, composing the Northern Circars, within the years 1802 and 1804.

Proceedings of Special Commission and Board of Revenue, and Resolutions of Government thereon.

The lands already in the hands of zemindars, were confirmed to them in perpetuity, on the prescribed conditions. The assessment on each zemindarry necessarily varied, according to the local extent: in some, it considerably exceeded a lac of star pagodas; in others, it was under 1,000 star pagodas.

The havelly lands having been parcelled out into mootahs of a convenient size, yielding from 1,000 to 5,000 Star pagodas annual rent, but in some instances, more; were sold at public auction, subject to the terms of the permanent zemindarry tenure.

The assessment on each zemindarry was fixed, exclusively of the revenue derived from the sale and manufacture of salt, from the sayer and all other duties, whether by sea or land, from the abkarry or tax on the sale of spirituous liquors and intoxicating drugs; and from all taxes personal and professional (except in a few instances where these taxes were included among the assets on which the assessment was calculated) or duties on market places and fairs; the government reserving to itself, [113] the entire exercise of its discretion, in continuing or abolishing, temporarily or permanently, these respective sources of public supply.

The holders of *mauniums* and *shotriums*, that is, of lands which were exempted from the payment of rent, or were held at favourable rents, as well as those who enjoyed russooms were allowed to remain undisturbed in those tenures and privileges; except in so far as they should be pronounced to have been irregularly obtained by a court of justice, on any inquiries instituted for that purpose. An exception was however made, with respect to the russooms of *chowdries*, *canzees*, and *despondeahs*, and such other native revenue officers, whose services had become useless; these fees having been resumed, and the amount of them included in the jummahs of the zemindars, and pensions granted to the individuals, in lieu of them.

Provision also appears to have been made, that all russooms, or lands hitherto appropriated to the support of police establishments, should be disposed of, in such manner as the government should think fit; and that no lands should be considered as held on the condition of performing police duties, unless specially stipulated in the deeds of settlement exchanged with the zemindars. This provision was dictated by the determination to which the government had come, of taking upon itself, the charge and management of that branch of municipal regulation; and of relieving the zemindars from all responsibility in this respect, except that of being generally bound to aid and assist the officers of government in apprehending and securing public offenders.

The general standard, by which the jumma or land rent to be paid by the zemindars, was regulated, appears to have been two-thirds of the gross collections from the cultivators, as estimated in former years, by the committee of circuit; but as

the accounts of that committee were, under the circumstances in which they were prepared, naturally considered to have greatly under-rated the value of the country, and to have been in other respects uncertain and defective; recourse was also had, to averages of the collections actually made, since that period.

The Guntoor circar having come under the Company's government, subsequently to the enquiries of the committee of circuit, was assessed with reference to the average collections during the thirteen years it had been subject to the British authority; and such other information as could be collected of each zemindarry, according to its extent of arable land.

The permanent settlement of the Jaghire took place in 1802, the lands having been divided into sixty-one estates, bearing an assessment of from 2009 to 5000 star pagodas, and sold to individuals in the same manner, as the havellies of the Northern circars. The data on which the land-tax payable by the zemindars to government was calculated and determined, were the actual state of the resources, and certain accounts of the produce and gross collections in preceding years.

The remaining part of the antient possessions which have been settled in perpetuity, are the district of Trevendaporam, and the two Jagheer villages adjoining it; the former having been formed into six lots, and sold; the latter having been conveyed to the renter, in zemindarry right, without purchase.

In both the old and the newly formed zemindarries, particular estates were assessed at encreasing rates of rent, which were to become fixed, after a certain number of years. This principle was observed in cases where the lands were of a particularly improveable kind, or the state of cultivation had been reduced by adventitious causes of temporary operation.

It would be superfluous, in your Committee, to enter into any circumstantial explanations of the different rules and provisions, relative to the new system of revenue, which has been introduced into the above-mentioned territories, and some other districts, under the government of Fort St. George; or of the nature of those rights, which it has either created or confirmed, whether affecting the Government, the zemindars, or the ryots; as they are fundamentally and substantially the same in principle, as those which have been described to exist,

Circular Instructions to Collectors; dated 15 Oct. 1799:

Appendix, No. 18.

under the land revenue system of the Bengal provinces. Referring the House, therefore, for general information on that head, to the instructions issued to the collectors in the year 1799, as containing a practical application of the principles, according to which the arrangement was progressively adopted, your Committee deem it sufficient here to [114] state, that the zemindars are declared to be the proprietors of the soil, both waste and cultivated, within the limits of their respective zemindarries; and the ryots or cultivators, their tenants or under-farmers, holding their fields from year to year under pottahs or leases, which specify the rent they are to pay to the zemindar, or the share of the crop he is to receive, who is prohibited, under penalties enforced by the courts of justice, from demanding more than the ryots paid or accounted for, at the time of concluding the permanent settlement, or than is agreeable to custom. Of the revenues or share of the crop received by the zemindar from the ryots, which was calculated to be about one-half the gross produce, he stipulated to pay to the government, as jummah or rent, about two-thirds; retaining for his own use, the remaining one-third, or about 15 per cent. of the gross produce. On the failure of a zemindar, in his payments to government, which he is required to make by periodical instalments, his lands become liable to attachment, and if necessary, to be sold, in order to realize the deficiency; or, more correctly speaking, such a portion of his interest in the soil, which, as it has been stated, consists of his 15 per cent. of the gross produce, more or less, and the waste lands, are disposed of at public auction, and the proceeds applied to the liquidation of the balance outstanding against him. In the case of the failure of a ryot, in his payments or dues to the zemindar, his personal property is liable to be distrained by the latter; and if not sufficient to make good the arrear of rent, he can be ousted from the occupancy of the land cultivated by him, and the zemindar is at liberty to put another ryot into the possession of it, on the usual terms. The proprietary right of the zemindar, as it is termed does not give him the power of selling the land of his zemindarry, any more than the government is empowered to sell any part of it, when he fails in the discharge of its demand upon him. He can only dispose of his interest in the soil, *viz.*, his 15 per cent. of the gross produce, and the waste land, which he can also, on the

principle of a proprietary right in both, bequeath, mortgage, or alienate.

On the establishment of this system of perpetual rents, under a zemindarry tenure, it was made a fundamental condition, that the zemindars or landholders should no longer be suffered to keep up any military force; the preservation of internal order and tranquillity in the respective zemindarries being henceforth vested solely in the government, and in the civil authorities, to whom, under its controul and direction, the public safety was entrusted.

It has been explained in the foregoing part of this Report, that in the antient possessions, the collections from the ryots were chiefly realized, except in as far as regarded the dry grain and garden culture, by taking a share or division of the actual produce, or by commuting such share of the actual produce for its computed value in cash. In the territories since acquired, a money rent had been fixed on each field, having reference only to the quantity and quality of the soil, and not to the varying produce of each year. The public demand on the ryots, which before consisted of several items, and was annually the subject of troublesome and minute adjustment, by being thus, not only consolidated and simplified, but also limited in its amount, appears to have contributed in a great degree, to the improvement of their condition, and to have relieved the government as well as themselves, from those various abuses and peculations, which were before practised on them, by the natives employed in collecting the public dues, as well as by the more powerful ryots. It was probably a conviction of the advantages, which had been found to attend this measure, which induced those who were employed in superintending the formation of a permanent settlement of the Northern circars and the Jaghire, to urge the expediency of encouraging the zemindars to adopt the same measure of a fixed money rent. Your Committee think it proper to quote a passage from a letter of the secretary to the board of revenue, on this subject, addressed to the collector of Guntoor: "It has been "almost univerasally observed, that where a "moderate money rent prevails, there is "found a better agriculture, and a more "industrious and substantial class of cultivators, freed from the "oppression of the superior ryots, the trammels and peculation "exercised by the estimators of the crops, the framer of the

Secretary of Revenue Board to Mr. Scott, dated 25th Oct. 1801.

"dowle (estimate) and the whole phalanx of circar servants; "instead of waiting the orders for cutting their fields, long "exposed to waste, for the want of it. The ryots sow and reap "when best suited to their interests; they feel that every hour "of extra labour, every basket of manure carried into the field, "is adding to their store, and to the comfort of themselves and "families. All is their own; but the amount specified in the "sunnud. It simplifies the whole concerns of the country, [115] "and establishes the clearest data on which, in all cases of dispute "or oppression, the courts could act; for all sunnuds are to "be registered by the curnum.

"The arguments used against this species of commutation, "are the diversities of the seasons, the chances of markets, and "practices on the ryot's fears, that by engaging for a given "sum in money, when they may have no produce, he will be "ruined. It is carefully concealed, that if the season be bad "he is sure of a higher price for his produce; and, in fact, "would receive much more, than if the produce was shared when "the high price would prove a spur to the head inhabitants and "circar servants, to extract from him, a double portion. It "besides, in bad seasons, stimulates the utmost individual "exertion, most important to the general welfare, and which "ought if possible to be encouraged, especially now that the „agreements between the proprietors and ryots can be „enforced."

The board were aware, that there was a strong prejudice against this mode of creating a kind of independent property in the villages; inasmuch as long as the division of the produce was continued, and the village concerns were carried on, as it were, on a joint account, so long would the principal cultivators have an opportunity of preying upon the share of the poorer ryots, of sparing their own, and by their influence, depriving the proprietor of his just rights.

It appears, that one of the estates into which the Jaghire was divided, was retained in the hands of government, for the express purpose of introducing the principle of money rents on the cultivation of each field, by way of example to the other inhabitants; but whether in this district, or in the Northern circars, the principle has been brought, into any extensive or general practice, your Committee have not been able to ascertain.

MODERN POSSESSIONS.

Your Committee having thus shortly stated the history of the land revenues, in the antient territories under the government of Fort St. George, to the period when an assessment in perpetuity of the lands in those territories was introduced; They now proceed to a similar view of the administration of the land revenues, in the more recently acquired Possessions, under the same presidency; previously noticing the periods at which they respectively came under the British government.

The districts of Salem and Kistnagherry, comprizing the Baramahl, and the provinces of Dindigul and Malabar, were ceded to the Company by Tippoo Saheb, under the treaty of peace concluded at Seringapatam, on the 18th March 1792. The Malabar country was, at first, placed under the charge of the Bombay government, and so continued until 1880. The Company were before possessed of the fort and dependencies of Tellicherry, Mylam, and Durmapatam, which yielded only a trifling revenue.

2d Report of Select Committee, 1810. Appendix, No. 34.

In 1793, the settlement of Pondicherry and its adjacent lands, were acquired in consequence of the war, with France; and in 1795, in consequence of the same war, which involved the Company in hostilities with the Dutch, they obtained possession of Pulicat and Sadras.

In 1799, the province of Canara and the districts of Soondah and some other districts, were, according to a schedule annexed to the treaty of partition with the Nizam and the Peishwah, dated the 22nd June, in that year, transferred to the Company, as their share of the dominions of the late sultaun of Mysore; and by the same treaty, the Company also acquired the province of Coimbatore, the circar lands and pollams of Ballaghaut, and the island of Seringapatam. It was also in the same year, that the province of Tanjore, was by treaty with the Rajah, made over to the Company.

2d Report of Select Committee, 1810. Appendix, No. 35.

2d Report of Select Committee, 1810. Appendix, No. 33.

In 1800, under a treaty with the Nizam, dated 12th October, all that tract of country situated south of the rivers Tungbudra and Kistna, which the Nizam acquired by the treaty of

Appendix, No. 40, *at supra.*

Seringapatam of 1792, and by the treaty of Mysore of 1799, together with the talook of Adoni, and all other of his Highness's talooks south of these rivers, were ceded to the Company. This large portion of territory is what is now called the Ceded Districts; and to these districts, two-thirds of Punganoor and part of Goodiput were added, having been exchanged for certain districts which had been reserved by the treaty of Mysore in 1799, as the eventual portion of the Peishwah; but which, by the supplementary treaty of Mysore, dated 29th December 1803, fell into the possession of the Company. Other districts [116] were also obtained in exchange, which were attached to the Malabar and Carnatic territory.

In 1801, the whole of the possessions of the Nabob of Arcot, situated in the Carnatic, with the exception of a small portion retained by him as the household lands of himself and family, were transferred to the Company, by treaty. Of the Pollams situated in the southern part of the Carnatic, commonly called the Southern Pollams, consisting of the Tinnevelly, and Manapara Pollams, and the two Marawars, Ramnad, Shevagunga, and of those situated to the westward, called the Western Pollams, the Company had collected the peshcush or tribute, since 1792, under a treaty with the Nabob in that year. In 1795, the Pollam of Ramnad, of which the Company collected the peshcush since 1792, came under their sole and absolute charge and management. The remaining part of the Carnatic acquired by the treaty of 1801, consisted of the districts of Palnaud, Nellore, and Ongole, the province of Arcot, the Pollams of Chittoor, the districts of Satevaid, Tinnevelly and Madura.

2d Report of Select Committee, 1810. Appendix, No. 29.

2d Report of Select Committee, 1810. Appendix, No. 48.

The papers which have been at different times, laid before the House, have already furnished it with information of the circumstances under which these extensive acquisitions came into the possession of the Company.

A considerable portion of them, consisted of districts held by Poligars or military chieftains; but the remaining, and by far the largest part, had been under the immediate management of the native governments, who collected the revenues, and administered the local affairs, in such manner as they thought proper.

Your Committee will first detail the principles of revenue administration, progressively adopted by the Company's government, in the latter description of territory, generally distinguished by the name of *Circar* or *Havelly* lands.

The interest in the soil was generally found to be divided between the government and the cultivator. The established or understood share of the former, in the crops, from paddy lands, or wet, designated by the term *nunjah* was generally received in kind, at rates varying from 40 to 60 per cent. of the gross produce; subject to a deduction of certain portions distributed mostly before, but sometimes after the separation of the grain from the husk, among the servants belonging to each village community; and appropriated to charitable uses, the repair of tanks, or the maintenance of the pagodas. The government share of dry grain culture, called *punjah*, which was considerably less than in the nunjah lands, was mostly received in money, at so much for a fixed measure of land, or so much for the same measure, but varying with the produce. A fixed money rent was also collected on the lands yielding the most valuable articles of produce, termed garden and plantation produce, on which the public demand was still less than on the last mentioned description of culture.

The nunjah lands depending on copious irrigation; and the fall of the rains being uncertain, the produce was necessarily rendered precarious also; and this is considered to be the cause of the practice having continued, of the government share being taken in kind. The punjah culture requiring only partial supplies of water, were not so frequently exposed to failure; and the risk incurred by the ryot, in engaging for a rent in specie, was consequently less, while the varieties of produce cultivated on the same ground, ripening at different periods of the year, opposed a great obstacle to a division of the crops. The fields allotted to the more valuable articles of garden and plantation produce, were generally secured against a failure of water, by artificial means. The responsibility therefore which attended the payment of a money rent, was still less. This explanation is equally applicable to the Northern circars, and every other part of the British possessions on the coast. The demand on the cultivator was however, by no means confined to the established rates of land tax or rent; for besides the sayer duties and taxes personal and professional, the ryot was subject to extraordinary aids, additional assessments, and to

the private exactions of the officers of government, or renters, and their people; so that what was left to the ryot was little more than what he was enabled to secure, by evasion and concealment.

To detail the different abuses, both public and private, which prevailed in the extensive possessions to which the present head of the Report relates, would be only a repetition of those facts which have been stated, in the preceding branch of it. They [117] appear to have been of the same character and description, in every part of the Company's territories. As long as the prince was supplied by his aumildars, with as much money as he wanted, he seldom enquired into the means that were used to obtain it, or cared by what breaches of duty and irregular practices they enriched themselves. As they in general purchased their posts, by a bribe to some one, at the seat of government, and as their continuance in office was uncertain and precarious, they suffered no opportunity to pass, of adding to their gains. The aumildars were actuated by the same feeling, in regard to those employed under their authority, as long as an amount of revenue was forthcoming, that would satisfy the government; and so it was, in like manner, throughout all the intermediate gradations of public servants, or persons standing in their place in the character of renters, or sub-renters, down to the lowest person, invested with any authority. All received their private advantages; all, in a greater or less degree, in collusion with each other, prostituted the authority with which they were clothed, to serve their own private views. The public accountants, both in the villages and districts, who constituted the official checks on the conduct of those engaged in making the collections, or in superintending those employed in that duty, influenced by the same motives, naturally played into the hands of the latter;—so that the government, under this relaxed and corrupt system of administration, were deprived of all means of ascertaining the oppressions practised on the husbandmen, or the frauds committed on their own rights.

It has been seen, that such parts of the old possessions of the Company as were havelly, were, for many years after they became subject to its rule, let out in large portions, or by districts, to individuals, on longer or shorter leases, who, for the duration of such leases, stood in the same situation as the zemindars it being left to them, in their districts, as it was to

the zemindars, in their zemindarries, to settle with the ryots or cultivators, without any interference in this respect, on the part of the Company's servants; whose concern and intercourse with the natives, from causes which have been explained, seldom extended further in regard to the revenues of the country, than was necessary for making the requisite engagements with the zemindars and renters: that when the provincial councils were abolished in 1794, and collectors appointed throughout the country, it was let out in villages, or in single villages to the head inhabitants, the settlements being made on an estimate of the produce, converted into a money rent: and that it was only in the Jaghire, that any material progress was made under this mode of settlement in reforming abuses, or in ascertaining the resources of the lands; and that the Jaghire and the other havellies continued under village settlements, until they were permanently assessed under zemindarry tenures.

Nearly the same system prevailed in the modern possessions of the Company, which were not in the hands of poligars; for it was much the practice of the native Mahomeddan governments, and quite general under that of Mahomed Ally, the Nabob of the Carnatic, and his Son, to farm out the lands in extensive tracts, often whole provinces, for a certain number of years, to individuals; who sub-rented them, by villages to the potails, or head men, who were left to collect from the other cultivators, as they pleased. The oppression of the under-renters principally consisted, as they did in the Northern circars, in levying private contributions on frivolous and unwarrantable pretences; in under-assessing the lands in the occupation of themselves, their relations and friends, making up the difference by an over-assessment of the other village cultivators, more especially on those who were the poorest, and therefore the least able to protect themselves; in forcing the inferior ryots to cultivate their lands, and perform for them, free of charge, various other services; in monopolizing the produce of the several villages, which they afterwards disposed of at an advanced price: and in applying to their own use, the allowances and perquisites of the pagodas and village servants, by which the parties were deprived of their rights, or the inhabitants, as was often the case, were obliged to make good the loss. One of the greatest abuses which was found to exist, as more immediately affecting the interests of government, was the undue and irregular alienations of land.

Annual Reports of Collectors in the modern Territories.—Reports of the Board of Revenue, and proceedings of Government thereon.

From the impracticability of at once entering upon a detailed plan of management, the lands, in the first instance, were farmed out on the principle which generally obtained in the country; but as soon as circumstances would admit, engagements were entered into for the rents of each village, with its head inhabitants, who again subrented each field or fields, and settled with each ryot, or with the community of the village, who were to arrange among themselves the land they were respectively to [118] occupy and pay for. The renters were required to grant pottas to the ryots, specifying the payments they are to make for the particular fields they cultivated, beyond the amount of which, they were prohibited from collecting. As long, however, as this system of farming out the collections of each village to the head inhabitant, for a specific sum, continued, (leaving to these renters, as was necessarily the case, the whole conduct of affairs in their respective villages) a bar existed to any effectual investigation into the defects and abuses in the land revenues. The records of the Company abound with proofs of the great deceptions and frauds practised by the village renters, in conjunction with the curnums, in order to conceal the value of the lands, and the actual quality and kinds of cultivation; and also of the serious and extensive injuries inflicted on the cultivators by the former; by which the interests of the bulk of the people, were sacrificed to the injustice and extortionate demands, of comparatively a few individuals. The agency of renters, intermediate between the government and the cultivators of a village, was no longer adhered to, than until the European local authorities had acquired that knowledge, by which they could see their way sufficiently to enable them to adopt a more scrutinous system of management, calculated, in its detailed operations and progress, to furnish them with a full insight into the whole minutiæ of the revenue affairs of the country, and of those various abuses which had grown up under the native administration, for the collection of the revenues, either as they immediately affected the welfare of the people, or the interests of the state. The mode which it appears to have been the settled and uniform policy of the Madras government to adopt, for the accomplishment of these necessary and important purposes, was for the collector, instead of renting the lands of a village to the head inhabitant of it, to enter into direct engage-

ments with every ryot or cultivator situated within its boundaries, for the revenue he was to pay, on account of the land he occupied. This mode of renting, has generally been called a *ryot-war settlement.* The head inhabitants foreseeing that this change would be attended with the downfall of that power and oppressive influence, which they had long exercised over the common cultivators, and by which they enriched themselves at their cost and that of government; on its first introduction, naturally threw every obstruction in the way, which artifice could suggest, or self-interest stimulate, to embarrass and retard its operation. They left their villages, carrying with them their dependants, and such others, as from connexion or promises they could seduce; but when they found, from their cultivation being engaged for by those whom they could not influence, that their design of bringing the collector to terms, was not likely to be successful; those in the Carnatic country, and to whom the foregoing observations are more particularly intended to apply, appear, in frequent instances, to have repaired to the presidency in numbers, in the hope of compassing their purpose, by bringing discredit on the collector; endeavouring to interest the board of revenue and the government, by false representations of over assessments, and abuse of authority. Such was the ascendency which they possessed over the minds of the ryots, and the dread entertained of their power, that it was with difficulty, that those helpless people could be prevailed upon to acknowledge or state their grievances, and divulge their distress.

By a firm and steady conduct on the part of the collectors, aided by the sanction and support of the government, the confederated opposition of the potails was subdued; and their concern with the revenues of the villages to which they belonged, was confined to the duty originally assigned them under the Hindoo governments, of collecting on the behalf of the government, the rents from the ryots, under the orders, and subject to the control of the Company's collector, and the servants employed more immediately under his authority. In some of the territories acquired since 1792, ryot-war settlements were at once made with the cultivators, without previously having recourse to village settlements.

As connected with this detailed mode of management, and in order to secure all the advantages to be derived from it, a regular survey of the lands was undertaken; by which it was

ascertained what was the real extent of land cultivated, the different descriptions of it, both with reference to the tenures by which it was held, and the kinds of produce which it yielded; what quantity a given portion of seed would yield of a particular produce; what was the extent of land, either uncultivated or waste, and also, what was the share of the produce to which, according to the unadulterated usage of the country, the government was entitled. It was one great recommendation in favour of this mode of settlement, that it was most favourable to the prosecution of such a survey; and it was for this reason, that the Madras [119] presidency in 1805, when the supreme government directed the introduction of village leases for three years similar to those which had been formed in the territories ceded by the Nabob Vizier of Oude, objected to the abandonment of the existing principle of collecting the dues of the state from the ryots, immediately through its own officers; and prevailed on the Bengal presidency to allow of its continuance.

Revenue Consultations, dated 20th June 1805.

The use of these surveys, appears to the Committee to have consisted, not only in the means which they furnished the collectors of detecting false returns respecting lands actually cultivated, and which therefore ought to have paid rent, and of adjusting the demand on the ryot, on uniform principles; but it also laid the best foundation for introducing a fixed money rent on the land itself, according to its extent and value, instead of a pecuniary commutation for the government's share of the actual produce of the year, which, where a division of the crop in kind did not take place, had been heretofore generally adopted by the Company's collectors, under the plan of village settlements. In those districts, therefore, in which the lands had been surveyed and engagements were contracted with the actual cultivators, the extent and value of the lands being determined by the survey, reference being also had in most cases to the average produce of past years, the share of the produce, thus considered to belong to the circar, was converted into a fixed money rent, regulated by the price of grain in the market, for a certain number of years. The cultivator thus enjoyed exclusively, without any participation on the part of government, the benefit of whatever additional labour, or additional improvements, he might bestow on the land; while the demand on him, being simplified and defined, was calculated to relieve him, as well as the state,

from those frauds and impositions which the native officers of revenue were at all times disposed to practise, when opportunities offered for doing so, without detection.

Where individual settlements had been adopted, but a survey of the land had not been effected, the money assessment was nevertheless made on the land, and not on the actual produce; being framed on an average of the returns of one year with another; but it appears, that, in almost every district, the assessment was subsequently corrected by a survey.

In order that the general rules and principles, by which the assessment on the different sorts of produce were regulated, should be made known, as well for the public information of the inhabitants, as a general guide for the native servants on all occasions of dispute, a *cowlnama*, or proclamation, was circulated, announcing and explaining such rules and principles. Besides which, the collectors or their assistants granted to each cultivator a pottah, or lease, for the year, specifying the extent and quality of his land, and the sum he engaged to pay for it, as rent. The rent was for some years liable to those variations in particular cases, which were necessary for the purpose of correcting any errors which might have crept into the survey, and any irregularities in the assessment, founded on such survey, which the annually returning process of the ryot-war settlement naturally brought to light. Alterations in the assessment were also occasioned by the gradual encrease made to it, as the circumstances of the cultivators, and the state of agriculture improved, in order to raise it to what was considered the *standard rent*; but having reached that point, it remained at the same amount, unless the ryot, under his yearly settlements, either threw up part of his land, or extended his cultivation, by engaging for a larger quantity. If he undertook to cultivate additional fields that were unoccupied or waste, the rent of such fields, furnished an encrease of land revenue to the government; and if he this year, declined to engage for as much land as he did, in the last, a diminution in the amount of rent to be paid by the individual was occasioned thereby, and a consequent diminution of the revenue of government; unless the land given up by one cultivator, should happen to be engaged for by another. A decrease of revenue might also arise by reason of a remission or reduction of the public demand, on a particular portion of land, in consequence of bad seasons, or other unavoidable calamities, which might

disqualify the cultivator from paying the full assessment on his land.

