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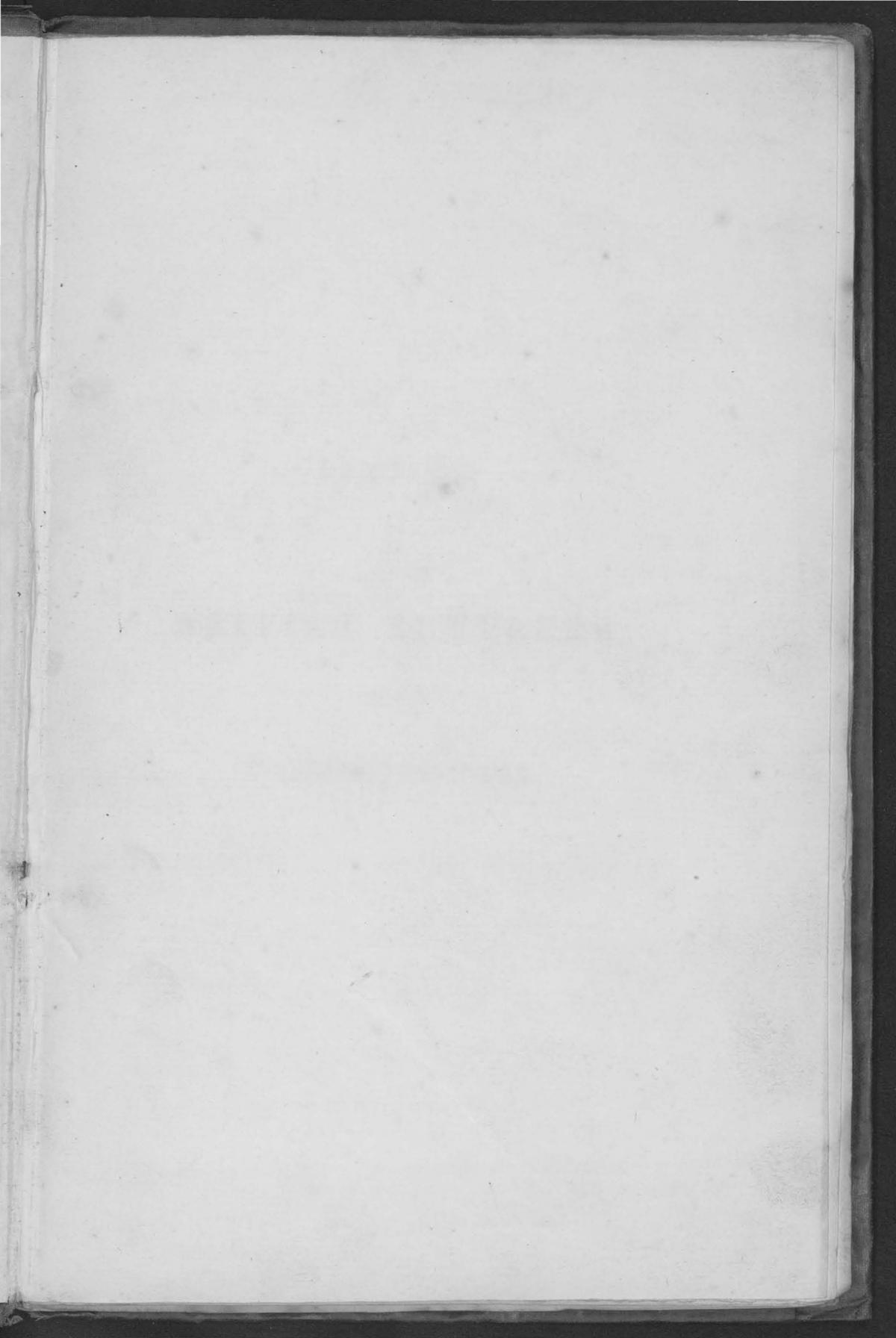
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LETTERS

FROM

BRITISH SETTLERS

IN THE

INTERIOR OF INDIA.

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BRITISH SETTLERS

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INTERIOR OF INDIA,

DESCRIPTIVE OF

THEIR OWN CONDITION, AND THAT OF THE NATIVE
INHABITANTS UNDER THE GOVERNMENT OF
THE EAST INDIA COMPANY.

With Notes.

BY JOHN CRAWFURD, Esq. F.R.S.



LONDON:

JAMES RIDGWAY, 169, PICCADILLY.

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DESCRIPTION OF

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THE EAST INDIA COMPANY

SECOND EDITION

By JOHN CRAWFORD, Esq. F.R.S.



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PREFACE.

IN the latter part of 1829, it was known at Calcutta that the Court of Directors of the East India Company had transmitted secret instructions to the Governor-General, directing an inquiry to be made into the conduct of the British Planters and other settlers in the Provinces, in reference to their relations with the native inhabitants. As soon as it was ascertained that such an inquisition was in actual progress, the principal Agents and Merchants of Calcutta addressed a circular* to their correspondents in the

* The following is a copy of the queries put by the Agents to their constituents in the provinces :—

1. The quantity of land you cultivate ?
2. The number of people you employ ?
3. The value of land before indigo was cultivated on it, and its present value ?
4. The number of armed watchmen you employ ?
5. Whether you have at any time been called on to assist or protect the judicial authority ?
6. The state of the police generally ?
7. Whether you have any suits in court ?
8. How many suits are generally on the file of the court ?
9. How long you are obliged to wait for a hearing ?
10. Whether, from the inefficient state of the courts, bribing

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Intèrior, calling upon them for such information as might, if necessary, be produced in England, to counteract the injurious effects of *ex-parte* statements transmitted by their opponents. To the queries thus put a series of answers was returned, and nearly forty of the Planters' letters, containing them, were forwarded to me as the general agent of the parties in England. In my examination before the Select Committee of the House of Commons on the affairs of the East India Company, in the month of March last, I tendered a selection of this correspondence as evidence; but as the names and designations of the writers could not with prudence or propriety be given, it was rejected as informal. The letters thus rejected, with a few additional ones, constitute the present publication, which, within a small compass, will be found to contain some of the most authentic and valuable information on the actual state of British India ever submitted to the public.

The only alterations, not verbal, which I have ventured to make in the originals, are the conversion of Indian monies, weights, and measures into British, and the substitution of English names and designations for Indian. The money chiefly referred to in the original letters is the Calcutta Sicca Rupee, which is converted into sterling at the rate of 2*s.*, being

the native officers has not become a habit of notoriety, if not of absolute necessity?

11. The effect of the regulations as distinguishing between European and native proprietors, and the causes which lead to disputes generally?

within a small fraction of its mint, and, for some years back, also of its exchangeable value. The *maund* is the only weight mentioned in the letters, and this, for indigo, is taken at 74*lbs.* 10*oz.* avoirdupois, and for grain at 82*lbs.*, or about 10 per cent. more. The ordinary superficial measure throughout India is the *bigah*, which, however, varies in every province, two or more different standards often prevailing, even within the same province. In the lower parts of Bengal, three and a quarter bigahs are considered equal to an English statute acre. The difficulty which might have been expected to arise from such a variety is obviated by the extent of the particular bigah referred to being, in almost every instance, described in the letters by a specification of its extent in English square feet or yards.

To the reader who is unacquainted with the working of the local administration of India, the statements and opinions given in the letters on such questions as the land-tax, the administration of justice, the state of the police, and the character and condition of the people, might wear an air of exaggeration; I have, therefore, added, in the shape of notes, such corroborations as seemed necessary, drawn from the correspondence of the most intelligent and distinguished of the Indian functionaries, or from the deliberate admissions of the Home and Indian Governments.

within a small fraction of its mint and for some years back, also of its exchange value. The amount is the only weight mentioned in the letters, and that for India, it takes at 74.50, 100.00, 100.00, and for Spain at 82.00, or about 10 per cent more. The ordinary standard measure throughout India is the *anna*, which, however, varies in every province, two or more different standards being prevailing even within the same province. In the lower parts of Bengal, three and a quarter *annas* are considered equal to an English stamie *anna*. The difficulty which might have been expected to arise from such a variety is obviated by the extent of the particular silver referred to being, in almost every instance, described in the letters by a specification of its extent in English square feet or yards.

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It is to be observed that the letters are not intended to be read as a whole, but as separate documents, each relating to a particular subject.

LETTER I.



(Central Provinces,)

* * * * * *December, 1829.*

THE attempt made to attach blame to the indigo planters, on account of disturbances which have occasionally arisen in some districts between them, the landholders, and peasantry, is, in many respects, without foundation. The fault, on investigation, will generally be found to exist in the inefficiency of the police, and the great delay and difficulty of obtaining redress in the courts of justice.

The quarrels, of which so much has been said, have seldom any thing to do with the planter; but will be found generally to arise from the natives themselves, in their numerous contentions for boundaries of estates. Such happened long before indigo factories were carried to any extent, which Regulation XLIX., 1793, will easily prove; and they do take place daily, where no indigo is grown.

The disputed boundaries are chiefly those of lands thrown up by the rivers, which are shifting their course yearly. There are only two winter crops that can be sown with any profit to the peasant on such lands, excepting indigo. Each disputant, thinking he can strengthen his cause by making the planter a party concerned, sows, amongst this, a quantity of indigo plant. When either of these crops is fit for cutting, each party sallies out to fight its own cause, and frequently blood is shed. The parties, then, to screen themselves from the law, throw all the blame

on the planter, who, most probably, knows nothing of the affair until it be all over*.