The survey valuation, regulated on the principles which have been described, rather constituted the *maximum* of assessment, than the absolute demand upon the cultivator for that rate of assessment, though regulated with reference to the fixed rules which had formerly been observed by the native governments, but which had in latter periods been infringed upon to a considerable extent by extra demands, or additions to the original assessments; yet the proportion which, in most of the districts, it bore to his means, often rendered him incapable of paying it, in a very unfavourable [120] season, or under any accidents of a particularly untoward kind, without impairing the resources of the country. The first thing therefore, done under a ryot-war settlement, was, for the collector, or his assistants, or both, attended by the tehsildars or native collectors of districts, and by some of the servants immediately employed in their cutcherries or offices of business, to make a tour at the period for commencing the labours of agriculture of the country under their respective charge, for the purpose of learning from the ryots, whom they assembled at convenient situations, their engagements for cultivation. This being ascertained, it was then settled with them what should be the utmost demand to which they were liable for the year. If the country was in an ordinary state of prosperity, that is, if no circumstances of so adverse a nature had occurred, in the year which had expired, as to render the ryots unable, with reference to the productiveness of their lands, to answer for an amount of revenue equal to the survey or standard rent; that amount was declared to be the demand: on the other hand, if the districts had by any calamity been reduced to a state of distress, and the circumstances of the ryot were not adequate to the payment of the standard assessment, it was accordingly lowered; and to such as stood in need of it, *tuccavee*, or advances of money were made, to purchase seeds and implements, and to hire labourers. The assistance afforded for these necessary purposes, was regulated by the tehsildars and potails, under the eye or control of the collectors; whose duty it also was, during the progress of cultivation, to stimulate their industry, and guide their labours, to the advantage of themselves and to the increase of the public revnue. When the season became sufficiently advanced, to enable the collector and his assistants to judge from the

appearance and state of the crops, as to the means of the ryots to pay their rents, they made a second tour of their districts for that purpose. The reports of the potails were then received, and the accounts of the curnums examined. Each case of alleged injustice or error in classing or assessing the lands, was ascertained by confronting the parties, investigating the accounts, and consulting the other ryots of the village; and when the complaint was not an individual, but a general one, by calling in the aid of those belonging to the neighbouring villages.

An equal assessment throughout a district is necessarily advantageous to the great body of the ryots. Those residing in contiguous villages are well acquainted with each others circumstances, and with the proportion of the public demand to which they are properly liable, and that which they account for to the government. If a particular village was considered to be under-assessed by the cultivators of another village in their vicinity, the adjoining villages were found ready to give information on the subject; either from jealousy at finding their neighbours thus favoured, or from a hope of obtaining, by this means, a reduction of their own burthens. If the rents of the village exceeded the just standard, they felt it to be their interest, when called upon, to give evidence of the fact; lest in the event of being themselves placed in the same unfavourable circumstances, they should not be fairly dealt with by those of the adjacent communities. In some districts, the inhabitants were made jointly and severally responsible for the payment of their rents, by which they were made liable to an additional assessment, in case of the failure of particular individuals, in order to supply the deficiency which there would otherwise be in the realization of the public dues. But this principle of joint security was but seldom enforced. Its utility consisted in creating an interest among the ryots, to give correct information of each others situation and circumstances, in aid of the collector's proceedings; but it appears to the Committee to have been better calculated to secure the public revenue from failure, than to render individual justice to the people.

If remissions were thought necessary, the standard rent was accordingly reduced, and final arrangements, in writing, under the signature of the collector, or his assistants, were entered into for the exact amount each ryot would be required

to pay, and for which his property was made answerable in case of failure. This is what was called, the conclusion of the settlement; which, having been effected, it only remained to collect, through the medium of the tehsidars and potails, the rents thus definitively settled.

Under this mode of adjusting the rents of a village, the ryot knew before he set his oxen to the plough and dropped his seed into the ground, what was the utmost limit of rent that he could be called on to pay; and that the advantage of additional labour employed upon his fields would be all his own, as well as the advantage of additional produce in an abundant season. He also knew, that in an unfavourable season, an abatement of that demand would be made in his favour, if his diminished means rendered him unble to satisfy it. He further knew, that if the potail required him [121] to pay more than the sum at which his rent was finally fixed by the collector, he had only to prefer his complaint. His pottah, or lease, not only specified the land he occupied, but also the rent he was to pay; while the receipt which the potail or village collector was required to grant him for every payment he made, was evidence of what he had actually accounted for as rent. If, therefore, more was exacted from him than was fairly due, he had only to represent the matter to the collector, or his principal servants, and to produce his pottah and receipt; and then what had been unduly wrested from him would be immediately restored. The potails and curnums on the other hand, well knew that the door to complaint being thrown wide open by the collector, and access to him by the ryot being easy, they were constantly liable to exposure, if they acted oppressively, unjustly, or corruptly; that the penalty bonds, in which all the revenue servants entered, would be enforced against them, and that a fine, a suspension, or dismissal, was, on the detection of their improper proceedings the consequence they were to expect. Under the system which has been thus briefly explained, and in due conformity to the Hindoo revenue institutions, a regular establishment was kept up of sheristadars, or district accountants, as a check upon the village curnums, and through whom their annual statements were forwarded to the cutcherry of the collector, where they underwent the examination of a head sheristadar.

Habituated as the ryots were under their native governments to arbitrary imposts and private exactions, it was not

to be expected that, on the first establishment of a ryot-war management, they would immediately raise the voice of complaint against their oppressors. On the contrary, they evinced a reluctance to come forward and make known their grievances. It is not by the instantaneous effect of any system, that an extensive and complicated evil of long continuance, can be removed or remedied. By learning, however, that the ruling authority in the collectorship, had not only limited and defined the payments they were to make, but acted upon the principle which they had thus announced, and required all other persons employed under their authority in the business of the collections, to do the same; they soon became emboldened to resist all extra demands, whether in the shape of public impost or of individual extortion. They also, by becoming freed from those rapacious demands to which they were formerly a prey, and secured in the protection and enjoyment of their rights, no longer had that motive for resorting to the practices of evasion, chicanery, and corruption, to which they were before impelled, in order to save themselves, in some degree at least, from the effects of such injustice.

It appears to your Committee, that the practice of entering into engagements with each cultivator of the soil, and of fixing the assessment on a survey valuation, was first adopted under the Company's government, in the Baramahl country.

Lieut.-Colonel Barry Close's Letter to Capt. Read, 31st March 1792. Lord Cornwallis' Letter to Court of Directors, of 2d May 1792.

Appendix, No 19.

This portion of territory was ceded, as the Committee have stated, in 1792; and, as the little improvement which had at that period, taken place in the administration of the revenues in the ancient possessions of the Company, rendered it difficult to find among the civil servants of the presidency of Fort St. George, individuals possessed of those qualifications which were necessary for the proper and efficient discharge of the duties of a collector, more especially in a territory newly obtained, the successful management of which would greatly depend on the measures that were in the first instance adopted; Lord Cornwallis entrusted the districts in question to the charge and superintendence of Captain Alexr. Read and three other military officers; all of whom were well acquainted with the native languages, and with the habits and manners of the people; and at the same time, possessed that activity, zeal, and ability, which were so requisite to ensure

success to their labours. They applied themselves to an enquiry into local usages, as the only ground on which they could rightly proceed in framing and settling a revenue system for the country. Their earliest investigations related to the customary divisions of the crop, the nature of the produce, and the manner of keeping the revenue accounts; tracing, as they proceeded in their enquiries, the origin and progress of every civil institution in the country; and connecting therewith, not only a particular examination into the theory, practice and operation of the revenue management, which they found to exist under the Mahomeddan rule of Hyder Ali and Tippoo Saheb, but also during the preceding period, when the Baramahl was governed by its native Hindoo princes.

The principle on which Captain (afterwards Colonel) Read, administered the revenues of the territory, and the regulations which he established for the guidance of his assistants and of all other officers in the discharge of their respective duties, as well as the manner in which the business of European superintendency was carried on, appears to have become the general guide of the revenue authorities in the other parts [122] of that territory. In the districts of Dindigul and Coimbatoor, in the province of Canara, and in the ceded districts, the system of Colonel Read was introduced by *collectors, who had served under that gentleman; who were not only the active instruments by which he was enabled to carry his arrangements into effect; but by whose talents and local knowledge, he was most materially aided, in devising a system of revenue administration for the country under his charge.

*Capt. Thos. Munro, A. Macleod, J. G. Graham, and Mr. Hurdis.

It was by means of the mode of collection to which the Committee have thus particularly referred, sanctioned as it appears by the ancient Hindoo practice; which Colonel Read had the merit of establishing in the districts originally placed under his superintendence; and which was in almost every instance, progressively carried into effect in the other parts of the Company's modern possessions on the coast, as they became subject to the British authority; either by those who had acted under that collector as his assistants, or by such as were afterwards trained and instructed in the business of revenue management by those assistants, when they were themselves appointed to collectorships; that a body of information has been collected, with respect to the resources and

value of the lands, and of the actual situation of those connected with the soil, far more accurate and minute than had ever before been obtained in regard to any of the Company's possessions in the East, or than it appears to your Committee practicable to acquire in any Indian country, without those facilities peculiar to this system.

Reports and Extracts from Reports of Collectors, on the mode of conducting a Ryotwar Settlement, and explanatory of surveys and assessments.

Appendix, No. 20.

For the better information of the House, as to the manner in which the ryot-war settlement of a district is conducted, from its first stage of progress to its ultimate conclusion, the Committee have inserted in the Appendix to this Report, a communication on that subject, which was delivered into the Madras government in the year 1806, by Lieutenant-Colonel Thomas Munro, while in charge of the Ceded districts, and which furnishes the clearest explanation of the principles and process according to which this plan of revenue administration is carried on, that is to be found on the records of the Company. It was prepared by Lieutenant-Colonel Munro, at the desire of the court of directors. They have added the instructions issued by that collector to his assistants, as to the different modes of forming a ryot-war settlement in the first instance, where survey valuation of the lands has not been made, and as to the considerations which should guide a collector's judgment, in granting remissions of rent; and also the instructions of Mr. Ravenshaw, the collector of the southern division of Arcot, to the European servants employed under his authority, relating to the subject of conducting a ryot-war settlement, which, though not so full and particular as the communications of Lieutenant-Colonel Munro, are considered to be documents proper to be laid before the House, as illustrative of general principles. There will also be found under the same head of the Appendix, Extracts from some of the Reports of the collectors, explanatory of the surveys and assessments of the districts, to which your Committee have referred, as forming the basis of the ryot-war rents.

A mode of collection, so detailed in its principles as that which the Committee have described, must necessarily be in its commencement a difficult and troublesome undertaking; but when once the survey-rent is accomplished, and had been adjusted by the information and experience afterwards acquired on the occasions which annually occurred of making the

settlements; and by the aid it receives from a variety of other co-operating causes, among which the assistance of the inhabitants themselves is not the least important, it becomes a less arduous and comparatively simple operation, the success of which principally and almost wholly depends on an active, uniform and unrelaxed exercise of superintendence and personal controul and inspection on the part of the collectors, over the different gradations of public servants employed under their authority; in seeing that those servants do their duty; not in attempting to do it for them. Very fortunately, all the gentlemen selected by Lord Cornwallis to serve with Colonel Read, were highly qualified in all the attainments and talents required for this unceasing labour. A practical knowledge of languages, pure intentions, clear understanding, and active habits of body and mind, were all indispensable to make the ryots feel the pervading care and vigilance of a collector, under such a system. All these qualities, were eminently possessed by Colonel Munro, Captains Macleod and Graham, and by Mr. Hurdis, who was appointed by Lord Hobart.

It appears to the Committee, from the examinations which they have made into the effects of the ryot-war principle of settlement, throughout the modern possessions of the Company under the Madras presidency, that it has greatly improved the situation of the cultivator, by limiting the bounds of the public assessment, and adjusting the actual demand on each person subject to such assessments, according to his ability to [123] satisfy it; by relieving him from the oppressive exactions of the native revenue officers, and securing him in the protection of his property and rights. So favourable a change in their condition, has necessarily excited a confidence among the ryots, in the equity and justice of the Company's government; and this confidence, has derived material strength, from having periodically and frequently opened to them, a ready and direct channel of communication and intercourse with the immediate representatives of government, on all matters connected with their interests and grievances; which has had the effect of binding them, as it were to it, and of rendering them the real instead of nominal subjects of the Company; while the natural consequences have been, that the ryots have received a new incentive to industry, cultivation has been gradually extended, by which an augmentation of the public revenue has been yielded, without an increase of assessment.

Of the beneficial effects of a ryot-war settlement, in advancing the welfare and prosperity of a country, and in augmenting the revenues of the state when judiciously and ably conducted, the records of the Company furnish a very striking instance, which the Committee deem it proper to bring under the notice of the House. The Ceded districts were obtained by the Company in 1800, and were placed under Lieutenant-Colonel Thomas Munro. This very extensive tract of country, which including the tributary district of Kurnoul, is larger than Scotland, and which is considered to contain a population of about two millions, had been sunk to the lowest point of declension, by a weak and improvident government. The value at which it was ceded was 16,51,545 star pagodas, including all heads of revenue. The collector, in the first instance, fixed his rents at a rate, much below what had been the former demand, encreasing it only as the means of the ryot, and the improving state of the country, enabled him safely to do. He returned to England at the end of the year 1807, having been upwards of seven years in the charge of the districts. During this period, the land revenues had increased from 10,06,593 pagodas to 15,17,272.; having in one year (1805-6), in which the season was extraordinarily favourable, exceeded that amount, in considerably more than a lac of S. pagodas. The whole amount realized within that period, and up to the conclusion of the revenue year 1807-8, including the other branches of revenue, was no less than 1,19,90,419 star pagodas, with a remission on the whole, of no more than 3,415 pagodas, or 1 fanam 22 cash per cent. It was recorded, by the acting governor, on the resignation of Lieutenant-Colonel Munro, (and the good effects of his administration is represented, in equally strong terms by the board of revenue,) that "the inhabitants, from disunited hordes of "lawless freebooters, had become as far "advanced in civilization, submission to the "laws, and obedience to the magistrates, "as any of the subjects under the Madras government that "every one, seemed satisfied with his situation; and that the "regret of the people was universal, on the departure of the "principal collector." It was also stated by the principal

£. 660,618.

£.402,637 to £.606,909.

£. 4,796,168.

£. 1,366.
or os. 2d. $\frac{73}{100}$ per cent.

Minute of President, dated 26th Oct. 1807. Revenue Let. from Fort St. George, of 21st Oct. 1807; paras. 254—261. General Report of Board of Rev., 5th Oct. 1808; par. 156—159.

Appendix, No 21.

collector himself, on that occasion, that "if no alteration was "attempted, the Ceded districts would yield, one year with "another, about 18 lacs of pagodas: and that it would never "be necessary to call out a single sepoy to support the "collections." In the following year, 1808-9, the total collections amounted to no less than S[r] pag[s] 18,02, 570: of which sum S[r] pag[s] 16,69,908 consisted of land revenue only.

£. 721,033. £. 667,963.

The province of Malabar, into which the same principle of revenue settlement has been of late years introduced, was, on its coming into the possession of the Company in 1792, annexed to the presidency of Bombay, as your Committee have already stated. It was found to labour under all the evils that could be inflicted on it, by the hand of oppression and injustice; and the administration of its affairs while it continued under the Bombay government, was by no means calculated to improve its condition. Malabar, on its invasion and conquest by Hyder Ally, was governed by a race of rajahs exercising in their respective districts, an authority nearly independent. The land was mostly in the possession of the nairs, a description of Hindoos, principally of the military class. The persecutions to which the rajahs and nairs were subjected, during the Mahomeddan rule of Hyder and Tippoo Saib, but more particularly during the reign of the latter, obliged them to seek refuge in other countries, from whence they waged war with their oppressors. The power and authority which they had possessed in the country, were conferred on the mopillas, a people who professed the Mahomeddan faith, and who appear to have come from Arabia, and had conducted the trade with the Red Sea from the most ancient times. On them, all the confidence of the prince was bestowed; and they became throughout Malabar, the officers and instruments of government. On the breaking out of the war between the Company and Tippo Saib, in 1790; the rajahs, the nairs and other Hindoos, who were not included in the lower orders, were either leading a [124] predatory life in the Jungles, or were living in Travancore. They were then allowed to join the British army; as those who, in avenging their own injuries, might prove useful allies. It appears, however, that their services, had they been able to afford any, were not necessary, as the war was terminated without their assistance, by the battle of Travancore, where none of them were present. One

of the first acts of the Bombay government was, to reinstate the rajahs and nairs on their former footing, and to divide the province into three districts, which were placed under the charge of three Company's servants, a supervisor and two superintendents; by whom an annual settlement of the revenues was formed with the rajahs and nairs. The next settlement, which was for the same term, was formed by commissioners, who had been appointed to superintend the affairs of the province. The settlement which followed, was for the period of five years; but the failure of the rajahs in their engagements, obliged the government at different times to assume the collection of the revenues, before the expiration of the leases in 1799. The three settlements thus successively made, were for a very inadequate revenue; and large balances had accrued. They were founded on no better data, than fabricated estimates, prepared by native interpreters, acting in conjunction with the servants of the rajahs and nairs.

In 1799, the offices of superintendent were abolished; and the province was formed into twelve circles or collectorates, to which Company's servants were appointed. The office of supervisor had been previously discontinued, on the appointment of joint commissioners from Bengal and Bombay, in lieu of the former commissioners appointed by the Bombay government. The duties of the commissioners extended to a general controul over every department connected with the civil administration of the province; in the exercise of which, they were guided by certain regulations, and by instructions subsequently furnished by the supreme government at Calcutta. The regulations here referred to, provided for the civil and criminal administration of justice, and were similar to those of the Bengal government, antecedent to the year 1793.

The rajahs who had been re-established by the Company's government, on the acquisition of the province, knew of no other system of managing its affairs, than that which they had themselves formerly exercised or witnessed, under the reigns of Hyder and Tippoo. Hence it was that the unjust and oppressive principles of the former governments, were continued; while the feudal institutions of military service were revived; and an influence and power was thus brought again into action, that were independent, as it were, of the ruling authority; and which came to be employed, in resisting it. Nearly the whole of the rajahs and nairs who were leagued together,

having forfeited their lands under the quinquennial settlements, afterwards hoisted the standard of rebellion, by which a great part of the country was thrown into a state of internal disturbance, which could be subdued only by a military force. There was also too much reason to apprehend, that the form of government, both revenue and judicial, which had been adopted, did not accord with the feelings and prejudices of the people, nor with the circumstances of the country.

In this state of things, the Bengal government issued instructions in the early part of 1800, to the Bombay government, to transfer the province to the charge of the Madras presidency; directions being at the same time given to that presidency, for the better establishment of order and good government therein. The transfer took place in June of the same year. The first measure adopted by Lord Clive, was to call upon the local authorities in the province, for information respecting its concerns, and the modes in which the revenues and the administration of justice were then carried on.

Letter from Bengal to Madras, dated 26th May 1800.
Letter from Bengal to Bombay, dated 26th May 1800.
Revenue Let. to Court of Directors, dated 18 March 1801; par. 15.

This information having been obtained from the commissioners and the collectors in the districts, Lord Clive in September 1801, recorded a separate minute; in which he considered, first, the extent of the authority of the Company, as established in Malabar; and secondly, the nature of the government, which had been introduced for the administration of its affairs.

Commissioners' Report to Board of Revenue dated 14th August 1800; and Reports of Collectors of Circles. Lord Clive's Minute, recorded on 5th Sept. 1801.

He observed, "that the plan of civil government introduced "into Malabar, at the time that province was transferred to the "management of the Company, was founded upon the labours "of the first commissioners appointed for the affairs of [125] "Malabar; that, debarred by their local residence, from the "means of obtaining authentic information, they supplied the "defect with elaborate descriptions of a speculative nature, "and with hypothetical propositions of improvement, founded "on the information of the native interpreters; and of the "interested servants of the native rajahs; that the form of "government founded on those arrangements, was administered

"under the authority of a supervisor, and of two superinten-
"dents; that the form thus established, resembled that of the
"provincial councils in Bengal, and in the Northern circars,
"with the addition of a system of judicature in some respects
"similar to that, which had been introduced into the territories
"of Bengal; that the prostitution of the public authority under
"that form of government, to purposes of fraud, peculation, and
"corruption, required a modification of it; and that an arrange-
"ment had been accordingly made for executing the office of
"supervisor by means of a commission; and that at a
"subsequent period, subordinate collectors were appointed,
"subject to the controul and authority of the commission for
"the administration of the revenues; that the means of appoint-
"ing local collectors, if it had been established on proper
"principles, was calculated to have removed the errors of the
"system, under the administration of a commission; but that
"the collectors of Malabar appeared to have been precluded
"from the primary objects of their duty, and to have been
"limited to the execution of the orders of the commission;
"that independently of this fundamental objection, the appoint-
"ment of those officers appeared to have been too recent,
"to admit of the acquisition of useful knowledge from authentic
"sources; and that it was accordingly observable in their
"reports, that the public revenue had been determined, and
"was then collected, on information derived from the reports
"of canongoes, confirmed by the commissioners; that it was
"not surprising that the annexation of Malabar to the govern-
"ment of Bombay should have produced erroneous opinions,
"with respect to the mode of governing that province; that
"the distance from the seat of government, the extent of
"territory compared with the former possessions subject to
"that presidency, and the general inexperience of the servants
"of that establishment, with regard to the administration of
"revenue, all conspired to augment the imaginary importance
"of Malabar; and that accordingly, that province, which under
"more auspicious circumstances, would have been subjected
"to the superintendence of one or two collectors at little
"expense to the state, had been erected into a distinct
"government, with the attendant train of financial, commercial,
"and even political considerations; that this plan of administra-
"tion was accompanied with a proportional rate of expense,
"for that while the civil disbursements of the past year
"exceeded fifty-four per cent. of the revenue, the military

"establishments retained under the government of Bombay, "rendered that province a burthensome incumbrance to the "general finances of the Company."—He further observed, "That the fear of exercising, and the subsequent failure in the "attempt to exercise the power of government, had reduced "the local administration to the lowest degree of estimation "in the minds of the native inhabitants; that the collection "of the public revenue depended more on the sufferance, than "the obedience of our subjects; that the administration of police "was rendered abortive, by the fear entertained of a ferocious "banditti; and the apprehension of provoking the resentment "of the offenders, rendered it dangerous to enforce the sentence "of our criminal courts."

Under these circumstances, Lord Clive considered, that the system of government which had existed in Malabar, had proved incapable of asserting and maintaining the supremacy of the British power; either as relating to the realization of the revenues, or to the enforcement of the sentences passed by the criminal courts; and he proposed, 1st, That the commission should be dissolved: 2d, That the functions of the criminal court should be suspended: "3d, That the powers entrusted already to the officer commanding the forces in Malabar, for the purpose of bringing the rebels to trial by summary process, be extended to all cases of a criminal nature: 4th, That for the civil government of the province, one principal collector, and subordinate collectors, be appointed: 5th, That the collector and subordinate collectors continue to administer justice in civil causes, according to the forms then established in Malabar.

Instructions to Major Mac Leod, dated 14th Sept. 1801.

These propositions were carried into effect, and the province was committed to the management of one of the military officers who had been engaged in revenue duties in the Barahmahl country; and three subordinate collectors. [126]

At the time this arrangement took place, it would appear from the reports furnished to Lord Clive, and by the former collectors of circles, that the settlement of a few districts or parts of the country, continued to be made with the rajahs and nairs, or nambears, or rather the collections were made by them; they receiving a commission on the revenues. They were, in some parts required to grant the ryots, muchelkas, or written engagements; but this was little attended to. Several

gradations of officers were also appointed to check the misappropriation of the revenues by the rajahs, but without avail. These officers were desired to produce a certain sum within a stipulated period, under pain of being removed from office. This led to the greatest oppressions being committed on the ryots and the rajahs, down to the common *kolkars* or peons, employed under the head native officers and assistants; all derived their unauthorized advantages, at the expense of both government and the ryots.

In the greater part of the country, owing to the general failure in their payments under the quinquennial lease, the rajahs, with whom nearly all the settlements were made on the principle above explained, were allowed their malikana or 20 per cent. on the net collections; and the settlements were made partly with the landholders or proprietors of the soil, (for most of the lands in Malabar, as will be hereafter explained, were the private property of individuals), and partly with the *khudians* or cultivators. In the latter case, that is, where the lands were in the occupation of tenants, generally as persons to whom they had been mortgaged, the tenants, before they settled with the government officers, paid to their landholders, who were either rajahs, nairs, nambouries, or potalies, or managers of temples, one-fifth of the revenues, after deducting the interest on the mortgage of the lands, if they were mortgaged; for which payment, they produced the receipt of the landlord to the Company's collector.