The number of labourers employed by me during the year is small, as all our factories are on the contract, and not on the home, or system of personal culture. Still, the peasants who cultivate for us, are, in fact, supported by us; and the Government revenue would frequently fall short, were it not for the resource the cultivators have in us, when pushed by their respective landlords for their rents. These landlords also, after we have gone to great expense in erecting permanent buildings, &c. for the manufactory of indigo, will often prevent the cultivators from sowing, unless we make themselves a heavy loan, which is generally for the purpose of paying the Government revenue, and to prevent their estates from being sold for arrears. This we are obliged to do, in many cases, or let our factories go to ruin. Thus you will see that the state benefits, far more than the country in general, by the vast sums of money laid out on the culture of the indigo plant. In the event of a proprietor failing in his payment to Government, his estate is sold by public auction; and if no bidder, which is frequently the case, appear, the estate becomes what is called "*khas*," or under the management of the Treasury or Government, and persons are sent out by the collector to manage it. As these persons know that their career will not be long, their first look-out is to plunder in every possible way. The estate, in consequence, falls in balance of revenue, and is ruined. This occasions a serious loss to Government, which can alone be prevented by the timely assistance of the planter. I have known many estates thrown into the hands of Government, either by the above cause, or through the minority of the owner, but never knew one that was not materially injured, or entirely ruined by it†.

* "The records of the Bengal Government inform us of another evil of no less consequence, *viz.* that the affrays, homicides, and woundings, which are continually occurring in those provinces, on the subject of disputed rights, are occasioned by the length of time that necessarily elapses before redress can be obtained, which has been found to impel those who feel themselves injured in their rights and property to have recourse to violence and force for the defence of them, thereby taking the law into their own hands."—*Letter from the Court of Directors to the Government of Fort St. George, dated 29th April, 1814.*

† "The consequence of these circumstances is, that whenever lands are held *khas*, the almost exclusive management of them is necessarily confided to native officers, who are entirely disqualified, by education and principle, for the faithful discharge of a trust of that nature. In cases of

A vast number of regulations, or laws, so very loosely framed that each magistrate takes his own view of them, and frequently interprets them quite differently to his predecessor, almost precludes the planter from any thing like redress in court: he has no security for the loans he is obliged to make; it is true, he may nominally take a mortgage on the native's property;—I say nominally, because, after he has taken the mortgage, he can have nothing to do with the lands, the law not allowing him to have any hold on them. If he have an assignment, or an order on the native collector of the village, to receive certain surplus revenue, and merely receive the cash they choose to send him, and carry this towards the liquidation of his just debt, without any remuneration to himself above the simple interest of that debt, and probably a few more acres of cultivation, which are paid for in the same manner as at other villages, even this can be interpreted an illegal transaction. The planter, in such a case, is deprived of the little interest he had in the land, which was very limited; and has no remedy but a suit in Court, for his bond debt. A decision may possibly be obtained in one or two years, when the case is appealed, and may go on for the next ten, during which time the property is wasted away; and when you gain your cause, you find that your native debtor has so contrived it, that the estate should be in the hands of some of his relatives, and you never get a farthing of your money.

A case in point I can easily bring forward, being one of my own: My predecessor, in the year 1818, instituted a suit against _____. Shortly after the defendant died, and the widow became liable: the elder brother of _____, becoming the manager for the widow, persuaded her to make over the estate to him, he taking upon himself the debt; to this my predecessor agreed; after some time, finding he did not pay the instalments, as he had promised, a complaint was made in Court against him, in 1824, when it was found, that he had contrived to get the Court of Wards to take the estate into their hands for the widow, in the hope that they would keep it for the minor, and thus defraud the creditors entirely.

“ that description, the peasantry are subjected to exaction, and the Government to embezzlement, while the lands themselves become every day more and more impoverished, from the want of the fostering care of some person who has an immediate interest in the property.”—*Letter from the Governor-General to the Court of Directors, dated 19th June, 1813.*

A copy of the complaint was forwarded to the Court of Wards, and returned by them in 1825, with an order to us to prove the fraud. This was done, and a false sale clearly made out in the District Court of * * * * in 1826, and we obtained a decree against the estate; a copy of this was also forwarded to the Court of Appeal at * * * *, when a final order came for the sale of the estate, to pay our decree in August 1827. The debt sued for was a joint one between this concern and another belonging to Mr. ———. We agreed that I, being nearest the Court, should have the management of the cause; and, as our claims were nearly equal, that it would also save expense to make one prosecution of the whole. This was done; our joint claims were about 1200*l.*; the estate sold for 217*l.* 10*s.*—49*l.* 12*s.*, were deducted, the estate having fallen to that amount in arrears of the land tax to Government, during their own management of it, in a period of about a year and a half, and we ultimately received 167*l.* 16*s.*; our law expenses being 140*l.* 4*s.* Thus we, for our share, lost about 450*l.*; and Mr. ———, about 750*l.* This arose from the delay of the courts; for during the dependence of the process the estate suffered greatly by the depredation of the river, which had taken a turn that way, and thus reduced its value to a mere nothing; whereas had we got the decree, even within two years of the time we complained, the estate would have sold for as much as would have fully satisfied the debt.

It may not be amiss to give you another instance of a cause, instituted in March 1829, for a simple bond debt, originally 50*l.*; but which, with interest, had reached to 80*l.* The statement of the expenses incurred in the prosecution is as follow:—

	£	s.	d.	
Stamp paper for the Complaint	5	0	0	
Power of Attorney	0	1	3	
Fees to the Company's Pleader, agreeably to regulation	4	3	3	
Fees for notice to Defendant	0	2	0	
Messenger to deliver ditto	0	1	6	
	<hr/>			
Total	£.	9	8	0
	<hr/> <hr/>			

Three witnesses have proved the bond, and the usual time, three months, have been given the defendant to put in his answer; he has, as yet, given none. Still no decision has been given, and it remains now (December) as it was. What causes this I cannot say. The corruption of the native courts is so notorious, that, in all probability, the

reason may lie there. The depositions of the witnesses are taken in a language foreign to them, as well as to the plaintiff and defendant, and only before the native recorder of the court,—not even in the presence of the magistrate. They are then read over to the magistrate, who is not always a competent judge of what they contain; and should the witnesses, whose depositions are being read, be present, they can know nothing of their contents, not understanding a word of Persian, in which language they are written. What a field is this alone for bribery and corruption, which could never be proved—as implication must follow proof!

All our moneyed transactions with the natives, we, of course, endeavour to make as legal as we can, paying for this purpose very heavily for stamps, and keeping to the regulations;—yet, if these very regulations be allowed to be interpreted contrary to their plain and most obvious meaning, we have no safety whatever in our dealings.

I have, during a residence of twenty-seven years in India, always endeavoured to avoid the courts when possible; and I may safely say that, during that period, I have not had more than three criminal suits, and these of a very trifling nature, either for or against me;—civil suits very few; for it is much better that we bear loss, if not too heavy, than resort to the courts. For, should the case be one in which witnesses are necessary, our servants have to be in attendance, month after month, nay, not unfrequently year after year, ourselves in the meantime being deprived of their services, and probably the cause called on some day when not expected, and dismissed,—the people not being there. Is it not reasonable for us, knowing as we do their corruption, to suppose that the native officers of the court may be tampered with on these occasions, and a VALUABLE hint given by the defendant, that the witnesses are not in attendance? What is the planter to do?—either to have no suits at all, and put up with his first loss, or be forced to bribe, as the natives notoriously do?

I am, &c. &c.

LETTER II.

(North-Western Provinces,)

* * * * December 3, 1829.

THE following are answers to the queries contained in Messrs. * * * * and Co.'s circular letter, dated October 1, 1829.

The quantity of land that I have, under the cultivation of indigo, is about 16,500 acres. My European assistants amount to 2, and the number of natives on monthly pay, to whom I give employment is, in the working season, 233; and in the dead season, 162.

From the end of June to the end of October, an average number of 4745 poor people, men, women, and children, is every day employed in weeding, cutting, and carrying the indigo plant to the vats. These are regularly paid every fourth day. Masons, carpenters, and blacksmiths, are more or less actively employed during all the year: their average number is from 15 to 20. In the manufacturing season (August, September, and October), about 610 manufacturing labourers are employed, thus:

Water Raisers	210
Vat Beaters	220
Boiler Men	80
Pressing Men	100
	<hr/>
Common labourers, employed in miscellaneous services, about	610 men. 50
	<hr/>
	660
	<hr/> <hr/>

On the question of the value of the land before indigo was cultivated upon it, and its present value, under indigo, the following information is the best I can afford you:—

The cultivation of the indigo plant in these districts can be traced back about forty years, when it was first introduced by the late Mr. * * * *. The * * * * works have been in existence these thirty-six years. The yearly rent of the land was then as follows:

	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	
The best sugar-cane lands, from	7	7½	a	8	7 per acre.
Good	5	5¼	a	6	6½ ditto.
Inferior and Middling	4	4¾	a	5	5½ ditto.

The above rates had increased full *2s. 2d.* per acre, at the time of Mr. * * * *'s demise, about twenty years ago, and were then:

	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	
Best sugar-cane lands, &c. from	9	9½	a	10	10½ per acre.
Good lands	7	7½	a	8	10 ditto.
Middling and inferior, still continuing at	4	4¾	a	5	5½ ditto.