The system of revenue management, which the collector was instructed to adopt, was that of ryot-war settlements, conducted in the mode in which they were then carrying into effect, by Lieutenant-Colonel Munro, in the Ceded districts. It is still adhered to; and though rebellion and civil disturbances continued to prevail in the province, for several years after it was transferred to the presidency of Fort St. George, the revenues have nevertheless gone on increasing in their amount, and have been collected with extraordinary facility. The great improvement which has taken place in the affairs of this province, exhibiting, as it now does, a state of perfect tranquillity and growing opulence, would appear in a great degree, to be attributed to the judicious local arrangements of Mr. Warden, the collector, who was appointed to that important situation in the year 1803-4, and still continues to discharge the duties of it.

Extract Genl. Report of Revenue Board; dated 5th Oct. 1803.

Appendix, No. 22.

The only countries besides Malabar, of the revenue management, of which it is deemed necessary to make any separate mention under this head of the report, is that of Tanjore, and that part of the Tinnevelly country, not in the hands of the Poligars.

Reports of Collectors, of Board of Revenue, and of Tanjore Committee.

In Tanjore, the revenues were realized under the former government, partly by a division of the crop, and partly by a grain rent or monied commutation of the produce, and partly by a fixed rent in specie; each rent seldom combined more than the interest of one village, and did not descend to an engagement with each individual. In later years, a new class of persons was introduced, between the government and the head ryots, called *puttuckdars* under whose superintendence, the lands were gradually placed; but, at no period, were they employed over the whole province. The number of villages included in the rent of a puttuckhary, varied from 128 to 1. They appear to have acted in the character of zemindarry farmers. Where they had not been established, the modes of collection before described, continued in practice. On the province being transferred to the British government, the puttuckdars were removed, on account of their oppressions on the inhabitants, and of their standing in the way of a full investigation of the revenues of the country. It was not till 1804, that the principle of ryot-war rents was extended to this province; the rents being fixed with reference to the produce on an average number of years only, and not, as in other parts of the country, on a survey valuation of the land also. [127]

Reports of Collectors of Board of Revenue, and Report of Mr. John Hodgson, on the Affairs of Tinnevelly.

In that portion of Tinnevelly, which has been specified, the settlements from local circumstances of a particular kind, arising out of the uncertainty of the seasons, proceeded on the same principles which had regulated the demand of the native government. It was a system, which partook very much of the nature of an aumanee management. The produce of the paddy lands was divided into fixed proportions, between the cultivator and the government; and of the two principal wet crops, the government share of the first, was sold by its own officers; and of the second, about one-third was also taken by the government, late in the harvest year, often not two months before its expiration. A kind of settlement was formed with the inhabitants; made up of an estimated value of the portion of the latter description of

produce left with them, of the fixed rent on dry grain lands, and of the usual taxes on other lands and on professions. In 1805, the fixed money rent on the dry grain land, was regulated by a survey; and it was collected on the ryot-war principle. This measure, as being calculated to annihilate the improper influence and tyrannous exactions of the superior inhabitants, induced them to use every exertion to prevail on the inferior ryots to resist it; but as soon as a few villages were settled, and pottahs delivered, their interested persuasions were disregarded by the other cultivators.

Your Committee have thus brought down the history of the revenue management, in that large portion of the territories under the Madras presidency, to which this branch of their Report professes to relate, to the year 1807; when the whole of it was under ryot-war rents; excepting the part of the Tinnevelly province just noticed, and also the circar lands of Salem and Kistnagherry, or the Baramahl, and the province of Dindigul, which having been divided into separate allotments, were sold to individuals on the terms of a permanent zemindarry tenure, in the years 1803-4-5. The Salem and Kistnagherry districts were formed into 228 estates, and assessed with reference to the average of rents in preceding years, and to the expected additional resources of waste lands. In the ancient possessions of the Company, the calculations on which the permanent rents were founded, were the result of a system of zemindarry or village rents; but in Salem and Kistnagherry, they were formed on the information derived under ryot-war settlements, which had at an early period been introduced, and were continued until the lands were assessed in perpetuity. In some few instances the rents were fixed on the principle of adding 10 per cent. to the jumma of 1801-2. The circar lands of Dindigul, in which were included certain pollams, which had either been declared forfeit, or had reverted to the government on failure of heirs, consisted of 40 estates. The jumma on these estates was determined principally with reference to a ryot-war survey rent on each field, which had been progressively increasing for several years, but had not reached the standard at which it was fixed.

In the years 1807 and 8, the government of Fort St. George, came to the determination of giving up the principle, which had obtained in the lands in which zemindarry settlements

in perpetuity had not been established, of collecting the public revenue from each individual cultivator, through the agency of its own servants; and of recurring to the system, which formerly obtained, of village rents.

Before the Committee proceed to describe the nature of this change, and the circumstances which led to it, they think it proper to furnish some information, on several measures of internal arrangement connected with the administration of the land revenues, which chiefly took place during the continuance of the ryot-war settlements; and also with such an account of the landed rights and tenures as they are enabled to afford from the official documents, which have been transmitted to England.

It has been shown, under a former head of this Report, that the officers and servants belonging to each village community, were, from the ancient times of the Hindoos, remunerated partly by a share of the crops of the other inhabitants, called *russooms*, and partly by grants of land, rent free, called *mauniums*; and that the pagoda establishments were supported on the same principle; the lands appropriated to them going by the name of *enaums*. With a view to the simplification of the demand on the ryot, (an object which it has been seen it was one great purpose of a money rent to accomplish) and with a view also to prevent the abuses incident to the mode of collecting the russooms, to which the village officers were entitled; the measure was [128] adopted, by some of the collectors in the districts under ryot-war rents, of adding the amount of those perquisites to the rent of each cultivator, and to pay from the company's treasury that amount, in its customary proportions, to the respective parties. The enaums to the pagodas appear also, in some parts of the country, to have been incorporated with the other lands of the districts; and the rents received by the company's servants, and accounted for by them to the superintendents of those establishments; an arrangement which, in some instances, also appears to have been adopted with regard to the mauniums of village servants.

Though this arrangement seems calculated to secure the parties in the due receipts of the funds allotted for their support and maintenance, your Committee entertain considerable doubts of its policy, as far as regards the wishes and feelings of the persons whose interests are involved in the measure;

who must naturally prefer receiving the advantages they enjoyed from the land itself, than to have them commuted for a stipend in money, liable to be resumed or withheld on any change in the government. The government also, by taking on itself to make the fixed payments in question, was necessarily exposed to a loss on that account, when the lands were unproductive. With respect to the mauniums and russooms of the village officers, they appear to have been of late years restored, and the money payments discontinued; but the pagoda lands still remain, in a state of resumption. A proposition was made, by an intelligent member of the board of revenue, to restore them in like manner to the managers of those institutions. This step was considered an unadvisable one; and they continued to be supported by issues from the treasuries of the collectors. Your Committee have not been able to meet with any documents that explain the reasons for adhering to a practice, which deeply affects the interests, feelings, and prejudices of the people, without bringing any advantage to the government. By the ancient Hindoo constitution of a village, the ministers of the pagodas, and the servants of the village, had an interest in adhering to, and extending the cultivation, under every change of authority, and in every vicissitude of season, and could bring no charge of neglect against the government, for a deficient culture of their enaums and mauniums. The substitution of a stipendiary payment, throws upon the public servants the whole weight and odium of any such deficiency; and the continually recurring necessity of regulating such stipendiary payments, in consequence of the fluctuating price of grain, cannot fail to add a vast detail of unprofitable labour to those extensive duties, which the collectors have independently to perform. Your Committee are not therefore aware of the expediency of departing from the ancient Hindoo system, of supporting the pagodas of the peninsula, more particularly as they believe, that the discreet regard shown by the Company's servants to the native religious establishments, in the early wars of the Carnatic, as contrasted with the levity of the French, and in later periods of our possession of the county, as compared with the rapacious assumptions of the Mussulman governments, has tended, in a great degree, to establish the name and authority of the British nation in the affections of the people.

Mr. Hodgson.

It appears that much attention was paid by the collectors

to the proper regulation of those taxes, personal and professional, coming under the description of *motrerpha;* which, under the Mahomeddan governors, by whom they were principally introduced, constituted a branch of the sayer revenue, but under the British administration, were separated from it. These taxes, which were levied on the implements of agriculture, on looms, artificers, casts, houses, cattle, &c., from their variety and undefined nature, were open to great abuse. Such of them as were considered oppressive and indefinite, were abolished by the Company's governments and those which were suffered to continue, were, wherever they could be, united with the land rent, as had been done with respect to the russooms to the pagodas, and village establishments. By the consolidation of this description of demand on the cultivator with their land revenue payments, they are represented to have been relieved from much vexation, by knowing the full extent of what they have to pay to the state, besides being exempted in common with the other classes of society, from those articles of taxation which were found to be oppressive.

Another description, of ready money collection, which, in addition to one called *saderwared*, for supplying the cutcherry, or village office, with lamps, oil, and stationary, consisted in contributions or benevolences, passing under the name of *grama khirch;* which were levied to defray the expenses incurred by the potail and his servants in travelling to the district cutcherry on the public affairs of the village, and [129] in in the execution of other services, as well as for providing for the charges attendant on public rejoicings and marriages. In these collections which were made under the most fraudulent and frivolous pretences, the district servants generally participated; and they had become an extensive source of abuse and peculation. It was a primary object with the local authorities in the districts under their immediate management, to restrain and regulate this head of expenditure in such a manner, as to prevent its being perverted to improper uses, and being made an engine of clandestine emolument; and their efforts for so necessary a purpose, appear to have been attended with considerable success.

It also appears, that as the enquiries of the collectors became extended to particular objects, those various abuses were brought to light which were connected with irregular and fraudulent alienations of land. Those who held under valid

grants, or whose titles were clear, were confirmed in their rights. Those whose possessions were of questionable origin, and had been of long continuance, were in general, allowed to remain in such possession, at a certain rent, more or less, as the land had been free from rent, or favourably assessed. Unauthorized alienations of a more recent date, were either resumed or brought under the regular assessment. From the time that the arrangements were in progress for the establishment of zillah courts, questions of this sort were left to be ultimately decided by those courts.

The scrutinies thus prosecuted, assisted as they were by surveys, and the other means afforded by a ryot-war settlement, tended to augment the public resources; and, though the government was the chief gainer, the increase of revenue which they thus derived, did not enhance the payments of the regular cultivator, nor interfere with the just rights of any party.

In describing the tenures under which the land is held, and the rights of those connected with it, in that extensive description of the modern possessions, under the government of Fort St. George, which forms the subject of the present head of their Report, the Committee will first draw the attention of the House to those which are found to obtain in the provinces of Canara and Malabar.

The lands in general appear to have constituted a clear private property, more ancient, and probably more perfect, than that of England. The tenure, as well as the transfer, of this property, by descent, sale, gift, and mortgage, is fortified by a series of regular deeds, equally various and curious, and which bear a very strong resemblance, in both parts of the country.

The proprietary right, is either vested in individuals, or in copartnerships of persons, each of whom possesses an unalienable interest in the estate, proportioned to the share of the property of which he has become possessed.

In Canara, the landlords or proprietors are called *Nair Mul Guenies*; and their lands descend from father to son or from uncle to nephew, according to the law of the inhabitants. Even the non-payment of the dues of government, does not absolutely deprive the nair mul gurney of his proprietary right; for

Extracts from Reports respecting Land Tenures and Assessments in Canara:

Appendix, No 24.

should he abscond to avoid such demand, and the land be transferred to another person; yet if he returns, though at ever so distant a period, he is entitled to be reinstated in his patrimony, on satisfying the claim of government against him, and such expenses as might have been incurred in improving the estate. The same rule is observed, when the property is transferred to a mortgagee, on failure of the proprietor to redeem it, and the former gets possession. The owner can always recover possession on repaying the mortgagee, and reimbursing him for improvements, and the latter is required to account for the proceeds of the estate; what the proceeds are, and what the outlay in improvements, are usually determined by arbitration. The right of the heir to the succession is unimpeached by any crimes or offences, committed by the owner. When property, held under the nair mul gueny tenure, reverted to government on the failure of heirs, it was generally granted to individuals, for the consideration of a few years rent. Many of the estates appear to have been held immediately of the government; but subject to no other condition than that of paying the stipulated fixed rent, the holders enjoying the full power of mortgaging, transferring, selling, and bequeathing them to others. The rents of estates [130] held under nair mul gueny tenure did not, under the Bijnugger government, on an average exceed 50 pagodas; some were, however, so large, as to amount to pagodas 5,000. The proprietor of the small as well as the large estates had under them, an infinite number of *shud mul guenies*, or tenants for ever, but who were in fact lesser proprietors, having the same rights, as the nair mul guenies themselves derived from government, being liable only to a fixed rent. These tenures are not the subject of purchase in all cases, though they can be transferred or disposed of by will. If a valuable consideration was paid for the land, that is, if the tenure was purchased, and the mul gurney or tenant at will, is desirous to give it up to the superior proprietor, he can do so, and the *latter, is bound to reimburse him for every improvement*, besides the amount of the original purchase; and if the mul gurney die without heirs, his lands revert to the superior landlord, on the same principle, that the lands of that superior landlord, become escheated to the government. The fields thus held of the original proprietor generally yielded to him sufficient to enable him to discharge the whole of his payment to the state; the rest, he retained in his own hands, or let out

☞ Appendix, No. 24.

to *chalie guenies* or tenants at will, on longer or shorter leases; but who sometimes by courtesy, have become tenants in perpetuity. Where this happened, the lands had been in their possession, for several generations. In some cases, however, the right was extended to such, as having been in possession for 50 years, had, with the consent of the nair mul gueny, made extensive improvements, or had brought other lands into cultivation; but in such cases, the nair mul guney raised the rent; and on the refusal of the tenant removed him from the lands; though such a proceeding, being considered a stretch of power, is said to have been rarely resorted to; and when it was, the occupant was entitled to be reimbursed in full for improvements; as were also mere tenants at will, in the like circumstances.

Chalie guenies or tenants at will, also hold lands under the lesser proprietors, and in every way possess the same right, as the same description of persons, holding under the original landlords.

The rents of the mul guenies and chaley guenies were paid, either in money or a certain quantity of grain; and never by a share of the crop, as in the other parts of the British possessions in the peninsula, where fixed rents existed.

The successor of an original proprietor, on coming into possession of his estate, is obliged, by usage, to keep all engagements made, either with the mul guenies or chailie guenies; nor is any failure on the part of a mul gueny, admitted as a plea for keeping the superior landlord out of his rent.

The province of Canara continued undisturbed, under a Hindoo government, until so late a period as 1763, when it was subdued by Hyder Ally.

Report of Principal Collector of Canara, dated 31st May 1800.

An extraordinary attention appears to have been paid to the preservation of the accounts of the curnums; which is ascribed to the great value of land under their Hindoo rulers. These accounts, were not only a register of the public revenue; but of all transfers of land among individuals. They were written in black books, which lasted above a century; and it was the custom to distribute several copies of them, among the different branches of each family. Whenever a book was worn out, a fresh copy of it, was made;

and a memorandum usually inserted in the title page, notifying the year in which it had been written, and the date of the original copy. The use of these registers, was interdicted by the Mahomeddan government of Mysore, and many of them were therefore, from negligence or other causes, lost or destroyed. Of these written evidences, sufficient remained, on the transfer of the province to the company in 1799, to enable Lieutenant-Colonel Munro, to whom the administration of the public revenues was entrusted, aided by information which he collected from other sources, in the course of his active and very judicious enquiries, to furnish the abstract of a series of records of the land assessment, commencing with the æra of one formed by Hurry Roy, a rajah of the Bijnugger dynasty, between the years 1334 and 1347, and terminating with the reign of Tippoo Saheb; thus tracing the several changes which it had undergone, for a period of 400 years.

It appears, from the intelligent and able report of that officer, that the public tax on the land, which was assessed at fixed money rates, with reference to the quantity of rice equal to the quantity supposed to be necessary to sow it, remained [131] fixed for two centuries and a half, under the Bijnugger government, and amounted to less than a fourth of the gross produce; and that for more than a century afterwards, under the Bednore government, the augmentation made to it, hardly amounted to ten per cent. which still left to the inhabitants, a larger proportion of the produce, than was enjoyed, under any other native government in India: but that the increase which that assessment underwent at different times, during the Mahomeddan government of Mysore, was so great, and the exactions of its officers so severe, as to have, in some degree, annihilated the old proprietors, and diminished the quality, though it did not alter the nature of the property. The landlords had so little rent left to them, after rendering their public dues, as to be mostly unable to subsist upon it; and were driven for a maintenance to the necessity of managing their own lands. The destruction of a part of his patrimony increased however, instead of diminishing, the attachment of the proprietor to what remained: he never quited the estate of his ancestors, so long as he could live upon it, though even in the capacity of a labourer; and if, after paying the government tax, or after receiving what was due to himself for his labour, there was left the most trifling surplus, he would as soon have parted with his

life as with his estate; nor failed to contest the title to it, as obstinately, as at any former period.

From the causes to which the Committee have adverted, and from the population of the country having been, within 40 years, reduced one-third in consequence of wars and internal feuds, the destruction of many principal towns by Tippoo Saheb, and to his sending upwards of 60,000 Christian inhabitants into captivity in Mysore, from whence, but a small part ever returned; it was found, on the Company's becoming possessed of the province, that large tracts consisted of unclaimed waste, particularly in the vicinity of the Ghauts, where they were overgrown with wood. In other parts of the country, the land sold from eight to sixteen years purchase of the tax paid to the government on account of it; but in general, those estates that were saleable, were reduced to a very small proportion, and were situated chiefly between the Cundepore and Chundegherry rivers, and within five or six miles of the sea.

The reduction which was made in the public assessment by the British collector, and the general confidence with which his measures inspired the inhabitants, appears to have led to the revival of an infinite variety of claims to the possession of land, by those, who had either abandoned the occupation of it, or were sunk to the condition of tenants or labourers. It is stated, by Lieutenant-Colonel Munro, on this subject, that "the accumulated suits "of half a century appeared to have broken "loose at once; and that every moment "which he could spare from his ordinary business, had been "given up to the hearing of them, without having sensibly "reduced their number." Such appears to have been the pressure of taxation on the land, and the insecurity of this kind of property under the former government, that there were but few landholders, who were disposed to avow the full extent of their estates. A part of their lands was therefore held in the name, either of some opulent and powerful relation, of a revenue servant, or of a pagoda.

Report of Lieut.-Col. Munro, dated 9 Nov. 1800.

At an early period of the British administration, it appears, that the share of the produce received by the landlords as rent, was about fifteen per cent. and that which belonged to the tenant, 57 or 58 per cent. leaving the remainder, about twenty-four per cent. as the land tax or public demand; but that in some places, the landlords enjoyed from 60 to 70 per cent. of their net rent, while the tenants also received a larger proportion

of the gross produce. These inequalities were however done away in subsequent years, by a progressive scale of advance in the assessment on those estates which were underrated, and by lowering the demand on those on which it was too heavy; so as to fix and settle the land tax, as far as circumstances would admit of it, at an equitable standard. The rent at present received by proprietors from fixed tenants and tenants at will, is estimated to be between $\frac{1}{4}$ and $\frac{1}{3}$ of the produce in some cases, but to be generally about $\frac{1}{2}$; the government tax being, in the latter case, about $\frac{1}{3}$ or 60 per cent. of the landlords rent, and 30 per cent. of the gross produce. By the operation of this fixed and moderate tax, by discoveries of concealed cultivation, and other clandestine advantages which were enjoyed by individuals, to the injury of the public revenue, and which were brought to light under the ryot-war settlement, and by the extension of agricultural labours, it appears that, at the expiration of the year 1807-8, including a period of nine years [132] since the province was obtained, an aggregate increase had taken place in the collections, amounting to S. Pagodas 8,13,901. 21. 68;* in which was included the receipts from other heads of revenue, independent of the land tax, and exhibiting an average increase of S. Pagodas 1,01,737. 30. 68½. † Satisfaction prevailed throughout the country; a common improvement was exhibited among the people, in dress, living, and other personal comforts; and the revenues were realized with singular punctuality, notwithstanding the number of estates from which they were collected, which from the natural division and sub-division of property under the Hindoo laws, amounted in one division only of the province, soon after the acquisition of it, to upwards of 22,000, some of which yielded only one fanam rent.

General Report, Revenue Board, dated 5 Oct. 1808.

* £ 325,560. 11 10½.
† £ 40,995. 1. 5¾.

In Malabar, where private property has also existed from the most ancient times, it is distinguished by the word *Jumnum*, signifying birthright. The forms of mortgage, of temporary transfer, and conditional possession, which are necessary to be gone through, before a deed of complete sale, and unlimited alienation of the land from its owner can be effected; are of similar kind, to those described to prevail in Canara, and evince as strong an attachment to such property, and reluctance to part with it. The jumnum lands become forfeited by acts of treason to the sovereign; to whom it also

Extracts from Reports respecting Land Tenures and Assessments in Malabar: Appendix, No. 23.

becomes an escheat, in the event of the proprietor or *Jelmkar*, as he is called, dying intestate, and without heirs; but it is seldom that land falls into the government from the latter cause, as the jelmkar has the right of adoption, and of devising his property to whom he pleases.

The modes by which an estate is either temporarily or absolutely transferred from one person to another, have in most cases a reference to mortgage. By *Kyvedooth*, it is pledged and delivered over to the mortgagee; the jelmkar receiving from the former two-thirds of the produce or rent of the estate; but retaining a certain interest in the land itself, which is said to be about one-third of the whole value of it; and it is not until he alienates this remaining interest, that he loses the character of proprietor. Fixed rules are established for the adjustment of rent and interest between the parties, and for the redemption of the land, on the repayment of the sum received by the proprietor.

There are two other modes of transferring land, the one termed *Otti*, and the other *Otty Koolly Kanum*; which vary little from the former species of contract, except in name, and in some trifling respects as to the particular forms to be observed for the redemption of the land. In all cases, the mortgagee, or temporary tenant in possession, accounts to the proprietor for the surplus of rent above the interest which accrues, which he is intitled to, under his mortgage.

If the jelmkar is unable to pay off the original mortgage, or from misfortune, or from any other cause, desires to raise an additional loan on the security of his estate, he executes another form of deed, called *Otti Kempoonum*; on which the mortgagee advances the loan. The amount is regulated on a certain proportion of the whole value of the land; and the proprietor gives up to the mortgagee, a further proportionate interest in the esatate. The second advance is generally supposed to be so great, that the whole rent is not much more than sufficient to discharge the interest on the sums for which the land is pledged.

If, however, the jelmkar should require a further advance of money, he executes the contracts, termed *Ner Moodut* and *Jelnum Ponunjam*; under which he receives a further per-centage on the whole value of the estate, and alienates so much more of his interest in it. When he is driven to the

necessity of this step, his remaining interest in the property has become so very faint, that he has nothing left him, but a handful of rice of a measure of ghee, as an acknowledgment of his title; and the prospect is nearly shut out, of his ever being able to redeem his property. In some parts of the Province, the option of redemption is, in the mortgagee; in others, it is in the jelmkar, who recovers possession on paying a fine, and on returning to the mortgagee the sums advanced to him on the security of the estate.

There is another contract termed *Koodimaner;* which is executed in cases when the mortgagee has been long in possession, and has the power of refusing to allow [133] the landlord to redeem his property. The effect of it, is to convert the tenure, by pledge, into a kind of freehold.

The deed by which a jelmkar absolutely transfers his property to another, is termed *Ottiper*; and before the instrument can be executed, it is in most places required that the preceding descriptions of engagement should be entered into between the parties; and they are frequently concluded at the same time, as the Ottiper contract.

There are several descriptions of tenure, by which the *Jumnum* lands are conveyed by the proprietor in leasehold.

According to the tenure of *Kanum patum*, the proprietor receives from the tenant, in addition to his rent, an advance of money, which may be considered either as a loan, or as a security for the due payment of the rent; of which the tenant retains so much, as will discharge his claim of interest on the advanced, and delivers over what remains to the proprietor. It is under this kind of tenure, that a mortgagee gets possession of land. Under the *Ponyam patum* tenure, which is described as somewhat similar to the former one, the rent and interest of the sum advanced by the tenant, are rendered security for each other.

Lands are also leased out on the principle of calculating the rent for a certain number of years; and the sum to which it amounts, is advanced by the tenant, who has the land made over to him, for as many years as will enable him to repay himself.

By another mode of renting lands, termed *Kay Kanum patum*, meaning tenure of labour or usufructuary tenure the jelmkar

conveys a spot of land to a person, who undertakes to fence it with mud walls, and plant it with productive trees; and he is ensured in the possession of it for a specified period, generally 12 years, free from all charges. At the expiration of the lease, the jelmkar has the right of resuming the land, on paying the lessee for the buildings he may have erected, or the wells he may have dug, as well as for the plantations he may have formed, according to an appraisement; but the resumption of this tenure is rarely enforced by the jelmkar when the land has been properly cultivated; the tenant being commonly allowed to continue in possession, at any easy rate of rent. The buildings and plantations are in fact the property of the tenant; and he can mortgage or sell them, in the same manner, as the jelmkar mortgages and sells his own property in the land.