From the death of Mr. * * * * to the coming of Mr. * * * * upon the concern, a period of fifteen years, during which the concern was under the direction of a native manager (the late * * * *), there was an additional increase of *1s. 1d.* per acre.

The condition of every class of the native population having been progressively bettered, in consequence of the introduction of the cultivation of indigo, both great and petty proprietors enhanced their pretensions; and a further advance of *1s. 1d.* per acre ensued, to which Mr. * * * * was gradually obliged to submit; and thus to establish a rule, which still subsists.

Thus the yearly rent of lands, suited for the growth of the indigo plant, has undergone an advance of *4s. 4d.* per acre in forty years, while that of middling and inferior descriptions, which poor people generally take on lease, and cultivate for the maintenance of their families, has only increased by *2s. 2d.*—the current price for such lands being actually from *6s. 6½d.* to *7s. 7½d.*, an excess which has been amply compensated by the pecuniary advantages the indigent part of the population daily derive from their co-operation in the cultivation of indigo; and still more so by the consequent facility afforded them of satisfying, in due time, the demands of their landlords; thereby avoiding the disgrace of

seeing their cattle, grain, and other stock, seized, and sold at whatever valuation uncontrolled rapacity was pleased to fix upon them.

In the above statement, mention has been made of the * * * Factory only—the price of lands, within a distance of thirty miles, in the Company's territory, as well as in the neighbouring subdivisions, having been constantly regulated by those paid by that concern.

As a final remark on the subject of the increased value of land, it should be added that, forty years ago, large tracts remained uncultivated in these districts, whereas, at present, not a single acre of arable land can be found unoccupied. The villages have been considerably enlarged—valuable additions made to the property, independence, and comfort of the native population—and a notable facility afforded in the collection of the Honourable Company's revenue.

The only assistance required of us by the Courts, is when a decree has been issued, to seize on either the persons or property of individuals, against whom the concern has given a plaint. In such cases we send one or more servants along with the officers, in order to give the necessary designation.

With respect to police, the only offences amenable to the jurisdiction of the heads of police stations, and other petty native police officers, are occasional nuisances to a small extent, in the indigo fields, either through the trespass of cattle, or grass-cutters, or petty thefts, &c. Their assistance in such cases has been, through a long course of years, found so ineffectual and expensive, that the concern has been led to take upon itself the duty of preventing such inconveniences, by keeping a constant attendance of watchmen and others; and the police is now rarely resorted to.

The above-mentioned petty offences being reckoned as mere police facts; those committed upon a larger scale, such as devastation by whole herds of cattle, armed resistance, serious affrays, &c., are the only ones regularly brought to the notice of the Court, either in the criminal or civil departments; and, notwithstanding the constant exertions of the concern to prevent such occurrences, we regret to state, that there are always some such suits pending before the Court.

In reply to your question, respecting the corruption of the native officers of the Court, bribery is indeed a habit, not only of notoriety, but of indispensable necessity. From the Court itself, when rightly informed, speedy and impartial

justice can at all times be expected; but the avenues to the judicial chair are thronged by a crowd of native officers, each of whom expects a competent remuneration for his promised assistance—in most occurrences bargains for it, as a matter of course, and never fails to receive from both parties. Let the cause be ever so plain, and carry with itself ever so great a degree of self-evidence, still the same extra charges are expected as if that evidence was as fully against you as it is in your favour. To obtain an impartial report of the case from the head-constable—to have the culprits, and even the witnesses themselves, brought before the Court, money is required.—Money will cause the depositions of the witnesses to be either altered or totally suppressed, the leading points of the case to be kept hidden from the Court, and the case itself to be represented in such a shape, that, whatever may be the uprightness of the judge, it must be impossible for him, in many instances, to solve questions, the particular facts of which have become almost unintelligible, even to the parties themselves.—If a decree be granted by the Court, then a new series of fees and expenses begins, in order to put it into execution. Should these impositions be resisted, the decree is suffered to lie dormant for years. That from the lowest constable up to the chief constable—from the lowest officer in Court up to the native head man of the Court of Justice, every one expects and receives money, can be fully established by the daily correspondence of our Court manager, by his bills of charges, and by the numerous entries of from 2*s.* to 8*l.* and 10*l.*, to be found in the books of this concern.

Both the late and the present managers of this concern being foreigners, and, consequently, assimilated with natives, in the eye of the law, no distinct answer can be returned to that part of your queries which touches upon the difference, drawn by the local laws, between European and native occupants of land. With reference to the general sources of dispute, it can be safely asserted that, in these districts, there is only one important point of collision between the European planter and his native neighbours, *viz.* the incessant depredations of cattle and of grass-cutters in the Indigo fields, to the undisturbed possession of which the planter has an unquestionable right, by virtue of his lease. This is a nuisance which would not recur so often, if visited with adequate punishment, and which leads to continual disputes, and frequently to serious affrays, betwixt the planters' native servants and the cultivators. Another cause of dispute

is the taking, by the planter, from one proprietor, through mistake, lands that are the property of another; but this so seldom occurs in this quarter, that it is hardly worth mentioning*.

I am, &c. &c.

LETTER III.

(North-Western Provinces,)

* * * * November 25, 1829.

I HAVE no home cultivation; but buy the indigo plant, or indigo *fecula*, by weight, from the growers, dealers, merchants, or proprietors of land, who advance cash to the peasants for the cultivation. On an average, an English acre of land yields 2480 pounds weight of plant, and this plant, on manufacture, gives one-fortieth part of its weight in *fecula*. The depression in price of *fecula* indigo has caused a gradual decrease in the purchase of this article, and an increase in the purchase of plant†. On the average of the five years, ending 1829, I estimate that the annual extent of

* In India there are few landmarks and no fences. The land tenures are themselves, for the most part, complex, and it results from all these causes that the boundaries of estates are so indefinite and ill determined as to become a constant source of litigation, quarrels, and bloodshed.—ED.

† The practice of purchasing indigo *fecula*, or the drug in the half-manufactured state, by contract from the natives, is confined to the north-western provinces of India; but so delicate is the process of manufacture in all its stages, that none of them can with safety be entrusted to the careless habits of the Indians. The indigo manufactured by Europeans from the *fecula* is invariably of an inferior quality, and hence the gradual discontinuance of the practice of purchasing the *fecula* referred to by the Writer. It may here be noticed, that the practice of transmitting indigo seed from the Upper Provinces, to be used in the lower, forms a considerable branch of trade. This is one of the very few improvements, founded on European principles of agriculture, which has been introduced into Indian husbandry, and it had its origin entirely with the British planter.—ED.

land cultivated yearly for indigo, on account of the factories under my management, has been about 55,000 acres. My annual outlay in cash, in the purchase of indigo seed, cotton, saltpetre, and orris root, on the average of the four years ending with 1828, has been upwards of 62,000*l.* per annum.

The number of people employed by me all the year round amount to 3 European assistants, 12 Anglo-Indian assistants, and 234 natives of all descriptions, making a total of 249 persons, on monthly pay. In the manufacturing season we have 236 pair of large vats at work. Calculate 16 men to each, whether for weighing, steeping, beating, boiling, pressing, or cutting, &c., and the number will be, for these months, 3776.

With respect to the enhancement of the value of land brought about by the cultivation of indigo, the following facts may be stated:—Messrs. * * * *, who have been either the managers or agents for the * * * * Rajah, in collecting the rents of * * * * for the last thirty years, inform me that, before the building of the * * * * indigo factory, the whole estate paid from 800*l.* to 1200*l.* a-year. After its establishment the same estate paid to the Rajah from 2000*l.* to 2200*l.* The rents have since decreased, from the unaccountable sinking of the water in the wells. Formerly at seventeen cubits depth, as much water as could be drawn by a pair of bullocks could easily be obtained; the people are now obliged to dig forty cubits for sufficient water, having to pass through a thick stratum of sand, below which the water has sunk*. The rents of the village of * * * * have increased from 600*l.* to 800*l.* since the factory was built.

The Government land tax of the village of * * * *, near the factory of * * * *, has increased from 600*l.* to 1000*l.* a-year, since the establishment of the factory there. I have not time to collect the particulars from other villages. Indeed the village chiefs of * * * *, and of * * * *, refused to give me the requisite information, dreading that the consequence would be, some increase of demand by the collector,

* “ In a particular estate the introduction of the cultivation of indigo alone may double the value of the produce, while in a neighbouring one, originally of equal value, some unfavourable change may take place, and reduce its natural resources.”—*A Review of the Financial Situation of the East India Company, in 1824, by HENRY ST. GEORGE TUCKER, Esq. 1825.* The author of this judicious little treatise, a gentleman of great experience in Indian affairs, is now a Director of the East India Company, and was a candidate for the Direction at the time of publication.—*Ed.*

as a heavier assessment has always been the effect of inquiries into the state of the revenue paid; and they supposed I might be asking for the information for some party concerned in increasing the land tax*. All the people to whom I have spoken agree that the indigo factories have greatly increased the extent of ground cultivated, and that if all the factories were shut up, the landholders would find it difficult to pay the revenue now demanded of them.

The state of the police seems to depend greatly on the activity or supineness of the magistrate. Since I have been in this district, I have seen it in its opposite states, and the difference owing solely to the difference of activity in the head of the department. The number of causes on the file is also entirely dependant on the activity of the judge and magistrate. I have at one time had 200 causes unheard in the civil court, and at another only two or three. I have known the file clear of criminal causes, and known it also to have contained 1000. Civil cases do not accumulate by the idleness of the judge, for when there is no apparent chance of a cause being heard for a year or more (this is very often the case), then very few causes are put into court, as the plaintiff is all that time lying out of the use of the sum of money which he must expend as fees to the native pleaders, and for the purchase of stamp paper†. The custom of bribing the officers of court is quite common. Many people get their causes settled with great facility in consequence. No native thinks that any thing can be done in the courts unless he pay the officers in some way, and there is not the slightest doubt but that the *douceurs* given to them do, in fact, expedite the decision of causes.

I have had charge of these factories since January 1825, nearly five years, and during that time there have been only two complaints in the court against my European assistants; one against the superintendant of * * * factory, for detaining one of the factory servants for two days in the factory under restraint, as a punishment for some fault, for which he,

* In the part of the country referred to, the land tax is variable and uncertain, and not fixed in perpetuity, as in the South-Eastern provinces of Bengal.—Ed.

† “The general falling off in the institution of suits, in the years immediately succeeding 1814, is, no doubt, to be chiefly ascribed to those provisions of the regulations which added to the expense of suits in the first instance, which limited the jurisdiction of the native judges, and which imposed restrictions on the admission of the suits of paupers.”—*Letter from the Court of Directors to the Government of Bengal, dated 8th December, 1821.*

the superintendant, was reprimanded by the magistrate. The other was a complaint of rape, concocted for revenge by a discharged assistant, a native born, and his daughter, against another superintendant of the same place. On the trial, before the magistrate, it appeared that the woman was a common prostitute, who had been discarded by her husband for adultery, and that they had once before tried the same artifice on an European gentleman, and extorted money from him to quash the proceedings, as he did not like to go to court. There were some complaints against the European superintendant of * * * * factory, in * * * * district, which, at that time, was not under my charge; but they arose, I believe, out of the constable seizing carts in the pay of the factory. Indeed, when there is any difference between the police and a factory, it is generally, I may say always, caused by the head constables seizing carts in the employ of the factory.

I think that the general bias in the native court is against an European; and, generally speaking, it is so in the mind of the judge, though that may be traced to a proper feeling—a fear that the people at large may think him partial to his own countrymen. The laws and regulations, generally, I consider not to be unsuitable; and the country would be satisfied, were they *properly* executed by the heads of departments in districts. The judge and magistrate has now too much power to do harm, not only by his positive acts, but by his negative ones. Were European residents more common, and those not subject to transmission, his caution and activity would be much increased, through fear of exposure; and his power to do good would not be in the smallest degree impaired. The native pleaders are not independent enough; one European or Anglo-Indian pleader, who had resolution to withstand the officers of court, would do wonders in making a judge do his duty*.

In trade, the natives have a decided advantage over

* “ In this respect, it is to be regretted that they have so little opposition to struggle with. The keen attacks of advocates, the eye of the public, and the jealousy of their brothers on the bench, stimulate judges to exertion, in Europe, and rouse them to watch their characters and repose, by a constant discharge of their duty. But all these motives to action are wanting in India. Judges decide, through the medium of a foreign language, before pleaders whom they do not respect; and, removed from the public eye, they are secure, in the indolence of their brethren on the bench, from rivalry of excellence. Where so many motives are wanting to a vigilant discharge of their duty, what must the case be, if inducements are held out to carry them astray? These obstacles can only be removed by appointing European pleaders to the superior courts, by

Europeans, owing to there being two laws in operation. I can sue a native in a native court only. A native has his choice of suing me either in the native court or the king's court. Thus in the case of contract:—A. B. contracts to deliver to me so many cwt. of new indigo seed at such a price, in such a time. To bind the bargain, I give him 3*s.* or 4*s.* per cwt. On delivering the seed I find he has mixed one quarter, a third, or half of old seed with the new. I object to it, when he says you must take this or take your money back. I refuse to do either and prosecute him, when I get, after some time, a decree awarding me the money advanced, with interest, to the date of decree. Were there a penalty for non-performance of the contract in the bond or agreement, the native courts would not award the penalty for more than the quantum that the advance of cash covered. On the other hand, were we to change places, there is no doubt that, on my being defendant in the supreme court, I should be made to pay all loss that might have accrued to the plaintiff; indeed, to make good all profit which he might have derived from the speculation had I completed the contract. The European Bengal planter prosecutes me for non-delivery of this same indigo seed, according to my contract with him, and I am obliged to pay whatever price he may have to pay in Bengal for the same quantity.

Were Europeans allowed to hold lands free from transmission at will, the cultivation of the country would, I am sure, improve by their taking lands into their own hands. I have no doubt, but that we should in time compete with the Americans in cotton in the London market, and make a great deal of good sugar, cheaper and better than it is now made by the natives. I have raised a small quantity of good cotton, and intend to try more, as my trial has answered very well. I have recommended the same to native landholders, but they cannot afford to make experiments. They say when I have sold my cotton, and show that it is profitable, they will follow my example. There has been a cry, on the part of the public officers, that Europeans are troublesome; one cause for this is, that in some cases magistrates, as we have seen at * * * * *, are tyrannical and arbitrary. No native ever resists such conduct—an European does; he is, therefore, immediately denounced as troublesome, and re-

“ throwing open the proceedings to the public eye, in printed reports of the decisions, and by stimulating the ambition of the judges by a careful distinction of merit.”—*The Company's late Judge-Advocate-General of Madras, in reply to Queries circulated by the Court of Directors, 1808.*

ported as such to the Government. The second cause is, that the natives, knowing how willing magistrates and the native officers of court are to listen to complaints against Europeans, make them on the most frivolous pretexts; the same man putting up with ten times as much from a native. For instance, in 1827, the son of the headman of a neighbouring village threw a stone at one of my goats and broke its leg. I sent for him, and seeing that he was only a small boy of eight or nine years old, I sent him away, saying nothing to him. His father and a dozen others went off crying to the Rajah of * * * *, their landlord, saying that I had put the boy in confinement, and kept him there for two days, whereas he was not two minutes in the factory. This year the very same headman and his connexions had some dealings with me. I had to pay them 10%. They were indebted to the above-mentioned Rajah, for rent, 16%. He wrote to me to pay my balance to him, and not to them; but it so happened that they had previously received it, and given a receipt. I sent a copy of the receipt to the Rajah. On this he immediately sent for all the chiefs, flogged them, and kept them four days in durance. Of this they did not complain: had I acted so I should certainly have been fined, and my licence would have been cancelled*.

I am, &c. &c.

“ * It may be asked how these oppressions are reconcilable to the provisions of the Legislature. For an explanation of the mode pursued with the refractory, I beg to refer to my letter of the 14th of July last, on the subject of distress and sale. To conclude that the penalties of the law are sufficient to restrain one removed by a distance of possibly seventy *coss* (about eighty miles) from the eye of the Judge, who is left to the unshackled controul of the whole internal economy of his estate, and who is immediately supported in his oppressions by the irresistible phalanx of Police Darogah, Moonsif, Putwaree, and Puramanick, distress and sale laws, and a long purse, is, I fear, taking too favourable a view of the subject. For my own part, under the general inefficiency of the system, it seems to me clearly to be the interest of the tenant to bear with the oppressions of his landlord as long as they may leave him where withal to drag on a comfortless and miserable existence; and when they shall exceed this pitch, tacitly to bear with the hardness of his fate, and seek for a temporary mitigation of his sufferings under a new master.”—1815.—*Selection of Papers printed by order of the Court of Directors, 1820.*

LETTER IV.

(Central Provinces,)

* * * * November 7, 1829.

I HAVE been favoured with your circular of the 6th ult., respecting the orders sent out from the Court of Directors to their Government in India, relative to European indigo-planters residing in the provinces. Fully sensible of the important and delicate nature of the information I have been called upon to furnish, I feel diffident in the undertaking, and my abilities unequal to the call. The planters generally are now busy settling with their tenantry for the ensuing season, and preparing to start with the indigo of the last crop, for the Presidency. Some, indeed, have already proceeded to Calcutta, and, consequently, I am deprived of their assistance in drawing up the statement you require. But such occurrences as are connected with my own concern I now, with pleasure, lay before you, and hope some of my remarks may be found useful. Our former magistrate, Mr. * * * *, kindly sent round a circular to the planters in * * * *, informing them that he had received instructions to report to Government all cases connected with Europeans that might come before him in his official capacity. At the same time, he was pleased to acknowledge that the system of using force with the cultivators was unknown in Tirhoot.

I have resided twenty-four years in this district, sixteen of it as proprietor of an extensive indigo concern, and constituent of the firm of Messrs. * * * *. My concern, consisting of five factories, yields, upon an average, about 4000*l.* sterling's worth of indigo yearly, and in a highly-improving state. My establishment of servants varies according to the season of the year. In the lands cultivated by my own ploughs I employ from 200 to 1500 people daily, whose families are also supported from the cultivation of indigo.

This is exclusive of the crops, on contract, advanced for at this season of the year, and the lands furnishing, which amount to about 5140 acres. The produce is contracted for at the rate of four bundles for one shilling, in the green state. During my residence in this part of India, no criminal suits have occurred deserving of notice.