The land tax is, in some cases, paid by the jelmkar; and in others, by the tenant or the mortgagee in possession.

The last description of leasehold tenure, which it is deemed necessary to specify, is the *Patum* or *Warrum Patum*, or simple lease: the rent being annual, or for a definite term; the renter retaining to himself all the produce, after paying such rent.

The deeds of mortgage, of transfer, and of lease, are drawn out in a peculiar character, which may be termed the black letter of Malabar.

This province continued, as did Canara, under the rule of its ancient rajahs until the middle of the last century, when it fell a conquest to the arms of Hyder Ally.

It was represented by the natives, that previously to that period the lands were not subject to any assessment; and although no positive evidence has been adduced to disprove this fact, it seemed to be negatived by tradition and general belief. It is concluded, that the proprietors of them must, at all events, have been liable to occasional contributions in time of war and invasion, bound as they appear to have been, to military service; and if they paid a regular assessment, it must have been a very low one; for a militia was the only army which the rajahs maintained, and they do not appear to have kept up any other establishment of an expensive kind. They had lands of their own, which must have yielded them

a considerable revenue, in addition to what they derived from fines, royalties, imposts, and personal taxes. From the time however that the province became subjected to the tyrannical and rapacious domination of the Mysorean sovereigns, it shared the same fate as the neighbouring [134] country of Canara. The military power of those sovereigns was exerted to extinguish the authority of its rajahs, and establish throughout Malabar the same system of revenue, which prevailed in the other parts of their territories. Assessment was superadded to assessment, which with the private exactions of the officers of the government, had very considerably reduced the value of landed property, and in many places, had altogether destroyed it. In the northern districts, it appears to have suffered, in a much less degree, from the oppressions of that dynasty. This probably arose from the natural strength of the country along the Ghauts which, being less accessible, was never completely subdued, either by Hyder Ally or Tippoo Saheb; nor did the British government succeed in establishing its authority, until within a recent period, although the province came into its possession in the year 1792. In those districts which were situated to the southward, and where the more unlimited violence of conquest and despotism had in numerous instances left little more than the traces of private property in the soil, the country was open: an army could more easily act, in carrying into effect the orders of the governing power, and the inhabitants were less capable of making a resistance to the execution of its mandates.

On the tranfer of the province to the government of Fort St. George, in 1800, the rates of assessment on the taxable products of the soil, underwent a revision; and it was then supposed that the land tax was less than 1-3d of the gross produce. Those rates were however soon afterwards superseded, as being disagreeable to the inhabitants, from their inequality, but particularly from the rates of exchange at which the produce was converted into money; and a recurrence was had to the principles of assessment, which were adopted by the Bombay commissioners in 1800-1, and which still continue in force.

In the southern districts, the land tax is stated to be in the aggregate about 80 per cent. of the landlord's rent; and in the northern districts, to be about 50 per cent.

Your Committee find, that a statement was given in, in the

year 1807, by the inhabitants, of the rent of their paddy fields, calculated in the following manner. Suppose the land requires 10 seers to sow it, and that it produces 12 fold, the produce would be 120

Seed grain deducted	10
Remains	110
Amount equal to seed deducted from charges ...	10
Remains	100
Of this remainder the land Owner takes 2-3ds and the Tenant 1-3d which is ...	$33\frac{1}{2}$
The Landlord's clear rent being	$66\frac{2}{3}$

But in this statement the accounts of seed and produce were considered to be false.

The price at which land is disposed of, necessarily varies according to its quality, and the amount at which it is taxed. The most valuable will sell for 20 years' purchase.

It appears, that about the period that the existing assessment was adopted, the collector had proposed another scale of rates; which received the sanction of the Madras government: but the adoption of it was deferred, till the complete suppression of the rebellion, which then existed in the country, should prevent the measure from being ascribed to wrong motives. By this intended scale of land tax, the government were to receive 6-10ths of the patum or landlord's rent from paddy lands, 1-3d from beetle nut trees, one-half from jack trees, and 1-6th from pepper vines.

Though good order has been re-established in the province for several years, these rates have not been carried into effect.

The Committee have, in a foregoing part of this branch of their Report, had occasion to notice the rapid improvement which has taken place in Malabar, since its annexation to the presidency of Fort St. George; and the considerable encrease of revenue which it has, within that short period, yielded under a low rate of taxation, collected and duly administered on the ryot-war system. [135]

Your Committee have also endeavoured, from such means of information as the official records of the East India Company

afford, to ascertain the landed tenures and rights in the other parts of the modern possessions under the presidency of Fort St. George; and they find them to be of the same kind and description, as those which were described by Mr. Place, as obtaining in the Jaghire.

The ryots, who are immediately connected with the soil, if those be excepted who are employed as labourers, or attached to the land as slaves, may be reduced to two denominations, *Meerassadars*, and *Pyacarries* or *Paracoodies*.

Though the Meerassadars appear for some years to have been regarded in the light of fixed cultivators only, with an hereditary right of occupancy, so long as they paid the dues of government; more particular enquiry seems to have established the fact, that they possess a real property in the land, having the right of mortgaging, selling, and otherwise disposing of it; and that this right they have always, and do still exercise. The lands held under this tenure, are of course of greater or less extent; sometimes, comprehending a whole village or more, but generally, part of a village only. A meerassee portion of land would, under the operation of the Hindoo law, (by which property descends equally to all the male children of a family, and by which the adoption of children is admitted,) be reduced, by the divisions and sub-divisions of it, that would constantly take place, to estates or rather scraps of land, of so small and minute a kind, were each individual to assume the part of it, which under that law he succeeded to, as to be of little or no value to the owners of them, and quite insufficient to afford them a subsistence, were they to cultivate them on their own account, unless they happened to possess other land in the vicinity. For the purpose of avoiding this inconvenience, it is the general practice throughout the peninsula, to preserve the original property in its *entirety* as long as possible, by letting it stand in the names of those who have the principal shares, in it; to whom it is left to manage it, for the common benefit of all interested; each person receiving his proportion of whatever it yields of grain, and in like manner bearing his proportion of loss, according to the extent of his interest in the merassee; thus preserving a union and copartnercy, which continues through several generations; a part of the proprietors attending to and cultivating their inheritance, and the rest of them, being at liberty to seek and follow other occupations. The principal sharers, who nominally appear in the village accounts as the

owners, are answerable for the payment of the public demand on the whole land. When an entire village is held under the merassee tenure, it is common for a new distribution of the lands to take place at stated periods, by the drawing of lots; and this custom appears to obtain where the merassee constitutes but part of a village. In these cases, no part of the merassee is the permanent property of any particular individual; the land belonging to the whole body of meerassadars connected with it. Before therefore a meerassadar can mortgage, sell, or bequeath his interest, in this common property to another, the consent of the other meerassadars is necessary, to the validity of the transaction.

The term *meerassee*, by which this species of property is distinguished, was introduced by the Mahomeddans; and since the establishment of their authority, the word has become familiar to all ranks. Among the Bramins, it generally goes by the sanscrit term of *swastrum*; and by that of *canatchy* among those shudras, or cultivating classes of inhabitants, who may not have adopted the general term meerassee.

The value of this right of property necessarily depends on its kind; with reference to the sort of produce which it was calculated to yield, and with reference to its local situation, as distant or contiguous to a village or market; on the comparative quantity of arable land uncultivated in a district; and on the amount of the public demand upon the particular land.

In the poorest kind of soil producing dry grain culture, the ryots appear to have little more interest in it, than that of being hereditary cultivators. It is in the paddy or wet lands called *nunjah*, that the right of meerassee is found to obtain, in a more or less perfect form. Where the demand of government was so high as to have absorbed nearly the whole of the landlord's rent, that is, the whole produce, after deducting the expenses of cultivation, and what was necessary as subsistence to the owner; the land naturally ceased to be, either a mortgageable or saleable commodity; but even in this case, if the meerassadar did not cultivate the land himself, but permitted another to do so, he was entitled to receive from the cultivator a russoom or quit rent, in acknowledgment of his proprietary right, termed *sawmy bogum*. [136]

The provinces which form the northernmost of the East India Company's modern possessions in the Peninsula, and

which consist of the districts ceded by the Nizam, and the districts of Salem and Kistnagherry, were brought under the settled and tyrannic rule of the Mahomeddans, at a much earlier period, than the more southern parts, and had long been the seat of revolutions antecedent thereto. The produce of the soil also consisted principally in *punjah*, or dry grain culture; and the quantity of arable waste land exceeds the quantity of land in cultivation. Hence it appears, that in those districts, the existence of private property in the soil, had become nearly altogether destroyed, because not worth preserving; and even the remembrance of it, obliterated. The fields, which constitute a saleable and transferrable property, are chiefly those in which wells have been dug by the owners, for the purposes of irrigation. The price for which this property will sell, depends, not on the extent of the field, but on the nature and productive powers of the well; for that part of the field which cannot be watered from the well, is comparatively of no more value than any other dry grain land.

It is in the southern provinces of the Peninsula, which are situated below the Ghauts, and which from their local position with relation to that formidable barrier, and the greater heat of the climate, were last invaded by the northern conquerors, and in which therefore primitive institutions and rights have undergone less change, that the tenures which have been described, were found to exist, in a less impaired state.

In these regions, there was also a considerable quantity of dry grain land; the provinces of Coimbatoor and Dindigul being principally composed of such: and although of the fields of that description, those only appear to be saleable that had the advantage of wells, or from particular circumstances of local situation, were rendered particularly desirable; yet, to deprive an individual of any field he had long cultivated, while he continued to pay the rent, had always been considered an act of injustice. The same inhabitants are represented to have peopled the same villages and ploughed the same fields, from time immemorial. The oppressions of Hyder Ally, of Tippoo Saheb, and of the Nabob of the Carnatic, may have produced a temporary emigration; but those who thus deserted their lands, returned to them, from time to time. It also appears, that neither the Hindoo nor Mussulman governments, supposing their rights in the soil as proprietors to be indisputable, ever exercised such a right; that what was fair assessment, and

what was exaction, was known to the governing authority, and to those governed. In the province of Tinnevelly, the meerassadar is represented to receive as *swamy bogum* or rent, about 13½ per cent. of the gross produce of his meerassee, from the tenant or person whom he allows to cultivate it, and who pays out of the remaining produce the dues of government. In the province of Tanjore, which continued under a Hindoo government until it was annexed to the British possessions on the coast, and in which the land tax is less in amount than in any other part of those possessions, except Canara and Malabar, the swamy bogum of the meerassadars is consequently more than in the province of Tinnevelly.

Though it does not appear that the right of meerassee, as it has been here explained, has ever been distinctly and avowedly recognized by the government of Fort St. George, it has been left in the state, in which it was found; and since the establishment of courts of justice, has derived confirmation, from the decisions which have been pronounced, in various cases of disputed property, which have been brought before them by the contending parties; while the value of territorial property, held by the above-mentioned tenure, has increased under the assessments of the Company's government, which excludes all those extra collections from the land to which it was before constantly subject, and confines all demands to the established rent.

Of the *pyacarries* or *paracoodies*, there are two descriptions: The *Ool Paracoody* is the fixed and permanent tenant of the meerassadar; who resides in the village in which the land is situated. The common *Paracoody*, is the temporary tenant who is invited by the meerassadar, from a distant or a neighbouring village, to cultivate his meerassee, under an engagement, for a given period; at the expiration of which his connection with the land determines, unless renewed by the formation of a new contract. It often happens, from various cases, that a meerassadar is unable, or [137] unwilling to cultivate his fields. In this case, it has been the practice, for the government, or its managers, to assign the culture of such land to paracoodies of their own nomination: but the right of the meerassadar in the soil, is not impeached by this act arising from his inability; he is still considered as the proprietor, and entitled to his *sawmy sogum* or rent from the paracoody in possession, and may return again to the cultivation of his

meerassee lands, whenever he may be able or willing to occupy it.

In those lands, where there are no meerassadars to claim, the ryots may be considered as *ool paracoodies*, holding of the circar; enjoying, as they do, an hereditary right of occupancy, subject to the condition of paying the rents demanded of them.

This right, it has never been the practice either of the Hindoo, or of the Mussulman governments, to take from the poorest cultivator, so long as he remained in obedience to the general authority of the circar, and duly yielded the public share. Indeed it is not to be discovered, in the history of the Hindoos, from the reign of their first princes, until the final downfall of the Hindoo authority, that any of the landed rights, to which your Committee have thus briefly adverted, were ever impeached or destroyed: on the contrary, their uninterrupted existence is proved by numberless records, and by none more distinctly, than by the ordinary form of a deed of sale. The manner in which the ancient landed rights of the natives are affected by the permanent settlement of the British government, demands much more consideration, than it is possible for your Committee now to bestow upon it. The Committee have inserted in the Appendix, some extracts from the reports of the collectors, calculated to throw light upon the subject of Ryotwarry Tenures; to which they have added some passages from the reports of Mr. Hodgson of the board of revenue, containing the result of his enquiries on different tours of inspection, on which he had been employed, and which afford much satisfactory and valuable information on the same subject.

Extracts from Reports respecting Land Tenures in the Tanjore, Carnatic, and Mysore Territory.

Appendix. No 25.

The preceding head of this Report, relates to those possessions obtained since 1792, which are exempt from the control and jurisdiction of zemindars, or as they are termed in the Peninsula, *Poligars*; and in which the government were free to adopt any mode of revenue administration which appeared to them most expedient.

The Committee have next to bring under the view of the House, the information they have derived from the records of that government, in respect to the state of that portion of territory subject to

POLLAM LANDS.

its authority, which was found in the possession of Poligars; and to the system of policy which has been pursued by the government therein, since the period of its acquisition by the East India Company.

The Poligars are military chieftains, of different degrees of power and consequence, who bear a strong affinity to the zemindars of the Northern circars. Their origin may also be traced, to similar events and causes. Those whose pollams are situated in jungly and frontier parts of the country, are represented to have been for the most part, leaders of banditti of free-booters; who, for the preservation of internal order in the country, had been either expressly entrusted with the charge of the police, or had been suffered to take upon themselves, that kind of service. Some of them, derived their descent from the antient rajahs, or from those who had held high offices of trust under the Hindoo governments; whose ancestors had received certain villages in *enaum*, either as a personal allowance from the state, for the support of their rank, or the reward of their services; or partly for those objects, and partly on the feudal principle of supporting a body of horse and foot, which were to be at the call of the sovereign, whenever they might be required. Others, had been renters of districts, or revenue officers who had revolted in times of public disturbance, and had succeeded in usurping possession of lands; to which they were constantly adding by further encroachments on the territorial rights of government or of individuals, during those conjunctures of public affairs, which rendered the ruling authority weak and inefficient. Even *potails* of villages had by these means, attained the footing of poligar chieftains, though on a smaller scale. In some districts, which were favoured by the natural strength of the country, it appears that this description of [138] people had generally assumed the character and name of poligars; and though in some cases, their incomes did not exceed a few hundred pagodas, yet they kept up their military retainers, and their nominal officers of state, and were regularly installed with all the forms and ceremonies of a prince of an extensive territory; assuming and exercising, in this contracted sphere, many of the essential powers of sovereignty. It does not appear that any of the polygars, except those of the antient aboriginal stock, had ever been regarded by the different sovereigns, who had governed the country, as holding any independent authority; most of them, therefore, whose military

services were not required by the kings of Bijapoor and Golcondah, and afterwards by those at Delhi, were assessed at the full value of their districts, instead of yielding only a small tribute. If they were police officers, and derived advantage from that employment, a proportional addition was made to their rent; and if the profits of it did not defray the charges, a suitable reduction of it was allowed.

In the Mysore country, the turbulent, ambitious, and aggrandizing spirit of these people, their internal feuds and struggles against the sovereign power, appear to have been the occasion of frequent civil wars, in the last century. Some progress indeed, is said to have been made, in the expulsion of them by the nabobs of Cudapah; but neither they, nor the Mahrattas, succeeded in reducing them to obedience, or in securing the regular payment of their tribute. Though the wars in which Hyder Ally, who succeeded the rajahs of Mysore, was engaged, prevented him from destroying their dangerous influence and power; yet he so far accomplished this design, as to drive many of them out of the country. Those also who remained in it, were disabled from disturbing his government, by the policy which he adopted of keeping them near his person. The civil government and police of their pollams were nominally left in their hands, on condition of paying a stipulated peshcush or tribute, and of providing a military force for the service of the state; regulated in both cases, with reference to the extent and value of their lands. The lineal successors of many of the most powerful of them, died in camp, during the last invasion of the Carnatic in 1780. In the early part of the reign of Tippoo Saheb, the poligars were generally expelled, and the revenues of their lands were either rented out to individuals by the officers of the government, or retained under their own immediate management. Some of them, however, contrived through the agency of emissaries, whom they employed for the purpose, to prevail on the aumildars of that prince, to permit them to re-assume the management of their villages, for a participation in the advantages to which they were thus secretly restored.

The foujdars and other military commanders, might have prevented these proceedings; but they were equally corrupt with the aumildars, and not having a sufficient force to protect the country from predatory incursions, were easily prevailed upon to lend themselves to their views.

Hence it was, that a proportion of the pollams, which were officially reported to the government, as under the direct administration of its own servants, were, in fact, in the actual possession of their former rulers; and that the degree of authority which should have been exercised by the aumildars, came at length to depend on the sufferance of those rulers, to whom was often wanting, even a presumptive title to the character which they assumed.

Report of Principal Collector of the Ceded Districts; dated 29 March 1802.

In that extensive part of the country which devolved to the Nizam or Soubah of the Deccan, by the treaties of Mysore and Seringapatam; and which, under the treaty made with that prince on the 12th October 1800 were ceded to the East India Company, the poligars, through the remarkable feebleness of his government and venality of his public servants, had not only got again into possession of their pollams; but were in some cases, allowed to manage the affairs of other villages. Their petty but destructive warfares, were renewed; and they went on, exacting in the most arbitrary manners contributions from the people, in order to supply the resources necessary to recruit and augment their means of military defence. The expeditions which were sent against them, were not only disastrous in their effects on the country, by depopulating and laying waste large tracts, and exposing the inhabitants, in others, to all the horrors of famine and the ravages of a licentious soldiery; but were often rendered fruitless in their objects, restoring the poligar to his villages or district, on discharging his arrears of peshcush, and paying a *nuzzeranah* on account of the expenses of the military operations which [139] had been carried on against him. Though it appears, that their refractory and rebellious conduct towards the government was sometimes produced, by the urgent motive of self-preservation; yet it more frequently arose from a prevalent desire which has always, in a greater or less degree, influenced the poligars, of rendering themselves independent of control, of enlarging the bounds of their possessions, and from the vanity, so conspicuous among them, of maintaining a larger number of armed men than they had the regular means of supporting.

The military peons maintained in the poligar countries of Mysore, have been already stated to have been extremely numerous; and they appear to have been more particularly

so, in the districts ceded by the Nizam. This circumstance is ascribed, to that territory having been formerly almost wholly in the hands of the petty poligars, who all maintained their small bands; to its recent conquest by Hyder Ally; and to the practice of that prince and of his son Tippoo Saheb, and more especially the Nizam, of employing large bodies of peons as militia, in addition to those who acted with their armies. These peons, were of a similar description with those maintained by the zemindars in the Northern circars. The first class, consisted of those paid entirely in money, and who had no other means of living, and they were the least numerous; the second class, consisted of those who enjoyed service lands, but who, being composed of farmers who rented other lands, regarded their enaums, as only a secondary object; the third class, were those who confined themselves to the cultivation of their enaums. Each description received batta or pay, when called out beyond the limits of their villages.

The usual allowance of land to a common peon, in the Ceded districts, appears to have been a field valued at six pagodas annual rent; and to the head man, who had parties of 10, 50 or 100, as it might happen, a piece of land of from 9 to 24 pagodas rent. It also appears, that antecedent to the conquest of Hyder Ally, the poligars in general, kept up about 6 kutpuddy peons, for every 100 S. pagodas of gross rent in their respective districts; but as every peon had relations able to bear arms, he was required to bring them into the field in cases of emergency; so that the poligars were enabled, when necessary, to assemble a much larger force than their fixed establishment amounted to.

The police duties exercised by the poligars, were not confined to their own villages; but extended to the protection of the property of the inhabitants and travellers, in the adjoining villages and roads. This extension of authority, had gradually risen in encroachment, and was converted into a pretext, for the most severe oppressions on the people, in the form of fees and ready money collections. Of these perquisites, there appear to have been two kinds, which passed under the general designation of *Cavelly*, viz., a certain allowance on the land revenues and customs, from villages not included within their own pollams, of from 5 to 10 per cent. and received chiefly by the greater poligars. The proportion which fell on the land, was generally collected, in one payment at the harvest season.

If on sending peons to the villages to realize these dues, excuses were made by the inhabitants; some other of the poligar's followers were dispatched, to commit depredations on the village; and if this did not end in the acquittance of his demand, the practice was frequently resorted to, of carrying off the potail and curnum, beating them, and putting them into confinement, until they paid him from their own pocket, what he demanded, and such a fine, as he chose to impose. The other official perquisites which he drew from the customs, were either rented by him to those who leased the land of government, or by stationing his own people at the chokies or toll-houses to receive them. Though he did not regularly enjoy any *enaum*, he had succeeded by violence and other methods, in obtaining a considerable portion of land, which was entered into the village accounts, as being held under this tenure, or as being waste or uncultivated. In the lands thus possessed by him, were often included gardens and other desirable spots belonging to individuals, which he had obliged them to make over to him. His power and influence enabled him to take the lead in the adjustment of differences and disputes, particularly in questions of property and boundaries of land, in which his decision was uncontrolled; for though it was the custom to appoint arbitrators to assist in the determination of the question, the dread of displeasing the poligar, deterred them from expressing an opinion contrary to his own.

Similar perquisites to those above mentioned, were also collected by the inferior or petty poligars, whose jurisdictions did not extend beyond the limits of their respective [140] villages; and in the same arbitrary and unjust manner. They were regularly possessed of enaums, in the circar villages; but to these they had added by undue alienations.

The Poligars entrusted, as has been described, with the charge of police, were responsible for the loss of all property stolen within their jurisdictions. The allowances which they received, were, in part, intended to furnish them with the means of making good losses of that nature: but this was rarely done by them; while the contributions they levied, though much more than adequate to that purpose, were principally applied to the maintenance of a larger force than they could otherwise have kept up from the resources of their own lands. So imperfectly in fact, did they perform the duties of police, that in those districts, which were immediately under their

authority, they and their peons were not only themselves, chiefly concerned; but the further a village was distant from the scene of their influence and operations, the more secure were the properties and persons of its inhabitants from plunder and violence; for there, the antient institution of the *potail*, directing and enforcing the vigilance and local knowledge of the hereditary *talliar*, had its full effect.

But where the influence of the poligar predominated, the most skilful and experienced offenders were to be found; and though suspicion immediately fixed itself on them, whenever an act of robbery was committed, it was difficult to bring it home to the individual, from the dexterity employed by the gang to which he belonged, in eluding a discovery; and from the reluctance which the inhabitants felt in giving information against the party, on account of the severe retaliation to which it was sure to expose them. The numerous petty poligars exercising the duty of *cavilgars*, appear to have risen in comparatively modern times. They were in fact, for the most part, no other than potails or headmen of villages; in which capacity it was left to them, under the antient system of the Hindoos, to conduct the general affairs of the police within their local boundaries; but the fees and collections which they made in that capacity, were innovations; for the only contributions sanctioned by that system, were such as were applied to the support of the *talliars* or watchmen, of which there were several in each village municipality; they, like all other public servants on the village establishment, were entitled to their customary russooms and allotments of rent-free land. But whenever their means of subsistence were wholly or chiefly usurped from them by the poligars, or by any superior cavilgar, the antient taliar became himself, from want, a plunderer, and of the most formidable character, in consequence of the minuteness of his local knowledge, and the nature of his office which had made nocturnal hours and vigilance, the habit of his life.

The course which was pursued by the government of Fort St. George, and the local authorities under their controul, with respect to the poligars in the Ceded districts, and Mysore, appears to have been dictated by considerations of true policy, humanity, and justice. Of the superior poligars, there were some, who having been long deposed, were subsisting on allowances which they received from the former governments.

These allowances were either continued to the respective individuals, or they were provided for by territorial grants on enaum tenures. Those who were found in the actual possession of their pollams, or who had been induced or obliged to retire from the country during the wars with Tippoo Sultaun, or who had joined the standard of that prince, and fought his battles, were, (with the exception of such as, by their contumacious spirit and determined resistance to the authority of the Company's government, had forfeited all claim to indulgence) on an examination of their pretensions, confirmed or reinstated in the possession of their lands, under such regulations as were calculated to render them peaceful and obedient subjects. They were freed from all obligation of military service to the state, and no longer permitted to maintain an armed force, or to exercise any independent authority; to conduct the police, or to levy the fees which they had been accustomed to receive for the exercise of that duty. The peons which they had hitherto kept up were also permitted to continue in the possession of their enaums; and such as could be usefully employed in carrying on the revenue affairs, were engaged in the service of the collectors.

A similar arrangement was also made, with respect to the cavilgars or petty poligars, who were deprived of all official power, and of all personal emoluments or advantages, except those which accrued from the cultivation of their enaum possessions. [**141**]

The *peshcush* or tribute, which the great poligars formerly rendered to the government, but which was too often withheld until the payment of it was compelled by the presence of a military force, was converted into a rent receivable by the Company's collectors, which in most instances, was regulated with reference to the resources of the lands, as ascertained by survey, as well as an estimate of the average produce which they yielded; but in some, this rent was adjusted without any survey, on an examination only of the village accounts, and on such other general data as were procurable. In other cases, it was settled at the amount of the peshcush which had been customarily received; but this was in a few pollams only of inferior extent, and under peculiar circumstances as to their local situation. Where a settlement was preceded by a survey (that is, where the survey had not been commenced or completed, for the lands have been mostly serveyed, and

entirely so in the Ceded districts) and an investigation of the produce one year with another, the assessment on each ryot, or in other words, the demand to which the poligar was entitled, was adjusted and defined by the collector, as well as the jumma or rent which he was himself to pay to the government. In the Ceded districts, this principle appears to have been particularly adhered to. The rent of each cultivator in a pollam was arranged by the collector; the potails, curnums, and other parties concerned, attending at his cutcherry or office, in the same manner as was the practice in those districts where the ryot-war system was followed; and the poligar was prohibited from taking any part in the formation of the assessment, his authority being limited to the collection of it, of which he retained a percentage for his own use, and the remainder he accounted for to the government. He was also obliged to make ryot-war settlements, and to give pottahs to every cultivator. In determining the quantum which was allowed for his support, no other general rule was attended to, but that of not fixing it at a greater amount than was adequate for the purpose; and permitting him to draw a commission upon all future increase of revenue, not exceeding a certain limit. In forming the assessment on the ryots of the extensive pollam of Punganoor, the collector did not at first, descend into greater detail, than to fix the aggregate demand upon each village; but even in this case, the poligar was invested with little more authority than an aumildar. His peons were mustered, and pottahs given to them for their lands, in the name of the Company; in the same manner as to the potails for the rents of their respective villages, where they were farmed out to them. For a very valuable and interesting abstract account of the rise and progress of the poligar power in the Ceded districts, your Committee are referred to two documents prepared by Lieutenant-Colonel Munro in the year 1802. From these documents it will be seen, when the poligars first arose, what was the condition of their original tenures; at what periods their possessions were extended or contracted, or totally resumed or again recovered.

Appendix, No. 26.

The public demand on the poligars of Mysore has been, in some instances, fixed in perpetuity: and in those pollams to which this measure has not been extended, it has remained at the same amount, for a greater or less number of years.

The Mysore possessions to which the foregoing remarks apply, were obtained by the Company in the years 1792, 1799, and 1800.

THE Carnatic Poligars, whose history, management, and present condition, your Committee now proceed to describe, were transferred to the Company in the year 1792, by a treaty concluded by Lord Cornwallis, with the Nabob of Arcot: but the conditions of that treaty were differently understood by the contracting parties, and therefore, ill calculated to accomplish that reform in the countries, which was the object of the British government in the transfer, and which could only flow from an undivided authority.

It seems to have been the early policy of these poligars, to impress upon the servants of the Company, an idea of their importance, as independent chieftains, who had acquired that character, and had enjoyed the rights belonging to it, from the most remote antiquity; but these were fabulous representations, designed for the purpose of giving a form and body to that spirit of pride and ambition, by which they had always been distinguished; while it was established by the well authenticated facts of history, that, like the poligars of Mysore, they were originally no more than officers of police, to whom was committed the protection of a given portion of country: head men of villages or public servants of other descriptions, whose actual condition had become changed to that of military rules, during those revolutions of [142] power in the Deccan, which had everywhere contributed to the usurpation of authority, and in no part more, than in the southern division of the Peninsula. Though their sunnuds, where sunnuds could be produced, did not particularly describe the terms on which they held their pollams, they all bore internal evidence of their dependance on the Emperor, and of their subjection to the soubahdars of the Carnatic, to whom they yielded tribute, and whose camp they were bound to attend, whenever summoned, with a military force proportioned to the extent of their local jurisdictions. The amount of their peshcush was wholly disproportioned to their revenues; but the lowness of its amount, in the struggle to obtain more, by the exaction of nuzzers and fines, was, whilst they continued under the Nabob's government, a perpetual source of violence and distraction. During periods of

public calamity, they retaliated upon the Nabob's officers, and upon the peaceable inhabitants of the circar villages, those acts of indefinite and oppressive authority, which were committed on themselves; and hence the British government were repeatedly burdened with large armaments to subdue these feudatories, involving heavy disbursements from the public treasury, and severe loss of lives.

The great object of the treaty of 1792, was to obviate these effects; disgraceful to the character of the Company's government, and destructive of the peace and prosperity of the country.

Cornatic papers printed in 1803.

The defective nature of that treaty, under which the British connection with the pollams in question, was first established, has, on a former occasion, been so fully explained by the papers then laid before the House, that the Committee will here only generally refer to that subject.

The nominal authority of the Nabob in these districts, as preserved to him by the treaty, left open a door for an interference on his part, in the management of affairs. This, he did not fail to exercise; and at an early period, the country became the scene of rival authorities, producing all the evils of a divided government; and precluding the Company from obtaining those advantages from them, which Lord Cornwallis believed had been constitutionally derived from the Nabob of Arcot. But the exact adherence to treaty, on the part of the British government, left to the poligars, the possession of their principalities, on the conditional payment of a tribute, utterly disproportionate to their revenues. The means of superabundant wealth, which, under the government of the nabobs of Arcot, had enabled the poligars to appease the resentment of the Mahomeddan power, and to expiate rebellion against the state, by satisfying the rapacity of local officers, became under the British administration, the source of personal aggrandizement and ambition to the poligars. These passions were exhibited in the extent of their military power; in their defiance of the Company's authority, whenever the portion of their army stationed to control them, was, from necessity, diminished; in the cruel warfare and hostilities, which were continually breaking out among them; in their irregularity of payment; and in the grievous oppressions which were inflicted on the inhabitants

within the reach of their arbitrary rule. These excessive evils, as described by succeeding collectors, seem strongly to have impressed the court of directors, with the necessity of adopting some decisive steps for the better administration of the country. The measures essentially requisite to this end, were considered to be, the disarming, the poligars, and the placing the country under the controul of one authority.

(10 June 1795.)

As early as the year 1795, the court of directors, in a political dispatch to their government abroad, had entered into a very full discussion of the principles of the treaty of 1792, and of the rights acquired by that government, to reform the administration of the poligar possessions. These subjects form the matter of a very interesting report by the Board of Revenue, dated 14 March 1797; and of a minute recorded soon afterwards by Lord Hobart, pointing out to the court of directors the defects of the engagements contracted with the Nabob Mahomed Ally with respect to the government of those possessions; and suggesting the means of rendering the poligars useful subjects, and obedient tributaries to the British Government.

The answer of the court was transmitted to India in a dispatch of the 5th June 1799; in which, assuming the treaty of 1792 to be the foundation of the interference in the poligar countries, they expressed their agreement with Lord Hobart, that the provisions of it must, in some degree, be the general rule of their conduct; and referring to their former instructions of the 10 June 1795, they insist on the absolute [143] suppression of the military power of the poligars, and on the substitution of a pecuniary tribute, more proportionate than the ordinary peshcush to the revenues of their pollams, and more adequate to the public demands for defraying the expenses of general protection and government.

Instructions were, about this time, issued by the government of Fort St. George, to the collectors in the southern and western poligar countries, for obtaining the most accurate information respecting them; and the collectors in consequence reported fully on the military establishments of the poligars; the mode in which they were supported; upon the extent and nature of the revenues of each poligar; upon the various oppressions to which the inhabitants were subjected; and upon the means best adapted to rescue the pollams and the contiguous provinces, from a state of rebellion and unprofitableness,

Their military dependants were of the same description as those of the poligars of Mysore; and were maintained in the same manner, either by grants of land, or by allowances in money and grain. These, constituted their ordinary means of subsistence; but when embodied, or called out on actual service, they were entitled to batta.

When the assignment was for grain and not for money, which happened in some districts, the peon received the particular quantity stipulated at the market price of the day; but if the poligar, instead of granting a grain assignment, paid the peon the money wages which were due to him in that commodity, it was always at an enormous advance above the market rates.

Report of Collector; dated 20 August 1799.

The power exercised by the poligars of the Carnatic, in regard to police, and the manner in which it was exercised, either to raise revenue or to augment their influence, are particularly explained in one of the reports of Mr. Lushington, collector of poligar pescush in the southern districts. The information furnished by him on these points, though it relates to those districts only, may be considered in a great degree, as applicable to the western pollams; and will be found also to exhibit the same state of things in those particulars, which has been shown to have existed in the Mysore country, on the establishment of the British authority therein.

When the poligars of Tinnevelly were transferred to the Company, they were in the habit of collecting two sorts of fees from the province; as district watchers, and village watchers. The village watching fees were termed *tallum cavel:* those for watching the districts, *desha cavel;* exactly corresponding to the *munny cavelly*, and *mayel cavelly*, in the Ceded districts and other parts of Mysore.

The former description of fees, as has been already stated, was of much older creation than the poligar influence and authority being coeval with the establishment of villages, and constituting the fund for the support of the *talliars* or officers of police. The poligars however had encroached upon, or assumed the rights and privileges of these people, to so great an extent, that, of 2,000 villages in the province of Tinnevelly, there were in the year 1799 only 477 with independent officers of that kind, the remainder being under the control of the

different poligars, who had superseded the talliars in the discharge of their accustomed duties, by the appointment of their own peons to perform that service; or if they allowed them to retain their situations, it was upon the condition of receiving from them a share of the emoluments attached to the office.

The desha cavel or district watching fees, though not of ancient institution, appear to have had an existence for many years, but was quite unconnected with the aboriginal system of Indian police. When Mr. Lushington enquired into the history of those fees in 1799, they were considered to exceed the amount of peshcush paid by the poligars to government, and to have yielded to the poligars a receipt of nearly tenfold, as much as they did at one period. The desha cavel had been bestowed, sometimes by the prince, either through favour, or to conciliate an individual whose power and influence were formidable; but more frequently, by the liberality of the villagers, whose inability to protect themselves would also appear to have been one cause of their being rendered subject to such contributions: but in latter times, they were levied by the poligars from defenceless villagers, as the price of forbearing to plunder them.

These contributions consisted in payments in money, grain, ploughs, or cattle, and various other articles; and were made by armed peons, detached from the fort of the poligar for that purpose. They were not regulated by any fixed principle; but the [144] amount depended upon the conscience of the poligar; and when the payment of them was resisted or not quietly submitted to, it was enforced by torture and the whip; the whole village was put into confinement, every occupation interdicted, the cattle pounded, the inhabitants taken captive into the pollam lands, or murdered; in short, every species of outrage continued to be committed, until the object of the poligar was accomplished.

The fees and collections thus made on account of the police, were exclusive of other assessments to which the inhabitants of the neighbouring circar villages were equally subject with those in the pollams, under various pretences, such as hunting, batta, marriage expenses, and presents.

The poligars also managed to possess themselves of land in the circar country, which they held free of rent as enaums; but to which they had not even a colourable right.

This unwarrantable extension of unauthorized territorial alienations, had in some places been carried to an excessive extent, more particularly in those parts of the country where the pollam lands were indiscriminately intermixed with the circar villages, and which was sometimes the case, where the poligars had been allowed, under the Nabob's government to farm the lands in those villages. Two other causes have been assigned for that connection which the poligars had with the circar country, and which in their effects, served in no small degree, to add to those grievances and acts of injustice, which the inhabitants experienced from the extension of poligar authority beyond its proper local limits. Suffering at one time under the extortions of the government, and making a pretence of it at another, to serve their particular views, the inhabitants would fly from the circar villages and betake themselves to the pollams, and as the condition of their return demanded of the government the *madisum*, as it was called, of the poligar, which meant his mediation to protect the village from any breach of faith on its part, or that of its officers. This practice was generally encouraged by the poligar and brought about by his own intrigues: and it was so managed, that the public servants of the Nabob had no alternative but to acknowledge the madestrum of the poligar, or put up with the loss of probably a whole year's revenue; his interest usually prompted him, to adopt the former. Thus, by possessing a right under his title of madestrum, to interfere in the internal concerns of the village, if the exercise of it did not end in annexing it to himself, it gave him such a control over its inhabitants, as could rarely afterwards be done away by the government.

The other cause of the connection of the poligars with the circar villages, and which very much contributed to undermine the authority of the Nabob in those villages, was the practice, which was common with them, to plough the cavel lands, that is the enaums, of which they had become possessed for performing the duties of district or village watchers. An enaum, as it would appear, did not entitle the person possessing it to cultivate the land, but to receive from the person who was in the occupation of it, that share of the produce, or that amount of rent, which would otherwise go to the government. By thus taking upon himself to manage the land, the ryots in the possession of it, were not only ejected and deprived of the advantages attending the cultivation; but the poligar's concern

and interest in the village, became more close and permanent, by being numbered himself among its cultivators.

When the war with Tippoo Sultan commenced in 1799, and the Madras army was actively employed in his dominions, a formidable insurrection broke out in the southern pollams of Tinnevelly; for the quelling of which a body of troops was sent into the country. The service on which it was employed, was soon accomplished: and this occasion was taken, of issuing instructions to carry into effect the orders of the court of directors for disarming the poligars, demolishing their forts and strongholds, and reducing them to the immediate authority of the civil government of the Company. It was, at the same time, resolved that the poligars should be relieved from the military protection of the country, and from military service to the state, as well as from the administration of the police, as attached to the tenures under which they held their possessions; and that the internal defence and security of the country, and the regulation of the police, should be left to the care of government; that the poligars should be divested of all interference whatever in the circar lands; that the desha cavel fees of the poligars from the circar lands, and all other customary collections arising therefrom, should, for the present be collected by the immediate officers of government: that the principal poligars should [145] no longer be allowed to hold the office of *tallum-cavel-carrah;* that the tallum cavel should be restored to the original purpose of its institution, by limiting the enjoyment of the fee to those who executed the duty. It had been thought proper, during the disturbances, to sequester six of the pollams, which belonged to the principal offenders. These, it was resolved to declare forfeited, and they were incorporated with the circar lands.

Revenue Dispatch from Fort St. George; dated 9 August 1799 and 22 Jan. 1800.
Political Dispatch from Fort St George; dated 22 Jan. 1800.

Upon the principles above explained, the collector concluded a settlement of the pollams of Tinnevelly, for the years 1799-1800. The incovenience both to the executive government and to the Nabob, which was found to attend the collection of the *tallum cavel*, and *desha cavel* fees, by the officers of the Company, under the arrangement which had been made, appears to have led, in the progress of this

Reports of Collectors; dated 31 Jan. and 20 March 1800.

Political Dispatch; 9 Oct. 1800. General Report of Revenue Board; 20 Feb. 1801.

settlement, to an agreement with his highness the Nabob of Arcot, which was concluded in 1800; by which the collection of both descriptions of fees, and, with them, the right of interference on the part of the Company, was relinquished; and by which also the claim of the Nabob, to the performance of watching duties in the villages and roads within his territories, was relinquished; the Nabob engaging to reimburse the Company for the loss sustained, in consequence of their giving up the fees in question, and to afford a compensation to the individuals who had discharged the cavelly duties, but who had been deprived of their emoluments.

It having been long a principle, among the poligars, to conceal from others all knowledge of their antient privileges, as it had been, to add to them by every act of fraud and violence, the collector was not able to obtain any accurate accounts of the resources of their lands. The dufters or official registers of Tinnevelly were consulted: but they afforded no other information, as to the assessments of the ryots in former years, and of the aggregate receipts which they yielded to the poligars, than what was to be found in the records of the loose and corrupt management which pervaded the province since the time of Isooph Cawn; and from which it was difficult to distinguish between the produce and collections, while the assessments were so entirely without consistency or regard to the comparative capacities of each pollam, as to bear a strong confirmation to the fact, that the private nuzzers or irregular collections, did alone very greatly exceed the peshcush. Those accounts were also consulted, which had been kept of the revenues derived from the pollams during the short intervals that this country had been assigned to the Company; but it was not from such documents, that much information was to be collected.

As therefore a settlement could not be concluded with the poligars, on a correct principle, with reference to the value of the lands, the arrangement made for 1799-1800, was considered as temporary. All lands in the possession of poligars, or from which they collected the rents which did not properly belong to their own villages, were resumed under this settlement; and an amount of revenue was stipulated for, on account of their respective pollams, which exceeded their payments, in all former years, no less than 117 per cent. The increase thus

made to their tribute, was principally derived from the sum at which their military services were commuted.

The Committee have already stated, that six of the pollams had, on the re-establishment of tranquillity in the province, been incorporated with the circar lands. Several other pollams had been transferred to the management of the Company at an antecedent period: and on declaring the assessment which had been temporarily formed for the lands in the possession of the poligars, several of them preferred surrendering their villages to the collector, until the exact amount of their revenues should be ascertained, to paying the jummahs at which they were rated. In all these pollams, the collector appears to have directed his particular attention to the acquirement of every information in his power, with respect to their internal affairs, the rates of assessment which existed, and the abuses which were practised under the poligar system, that could be obtained by consulting such records and accounts as existed; by employing native agency; and by his own personal investigations.

The public dues from the dry grain lands were realized, by farming them to the head inhabitants of the villages. The tax on dry grain culture, which constituted the grand source of land revenue, was not regulated on any fixed or regular principle, but varied in every village. These inequalities having been ascertained, they were [146] adjusted with reference to the rates existing in the neighbouring countries, assisted by a measurement of the fields, and a full communication and discussion with the people themselves; and the lands yielding such produce, were rented by villages to the head inhabitants for a specific sum. It appears, that a very small part of the little there was of paddy lands, was in the possession of the ryots, being kept by the poligars in their own hands, and cultivated by slaves, who received no share of the crop, but were allowed a certain quantity of grain, for their daily subsistence. The *warum*, or share which the inhabitants had formerly enjoyed, from the lands of this description, was, generally speaking, one half, as in other parts of the country. One of the measures adopted by the collector, was to restore this share to the cultivators, having in each particular case, been so defined and determined, as that upon occasions of complaint, it might be at once distinctly ascertained where justice ended and oppression began. As the produce from the

paddy lands was, from local circumstances, extremely fluctuating in its amount, and as the inhabitants were averse to enter into village settlements for the government share, it was either collected in kind from the cultivator, or the value of it was received in cash.

The arrangements which he made, were attended by a still greater increase of revenue, than had resulted from the settlements he had formed for those lands, which continued in the possession of the poligars; and the punctuality and ease with which the collections were realized in both cases, evinced, that in the one, the jummas or rents which had been agreed upon with the poligars, and in the other, the rates of assessment which had been established in the forfeited and assumed pollams, did not exceed the limits of a moderate and just demand.

Your Committee find, that in the year 1801, a second insurrection took place in the southern pollams; which was considered to have been connected with another, which at that period existed, in the Dindigul and Malabar countries.

Public Dispatch; 5 Aug. 1801. Commercial Dispatch; 2 Sept. 1801.

This insurrection was effectually crushed by the proceedings of the military force, detached for that purpose.

Military Dispatches; 15 Oct. and 23 March 1801, and 29 May 1802.

The orders which had been issued in the former war with the poligars in 1799, to demolish their forts, and to abolish their military establishments; but which had been but partially executed, were, on this latter occasion, carried into effect; and measures were adopted for discovering such arms as might have been concealed, and for preventing the use and manufacture of weapons of offence by the inhabitants. Severe examples were also made of some of the poligars, who had been principal actors in the disturbances. They were deprived of their pollams, and some of them, capitally punished. Among these were three poligars, whose lands were conferred on other poligars, in suitable divisions, on the principles of a permanent zemindarry tenure; as a reward for the fidelity which they had displayed to the Company's government. The jummah was declared to be progressive for several years, and afterwards to remain unalterable, at an amount which was calculated to be equal to 2-3ds of the gross collections.

The strong measures adopted in consequence of the second

rebellion, having produced the effect of general obedience to the authority of government, and being well calculated to secure the allegiance of the poligars for the future, were soon after followed up by the extension of the principles of a permanent zemindarry assessment throughout the pollams in Tinnevelly; as well in those, that remained in the hands of the poligars, as those that had been assumed. A report was received from the special commission, on the arrangements which they proposed for this purpose, in the month of May 1803; and they were a few months afterwards carried into effect by the collector.

Report of Collector, dated 30 Sept. 1802; and Report of Special Commission, dated 5 April 1803:

Appendix, No. 27.

The report of the commissioners was founded on the communications and statements, which had been received from the collector during the latter period of his management of the country; and which, in their judgment, furnished ample materials for determining the amount of revenue, at which the poligars should be permanently assessed.

Of the pollams that remained in the hands of the poligars, which were fourteen in number, the permanent assessment was, with some few exceptions, less than the peshcush settled in the year 1799-1800. In the larger pollams, it varied in its proportion to the computed resources, from 54 to 57 per cent.; and in the smaller ones, from 41 to 49 per cent.; the expenses of management being relatively less in the [147] former, than in the latter. Among these, were the three pollams which had been previously bestowed on certain poligars for their good conduct and assistance during the last rebellion, under the permanent zemindarry tenure. In order to render this reward the more substantial and distinguished, a reduction was made in the jummah, at which they had been fixed.

The pollams that had been voluntarily transferred to the collector, for the purpose of ascertaining their actual condition, which were likewise eleven in number, were restored to the parties, at the rates of jummah fixed upon them.

Of the two other pollams, one of which had been assumed, and the other sequestered for several years; the former, was restored to its original holder; the latter, to the surviving heir.

There remained three forfeited pollams; which were sold at public auction.

The southern poligar countries are principally situated in the province of Tinnevelly. The other lands which come under this description in that part of the peninsula, are situated contiguously to them; and consisted, on their acquisition by the Company, of the pollams of Shevagunga, of Ramnad, of Manapara, Madura, and Nuttum.

The pollams of Shevagunga and Ramnad, were permanently assessed at the same time, as those of Tinnevelly; the former, at the rate of jummah which yielded an augmentation of Revenue to the extent of 50 per cent. on the peshcush before collected; and the latter, at 2-3ds of the average gross collections during the preceding 5 years, affording an increase of 55 per cent. of revenue. The poligar of Ramnad having been deposed in 1795, on account of his cruelties, tyranny, and other misconduct, an agreement was entered into with the Nabob of Arcot, for the better government of the country; by which it was made over to the sole and absolute charge of the Company for 3 years. It was however continued under the management of the British collector, until settled in perpetuity; on which occasion, it was granted to the sister of the expelled poligar.

Before your Committee close their observations upon the system adopted towards the southern poligars of the Carnatic, they will shortly advert to the condition of those feudatories, prior to their subjugation, and since its completion. From the detailed correspondence, which passed at Fort St. George, in the progress of this arduous reform, much useful information may be extracted; and your Committee believe, that many of the regulations then adopted, may be successfully applied in subduing that ferocious anarchy, noticed in a former part of their Report, as disgracing the name and authority of the Company in part of the Bengal possessions. Before this reform was accomplished in Tinnevelly, life and property were exposed to shocking outrages, similar to those which now distract the provinces of Bengal, where gang-robbery prevails; and the poligars of the south, like the decoits of Bengal, exhibited a practical example of the calamities brought upon a peaceful and industrious people, by the neglect or subversion of their antient institution, and by the licentious rage of the most cruel passions of mankind, unchecked by any system of efficient police, or internal village government. The means by which these enormous evils were subdued, and their recurrence

prevented in the Carnatic, your Committee have considered with particular gratification; for, after the happy experience of nearly ten years of internal peace and prosperity in the southern countries of the peninsula, there can be no doubt of the truth of the sentiments delivered by the special commission, and the government of Fort St. George, on the subject in the year 1803.