Finding, from long experience, that lands subject to early inundation yield but doubtful crops and indigo of inferior quality, and that their culture was attended with great anxiety of mind and frequent disappointment, I have been induced to clear an extensive range of high rich forest lands, which, time out of mind, had been the resort of tigers and other wild beasts, to the great destruction of mankind and cattle. By cutting down the jungle, I was enabled to kill a large male tiger, in May last, which had done considerable mischief. The forest also afforded hiding places for desperate characters to way-lay unwary travellers. During my residence in these parts, several murders have been committed near its borders. In one instance, two bodies were found buried in the same hole; and, although every exertion was made by the magistrate at the time, no traces of the perpetrators have yet been discovered. The lands in question, so far from being of any value, were a public nuisance. Through me they are now under cultivation, and safe for travellers and merchants passing with grain, and worth from 4*s.* 4*d.* to 6*s.* 6½*d.* per acre of yearly rent. I have shown the peasantry of these parts what perseverance and industry can accomplish. Many are following the example held up to them, and provided the disgraceful and disheartening restrictions, connected with the resolutions of Government, dated the 17th February last, relative to Europeans holding lands in India for the cultivation of indigo, and other agricultural purposes, were rescinded, some thousand acres of waste land would be brought into cultivation, and, of course, contribute towards increasing the public revenue as well as the commerce of the British empire. For Europeans to be subject to forms, in procuring lands, which the natives are entirely exempt from, creates suspicions in the minds of the latter injurious to His Majesty's British-born subjects. The resolutions, as they now stand, actually court litigation against the European, and throw serious obstacles in the way of British industry and enterprize. He must have more than an ordinary share of patience and perseverance who would wade through such a slough of despair. So many notices—so many references—and so much painful form to go through, will prevent ninety-

nine out of a hundred from applying for grants at all. The ninth paragraph in the resolutions is particularly severe. As the governor-general in council was some time ago pleased to invite suggestions likely to promote any branch of national industry and improvement, tending to increase the happiness and prosperity of the country; and, as the bringing extensive tracts of forest land into cultivation, no doubt, falls within the range of his lordship's views of improvement, I am led to think that if a petition, relative to the above-mentioned resolution, were to be presented to the governor-general, it would meet with kind attention.

With respect to civil suits, in the district courts few cases are finally settled in less than ten or twelve years; and in many instances both parties die before the causes are decided*. The bribery and corruption of the native officers of courts is grievous in the extreme. I have at this time numerous suits in court, for large sums advanced to land-owners and their tenantry in times of their distress. Some of the suits commenced twelve years ago; and although decrees have been given in my favour, owing to the overwhelming arrears of business, I am prevented putting them in force. I am most anxious not to give offence, or attribute the smallest blame to the gentlemen attached to the civil service. Their duties are for the most part unpleasant, and trying to conscientious feelings, but their zeal and anxiety to justice to all parties, however great, cannot be equal to the extensive protection required for the lives and property attached to their *jurisdictions*. The business is far more than two or three individuals are capable of going through†. Our‡ present magistrate, Mr. * * * *, lately sent circulars to

* "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."—*Fifth Report of the Select Committee on the Affairs of the East India Company, 1812.*

† "Q. Are you acquainted with the general average scale of population within the sphere of one district, or Judicial Court?—A. No 1. I believe that the average scale of population in each district of Bengal and Behar may be computed at a million, or something more, and in those of Benares, and the ceded and conquered provinces, at six or seven hundred thousand.—A. No. 2. I estimate generally from 800,000 to 1,200,000 persons; somewhat lower, probably, in Sylhet, Backergung, and the jungle Mehals of Ramgheur."—*Queries from the Court of Directors, with replies from some of their Officers in England, in 1813.*

‡ "If it were possible for the English Government to learn wisdom by experience, which Governments rarely do, it might here, at least, see with regret, some of the effects of that illiberal, cowardly, and short-sighted policy, under which it has taken the most solicitous precautions to prevent the settlement of Englishmen in India; trembling, forsooth, lest Englishmen, if allowed to settle in India, should detest and cast off its yoke.—The most experienced persons in the Government of

the indigo planters in * * * * requesting them to furnish him with such information as might come to their knowledge, relative to the conduct of the superior and under constables, attached to police stations, as also respecting robberies, and other depredations committed in the vicinity of their respective factories. This measure has done much good in preventing crime and oppression, and it is only to be regretted that such a plan was not adopted sooner. I do not recollect any further information to send you just now.

I am, &c. &c.

LETTER V.

(*North-Western Provinces.*)

* * * * *December 1829.*

LITTLE more than fifteen years have elapsed since indigo factories were first established in the district of * * * *, and at that period the country was almost entirely covered with

“ India describe, what to them appears the difficulty almost or altogether insuperable, of affording protection either to person or property in that country, without the assistance of persons of the requisite moral and intellectual qualifications, rooted in the country and distributed over it in every part. They unite in declaring that there is no class in India who possess these qualifications; that the powers necessary for an efficient police cannot be entrusted to the Zemindars, without ensuring all the evils of a gross and barbarous despotism. And they speak with admiration of the assistance rendered to Government by the gentlemen distributed in every part of England. Is it possible to avoid seeing, and, seeing, not to acknowledge the inestimable service which might have been derived, in this great exigency, from a body of English gentlemen, who, if they had been encouraged to settle, as owners of land, and as manufacturers and merchants, would at this time have been distributed in great numbers in India? Not only would they have possessed the requisite moral and intellectual qualifications—a thing of inestimable value—they would have possessed other advantages of the highest importance.”—*The History of British India*, by JAMES MILL, Esq., *third edition*, 1826.

jungle, with only a few patches of arable land intermixed. The population was very scanty, and the fear of tigers, with which the district was overrun, operated against the resort of new settlers*. At that time the average rate of the rent of land may be stated at from 2*s.* 2*d.* to 2*s.* 10*d.* per English statute acre. Since the formation of indigo establishments, large tracts of waste lands have yearly been brought under culture, chiefly by the individual exertions of the indigo planter, and the servants and labourers collected around him. The rates of rent, too, have been progressively increasing until now that the average may be stated at from 6*s.* 3*d.* to 7*s.* 1*d.* per acre; and when the increased quantity of arable land is taken into consideration, it is no exaggeration to say that the income of the landed proprietors is, at this moment, five or six times greater than what it was twenty years ago. Should it be asserted that this difference is the natural effect of the course of time, of increased civilization, or of any other cause apart from indigo planting, the writer can quote the instance of a particular factory which was last year shut up, in consequence of making inferior produce, and where the land rent has already fallen to less than one-half of the rates current when the factory was working, while the estate is fast relapsing into its former condition of wildness and poverty.

At the concern with which the writer is immediately connected, the annual outlay exceeds 5000*l.* sterling. This sum, therefore, in absolute cash, goes directly into the pockets of the neighbouring proprietors and villagers. In fact, the planters' money affords the almost sole circulating medium in the neighbourhood of factories at a distance from the principal station. Previous to the settlement of Europeans in the district, commerce was chiefly conducted on the principle of barter, and rents had generally to be taken in kind.

In the district now under consideration the planter is, to all intents and purposes, merely a farmer cultivating one kind of crop. He pays his rent to his landlord: his ploughing, weeding, and other agricultural operations give employment to the lower orders of the peasantry and their families at a time of the year when their own crops require no attention whatever; and during the manufacturing season the planter keeps in constant employ many hundreds of day la-

* In 1808 the district referred to by the writer was described by the Board of Commissioners for the settlement of the land revenue of the ceded and conquered provinces of Bengal, as containing about a million of acres, of which scarcely one-fourth part was under cultivation.—*Ed.*

bourers. Besides, the collecting of the seed crops, and other miscellaneous operations throughout the year, afford the almost entire livelihood of the labouring population of the vicinity,—so that now, in point of productiveness and population, there are few parts of the country superior to the factory lands,—and certainly no other part of the district of * * * * at all to be compared to them. By the application of European industry for a few more years, the forest will entirely disappear. In the meanwhile the advantages resulting from resident planters is satisfactorily proved by the contrast which the vicinity of factories always affords to any other portion of the province in which they are situated.

Under such circumstances as the foregoing, it is evident that the planter ought to have a direct and positive controul over the land he rents. At present he experiences the greatest difficulty in wording his agreement, so as to evade the letter of the Government prohibitory regulations, and at the same time to be binding on the contracting landholder; for it need not surely now be stated that the late order, authorising Europeans to farm villages under certain restrictions, is so clogged with forms as to be a dead letter, as far as indigo culture is concerned. The accompanying contract has been written with the greatest care, but it is still very imperfect, and with all the attention which can be bestowed, the planter will at last find himself entirely at the mercy of the local authorities, who may interpret the law either literally or liberally, as they see fit.

One cause which greatly retards improvement, is the uncertainty of the land settlement, the landowners being naturally disinclined to improve their estates, while this uncertainty exists, and the district now under consideration is so extensive, that notwithstanding the utmost endeavours of the revenue officers, a settlement of the whole cannot, under the present system, take place in an entire century. Besides, without a final and definite adjustment of the Government revenue, the proprietors can never feel secure*. But by far the greatest obstacle which the planter has to encounter, and

* “ All the objections which had been advanced by the opponents to
 “ a permanent settlement had been fully and ably answered on both
 “ those occasions. The measure had, in both instances, received the
 “ sanction of your Honourable Court. It was difficult to conceive an
 “ argument against the arrangement in the ceded and conquered provin-
 “ ces, which had not been already urged against it in Bengal and
 “ at Fort St. George; and, as already noticed, which had not been
 “ fully answered. But, above all, experience had justified all those con-

by far the most productive source of broils and lawsuits, is the uncertainty which exists regarding the proprietary right: to such an extent does this uncertainty prevail, that, incredible as it may appear, it is almost impossible to say decidedly to what individual any particular portion of land appertains. Many large tracts of the finest soil which the district possesses are now lying waste, in consequence of the feuds of different claimants, who either have not funds sufficient to go into court, or who are waiting, year after year, the dilatory decrees of the district and provincial judges, and the affrays of the parties to obtain possession supply the provincial gaols with more than two-thirds of their prisoners*. But the proprietary rights of those villages absolutely under culture is scarcely better ascertained, and the planter finds himself completely in the dark as to the real owner of any land he may wish to rent. But to convey a thorough understanding of this grand bar to improvement, it is necessary to go somewhat into detail.