In addressing the government at that period, the special commission closed their able and interesting Report, with the following observations:

"Upon a review of the whole arrangement now submitted "to your Lordship in council, we have the honour to observe, "that the vigorous measures adopted for the subjugation of the "poligars of Tinnevelly, Shevagunga, and Ramnad, appear to "have been effectual; and that the firmness and perseverance "with which those measures have been pursued, have actually "produced that change in the state of the provinces which "was indispensably requisite to convert the ferocious and "turbulent character of the poligar tenure, into the peaceful "and beneficial condition of the zemindar. Under the former "description, these valuable lands contributed the sum of "pagodas 1,68,304. to the purpose of general government; "whilst the maintenance of their [148] armed retainers, "amounting to about 100,000; instead of contributing to the "preservation of internal tranquillity, demanded a constant and "vigilant attention to the means of augmenting the regular "force stationed in the southern provinces. Under the proposed "plan of settling the pollams, the permanent assessment of "the lands which we have proposed, combined with the resump-"tion of the cavelly, which has been already carried into "effect, will be attended with an augmentation of the public "revenue, to the extent of star pagodas 1,76,378, per annum: "while the necessary operation of the change, by directing "the attention of the zemindars to the improvement of "agriculture, and the arts of peace, must daily tend to "diminish the former jealousy of their military condition, and "to discharge the government from the expense of those "armaments, which have been repeatedly attended with heavy "disbursements of the public treasury, and with severe loss of "its soldiers and subjects. Impressed with these sentiments, "it is with peculiar satisfaction that we direct the attention "of your Lordship in council, to the concluding declaration

"which the superintendence of the southern provinces, during "the eventful period of the last four years, has enabled the "collector, Mr. Lushington, to pronounce with confidence, "That nothing appears to be wanting to consolidate the founda- "tions of internal order and peace, but the establishment of "the settlement recommended, the abolition of the customs, "and the regulation of the police."—

"By the energy and justice of government (the collector "proceeds to observe) the rebellions have been subdued, the "oppressed have been upheld and exalted, the obedient have "been liberally rewarded, and the extinction of a divided "authority, has restored the fairest province of the Carnatic, "from an acknowledged state of anarchy and confusion, to a "state of subordination and prosperity."—Mr. Lushington's "general acquaintance with the state of the revenues under "this presidency, and his successful experience in the practical "administration of them, entitle his opinions to the greatest "degree of respect; and we have had the most satisfactory "proofs of the zeal with which he has devoted his labour and "talents to the public service. We deem it to be our duty to "inform your Lordship in council, that the information sub- "mitted to us by that gentleman has been satisfactorily "digested; and that, in the opinions which he has suggested, "for our consideration, he has manifested an intimate knowledge "of the principles and operation of the system of permanent "revenue."

From this period, the increased tribute of the poligars has been punctually paid, no blood has been shed, and no treasure expended in military operations against them; and the surround- ing districts have enjoyed tranquillity under the revival of their antient system of village police.

The same course of measures with respect to village police, appear to have been pursued by other collectors, in the Mysore and Carnatic territories, and has been followed by the same happy effects; more especially in the Ceded districts, where they were made a primary and anxious object of care and attention on the part of Colonel Munro. Your Committee therefore look to the revival of the talliary office in every village, as the best security of internal police. The manner in which the institution was restored to its antient efficiency in Tinnevelly, and in the

Appendix, No. 23.

Ceded districts, after its resources had been so long usurped and in many places, the remembrance of its benefits lost in the cruel outrages of the poligars, affords an example of successful exertion in the officers of the Madras government, worthy of imitation.

Your Committee do not find that any steps were taken, except those of a preparatory nature, for reforming the condition of the western poligars of the Carnatic, till 1802. The preparatory steps which they here allude to, consisted in the issuing a proclamation in the year 1800 to the poligars, declaring the determination of government to render them subject to its immediate authority and in giving the instructions, which had been already noticed, to Mr. Stratton, the collector of the peshcush, to enquire into the actual state and resources of the pollams. Though the poligars who were four in number, had exercised an independent jurisdiction and power, wholly incompatible with their relative situations as dependants of a regular government; yet being more under its eye and control than those of the south, they were less disobedient to its authority. When the instructions were issued to Mr. Stratton, respecting the pollams, they appear to have been in full possession of them; nor did any circumstances occur, to render the removal of any of them necessary. His investigations, though not the result of a detailed management of any of the pollams, supplied him with a body of information on the respective points, to which his attention had been directed, highly honourable to his integrity, industry, [149] and talents; and the government were enabled thereby to settle the peshcush of the poligars on permanent principles, and introduce the same internal arrangements which were adopted in the southern pollams.

Reports of Collector; 14 Dec. 1800, and 14 July 1801.
Reports of special Commission; dated 12 Aug. and 24 Sept. 1802.

It appears from the accounts of the assessment which was finally determined upon consisting of the former peshcush and the equivalent for military service, that a pecuniary augmentation of resources was yielded to the Company under that assessment, to the extent of S. pagodas 1,72,296; while the poligars were left in the enjoyment of an income, which considerably exceeded what had been allowed to the zemindars in the other parts of the country, which had been settled in perpetuity.

Adjoining to the western poligar districts, are several

others of inferior consideration, called the Chittoor pollams; which came into the possession of the Company under the treaty with the Nabob of Arcot of 1801. The poligars had long been refractory and turbulent subjects under his Highness's government, and very backward in the payment of their tributes. A determined adherence to the same line of conduct, occasioned the necessity of sending a military force against them, in the early part of 1804, to recal them to obedience. Their balances were considerable;—they not only refused to discharge them, but to acknowledge the authority of the British administration; and their example had begum to have an unfavourable influence on the poligars of the Ceded districts, who had also evinced a disposition to withhold their payments. The detachment which was employed to reduce the Chittoor poligars to submission, were opposed by open force. Two of the most powerful of them, surrendered themselves, at the commencement of military operations. They were removed from the district, and granted an allowance equal to 1-10th of the estimated revenue received from their lands. The other poligars having been driven from their fastnesses, which were demolished, took refuge in the jungles. A commission was afterwards appointed, to arrange the affairs of the country; but they failed in bringing the poligars to terms of accommodation. They were required to account to government for 2-5ths of their resources, which was much below the usual terms of a zemindary assessment in perpetuity; but this they refused to do; and a military force having been again dispatched against them, the district was restored to order and tranquillity in the beginning of 1805. Two of the poligars had capitulated; and they were granted an allowance equal to 18 per cent. of the value of ther lands, which were declared forfeit. The five remaining pollams were assumed, until they should be surveyed and their value fully ascertained; pensions being, in the mean time, allowed to the poligars, on the same principles as to those whose lands had been forfeited.

The whole of the pollams of Chittoor having come under the charge of the Company's collector, the same system of fixed rents on the lands of each ryot, and the same mode of realizing them, was resorted to, which were then in practice in the circar lands in the peninsula, and has been attended with a considerable encrease of revenue. It does not appear that the poligars have yet been restored to their possessions.

They have, however, been allowed to participate in the augmentation of revenue received from the pollams; their percentage, which was in the first instance allowed to them on the former collections, having been, in the year 1805, regulated with reference to the receipts of the collector, during the two first years of his administration of the affairs of those pollams.

HAVELLY LANDS.

Your Committee will now explain to the House, the nature of that change of revenue management, which was introduced into the Havelly lands, to which they have before adverted, as having taken place in the year 1808. This change consisted in a recurrence under modified rules, to the plan of village settlements; which had formerly been adopted in the different districts, but which had been progressively superseded by the more detailed system of collecting the rents from each individual cultivator, by the means of native servants employed under the immediate authority of the collectors.

Rev. Letters from Fort St. George, 6 Mar. 1807. 21 Oct. 1807. 24 Dec. 1807.

It appears to have been first carried into effect in the province of Tanjore, in the year 1807, in consequence of the recommendation of a committee, which had been appointed to investigate the revenue affairs of that province, and the principles on which the land assessment had been formed. It further appears that in the same year, Mr. John Hodgson (a member of the board of revenue, who was also one of the Tanjore committee) having been deputed by the government to visit the province of Tinnevelly, and the districts of Coimbatoor, for a similar purpose, had [150] proposed that the system of village settlements, should also be introduced into those countries.

Instructions to Board of Revenue; dated 28 Nov. and 5 Dec. 1807. Report of Board to Government; dated 25 April 1808. Proceedings of Government; 25 May 1808.

The reports received from Mr. Hodgson, afford a very perspicuous analysis of the history of the revenue affairs of the countries to which they relate. They were referred to the board of revenue, under instructions to state their sentiments in regard to the expediency of carrying into effect the arrangement therein suggested in all the territory then under ryot-war management, as being a plan of settlement more nearly approximating to that of estates permanently assessed. The board in their

answer to this reference, detailed at length the grounds on which they deemed it to be desirable, that the measure in question should be adopted. The government concurred with them in opinion; and directed the necessary steps to be taken, for introducing the proposed system of village rents into all the circar lands under the presidency of Fort St. George; and circular instructions for that purpose were issued by the board to all the collectors (except those of Malabar and Canara) in whose districts a permanent settlement had not yet been established, nor village rents introduced: *viz.*, the collectors of the Ceded districts, the northern and southern divisions of Arcot, and of Coimbatoor, and the districts of Trichinopoly and Tinnevelly.

According to the principles prescribed for the formation of the village settlements, the chief cultivators were to farm the revenues of their respective villages, for a period of three years, upon such terms as, with reference to the accounts of cultivation, and of the demand and actual collections of each village for a series of years, might be deemed adequate, moderate, and equitable; but in districts in which a survey rent had been completed, they were to be regulated with reference to the payments made by the ryots under such survey assessment. The rents determined upon, were to be payable, under all circumstances, extraordinary calamities excepted; in which case, an abatement of the rent was to be granted, at the discretion of government; and as, in some particular villages, the effects of adverse seasons, or other adventitious evils, might have been experienced in so great a degree, that the accounts of former years might not furnish a result sufficiently favourable to the state, to be taken as the basis of a triennial lease; and as the means also of the inhabitants, in such a state of things, might not prove such as to ensure the due discharge of a rent equal to what, under this mode of lease, in reference to the period of it, it would be proper to stipulate for, even should the renters be disposed to accede to it, the collectors were permitted, where it might be considered expedient, to make the rents progressive, to defer the adoption of a triennial lease, or to limit the engagements to the term of one year, and to conclude them, either with the ryots of the villages collectively or individually, as under the former system, and upon such conditions as might be best calculated to secure the company against any unnecessary loss of revenue. It was also directed, that where the right denominated *meerassee* existed, the rents were, in every practicable

they expressed their hope, that these objects, had been in a great degree, attained. Your Committee are, however, inclined very much to doubt, whether, even in those parts of the Company's territory, where the system of collecting the revenues of government from each cultivator by its own officers, had been the longest in operation, it has not been discontinued; before all the advantages it was capable of yielding had been duly realized; before it was possible to have investigated, defined, and adjusted all the rights of government, and those connected with the soil; before various other matters relating to the interests, both of the sovereign power and the subject, had been accurately understood and arranged; and before the mass of the people had become so well acquainted with the genius and spirit of our government, and its just intentions and principles, as should confirm their confidence in it, into a settled and habitual feeling.

It is therefore matter of regret, that any circumstances should have existed to render the abandonment of ryot-war settlements necessary, more especially in those collectorships in which they had been of more recent introduction.

The proceedings with relation to the change of system which your Committee have adverted to, are explained in a revenue dispatch of the 24th October 1808, and in the report of the board of revenue and proceedings thereon which accompanied it.

Appendix, No. 30.

In another revenue dispatch since received, bearing date the 6th February 1810, and in the documents transmitted with that letter, your Committee are also supplied with a view of the result of the village settlements, during the first year, in the districts ceded by the Nizam, in the southern and northern divisions of Arcot, Nellore and Ongole, Tinnevelly and Madura, comprising, with the exception of the pollams [152] of Tinnevelly, and the Dindegul and Ramnad country, six entire collectorships. These, are the latest accounts which have been received in England, in relation to those settlements. Of the measures adopted for applying the village system, in the two divisions of Coimbatoor and the district of Palnaud, no statement has yet reached the India house.

Your Committee find, from an examination of the documents above referred to, that in considerable tracts of country, the collectors had not been able to conclude triennial village

leases, and were under the necessity of adhering to the ryot-war annual settlements; in consequence, as it appears, of the potails and other inhabitants having declined to become renters, on the terms proposed to them, as not having a sufficient profit to enable them to undertake the risk of a lease settlement for three years, with reference to the possible contingencies of unfavourable seasons.

It further appears to your Committee, that in most of the collectorships, the renters were required to stipulate for an amount of rent, which not only exceeded what was realized from the districts in the preceding year, under the former mode of management; but generally for an augmentation of revenue during each year of the lease, or what is called *russud* or progressive jummahs.

Your Committee have explained to the House, the manner in which the rents of the cultivators were fixed and settled, under the ryot-war system of collection; and how it accommodated itself to their means: that there was a standard rent, to which they were liable; but that it was so high, as to render them unable to pay it, in all seasons, without impoverishing the country, and thereby checking and discouraging agricultural industry: that therefore the actual demand on the cultivator, for the year, was not positively determined, until the seasons were so far advanced, that a tolerably correct judgment could be formed of his ability, to satisfy it: that, if the land in his possession was able to bear the standard rent, the standard rent constituted the payment for which he became answerable; but if the state of the produce, and the general circumstances of the ryot, disabled him from engaging on such terms, a proportionable reduction, was made in such rent. This principle of regulating and adjusting the demand on the cultivators, appears to your Committee to have produced the largest amount of revenue that could be collected with justice to the people, where the settlement was rightly formed; its steady and regular realization, of course, depended on the vigilance and talents of the collector; and your Committee have no doubt, that in the territories which were under the ryot-war rents, and where the demand of the state bore so large a proportion to the means of the husbandman, as to leave him only a subsistence, in an ordinary year of cultivation, no change of system which proceeds on the principle of obtaining an immediate increase of revenue from the land, can ever continue,

case, to be concluded with all the meerassadars of each village, who were to be held jointly as well as severally responsible for the amount; the personal and real property of the actual defaulters being, however, in the first instance, liable for the balances; and the difference only (in the event of their property being insufficient to answer the demand) to be made good by the other meerassadars of the same village, under their joint agreement with the officers of government. In cases in which any of the meerassadars refused to accede to reasonable terms of rent, the collectors were authorized to enter into engagements with one or more meerassadars; and should the whole of them refuse to do so, to come to terms with any other individuals, who might be willing to engage in such contracts, or to continue the ryot-war mode of collection. In those districts where the right of meerassee was not understood or defined, a preference was to be given to the potails or heads of villages, by whatever name they might be distinguished, and even to the common resident inhabitants, over strangers, who had no permanent connection with the villages. It was also enjoined, that in all cases the renters who might contract for the revenues of villages, should be required to grant pottahs to the cultivating ryots, for their mutual security against loss on the one hand, and oppression on the other; and that no obstacles might be opposed by the leaseholders, to the prosecution of the survey, or the equalization of the rates. In districts, where these necessary objects had not been accomplished, it was considered proper to provide for the prosecution thereof, by a separate clause in the engagements formed with the renters. [151]

The reasons which led to this alteration in the system of conducting the revenue concerns in the havelly lands, are stated by the revenue board and by the government, to be, its comparative economy; the trouble and inconvenience which attended the collection of the rents of each individual cultivator by the officers of government; a desire to prepare the way for a permanent assessment of the lands, as your Committee conclude, on those principles on which the measure had been adopted in other portions of the territories of Fort St. George; and lastly, considerations connected with the system of judicature which had recently been extended to all the districts, into which zemindarry assessments in perpetuity had not been introduced, under regulations passed for that purpose in the year 1806. The considerations here referred to, as constituting

an incompatibility between ryot-war rents, and the judicial system, appear to have turned on the impediments to the ready realization of the public revenue from the ryots, in consequence of its being required by the prescriptions of the law, that in the settlement of disputes respecting land revenue payments, and in recovering arrears due, the same formal process must be gone through, however small the amount. The inconvenience thus experienced, appears to have been represented by several of the collectors, and by Mr. Hodgson, in the report he made on the revenues of Coimbatoor.

Extracts from Reports as to the difficulty of recovering Arrears of Revenue by the Judicial Process under Ryot-war Settlements:

Appendix, No. 29.

The method of conducting the affairs of the land revenue which was thus superseded, has been shewn, by your Committee, to have been resorted to, at different periods, as the state of the provinces admitted of its application. In the province of Malabar, it took effect shortly before the expiration of the quinquennial leases formed with the rajahs and nairs, in the year 1795: in Canara, it was found to obtain pretty generally throughout the country, on the acquisition of it: in the districts ceded by the Nizam, it was at once resorted to, by the collector appointed to the charge of them; and in the Carnatic, it was adopted, in most of the districts, in the years 1303 and 4; though it could not be said to have been properly introduced in some of them, till several years afterwards.

The degree of advantage which has been derived from this system of revenue administration, must have depended upon the length of time, that it had an operation; on the talents, energy and other qualifications of the collectors; and on various adventitious circumstances, as connected with the local state of the district.

The board of revenue in their report, and the Madras government in their proceedings respecting the establishment of triennial village leases, admit, that the ryot-war annual settlements which they have supplanted, were attended with the beneficial effects, which your Committee have described to have resulted from them; in reference to the acquisition of revenue information, the just ascertaining of the dues of government, and the rights of the cultivators, the defeating of the interested confederacies of the inhabitants, and the delivering of the inferior from the oppression of the superior ryots; and

without impairing the resources of the country. An increase of receipts may certainly be obtained by waste lands brought into cultivation, and by the detection of concealed cultivation, or of lands found to be assessed on too low a scale, through the collusion of the cultivators, with the native revenue officers: and these, as appears to your Committee, were among the means by which an increase of the revenue was effected, in some of the territories to which they here allude; and by which, in others, the collectors were enabled to keep up the aggregate receipts from their districts, without augmenting the rates of assessment: for the mode of management which then existed in them, was calculated to bring to light every irregularity and clandestine proceeding, which went to deprive the government of its dues, or to violate the rights of the inhabitants. It is not therefore, in the opinion of your Committee, to be expected, that in such a country, where the practice has obtained of collecting the rents directly from each cultivating inhabitant, and where a regular survey has been made, any augmentation of land revenue can be realized, under the engagements entered into with the village renters, unless they make undue collections from the ryots in their villages; nor can they conceive, how any legitimate advantages can accrue to them, under their contracts, unless it be from the waste lands that may be brought into cultivation, during the term of their leases:—But as the renters are described by several of the collectors, to be as poor as the common ryots, the necessary capital will probably be wanting, to enable them to encourage agricultural enterprize; and if they possessed the means of doing so, it is not likely that they would apply it, to such a purpose, with only a temporary and but short interest in the land. It would also, as appears to your Committee, be unreasonable to expect, that the other ryots of the villages, in such a state of things, paying, as [153] they necessarily must do, higher *average* rent to the farmer than they formerly did to the Company's collector, should enlarge their undertaking with him.

The question also naturally forces itself on your Committee, what security, under the above circumstances, have the government, for the fulfilment of engagements, which provide for a specific annual amount of revenue, during a period of three years, and which admit of remissions, in no other case, but that of extraordinary calamity?—On this subject, the opinions of some of the collectors, are clear and explicit.

By the collector of the southern division of Arcot, it is stated, "seasons are bad, they (the lease-"holders) will not be able to pay the present "rent, without numbers of them being "ruined and the prosperity of the country "suffering of course, in proportion:"—and by the collector of the northern division, it is stated, that "if the data, upon which "the rents were formed, were accurate, and not less "favourable than there was reason to expect; then, the "only probable advantage to the renters is, that they will be "able to pay their rents to government, and have a surplus "sufficient only, for the support of themselves and families."—As to the village renters undertaking any improvements, the collector did not expect it.

Report of Collector of Southern Division of Arcot, on Settlement for 1808-9.

Report of Collector of Northern Division of Arcot, Settlement of 1801-9.

The assistant collector of the division further states, that "he was convinced that many would not "have agreed to such high rents, did they "not expect the tanks to be repaired, by "government;" and that they would not have taken the villages at all, without an express stipulation to that effect "had they not been afraid he should give away "the village, to more needy and less conscientious bidders."

Letter of Assistant Collector of Northern Division of Arcot, on Settlement for 1808-9.

It is also declared, by the collectors of the Ceded districts, that one bad season would render the village renters, unable to keep to the terms of their leases; that a great part of them being, in point of circumstances, not more substantial than common cultivators, their property would hardly be sufficient to make good the balances against them; that the potails had entered into engagements, merly to prevent stangers from becoming the farmers of their villages.

Reports of Collectors of Ceded Districts, on Settlement for 1808-9

The first year of the triennial farming contracts, it appears were generally favourable to cultivation; and the rents were realized, in most of the districts. But your Committee see much reason to believe, that the renters could not have fulfilled, even in that year, the terms to which they had agreed, had they not pressed severely on the ryots. It is stated by the collector of the northern division of Arcot, that "frequent disputes "had occurred, between the ryots and the renters; the one,

Report on Settlement for 1808-9.

"complaining of unjust demand; the other, of unnecessary and "evasive delay, in the payment of their rents;" and it would further appear, from the report of the collector of the southern division, that evils had there resulted, which threatened a revival of those oppressions upon the inhabitants, which have been described, as formerly practised under the village farming system. On this subject, he thus expresses himself: "My apprehensions "are very strong, that, even in good "seasons, the prosperity of the country will "suffer considerably, from the oppression of the farmers over "the inferior ryots. This, indeed, is almost past apprehension. "It already admits of some proof. I have not been able to "learn, that a single pottah has been issued by them; yet "they have made the ryots pay for all *shavee* and *poolathy* "(damaged produce) which was remitted to them, under the "former system. They have in many cases, made them pay "more, than the rent; and in most cases, the full rent, for all "waste lands cultivated by them, for which, under the old "system, they had a remission granted them for the first "three years."

Ibid.

And in another part of his Report, he states it as his opinion, that "the resources of the country will be found at the "end of the leases, far more deteriorated than they were."

Your Committee are the less surprised, at the very unfavourable statement thus made by the collector of the southern division of Arcot, inasmuch as they find, from an examination of the records respecting this division of country, that though the sanction of the Madras government had been given, to introduce the ryot-war system, as early as the year 1803-4; yet, owing to causes of accidental occurrence, which it is not requisite here to explain, little progress was made in that work; in the measures necessary for protecting the Ryots, or gaining a knowledge of the revenues, or in duly regulating the assessment, until the appointment of the present collector, Mr. Ravenshaw, to the charge of the division, in the latter end of the year 1804-5. [154] The state of it, at the commencement of that gentleman's administration of its affairs, was thus described by the board of revenue: * "The examples of the "pernicious policy of the late sovereign of the Carnatic were, "as it were embodied in the deplorable picture of the state of "the province in question. The grammatan (or potail) had

"thought himself warranted in his oppres-
"sion, by following the footsteps of his
"prince. The poor peasant endeavoured
"to elude by fraud, what he could not resist
"by force: the public servants were allowed, by a participation
"in the spoil, to confederate against their employers: whilst
"the country, suffering under such a complication of evils, was
"accelerated in its process to decay."

*Report of the Board of Revenue, dated 11th September 1806; paras. 22 & 23.

The measures employed by the collector, in forming his settlements for the year 1805-6, in order to reduce the influence of the head inhabitants, and to excite the confidence of the great body of the cultivators, were, as it appears from his reports to the board of revenue, and from the recorded testimony of that board and of the government, attended with the most promising effects. An evil, however, which had been of such long continuance, and which had become so deeply rooted, was not to be easily or speedily subdued. It nevertheless appears, that the adoption of a reduced scale of rents, and the operation of the ryot-war principle of collection, duly conducted and superintended; having for its leading objects, the confining every man to the cultivation of his own land, and defining the specific amount to be paid by each; and thus, securing to him the meed of his own industry; had, in the following two years, during which the country continued under this system of management, effected an improvement in its internal condition; which was made evident, by a considerable increase of cultivation in each year;—and in this short period, the public revenue not only attained its former amount, but in the last of those years, it exceeded the jumma of any year, since the transfer of the province to the Company, with the single exception of one year. The grammatans were confined to their proper duty of village collectors; much was done to remove the inequalities of the assessment; pottahs signed by the collector and his assistants, were granted to each individual cultivator, specifying the rent he was to pay; the grammatans were prohibited from collecting any thing more from the ryots, than the pottah demand; while the latter, became encouraged to resist the exactions of the native servants, from a confidence in the protecting power of the government. The sentiments of the court of directors on this favourable state of things, in the southern division of Arcot, are thus expressed to the government abroad, in a revenue dispatch of the 24th April 1811:

"This (referring to the augmentation of revenue) is a strong "proof of the growing industry and exertion, which is represented in the letters of Mr. Ravenshaw, the collector, to prevail "among the ryots, in consequence of the improved administration "of the revenue of those districts; and we trust that no "encouragement will be wanting on your part, to foster and "strengthen the sentiments of respect and confidence, which "the inhabitants seem so willing to entertain towards our "government.

"It is particularly gratifying to us, to learn that the collections are made with facility, that the process is conducted "without fraud on the part of the cultivator, or force on ours; "and that they are truly sensible of the value of the benefits, "which it has been our invariable wish, and first endeavour to "confer upon them."

Your Committee have deemed it proper to bring under the notice of the House, this gratifying instance of a province, which was, in so short a space of time, restored from a condition of the lowest depression, to one of comparative prosperity. In a former part of their Report, they had occasion to state another extraordinary instance of the same kind, in regard to the management of the Ceded districts, during the seven years they were under the enlightened superintendence of Lieutenant-Colonel Thomas Munro. They both, furnish undeniable proofs of the important good effects which have resulted from the establishment of moderate rents, and especially a system of adequate protection to individual rights and property. The amelioration which has taken place in the condition of the provinces, which the Committee have here particularly referred to, and which, in a greater or less degree, has been produced in the other parts of the modern territory under the Madras presidency, is undoubtedly in a great measure, to be ascribed to the talents, activity, zeal and experience of the collectors: but your Committee are thoroughly satisfied, that all these qualities combined, could not have enabled them, so generally to have improved the situation of the provinces under their charge, had they not paid particular regard to moderation of rent. The great practical principle enforced in all their reports; by Lieutenant-Colonel Muntro, and the other collectors, whose revenue administration has been the most prosperous; the [155] principle on which they acted themselves, when left to their own discretion, and which they never ceased to press on their assistants, was this, that to enable a country which

had been long oppressed, to attain to a flourishing state assessment must first be low, and can be increased only, with its increasing improvement, and that one year of over assessment would throw it back, beyond the power of several years of favourable seasons, again to recover.