The cultivation of indigo, in the quarter now referred to, requires a constant change of land, and the decrees of the different courts cause a constant change of proprietors. At the time of making the land arrangements for the season, a landholder tenders to the factory a certain field for the cultivation of indigo. The planter, as a preliminary step, endeavours to ascertain, to the best of his ability, that the land in question has either been for some years in the natural possession of the party who offers it, or that he at least was the person to whom the cultivators paid their rents. Satisfied

“ clusions; and the solid advantages which had arisen from the operation of the settlement in the provinces of Bengal, &c. did not appear to leave a doubt of its beneficial effects in the ceded and conquered provinces. It is further to be observed, that the establishment of a permanent settlement, at present, in the ceded and conquered provinces, is only the anticipation, by very few years, of a measure which Government was at all events pledged, by regulations formerly promulgated and long since submitted to your Honourable Court, to adopt for the ease and welfare of the inhabitants of those provinces.”—*Letter from the Governor-General to the Court of Directors, 1808.*—Three-and-twenty years have elapsed since this urgent letter was written, and the promised permanent assessment has not yet been carried into effect.—*Ed.*

* “ 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 decision 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 Judge of Circuit for Patna, quoted in the Fifth Report, 1812.*

on this point, the factory servants measure the land, write the agreement, and give the customary advance. The ground is then ploughed and otherwise prepared for the coming crop. But it frequently happens, that at the time of sowing, another party comes forward and disputes the property, and an affray between the two claimants may perhaps ensue. They are then taken up to the police for a breach of the peace, and an order of court is passed, to prevent the land from being sown by *any one* until the respective claims of the parties be settled by a legal decree. It is of no avail for the planter to present a petition, praying to be allowed possession of his field, upon paying *the full amount of the rent* into court, although he thereby deprive himself of all chance of recovering his advance, save by the tedious forms of a civil suit. Such petitions have been presented, and been refused. It is also now becoming the practice to grant orders for overturning standing crops of indigo in any case where a new decree of court may have been obtained; and the planter, in this case, must submit to see his crop, almost ready for the sickle, destroyed before his eyes, merely because he could not determine with accuracy, in a few days, a point which took the Company's Judges years of deep consideration to make up their mind upon. In so large a district too, notwithstanding the zeal and ability of the gentlemen who preside over the local courts, the police establishment must, of necessity, be very ineffective. To quote a particular instance, but a few months have elapsed since officers sent direct from the district court to apprehend the part proprietor of a petty village, were kept at bay, and finally frightened off by a few of the villagers.

The delays of the courts, and the corruption of the native officers, are now matters of notoriety. The civil suits generally are from six to ten years in arrear, and every man acquainted with the interior of India knows that no case, however good, can succeed without bribery.

Among so large a class of men as the planters, individual instances of tyranny and oppression may, and no doubt will, be found; but surely the delinquencies of a few can never afford a tenable argument for withholding from so large, and so useful a class of the community, the rights of common equity and justice; more particularly when the defective state of the Company's code is sufficient to account for, if not to palliate, any particular cases that might be adduced. When men are denied justice in a court of law, they are but too apt

to take more than justice at their own hands*. But it must be evident to every unprejudiced person that, by whatever test the prosperity of a country can be tried, the resident European planters confer incalculable benefits on India. By them the value of the land is doubled—by them unproductive jungles are converted into fertile fields—and by them the labouring population are maintained to a wide extent. It is unfair to insist that, as a body, they are more litigious than the defective state of the laws and the inefficacy of the Government police will amply account for. Indeed, the delay of the courts, and the corruption of its native officers, are, of themselves, sufficient to deter the planter from filing any suits but those of the clearest nature and easiest proof. When he does go into court, it is solely for the purpose of punishing his opponents, and thereby showing his debtors that he will not be imposed upon with impunity, and surely not under any hope of obtaining justice, or recovering his property.

From the present Government of India the planters entertain fond hopes of some relaxation of the restrictive laws. They trust that the day is not far distant when they will be lawfully permitted to hold lands in their own name;—when the decrees of the local courts will be rendered more prompt and effective; and when means will be afforded them of holding, under legal securities, such lands as they fairly and justly rent.

The uncertain tenure by which land is at present held, together with the many objections to the native laws of inheritance, are topics much too complicated to be embodied with the present loose hints; but the writer may, at a more leisure moment, commit to writing his thoughts on these important subjects. In the meantime, it occurs to him that some such preliminary rule as the following would protect the interests of all parties. Let the planter, when offered

* *Interrogatory 39.*—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction? *Answer*—I am happy to have it in my power to say, that it has been such as to meet with my approbation—correct, regular, and moral; and it is a justice I owe them to observe, that I have not known an instance of complaint against any of them since I have been at the station, now three years.—*Replies to the Queries circulated by the Marquis of Wellesley, in 1802.*—The answer is from the judge and magistrate of Burdwan, the richest and most populous district of all India, and of which the inhabitants, like the rest of the people of Bengal, are timid to a proverb.—ED.

land on lease, be obliged to notify, on the door of the police station, or other public place, his intention of renting, from such a man, such a field, in such a village, should no other claimant come forward in a specified number of days. Let him also be required to measure and take possession of the land in the presence of the village accountant, and these forms once complied with, let the magistrate render him prompt and effectual assistance, if necessary, when the sowing season approaches.

I am, &c. &c.

LETTER VI.

(South-Eastern Provinces,)

* * * * Nov. 7, 1829.

IN answer to your queries, I beg to state that the average annual outlay for my indigo works is about 4600*l.*,—the cultivation occupying 5230 English acres. Upwards of 2000 cultivators receive our advances to cultivate the plant, and in the working season of the year we give employment to from 1000 to 1200 labourers, of various descriptions. The value of land is very variable, according to its quality. Land fit for indigo, and rice capable of being flooded, now realizes, according to quality and situation, from 20*s.* to 45*s.* per English acre, which is full double the value of what it was before indigo was brought into cultivation in the district. Rents have generally doubled since that period, and are still on the increase. We employ one watchman at each factory, but no matchlock men.

The system of police has been wretchedly carried on. Upon the least pretext afforded for the interference of the district constable, honest people, in the villages where robbery or any other criminal act may have been committed, if they do not see the police people, are sure to be vexatiously taken away from their homes and business, detained and annoyed

under various pretexts, while it is notorious that thieves and others escape being reported, through bribing the officers, whenever it can be done with impunity. The roguery of the police officers is greatly checked where Europeans are resident, as they alone are likely to have communication with the magistrates. The planter will always be ready to render his assistance when invited to do so, and when it is probable that his representations will be listened to. From his close connection with the people, nothing occurs in the villages attached to his factory that he is not made acquainted with, either through his tenants or servants*.

I have no suits remaining in court undecided. The delay in the proceedings is such, that it is only in extreme cases, and for example's sake, I ever go to court. I never prosecuted but one cause on account of indigo contract. This was entered in January 1826, and decided by the Judge in May 1828, in my favour; but appealed by the defendant to the provincial court of * * * *. In August 1829, it was given against him; but I have not been able to recover the amount yet. This may be considered as a very quick proceeding through the courts. I have, in general, about three causes of trivial natures, as for rents, &c. on the file in the native civil courts, which, if not appealed, are generally about twelve or sixteen months before brought to a decision. I have an active attorney, who perseveres in getting the causes forward, and who, being perfectly acquainted with the regulations, checks the judges of the native courts when they wish to favour. I make it a rule never to bribe, but appeal my cases to the utmost, rather than submit to the extortion. It is notorious the extent to which bribery is carried on, with but few and rare exceptions, in the native courts.

* "It is impossible to reflect upon the station of English gentlemen, settled in the country, as proprietors of land, and as manufacturers, without perceiving how advantageously they would be situated for acquiring that knowledge of the natives, in which the Company's servants are proved to be so defective; and for giving that aid in the administration of justice, without which a good administration is not to be attained. Such men would be forced into an intimate intercourse with the natives, whence, under the necessity of employing them, and of transacting and conversing with them in almost all the relations of life, an intimate knowledge would arise. They would have a local influence of great efficacy. They would be useful, beyond all calculation, in maintaining order in a wide circle around them, among a people in such a state of society as that at present found in Bengal."—MILLS's *History of British India*, 1826.

As we have very few native proprietors in the district, we are very quiet. The chief native, who holds factories, being of a quiet disposition, and his works long established, does not interfere with us, though his cultivation is much intermixed with that of one of our factories. We have each our own particular lands, so that I am incompetent to speak, from experience, as to the effect of the regulations distinguishing between European and native proprietors; but from the present state of the district, every part fit for the growth of indigo being already fully occupied by factories, and nearly all the peasants holding advances to the utmost of their capability, at the same time giving us up their best lands for cultivation, should native proprietors start up to build we cannot hinder them, as the law now stands:—The result may be easily perceived; they would have to advance to our cultivators on the same lands already contracted for. The peasantry, being ever needy, will not scruple to take any person's money, when offered to them, seldom thinking upon fulfilment of contracts when present necessities press them. The established planter, from purchase, and, perhaps, long possession, as well as his existing contracts with the cultivators, will, of course, not allow the plant to be taken off; and as indigo is of so delicate a nature as soon to spoil, if not cut at an identical period—or it may have a sudden inundation on the lands, and requires instant removal—the peace must be broken, if the junior party contests on his right to the crop. There is no time to wait the delays of a court of law; the plant must be taken away, or else be totally lost to both parties.

Had the cultivation of indigo not been introduced into the country, the rent of the land must have remained nearly in the same state as when under the native rule, and must have, in a great measure, been taken in kind. The coin that is distributed from factories mostly finds its way to the Company's treasuries. Old individuals often speak of rice formerly selling at from 3*s.* to 4*s.* per quarter; now it sells, in favourable seasons, at from 10*s.* to 14*s.* per quarter. The cultivators, where indigo is greatly cultivated, now keep their rice for their home consumption, if possible, and manage to pay their rents from the money they get from us. Besides, now they have always a ready market for their grain, when they wish to dispose of it at remunerating prices, which they had not before, when corn was so low. From the rise of the rentals, the proprietors are always able (unless they squander away their incomes in

litigation or otherwise) to pay the Government assessment readily, and have large sums besides at disposal. Labour, and all things in connection with the peasantry, appear to have made an equal progressive movement with the rise of rent.

I am, &c. &c.

LETTER VII.

(*South-Eastern Provinces,*)
Calcutta, Nov. 8, 1829.

MY DEAR SIR,

IN answer to your inquiry regarding the advantages which the cultivators derive from the increased value of indigo, I shall give you a short account of my own proceedings since I took charge of the * * * * indigo concern in the year 1821. I then found the rates paid for indigo plant to the cultivators fixed at 2s. for ten bundles, deliverable at the factory. In 1823, I reduced the number of bundles to nine, and in 1825 to eight. In the end of that year I took charge of the * * * * indigo concern in * * * * district, where I found the cultivators were paid at the above rate of eight bundles for 2s. In 1826 I reduced them to seven; in 1829 to six; and this year I have settled the cultivators' accounts at five, so that they have participated in the enhanced value of indigo in a greater proportion than I have done myself.

I annex a statement of the cash paid to one village for indigo plant for three years, from which it appears that the inhabitants have been enabled, by their indigo cultivation alone, to pay the whole amount of their rent, with 13*l.* 16*s.* over and above. The whole amount of the rent of the village of * * * * is 464*l.*, so that the cultivators have received, from their indigo cultivation alone, the whole yearly rent of the village, and 13*l.* 16*s.* annually over and above, and altogether exclusive of their other crops. The estimated

quantity of land in the village is 311 acres, of which the inhabitants give me 197 for indigo, retaining 113 for rice and other crops. The lands they measure to me for indigo, being of a light sandy soil, are not capable of producing rice, or other crops generally sown in Jessore; and if the cultivators were not enabled to sow indigo on them, two-thirds of the village would be unproductive, and become, as they were formerly, waste lands. I am also in the habit of advancing money to the cultivators on many occasions, when they are in difficulty or distress; and I have outstanding on this account upwards of 4700*l.*, on which no interest is charged, being merely an advance to assist poor cultivators when distressed for rent, or from the death of their cattle, &c.

The increase in wages for workmen employed by me has been nearly in the same proportion. In 1821, a manufacturing labourer received 5*s.* per month, and I now find great difficulty in obtaining one for 7*s.*, and am often obliged to give 8*s.* It is now an understood thing, that a planter will be successful, or otherwise, in proportion as he is enabled to obtain the good-will and confidence of the cultivators of the soil; and this is only to be effected by kind treatment, and attention to the wants and feelings of the natives around him.

From the situation of the courts, and the inefficiency and corruption of the native superintendants of police, with the absence of all the landed proprietors*, the poorer class of peasantry naturally look up to the European planter as a protector and supporter in their little difficulties and distresses, and it only requires a little attention, on the part of

* "All the Zemindars with whom I have ever had any communication, in this and other districts, have but one sentiment respecting the rules at present in force for the collection of the 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 Government 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."—*Report of the Collector of the Land-Tax in Midnapore, to the Governor-General, 1802, Fifth Report, p. 60.*—The wealthy native merchants and bankers of Calcutta became the purchasers of the sequestered estates, and being, for the most part, strangers, continue to reside in the city, and may, in fact, be considered as absentee proprietors, like the English owners of estates in Ireland.—Ed.

a planter, to make himself useful and respected. I have always paid attention to these matters, and have uniformly endeavoured to settle amicably the trifling differences and disputes of the poor people around me, and the consequences are, that the peasants connected with the concern, and many quite unconnected with it, apply to me for advice and assistance in all their little troubles; so much so, that the magistrate has taken serious notice of it, as interfering with his authority, and preventing his police from exercising that influence which he thinks their situations require. I shall be happy to supply any further information you may at any time require.

I am, &c. &c.

LETTER VIII.

(Central Provinces,)

**** December, 1829.

DEAR SIRS,

AGREEABLY to desire, I have the pleasure to forward a statement of my cultivation of indigo, with observations thereon. The total of lands in occupation by me is, including the first and second year's plant, about 9000 English acres, for which the landholders receive more or less, 3500*l.*,— a great object in meeting the demands of the Government revenue. The present rent of land here, per acre, is, on an average, from 6*s.* 6½*d.* to 7*s.* 7½*d.*; whereas, in the absence of competition, it seldom exceeded from 3*s.* 8*d.* to 4*s.* 4½*d.* per acre. Moreover, the cultivation of these lands puts into annual circulation full 2000*l.* among the lowest classes of people, who are thus, in some measure at least, made independent of the landholders, and enabled to live more peaceably and contentedly amongst themselves than they otherwise would, if left to gather a precarious

subsistence in their own villages. Among our monthly native servants, who vary in number according to the increase or decrease of our business, 700*l.* are, in the course of the year, distributed; and law charges, with all other items, amount to 300*l.* more, so that, in one shape or another, nearly three-fourths of our outlay is expended among the Honourable Company's native subjects,—no small part of which again reverts to Government in the shape of land-tax, fees on the institution of suits, stamps, fines, or otherwise. Without presuming in the least to impugn the conduct of the gentlemen of the civil service, I confess I have invariably found, that, without remunerating the native functionaries under them, no true statement of a cause can possibly reach their ears; but, on the contrary, be so distorted, as wholly to supersede the possibility of a correct judgment and decision on their part: the case then is one of absolute necessity, and not to be deviated from, without incurring great risk and eventual loss.

The time lost, between the interval of instituting a civil suit and its hearing, depends altogether upon the number of private suits already on the file; but I am within bounds when I allege, that a cause seldom comes on for hearing within two years from its entrance, and that another year elapses before its final decision. If appealed to the provincial court, an additional delay of three years is incurred; and even when the decree is at length ratified, years often elapse before the detention of the defendant can be effected, owing to the leniency of the court, and the want of support from the police*.

I doubtless echo the feelings of the generality, when I affirm, that every planter severely feels the inefficiency of the regulations to secure him against the chicanery of the

* The Court of Directors has furnished authentic data for determining the delay in the administration of justice in the native courts. The fertile and populous district of Burdwan, in the heart of the indigo cultivation, may be taken as an example. On the average of the three years, ending 1820, the delay in the Court of the lowest native Judge was 132 days;—in the Court of the highest native Judge 230 days;—in the Court of the inferior European district Judge, above three years and eight months; and in the Court of the superior district Judge, four years and two months. For the whole Bengal provinces, the average delay in the lowest Courts of Appeal, was one year and eight months;—in the supreme Court of Appeal, two years and six months. All this is exclusive of summary suits, the number of which, instituted in 1820, exceeded 47,000.—See *Letter from the Court of Directors to the Governor-General, dated 1824, in the Selection of Papers and Records, published by the Court of Directors, Vol. IV., p. 7.*—Ed.

natives; who can, whenever disposed, evade the fulfilment of any bonds or contracts, from the certainty of its requiring many years to substantiate their validity. It is this that multiplies our lawsuits, and brings us into repeated collision with the local authorities, to the no small detriment of our character for integrity with them. On the whole, however, we have not so much to complain of the frauds and contentions of the natives, as against the existing code of regulations, which makes no provision for their suppression. The natives cannot be, and are not indifferent to the benefits they derive from our residence among them—to the assistance we render them in liquidating their arrears of revenue—their Government fines—in settling disputes—in supplying medicines—and though last, not least, in contributing by our means to the necessities, comforts, and happiness of thousands of indigent families.

I am, &c. &c.

LETTER IX.