Your Committee cannot, therefore, advert to the late change of system, which has been introduced into most of the districts where ryot-war settlements prevailed, and which have proceeded on the principle of generally augmenting the rents, and on a scale of increase in each year, during the short period of a triennial lease; without entertaining apprehensions of the unfavourable effects it may have, on the welfare of the country, more especially as the business of realizing the revenue from the ryots in the villages, may now be considered as being virtually left to the renters, who stand in the same situation with relation to the ryot, in which the European collectors before did; while the only remedy within the reach of the ryot, in case of oppression, must be sought, through a judicial proceeding. But it is of the policy of the principle of restoring the potails and other head inhabitants of villages, to the capacity in which they before stood, of farmers of their villages, and in which they practised injustice, in so many various ways upon the inferior ryots, that the Committee more particularly doubt; fearing, as they cannot but do, for the reasons they have stated, that a revival of that tyranny and those exactions, which once, and at no distant time, were so customary, will be the necessary consequence. It was a similar feeling which induced the court of directors, in a revenue dispatch of the 30th August 1809, when speaking of the ryot-war settlement in Nellore and Ongole for the year 1805-6, and alluding to the idea, then in contemplation abroad, of extending a permanent zemindarry assessment to those districts, to express themselves to the Madras government, as follows: "Until the "influence of the village chiefs over the cultivators be destroyed, "and those prejudices which had contributed to the evils pre-"vailing were removed, the people were not prepared to receive "the benefits, which it was the object of the British government "to confer upon them." That the potails have again returned to their oppressive practices, in several of the districts, has been shewn; and that the courts of justice can afford but very inadequate means of redress to the injured, would appear, from what is stated on that subject, by the collector of the southern division of Arcot, when speaking of the numerous complaints

which had been made to him, by the inhabitants, of acts of oppression: "I have no power (he says) "to grant redress; I can only refer them, "to the court; and the court, if it did nothing "else, would not have time to redress all such grievances, even "if they came before it; but the road to justice is so clogged "with forms, &c., that nine out of ten of such grievances, never "can come before it."

Report on Settlement for 1808-9.

Your Committee have stated, that the government were principally influenced, in their determination to resort to triennial village leases, by the unsuitableness of the new code for the administration of justice, which had recently extended to the districts under ryot-war settlements, to that mode of management. It has also been explained, in what this unsuitableness consisted. Entertaining the sentiments which they have expressed, respecting the effects of ryot-war settlements, they must lament that any circumstances should have occurred, to which they should be made to yield.

It is stated by the board of revenue, that it would have been "inconsistent, unsafe, and impossible "then to have deviated" from the system of jurisprudence which had been established. It is not to the present purpose of of the Committee, to enter on the general merits of that system, as applied to the Madras possessions; but they must observe, that if the ryot-war mode of administering the revenues of an Indian country, be, as they conceive, and as the board of revenue seem to admit it to have been, the best calculated "to "retrieve the energies of the country, to reform the manners "of the people, to emancipate the inferior from the thraldom "of superior ryots, to develope the capacities of the country," and, "to remedy the inveterate abuses of the mahomeddan "government;" if, from such a mode of revenue administration, has flowed encouragement to industry, protection from injustice, extension of agriculture, and augmentation of revenue, it is not in the minds of your Committee to be doubted, that the accomplishment of objects of such paramount welfare and improvement of the country, [156] ought not to be sacrificed, even for a time, to forms of process and modes of judicial proceeding.

Report of Revenue Board; dated 25 April 1808. App. No. 30.

Nor does it appear to your Committee, that the inconvenience which was felt from the process of the courts of justice, in recovering arrears of revenue, and in the settlement of disputed

cases of demand, has been, in any material degree remedied, by a recurrence to village leases. The collectors and their servants are relieved from this inconvenience; but it still exists, transferred as it is to the village farmers; who, as it has been before observed, stand in the same situation in which the collector before did, in relation to the cultivators. The village farmers will experience the same kind of obstacles in collecting the rents of their villages, and will be subject to the same kind of vexatious impediments from litigious and designing ryots, unless they substitute the hand of power for the rule of law. As the engagements of the potails are for three years, instead of for one year, which was the case under the ryot-war assessments, the frequency of applications to the Courts, have been probably lessened; but the evil must, in the nature of things, exist to a great extent, under any other than a less dilatory and troublesome form of process.

It is represented by the board of revenue, in their report, in favour of the village system of rent, which has been described, that "it was, at least, as old as the age of Menu;" [1] but if by this, it be meant that such a mode of settlement was, in conformity to the general and settled practice of the Hindoo governments, the fact appears to be at variance with such information as the Committee have been able to collect, in their enquiries upon that subject. The usual course pursued by them, for the realization of their territorial revenue, appears to have been, to collect it from those having an interest in the cultivation of the soil, either in proprietary right, or as tenants, through the medium of their own officers. They may have farmed out the revenues of a whole village or more, to the head inhabitants, on terms of specific contract; but where this occurred, the Committee believe it to have been a deviation from the general rule. In the latter periods of the Mahomeddan dominion, the system of farming the revenues, by degrees, came into very general use; and to this, it is believed may be traced, the origin of most of the zemindars in the Bengal provinces, and in the Northern circars. They were, as it is now pretty clearly ascertained, in

Grant's Analysis of the Bengal Revenues, and Political Survey of the Northern Cucars.

His Inquiry into Zemindarry Tenures.

Report of Board of Revenue at Fort St George; dated 5 Sept. 1799.

[1] The Vāyu Purāna, one of the oldest of the eighteen Purānas, clearly should be attributed in its existing form to the first half of the fourth century, and the Laws of Manu, as we now know the book, may be dated from about the beginning of the Gupta period." Vincent Smith: *Early History of India*, 3rd Edn., p. 305. See also pp. 131 & 141-2. [Editor.]

Reports of Lieut.-Col. Munro.

general, no other than the revenue servants of districts or sub-divisions of a province, who, as the Committee have formerly explained, were obliged, by the conditions on which they held their office, to account for the collections they made, or the share of the crop they received from the ryots, to the governing power in whose service, they were employed; and for which service, they were in the enjoyment of certain remuneratory advantages, regulated on the principle of a percentage or commission on the revenues, within the limits of their local charge; but having in the process of time, and during periods of revolution, or of weakness in the sovereign authority, acquired an influence and ascendency, which it was difficult to keep within the confines of official duty, it was found convenient to treat with them, as contractors for the revenues of their respective districts; that is, they were allowed, on stipulating to pay the state, a certain sum for such advantage for a given period, to appropriate the revenues to their own use and profit: the amount of the sum for which they engaged, depended on the relative strength or weakness of the parties; the ability of the government to enforce, or of the zemindar to resist. In this situation of things, the practice of sub-renting naturally ensued: and the detail of the farming system would extend itself, to single villages. In the Carnatic territory, where large tracts were leased by the Nabob Mahomed Ally, to individuals, for a greater or less number of years, under engagements entered into, at the seat of his residence; it was found, on that territory being annexed to the British possessions, that the revenues of each village were generally sub-rented to the potails. But in the districts ceded by the Nizam, and in the Mysore country, which also passed from the rule of Mahomeddan princes, to that of the East India Company, sub-renting by villages, was by no means universal; though it existed to a considerable extent. Whole districts were still under ryot-war rents: rents, not farmed to the potails of villages, but which were collected by the potails, in the name and for the use of government, in their natural and constitutional character, as the agents or superintendents of the villages to which they belonged, agreeably to the antient practice of the Hindoos; and, as your Committee may add, according to the institutions of their native rulers; for according to those institutions, as they have been explained in a foregoing part of this Report, the potail, in the [157] character above-mentioned, and also the curnum, or village accountant, has from the earliest times, been in the

possession of a rent-free portion of land, and in the enjoyment of regular and established perquisites attached to their offices.

Your Committee have stated, that in considerable tracts of country the collectors were under the necessity of adhering to the existing system of individual collection, on account of the repugnance of the head inhabitants to agree to the terms on which they were required to rent their villages, under the triennial leases. This was more particularly experienced, in the collectorship of Bellary, constituting a division of the Ceded districts, in Nellore and Ongole, and in Tanjore: indeed, in the former of these collectorships, an immediate change of system was altogether abandoned; and in other collectorships, the new system, in many instances, could only be introduced under an annual engagement. The Committee are here induced to notice the refusal of the potails, and other chief inhabitants, to consent to the terms of the village leases; because they deem this circumstance in itself, to afford a strong presumptive ground for concluding that the terms of rent demanded, must have been excessive, under such a mode of settlement: for if but a reasonable prospect of any profit had been held out to them, under those terms, or if a compliance with them, would not have exposed them, to the probable chance of considerable loss, they would naturally be desirous of entering into engagements, which would have once more restored them to the management of their villages, and have thus increased their power and influence.

Your Committee have also further to observe, that they do not find, from any of the documents which have come under their notice, explanatory of the proceedings of the board of revenue and of government, in regard to the establishment of teriennial village leases, that any steps were taken for ascertaining the opinions of the collectors in the districts, as to the expediency and fitness of the measure, before it was resolved to carry it into effect. The language of the collectors of the two divisions of Arcot, clearly shews, that the adoption of the system did not accord with their ideas. The collector of the northern division speaks of his wish "to afford a fair trial to a system established by superior authority;" while the collector of the southern division, alluding to a communication, he had made to the board of revenue, against the new plan of settlement, states, that his opinion on that subject, "he saw little

Report on Settlement for 1808-9.

"reason to alter; but that, on the contrary, every thing he had "seen since the introduction of the system, confirmed its "justness; but that he had obeyed the board's orders, and as "he trusted, not less zealously than of the advocates for it:" and, when speaking of the encrease of revenue under the first year of his village settlements, he observes, that it was all, with the exception of 6,000 star pagodas that was to be expected during the lease, even with the most favourable seasons for the two succeeding years, and that under the ryot-war settlements, with such seasons there would have been an increasing revenue, every year. "The difference (he adds) is "what we shall lose by the present system; and I do not yet "see the probability of any advantage, at all adequate thereto; "on the contrary, as I have said, on more than one occasion, "that we shall find the resources of the country, at the end of "the lease, far more deteriorated than they are at present." "There are (says he, in another part of his report) few argu- "ments that have been urged in favour of it, (the village "system) that might not, to my mind, be satisfactorily refuted "by facts and past experience; but as it has been determined "upon, I deem it unnecessary to enter upon such refutation."

Revenue Dispatch to Fort St. George; 11 Dec. 1811.

Though the adoption of triennial village leases, in the extensive portion of the Madras territories, which has been described, is intended by the government of Fort St. George to be followed by a permanent settlement of the land revenue; the sentiments and instructions conveyed by the court of directors, in a dispatch to Fort St. George, of so recent a date as the 11th December 1811, shew, that they are by no means eager for the early establishment of any system of measures, that are not only fixed and permanent, but irrevocable also in their principle; and that they are strongly impressed with the necessity of proceeding in such a work, with slow and cautious steps. Referring to the adoption of the plan of village rents, in answer to the paragraph 58 to 76, of the letter of the Madras government, dated the 24th October 1808, signifying their intention to carry that arrangement into effect, they thus express themselves:

"In communicating to us in these paragraphs, the measures "you have adopted for introducing, at the commencement of "Fusly 1218, triennial village leases into the [158] unsettled "districts under your presidency, as a plan of settlement more "nearly approximating to that of estates permanently assessed,

"you have, as being necessarily connected with this general "change of system in those districts, brought under our view, "the merits of the different modes of revenue administration, of "which experiment has been made, and which you deem more "or less applicable to the situation and circumstances of our "territories in the peninsula.

"We are thoroughly sensible that there are questions "connected with a decision on this subject, which are of "essential moment to the prosperity and happiness of the "people, as well as to the interest of the state; and we "entertain a confident hope, that the numerous local enquiries "which you have of late years instituted, and the valuable "information which has been furnished by some of your ablest "servants, will ultimately lead to the establishment of a "system, liberal in its principles, equitable and beneficial in its "operation, and durable, from the soundness of its constitution."

"It was our intention to have communicated to you our "sentiments on the general subject to which these paragraphs "relate, by the present dispatch; but the conviction which we "entertain of its great importance, in all the practical bearings "and relations which belong to it, has induced us for the "present, to postpone the execution of this intention, in order "that we may bestow upon it, that full and deliberate consi-"deration to which it is undoubtedly entitled, and which we "propose to give to it, at no distant period."

"We shall, therefore at this time, content ourselves with "stating, that as far as we have yet been able to form a judg-"ment on the subject, we are disposed generally to approve of "the village leases which you have granted, and of your having "limited them to three years, as admitting of an earlier correc-"tion of errors.

"We observe that these leases are intended as preparatory "to the conclusion of permanent settlements. We desire it, "however, to be distinctly understood by you, that we are "by no means anxious for the early adoption of that system, "in any part of our territories, to which it has not been hitherto "extended. We have always entertained a full persuasion, "and have uniformly pressed it upon your minds, that before "any settlements be formed, that are intended for permanency, "it is highly necessary, that the most correct knowledge, "which it is practicable to obtain, should be acquired, respect-"ing the actual state and resources of the lands, their

"capacities of improvement, and the tenures and rights of "individuals. Strong and decisive as our opinion has invari- "ably been on this point, it has received no small confirmation "from the experience which, we are sorry to say, has been "recently afforded us, of the frequent failure of assessments "formed on the principle to which we allude, in our possessions "subject to your immediate authority: and we hereby think it "proper to restrict you, from concluding any settlement of "a district in perpetuity, without having previously received our "specific sanction for that purpose; nor shall we grant that "sanction, unless we are put in possession of every information "necessary to direct our judgment, in a matter of such essential "concern."

Your Committee think it proper to state, as connected with the proceedings of the board of revenue and of government, respecting the late change of system in the Madras territories, to which they have thus particularly adverted, that they involve a decision on a very important question, therein discussed, viz., how far the mode of ryot-war settlements was calculated for permanency?—Opinions had been conveyed to the board of revenue, at different times, by some of the collectors, who were for rendering that mode of settlement permanent, in preference to the zemindarry principle; but no specific and detailed plan appears to have been submitted, for carrying it into practice, until one was proposed by Lieutenant-Colonel Munro, in a report, dated the 15th of August 1807. This report was taken into consideration by the board of revenue, when they recommended the adoption of village rents; and the plan it recommended was negatived, both by that board and the government, as well as the principle on which it was founded.

Vide Report of Board of Revenue, dated 25 April 1808; and Proceedings of Government thereon: App. No. 30.

It is not the intention of your Committee, to enter upon the practical merits of this question; but, as they cannot but consider it to be one of great moment, and as they find that a very different view of it, has been taken by a late Governor of Madras;* and by persons serving under that government, in the revenue department, whose local knowledge and experience entitle their opinions to much attention; they consider, that the House would desire to be made acquainted with what has passed on this subject. [159]

* Lord Wm. Bentinck.

Your Committee find, that the zemindarry assessments in perpetuity, which have been introduced into part of the Madras

possessions, were principally concluded during the administration of Lord Clive, under the orders of the governor general in council; and that Lord Clive resigned the government in the year 1803, and was succeeded by Lord William Bentinck;[1] who appears early to have entertained an opinion, that permanent zemindarry tenures, was not the system most applicable to a large part of the territories on the coast; that the creation of zemindars, where they did not exist, was neither suited to improve the condition of the lower orders of the people, nor politically wise, with reference to the future security of government; and that the principle, of the ryot-war annual settlements, as then obtaining, in the larger portion of the possessions of Fort St. George, not permanently assessed, should form the basis of any arrangements for settling them in perpetuity. These sentiments were recorded by his Lordship, in a minute, dated the 22d January 1806; from which it will appear, that he had entered upon a correspondence with the collectors of districts on this subject; and that he intended to have himself visited the country, in order the better to satisfy his own mind, as to the justness of the opinions he had formed.—The Committee have called for the above-mentioned correspondence; but they find that it has not been received in England. It further appears, that sentiments to the same effect, as those conveyed by Lord William Bentinck, in his minute, had been expressed by the collectors of Dindigul, Salem, Canara and Tinnevelly,† in their reports to government, at the period of issuing the circular instructions of the 15th October 1799 formerly alluded to, on the arrangements to be made preparatory to the introduction of the zemindarry permanent settlement, and since that period.

Revenue Cons., 22 Jan. 1816. App. No. 31.

† Mr. Hurdis, Major Macleod, Major Munro, Mr. Lushington. Mr. Revenshaw.

Lord William Bentinck appears to have been prevented from proceeding on the tour of investigation, which he intended to have undertaken, by the state of public business; and, in the latter end of 1806, Mr. William Thackeray,[2] whom his Lordship meant should have accompanied him, was, under a resolution of government, appointed to make the proposed circuit. In the interval between Lord William Bentinck's

[1] Governor of Madras from August 1803 to Sept. 1807: Subsequently Governor-General, Bengal, 1828: the first Governor-General of India, November, 1834 to March 1839. Died June 17, 1839. [Editor.]

[2] W. Thackeray, a son of Wm. Makeprace Thackeray, collector of Sylhet, and uncle of the Novelist. Born 1778. Died on a voyage to the Cape. Jan. 11, 1823. [Editor.]

forming his intention of visiting the districts himself, and his relinquishment of it, he called on Mr. Thackeray, to state his sentiments on the subject of ryot-war and permanent zemindarry settlements. In the paper, which he accordingly produced, he separately examines, in detail, the arguments which might be adduced, against making the former system permanent; states the advantages which he considered it to possess; and his objections to zemindarry assessments in perpetuity. This document was submitted to council, by Lord William Bentinck, in a minute, dated the 29th of April 1806; in which he observes, in reference to the question therein discussed, —"The more I consider this important question, the "stronger my conviction is, that the present system is not the "best, which might be adopted. I am satisfied, that the "creation of zemindars, is a measure incompatible with the "true interest of the government, and of the community at "large. I am not (he adds) at all at variance with the principle "of the permanent settlement; which I admire, and which I "believe applicable to this, and to every part of the world. The "principle of that settlement was a limitation of the demands "of the circar. I venture to differ only, as to the detailed "operations of the system, which has been founded on these "principles. So little do I differ with the original founders of "it, that I fully concur, in the application of the system to the "existing circumstances of Bengal. I regret, that such cir-"cumstances, did require such an arrangement; but I feel, "that they could not have been set aside, without a great "violation of justice. Here the same circumstances, do not "exist; and therefore the same objections do not occur, to a "departure from the same rules."—On these grounds, his Lordship proposed, that the communication of Mr. Thackeray should be referred to the board of revenue, with a request, that each member should record his *individual* sentiments on the subject matter of it; and instructions were issued for that purpose. It does not appear to your Committee, that the individual opinions of the revenue board were, in consequence, communicated to the government; or that any notice of the paper in question was taken by the board, until they made their report, in the early part of the year 1808; in which they proposed a transition from ryot-war annual engagements, to triennial village leases: and with regard to that paper of Mr. Thackeray's, they stated, that they considered the sentiments

Revenue Cons., 29 April 1806.
App. No. 31.

and reasonings in their report, as applicable to the reference made to them, respecting it. The minute of Lord William Bentinck, and the remarks of Mr. Thackeray, are noticed by the court of directors, in a revenue dispatch, of the 30th of August 1809; in which they [160] described them, as "truly of "a most important nature;" and state, that "they were glad "that it was likely to be brought into discussion; for that they "were very desirous of receiving the sentiments of the indivi- "dual members of the board of revenue, to whom Mr. Thacker- "ay's memoir had been referred; that they might be in "possession of all the objections that could possibly be offered "against an universal application of the principles of a per- "manent zemindarry settlement, to all the lands under the "Madras government as well as of every argument which might be advanced in favour of it."

Your Committee have further found, that a memoir had also been prepared, at Lord William Bentinck's desire, by Mr. Hodgson, on the same general subject as Mr. Thackeray's; containing opposite views and sentiments. This paper consists of three parts, the first, is an examination of the relative rights of zemindars and ryots, and of the regulations of government, as they relate to those rights: the second is, on the advantages of the zemindarry agency, with reference to government and the ryots; and the third is, on the disadvantages which must result to government from a ryot-war settlement, as a measure of permanency; and particularly on the disadvantages of it, as affecting the ryots. This production may be considered as a reply to the remarks of Mr. Thackeray.

The Committee have adverted to the mission on which Mr. Thackeray was sent in the latter end of 1806; and shortly after he had written the above-mentioned remarks, Lord William Bentinck in his minute entered upon that occasion, dated the 25th Nov. 1806, prescribed to Mr. Thackeray, the tour of Canara, Malabar, and the districts ceded by the Nizam; which was the same as he himself had purposed to make.

Revenue Cons., 28 Nov. 1806.
App. No. 314.

With respect to Canara, he observed, that the ease and regularity with which the revenue was realized, and the general prosperity of the province was, in his opinion, to be traced to the tenure of landed property therein, and to the moderation with which the rights of government had been exercised: That

these principles appeared to him to contain, the certain sources of prosperity, wherever they were introduced: That he had been early impressed with the great advantages of the ryot-war settlement, as an annual settlement: That those advantages consisted, in the equal distribution, and the defined amount of the land tax, and upon the security afforded to the poor, against extra assessments from head inhabitants: That every man knew his exact obligations to the circar (or state) and was assured of the quiet enjoyment of the surplus produce of his labour: That hence, arose the true encouragement to industry; and from this principle, had followed encreased cultivation; and, contrasted with the revenue of former times, the easy realization of the public revenue: That, from an attentive consideration of these effects, it appeared to him, that, if an annual settlement with the ryots, founded upon fixed principles, the essential part of which was to secure to the ryot for a year the fruits of his industry, had actually been productive of such decided advantages, a permanent settlement founded on the same principles, but carried to a greater extent, in regard to the benefit of the ryot, would produce the same effects, in an encreased ratio: That it was not his intention to argue these positions, but to present to the board, the progress of his own ideas upon this particular question: That he had been struck with this opinion, before he became acquainted with the exact nature of the tenures of land in Canara, with the average extent of separate estates, and with the rate of the circar assessment; that when these circumstances were made known to him, he was astonished at the close resemblance between the actual state of property in Canara, and the proposed permanency of the ryot-war settlement: That, among other peculiarities, the greater part of the estates, though fully assessed, paid less than 10 pagodas per annum to the circar: That he felt satisfaction in finding theory reduced to practice, and speculation proved by the test of most successful experiment; that Canara thus became the great land mark, by which he hoped to trace out those principles and regulations, which might be applicable to the unsettled districts where permanent tenures were to be introduced: That he had reason to believe, though he could not speak with positive certainty, that the same tenures, as in Canara, existed originally throughout every part of the peninsula: That, in other parts, the boundaries of individual rights had been trodden down by the oppression and avarice of despotic authority; but that there

still existed in almost every village the distinction of *meerassee* inhabitant, or hereditary cultivator: That the hereditary right to cultivate certain lands, and to reap the benefit of that cultivation, seemed to be nearly the same thing with the right in the land, called property: That between man and man, these rights, had an equal value and security; [161] but that before the sovereign, who assessed and taxed at will, neither one nor the other right, was good for much: That, to what circumstances Canara might owe the preservation of its original tenures, handed down through so many ages, he could not then say; but, that they still existed, was certain; and that, therefore, it naturally became a primary object of enquiry, how far these permanent tenures in Canara had been conducive to the prosperity of the country; how far the existing conditions of property might afford the means of ascertaining and restoring elsewhere, the original constitutions of landed property; and, how far the same constitutions, if not originally belonging to other parts of India, might be suitable to the unsettled provinces?

The object of his visiting Malabar, was to acquire information respecting the land tenures in that province, for which it was remarkable; and the peculiar customs of the inhabitants; and such other knowledge, as could enable the Madras government to decide between the various and contradictory opinions, that had contributed to the changes, which had occurred in the affairs of that country. His intended visit to the Ceded districts, was with a view of consulting with Lieutenant-Colonel Munro, which his Lordship deemed essential, previous to the trial and ultimate adoption of any opinions, which the result of all his enquiries had led him to form.

The points to which Mr. Thackeray's attention was directed, in the instructions furnished him on setting out on the tour of these provinces, were, to ascertain the present state of the country, the sources of revenue, especially of the land revenue; the principle on which the assessment on the land was formed, the quantum of produce payable by the land holders; the security taken for the due collection, and the mode of collecting the land revenue; the nature of the land tenures: the rights of the landholders; the state of agriculture; the state of the police; and the administration of justice, as far as it affected the revenues; the defects of the present revenue management; the condition, opinions,

[1] Letter form Mr. Thackeray, 29 November 1806.

App. No. 31, p. 621.

and wants of the ryot; the present state of the country in respect to the comfort of the people, authority of government, and amount and security of the revenue, compared with other times and governments. From the information which he might acquire relative to these very important matters of enquiry, he was directed to draw his inferences, as to the best mode of administering the revenues in future, especially in introducing the permanent settlement, giving at the same time, every opinion for and objection to, particular systems. He was further desired to discuss fully every part of the subject of his investigations with the collectors and revenue servants, to have free communication with the people; and where it might appear expedient, to enter into an examination of village accounts. Mr. Thackeray was placed under the immediate orders of government, with whom he was to correspond, through the governor; but to communicate to the board of revenue, of which he was a member, such information as might appear to him important for them to be furnished with, and to attend to such suggestions as he might receive from them. The nature and purposes of his deputation were made known to the several magistrates and collectors in the provinces, within the range of his tour, who were instructed to assist him by every means in their power, in the execution of the duties confided to him. The result of his researches were communicated to the government of Fort St. George, in a report, dated the 4th August 1807, the receipt of which was intimated to the court of directors, in a revenue dispatch of the 21st Oct. 1807; but which did not arrive in England, until the middle of the year 1810, having been transmitted with a revenue dispatch of the year. The facts advanced by Mr. Thackeray, and the tenor and effect of his observations and arguments, are in confirmation of the reasoning and conclusions in the memoir, which he had before delivered to Lord William Bentinck.

The documents, here specified by the Committee; the report of Lieutenant-Colonel Munro, dated the 15th of August 1807, already alluded to; the report of the Tanjore committee and the reports of Mr. Hodgson, on the districts of Coimbatoor, Tinnevelly, and Dindigul, appear to them to afford a body of very useful and important information, for enabling the House to judge of the relative advantages, inconveniencies and defects, of the different modes in which the administration of the

Appendix No. 31.

Company's possessions in the peninsula have been hitherto conducted. The Committee have therefore given such parts of these documents in the Appendix, as immediately relate to that subject.

YOUR Committee have furnished the House with a full account of the administration of the land revenues, within the possessions of the East India Company, both [162] antient and modern, under the presidency of Fort St. George, from the periods when those possessions (comprehending an extent of territory, which, according to the best computation they can form, contains a population, of not less than between eleven and twelve millions of souls,) were respectively acquired, up to the most recent intelligence received from India. It remains for them, in conformity to the plan which they have prescribed to themselves in respect to this branch of their report, to state what appears to them to have been the operation and effect of that system of permanent land assessment, which has been established in several of the provinces and districts within the limits of that presidency.

LANDS, PERMANENTLY SETTLED AND UNSETTLED.

The following Statement, which has been prepared from the official records, will show in what parts of the country the permanent settlement has been carried into effect, and at what periods in each, as well as to what districts, it has not yet been extended.

	Districts.	When permanently Assessed:
Antient Territory	The Jaghire	1801-2.
	The Northern Circars, between	1802-3 & 1804-5.
Modern Territory	Salem	1802-3.
	Western Pollams	
	Chittoor Pollams	
	Southern Pollams	
	Ramnad	1893-4.
	Kistnagherry.	1804-5.
	Dindigul	1804-5.
Antient Territory	Trevendaporam	1806-7.
	Jagheer Villages	

Country not permanently Assessed:

Modern Territory -
- Mysore:
  - Malabar.
  - Canara.
  - Coimbatoor.
  - Ceded Districts.
  - Balaghaut.
- Tanjore.
- Carnatic:
  - Palnaud.
  - Nellore and Ongole.
  - Arcot, (north^{n} and south^{n} divisions).
  - Sativaid.
  - Trichinopoly.
  - Madura.
  - Tinnevelly, (Circar lands).

It thus appears, that zemindarry settlements in perpetuity, have hitherto been established in but a small proportion of the company's territories on the coast, compared with the whole extent of them; and that the provinces of Salem, Kistnagherry, and Dingdigul, acquired in the year 1792, and the Southern and Western Pollams furnish the only instances of that arrangement having been hitherto resorted to, in the modern possessions. This, as your Committee find, is to be ascribed to the cautionary and restrictive orders which were sent out to Fort St. George in the year 1804, and since, against the adoption of any measure, which proceeded on the principle of irreversably fixing the public assessments on the land, before every practicable information should have been acquired of its real resources.

Revenue Letters, of 10th April 1804; 24th August 1804; 6th Nov. 1805; 30th August 1809.

With respect to the effects of the permanent settlement in those parts of the country where it has been introduced, the few years which have since elapsed, have not furnished sufficient experience to enable your Committee to form an opinion, which might not appear premature. As far as relates to the realization of the public revenue, those effects have been favourably manifested, inasmuch as it has been collected with much greater steadiness and regularity than was before experienced. since the first connexion of the company with those districts. The Committee here particularly refer to that large tract of

EFFECTS OF PERMANENT SETTLEMENTS.

territory, called the Northern Circars. In the province of Ganjam, in Vizagapatam, and in Rajahmundry, comprising three collectorships, a deficiency in the collections have occurred, to a greater or less extent. In the Ganjam country, indeed, it was found necessary, in the year 1806-7, to grant temporary remissions, to a great number of the zemindars, against whom arrears [163] were outstanding, in consequence of the adverse seasons in that year; and in the following one, measures were taken for attaching a large portion of the estates, preparatory to the sale of them: And it further appears, that the principles of the permanent settlement, which had been introduced into that country, in the latter end of 1804, had been erroneously applied, and that it was the intention of the board or revenue, to take into consideration the expediency of revising the settlement.* In the Southern Pollams of the Carnatic, it does not appear that any difficulty has attended the realization of the public demand, since the permanent assessment on the poligars was first established; and in but one instance only, in the Western Pollams.

EFFECTS OF PERMANENT SETTLEMENT.

*Reports of Collector, 3d April 1806, and 16th December 1807; and Report of Revenue Board.

Your Committee find, that in the modern territories, as well as in the antient possession of the company formerly denominated the Jaghire, but now forming the collectorship of Chingleput, the permanent settlement has by no means, had a satisfactory operation. In Dindigul it, to a considerable extent, has failed three years successively; and in two of those years, the estates of many zemindars were sold, to make good the balances against them. Extensive sales of land have also taken place, in Salem: but more especially in Chingleput; in which latter collectorship, as well as in that of Dindigul, a considerable portion of the lands are in a state of assumption, having been rented out by villages for three years.

This very untoward state of things, in so large an extent of country, may be, in some measure, imputed to the extraordinary calamitous season in the year 1806-7, the effects of which were generally felt, throughout the Madras possessions; but the great efficient cause of it, appears to have been, errors in the assessment of the estates, by which a sufficient profit was not left to the zemindars, to whom the lands had been conveyed, to enable them to fulfil the engagements into which they had entered; and to the rents or payments of the ryots

having been left at too high a scale; particularly in the province of Dindigul. In Chingleput, and in Salem, the revenues of which, had in the former, been realized, under the system of village farming; and in the latter, under the ryot-war mode, the permanent assessment was fixed with reference to an average of actual collections for a series of years; but in Dindigul, where the ryot-war principle of management had also obtained, the amount of the permanent settlement was regulated, with reference to an ultimate survey rent from the ryots, which had been progressively encreasing for the three years antecedent, but which had not, when the zemindarry settlement in perpetuity was introduced, been collected. The ignorance of speculators, without stock and capital, who had, in many instances, become the purchasers of the estates, appears also to have contributed to the failure of the settlements in question.

The remarks of the court of directors, in their revenue letter to Fort St. George, of the 18th December 1811, when speaking of the unfavourable turn of the permanent assessment in Dindigul, are well deserving of the attention of the House.

"It may indeed be observed, that the disappointment of "an unreasonable expectation, ought not to be considered "as a loss; and, strictly speaking, this may be true, though "to the case before us, the remark is applicable only to a "certain extent. The effect of immoderate exaction, is not "merely to disable the contributor from paying the amount "of the surcharge; but by discouraging his industry, and "impairing his productive capital, it incapacitates him from "discharging, what might have been, at first a moderate "demand. A landholder, who could without much difficulty "pay 1,000 pagodas rent, if assessed at 1,200, may pay that "the first year; but the second year, he may not be able "to pay 600.

"But the most serious injury likely to result from errors "of the description to which we are now alluding, comes from "their tendency to render our government unpopular, by loading "the subject with exorbitant imposts; to alienate the land-"holders from a system dictated by the most beneficent "intentions; and which, when wisely introduced, experience "has shewn to be, in many respects, well adapted for the "purposes, for which it was framed: it tends also, to shake

"the confidence of the inhabitants in the prudence of our "councils, the stability of our measures, and the consistency "of our administration."

CUSTOMS, TOWN DUTIES, SALT, ARRACK AND TODDY, BEETLE AND TOBACCO, STAMP DUTIES.

ON concluding the Review, which the Committee have thus taken, of the Land Revenue administration under the Madras government, it remains for them briefly to state, the other sources from whence the public receipts of that government are derived. These consist of the government customs both sea and land, the latter being levied on the articles of inland trade on their transit through the country, and on their entrance into particular towns; of a monopoly of the sale and manufacture of salt; [164] of the licensed manufacture and sale of arrack and toddy; and, in some parts of the country, of the licensed sale of beetle and tobacco; and of stamp duties and fees on judicial proceedings.

The mode and principles, according to which these branches of the public resources are conducted, are similar to those obtaining under the Bengal government. For information respecting the amount of revenue which they have yielded, and for some general particulars relating to them, the House are referred to the Second Report of this Committee. The heads of fiscal receipt, which have been specified, and what is derived from renting the pearl and chank fisheries, on the coasts of Tinnevelly and Ramnad constitute all the sources of public supply under the presidency of Fort St. George, immediately connected with the subject of this Report, which it is thought requisite to notice.

COLLECTORSHIPS.

The collectors to whom is confided, under the superintendence of the board at the presidency, the local management of the revenues within the Madras possessions, are twenty-one in number, exclusive of assistant collectors: And the names of the districts or portions of country forming each collectorship, are as follows:—

Ganjam, . . .
Vizagapatam, . .
Rajahmundry, . .
Masulipatam, . .
Guntoor, including Palnaud, being a part of the Carnatic;—

Northern Circars.

Nellore and Ongole, including part of the Western Pollams or Zemindarries,	Carnatic.
Northern division of Arcot, including, Satiwaid, Pulicat, Coongoody in the Barahmahl, part of the Balaghaut, and of the Western Pollams or Zemindarries; . . .	Carnatic.
Chingleput or the Jaghire, . .	Carnatic.
Southern division of Arcot, including Cuddalore and Pondicherry; .	Carnatic.
Trichinopoly, . . .	Carnatic.
Tanjore, . . .	Carnatic.
Dindigul, including Madura, Manapara Pollams, Ramnad, and Shevagunga, forming part of the southern Carnatic,	Mysore and Carnatic.
Tinnevelly, . . .	Southern Carnatic.
Bellary, Cudapah	Ceded Districts.
Seringapatam, . . .	Mysore.
Salem and Kistnagherry, . .	Mysore.
Coimbatoor, . . .	Mysore.
Canara.	
Malabar.	
Madras.	

The limits of the collectorships are, in almost every instance, co-extensive with the local jurisdictions of the zillah courts of justice.

JUDICATURE AND POLICE.

IT was the intention and hope of your Committee, to have been able to have concluded their Report, with an account of the system of Jurisprudence, and Police, established within the territories subject to the government of Fort St. George, similar to that which is contained in the branch of their Report, applying to Bengal; but the range of enquiry and detail they have felt it necessary to pursue, in respect to the management of the land revenues, has extended so much beyond their expectation, as to render it impossible to carry that purpose into effect, in a way that would either satisfy their own sense of duty, or correspond with the intentions of the House. If therefore this part of their investigation is for the present omitted, it is not because it has

escaped their attention; but from a strong impression of the importance that belongs to it, and a conviction that no slight view of it, would be useful or desireable.

CONCLUDING REMARKS.

THE course which your Committee has pursued, in the account they have thus given of the measures, whether of a temporary or permanent kind, which have been adopted by the Madras government, for conducting the revenues under their charge, supersedes the necessity of here entering into any detailed observation, on the effect which they [165] have produced on the welfare of the country. With regard to the permanent settlements, which have recently been formed in the Northern circars, the Committee consider the sentiments expressed by them, as to the arrangements of the same nature, which were antecedently established in the Bengal territories, as equally applicable to those under the authority of the government of Madras. Your Committee are disposed to believe, that they have tended to introduce a more settled and better order of things into the Northern circars; but it nevertheless appears to them, that the experience, which has been obtained, of permanent settlements, in some parts of those provinces, as well as in some of the districts more recently acquired, in which they have, as already observed, in numerous instances entirely failed, suggests the expediency and wisdom of proceeding, with great circumspection, in the extension of them, on the principles on which they have hitherto been introduced. The important lights which have been thrown on the subject of revenue management, by the active and intelligent investigations of the Company's servants, in the modern possessions of the Peninsula, has in so great a degree added to the stock of information before possessed, respecting local institutions, and the Hindoo system of Financial economy, as contra-distinguished from the altered and perverted form, which it assumed under the Mahomeddan governments; while the good effects which have resulted from a recurrence to the former system, by the means which it has afforded, of reforming abuses, removing oppressions, ascertaining individual rights, and obtaining a real knowledge of the people and of the internal affairs of the country, renders it, in the opinion of your Committee, highly expedient, that the mode which has hitherto been resorted to, for permanently settling

the land revenues, should be reconsidered in its principles, before it be applied to provinces into which it has not yet been introduced, with a view to such modifications and improvements of it, as the more intimate practical knowledge we now possess of the local concerns of the country, may render desirable to be adopted. This opinion has derived material strength, from an attentive consideration of the Documents, which are inserted in the last article * of the Appendix to this Report.

* Appendix, No. 31.

One circumstance appears to have peculiarly contributed to make the situation of the great body of the natives, under the government of Fort St. George, infinitively superior to what it was under their Mahomeddan rulers, and by which all the other advantages extended to them, are, as it were, confirmed and secured; that is, the vigour, the efficiency, and if the expression may be allowed, the *unity* of its authority, which neither acknowledges nor permits divided sovereignty, but which keeps every other power, in subordination to its own. The beneficial operation of this state of things, has been greatly felt in Bengal; but it is believed, much more on the Coast, arising from the greater degree in which a turbulent and warlike spirit pervaded the zemindars, the poligars, and other chiefs. As long as they were allowed to maintain their military retainers and establishments, they not only bad defiance to the government, but were constantly carrying on petty wars, one against the other; by which, the fields of the ryot were overrun and laid waste, his crops destroyed, and whatever other property he possessed, became a sacrifice to the predatory bands of contending parties. Even the potail of a village in many parts of the country, had his small military retinue; and among this description of persons, the same scenes of intestine disturbance were exhibited, though on an inferior scale. At present, there exists not, unless it be in the hills of the Northern circars, and in some few other places, any military force kept up by individuals. The unruly and restless spirit of the poligar, is gradually giving way to the peaceable habits of the landholder; and the ryot is enabled to pursue the cultivation of his fields, without danger of apprehension. It is not meant by your Committee to assert, that the evils which are here alluded to, are not occasionally still experienced, but they are now only occasional, where they were continual, and when they have unhappily occurred, they have been vigorously and

promptly suppressed, and have led to those further measures of effectual precaution, which a powerful government has alone the means of employing, and which it is its duty to employ, when necessary, for the protection of those committed to its care. [166]

28th July, 1812.

APPENDIX.

Extract from the Preface to the Madras edition of 1883 reprinted by permission of Messrs. Higginbotham & Co.

The Fifth Report of the Select Committee on the affairs of the East India Company * * * may perhaps without exaggeration be termed, the most valuable and the most generally accepted authority on the early history of Indian land tenures and revenue.

Sir COLLEY SCOTLAND,* in delivering the judgment of the High Court in a leading case on the position and rights of certain land-holders in this Presidency, said :—

"The learned counsel on both sides rested their arguments upon 'the 5th Report of the Select Committee on the affairs of the East 'India Company, presented to the House of Commons in 1812 (Vol. 2 of the Edition of Report published by Messrs. Higginbotham), as 'setting forth the true historical view; and certainly we could hardly 'have a more authentic and instructive guide in forming our conclusion, 'containing, as the Report no doubt does, the substance of all the 'information derivable from the official records and reports in the 'possession or power of the Company's Government."

The Right Honorable Sir BARNES PEACOCK, in delivering the judgment of the Privy Council which confirmed the judgment from which the above extract is taken, speaks of the Fifth Report as "a work of great research."†

Sir RICHARD TEMPLE (p. 351, Vol. XV, Calcutta Review, 1851) says of the Fifth Report :—

"This report is a mine of useful information. Some of Munro's "best fiscal Statements were reprinted in the Appendix to the Report."

The appendices to this celebrated Report form, to a great extent, the groundwork upon which the report itself rests. These appendices contain besides the writings of Sir THOMAS MUNRO, those of Sir JOHN SHORE; of Mr. C. N. WHITE, Secretary to Government and Member of the Board of Revenue, 1787-1800; of Mr. WILLIAM THACKERAY, Member of the Board of Revenue, 1806-10, Chief Secretary to Government, 1810-13, Member of Council, 1820-23; of Mr. JOHN HODGSON, Member of the Board of Revenue, 1803-18, Member of Council, 1819-20; of Mr. LIONEL PLACE, Collector of Chingleput, 1796-99, Member of the Board of Revenue, 1802, and of others of the same stamp. These are some of the "giants" amongst whom it was said of Sir THOMAS MUNRO, that he was "a head and shoulders taller than his brother giants."‡

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* Page 220, Vol. VI, M. H. C. R., 1871.

† Page 314, Vol. I, Law Reports, 1873-74.

‡ Page 203, Sir A. J. Arbuthnot's Memoir of Munro.

It is therefore not surprising that the Fifth Report is still recognized as one of the highest authorities which can be quoted.

It was issued just before the question of renewing the Company's Charter for the twenty years from 1813 to 1833 came before Parliament. If it is compared with the Reports of 1832 and 1853, which were issued with reference to the two subsequent renewals of that Charter, it will be seen how far it surpasses them both in depth of research and broadness of view.

To explain this, one or two facts may be mentioned. The Report was drafted by an official friend of Sir THOMAS MUNRO'S and at a time when Sir THOMAS MUNRO was at home and could give him the advantage of his experience. This gentleman was Mr. JAMES CUMMING. In 1812 he was a senior Clerk at the Board of Control, and was afterwards Superintendent of the Revenue and Judicial Departments of the Control Office. His great admiration for Sir THOMAS MUNRO finds expression in a letter quoted at p. 7, Vol. II, Gleig's Life of MUNRO. With reference to the

"Opposition which some of MUNRO'S measures encountered from "Members of the Civil Service, and to the jealousy which at one time "was felt in connection with his employment on duties considered to "belong exclusively to them,"*

it was natural that, in the days before he became Governor, he should keep up a correspondence with a friend at Court. This friend, it will be seen from pages 425-452, Vol. I, and p. 409, Vol. III, Gleig's Life of MUNRO, was Mr. JAMES CUMMING.

One of the Members of the Board of Control under whom Mr. CUMMING served, has borne testimony to his valuable services in connection with this report. The Right Honorable JOHN SULLIVAN, in his Paper on the Land Revenue of India, says of Mr. CUMMING:—

"He had largely contributed in preparing the Fifth Report "presented by the Commons in 1812; his talents had been unremittingly "devoted to the discharge of his public duties, and he died a martyr to "his zeal and exertions."†

The remarks of Mr. J. C. MARSHMAN, C.S.I. (History II, 272) on the same subject are also interesting in this connection. He says:—

"The failure of Lord CORNWALLIS' institutions was for the first "time exposed in the celebrated Fifth Report of the House of Commons, "drawn up by Mr. CUMMING, one of the ablest officers in the Board of "Control. It took the public, who reposed entire confidence in the "perfection of the system, completely by surprise; but it produced a "salutary effect. It disposed of the dream of optimism, in which the "public authorities had indulged, and directed their attention to those "reforms which have now been zealously and successfully prosecuted "for half a century."

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* Page 202, Arbuthnot's Memoir of Munro.

† Page 50, App. Vol. III, (Rev.) Rep. Sel. Com. 1831-32.

Being thoroughly impressed with the belief that an endeavour to add to the value of a work which embodies the fruits of such distinguished labor, would be appreciated by all officers of the Revenue Department in this country we have spared no effort to attain this end in the edition now offered to the public. We have accordingly had it carefully compared with the original Parliamentary Edition of 1812. A number of typographical errors, which unfortunately disfigure the edition of 1866, have now been corrected.

A reprint of the original Glossary to the report published by order of Parliament in 1813, is a new feature which it is believed will much increase the usefulness of the present edition.

This Glossary is the work of the eminent orientalist, CHARLES WILKINS.

It is believed that even in the public offices no copy of it is now available. Owing to the courtesy of an officer of the Revenue Department, who became possessed through a connection formerly high in office in Madras, of what is believed to be Sir THOMAS MUNRO'S copy of the Fifth Report, we have been placed in a position to add the results of Sir CHARLES WILKINS' researches to those of the other great men whose writings made the Fifth Report what it is.

The following notice of Sir CHARLES is taken from "Men whom India has known":—

"WILKINS, Sir CHARLES, was born in 1750, in the county of 'Somerset, and proceeded to Bengal as a writer in the E. I. Company's 'Service in 1770. His first employment was in the Secretary's Office, 'and then at Malda, where the Company had factories. He soon saw 'how essential it was for Government servants to acquire a knowledge 'of the native languages, and having studied and mastered Bengalee 'and Persian, he aimed at a higher object—to learn the sacred "Sanscrit, and to revel in its mysterious literature and science. In a "few years his exertions were crowned with complete success, though "at that time there was neither dictionary nor grammar to assist the "student. The Governor-General, Warren Hastings, took a particular "interest in WILKINS' labours, and was anxious to see the result. Mr. 'WILKINS first sent him his translation of the *Bhágavad gitá*, or 'dialogue between the incarnate god Krishna and his pupil Arjun—one 'of the many episodes of the great national Hindoo epic poem the '*Mahábárata*. Mr. Hastings was so pleased with this exquisite specimen of ancient Brahmin theology and metaphysics, that he sent it home to the Court of Directors, requesting that they should publish "and make it known. They printed it in 1785 at their own expense, "and distributed numerous copies with their usual liberality.

"On Sir William Jones' arrival in India, his ardour for Oriental "studies re-kindled, and he obtained the assistance and advice of Mr. "WILKINS. WILKINS showed him his translation of the first four of the "twelve books of the Institutes of Menu, and Jones was so pleased with "it, that he asked him to discontinue the work, and allow him to finish "it, as its objects were so much connected with his own legal pursuits. "His request was generously complied with.

"A great difficulty existed in bringing out vernacular works at that "time for want of good founts of type. Encouraged by Hastings, "WILKINS began to experiment in casting some. He succeeded "admirably, and Halhed's Grammar of the Bengallee language was "printed in 1778, with type cast by WILKINS himself. In fact, in the "execution of the work, he was "obliged to charge himself with all the "various occupations of the metallurgist, the engraver, the founder, and "the printer." He soon afterwards prepared a Persian fount of "types, which was used for printing the Company's Regulations for "many years.

"Ill-health compelled him in 1786 to return to England, where, soon "after his arrival, he published his translation of the *Hitopadèsa*, or "Fables of Pilpay, from the Sanscrit. In 1800, the E. I. Company "decided upon having a Librarian for the large collection of MSS. "which had fallen into their hands on the capture of Seringapatam and "from other sources, and WILKINS was appointed to the office, which he "retained till the day of his death. In 1806, he was made a visitor to "Haileybury College in the Oriental Department, and he examined "twice a year the whole of the students in the various Oriental langu-"ages taught at that establishment, as well as at Addiscombe. For "the benefit of the College he published his excellent Sanscrit "Grammar, and from the same motive in 1806, edited the first volume "of a new edition of Richardson's Persian and Arabic Dictionary. The "2nd volume appeared in 1810. WILKINS' Grammar was really the first, "but Colebrooke's and others appeared before it, as when he was print-"ing it, his house was burnt down and he lost not only the impression, "but also his type. This misfortune prevented him from printing his "Grammar for several years. A few sheets of this first impression "are in the Marsden Library, King's College, London. His last work "was published in 1815, the Roots of the Sanscrit language. He con-"tributed several valuable papers to the *Asiatic Researches*, Dalrymple's "*Oriental Repertory*, and the *Annals of Oriental Literature*. He "was a Fellow of the Bengal Society, a member of the Institute of "France, and was admitted to the honorary degree of D. C. L. in the "university of Oxford. In 1825, the Royal Society of Literature "presented him with the royal medal, bearing the following inscription: "Carolo WILKINS Literaturæ Sanscritæ Principi," and soon after he was "made a Knight of the Guelphic order.

"A cold, accompanied by influenza, terminated his valuable and "active life on the 13th June 1836, at Baker Street, Portland Square, "London. He was twice married, and left three daughters."

As the Glossary to the Fifth Report now added to it was published contemporaneously with the Report itself, and is stamped by the authority of so great a name as that of Sir CHARLES WILKINS, it will probably be admitted that it is likely to be more useful for the purposes of this Report than Professor WILSON'S Glossary published more than forty years afterwards. * * *

May, 1883. H. & CO.

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