(Central Provinces,)

**** November 20, 1829.

THE extent of land furnishing indigo to my concern is about 4600 English acres; two-fifths of this consisting of cultivation under my own direction. My annual outlay ranges from 7000*l.* to 8000*l.* My permanent establishment is composed of four Christian assistants with 200 natives; my hired labourers and workmen amount usually to 600 a-day, receiving at the rate of from 3*d.* to 6*d.* a-day each. The rent of land in this neighbourhood has been doubled since the erection of these factories in the years 1805 and 1806, and its present rate is from 8*s.* 9*d.* to 10*s.* per English acre. I employ seven watchmen to guard my premises,

but no matchlock men. I have never been called upon to furnish any aid to the judicial authorities. In some few instances I have promoted the adjustment of claims through the Puchayet, or native appeal to arbitration; but whether owing to the litigious spirit so generally ascribed to the natives, the excitement that it keeps alive, or the notion that the longest purse must eventually prevail, this mode of adjustment is but very rarely resorted to, when either of the parties can command the means of instituting a suit in court*. The state of the police is notoriously lax and corrupt. In nine cases out of ten, among the natives, the reports of the superintendants of police are decisive of the question; and these are invariably in favour of the highest bidder.

I have no suits in court personally, either as plaintiff or defendant. The number of criminal suits, in which my native servants have been principally plaintiffs, does not exceed twenty, in six years, but these were for the most part of a trivial nature, and originating in trespasses of cattle in our indigo fields. Of my large establishment of servants, not one has incurred the punishment of the court in any shape. The longest criminal case in which I had any interest took three months to decide, but here the delay was perfectly unavoidable.

Of all subjects of contention with the natives, the most rife among us is that arising from violations of indigo engagements. A cultivator, for instance, receives 6s. on a certain acre of land, which he has engaged to cultivate with indigo plant. The land is approved of by us, and measured out accordingly; but the very next day, perhaps, we find the same cultivator, or some one, at his instigation, sowing the field with barley, or some other of his own crops; our people oppose him, and a quarrel is, in most instances, the inevitable consequence. If we complain, either one or both parties are bound over to keep the peace, and the planter referred for redress to the civil court. All this, it

* "This much-lauded scheme for getting rid of the evils of the present system has been tried at Madras, and totally failed. The Puchayet (Court of Five) has now been legalized, under prescribed law, and under fixed and definite rules; it has been declared a part of the common law of the country; means of reverting to it have been provided, and at a lower charge than other process; and yet it appears that out of an aggregate of 71,051 causes decided, only 362 have been submitted to puchayets, and 314 decided by that process, a result which incontestably proves that the natives do not attach to that mode of adjudication the respect and importance which many supposed. The result, indeed, corresponds exactly with what was to be expected."—*Minute of ROBERT FULLERTON, Esq., a Member of the Madras Council, 1820.—Selection of Papers and Records, Vol. IV., p. 52.*

must be admitted, is according to existing regulations, and the magistrate does no more than his duty; but the system is fraught with ruin to the planter. To protect himself against it, he is compelled either to take forcible possession of the land,—farm the whole village in which it lies, if he can get it, even on exorbitant terms, or submit to pay the landholder a certain annual tax for permission to cultivate on his estate.

Were Government to frame a regulation authorising the summary investigation and decision of all such cases, within such time as might allow the planter a chance of reaping benefit from the cultivator's engagement, I am fully persuaded that it would have the immediate effect of diminishing more than half the indigo suits that now annually occupy the attention of the criminal and civil sides of the court. As the law now stands, the cultivator's pledge, to pay a certain penalty of 26*s.* for every acre of his contract that he does not cultivate, is, for reasons already mentioned, almost wholly inoperative.

To render such a regulation, as is here contemplated, effective, it would be merely requisite to prove the cultivator's engagement in court, with the fact of the land having been voluntarily measured out to the factory in the presence of witnesses; and these points being established, a written order, from the judge or magistrate, authorising the constables of the court to plough up the crop at the cultivator's cost, if he should not be willing to do so himself, would be amply sufficient; or, should such a measure be considered too severe a punishment, the crop might be regularly attached, and sold on the spot, when fit to reap, and the proceeds made liable, either in part or whole, to satisfy the planter's claim for the stipulated penalty already referred to.

The number of our civil suits in the period already referred to, *viz.* six years, has been about twenty-five, principally for the recovery of the penalty for non-fulfilment of contracts, to which I have already fully adverted. Most of these have been decided in favour of the factory; but up to the present day I have not been able to recover one shilling of the advances, much less of the stipulated fine. Some plead poverty, and are really too poor to pay; others affect it, after a fictitious and fraudulent transfer of their property to other hands. In either case, our only remedy, according to law, is immuring both the poor and the fraudulent defaulter in a gaol—an alternative which the planter is

content to avoid, by means before mentioned—sometimes at the hazard of losing his life in the defence of his just rights, or being transmitted for his pains—but more generally by submitting to the addition of at least 25 per cent. to his annual outlay, to enrich the landholder. The duration of a civil suit is generally from three to six years. On the subject of bribery I could say nothing new. Its existence, to a fearful extent, is already too well felt throughout the country, although it might be difficult, for obvious reasons, to particularize instances, or point out in what departments it is most prevalent: as far as my own opinion goes, I believe the external police to be the most grinding and corrupt. There is not a judge or magistrate in the country, however, but knows the existence of the evil in every branch of the provincial administration. Any remedy against it, in the present constitution of the district courts, it would baffle the ingenuity of man to devise. Perhaps, were Government to appoint one or more covenanted or uncovenanted European officers, in every district, whose duty it would be to preside in person at each of the police stations, for at least three months of the year, the evil might be greatly diminished. At all events, such a measure would be a most material alleviation of the severe duties that the magistrate has now to undergo—duties which it is morally and physically impossible that he can perform with any satisfaction to himself or his honourable employers*. Here I feel strongly tempted to offer a just and a well-merited tribute of praise to the members of the civil service, with whom more than twenty years' experience in the indigo line has brought me acquainted; but they do not stand in need of such humble testimony as mine, and it would be foreign to my subject to attempt it.

The principal causes which lead to disputes are the want of some more effectual remedy than exists at present against the violation of indigo contracts, either on the part of the cultivator or planter—an ill regulated and corrupt police—and, above all, the absence of any moral feeling (as far as

* “The state of the police in Bengal was very bad in my time, as will appear from the reports of that period, some of which are printed in the Appendix, No. 12. Fifth Report of the Select Committee. It is a radical evil in the constitution of our Government, that we are a distinct race from the people; so far removed from them in habits, in taste, in sentiment, that with difficulty we maintain any useful intercourse with them. For this evil, palliatives only can be applied. I can suggest no means of curing it, except our colonizing, or employing the natives in high offices.”—SIR HENRY STRACHEY, in *Answers to Queries circulated by the Court of Directors. Selection of Papers and Records*, Vol. II. p. 52, &c. &c.

pecuniary obligations are concerned) in the class of natives with whom it is our lot to deal. But on these points, the even tenor of my short career in this district does not enable me to enlarge with any hopes of affording you new or useful suggestions. If my statements do not tell in my favour, it is my consolation that they cannot tell materially against me as a Tirhoot planter. The foregoing remarks are entirely confined to indigo operations, beyond which I do not feel myself competent to venture on any opinion. These, I am conscious, are very far from throwing any light on the subjects embraced in your circular; but circumscribed as they are, I could not withhold them, lest my silence might be construed into indifference to the objects you are labouring to promote, and the attainment of which, I am fully persuaded, must eventually conduce to the improvement of the resources of the country, as well as the amelioration of the condition of a large class of its native population.

My contributions alone to the revenue of Government, directly and indirectly, may be estimated at 3000*l.* a-year,—directly in lands rented by the concern, and indirectly in the shape of advances for indigo plant. The first instalment of my payments to the peasant goes, in general, to satisfy the claim of the landlord for rent. In fact, it is by no means unusual for the native proprietor, or his agent, to attend our office during the time of settlement with his tenantry, for the express purpose of securing his rents—an arrangement which, I need not say, very materially facilitates his collections for the land-tax from a large body of his tenants. In addition to what is advanced on contract for indigo plant, and exclusive of a considerable fixed establishment of servants, the concern is the means of circulating from 1500*l.* to 2000*l.* annually, among hired labourers, and workmen of various trades.

Against such positive advantages to the native population around me, and on the extent of which it would be useless to dilate, I might very safely challenge the records of the court to produce a single instance, as far as myself and servants are concerned, of that restless and turbulent spirit with which it has lately become so much the fashion to charge the indigo planters. And I feel a pride in adding, that I do not know of any planter in this district, who may not honestly and fearlessly make the same appeal. There are from thirty to forty such factories as mine in Tirhoot; and say that each contributes in an equal ratio to the support of the people in their neighbourhood, as I do, the annual circulation cannot fall short of 200,000*l.*

There is one subject of very general complaint in this neighbourhood, which, though beyond the limits I had assigned to this paper, I cannot help mentioning, I mean the want of good roads and bridges, and the little attention that is paid to facilitating the inland communication and commerce of the district. Being in the heart of a large trading village, and within a few miles of Patna, the grand depôt of the agricultural produce of Bahar, I have often had opportunities of personally ascertaining the evil; and can positively assert, that, next to some improvement in the existing relations between landholder and tenant, Government could not possibly grant a more important boon than the one in question. I believe that, by the last revenue settlement, the landholders stand pledged to supply this defect; but the regulation, if it exist at all, is never attended to. In fact, I have known instances where a small bribe to the native head of the police, or his followers, has enabled the landholder to evade the orders of the magistrate on this very subject. The consequence is, that for four months of the year the land communication between Tirhoot and Hajipoor, a distance of sixty miles north and south, and from Purneah to the east bank of the river Gunduck, eighty miles east and west, is almost entirely closed, and that, too, at a season of the year when the navigation of the minor rivers intersecting the country is hazardous in the extreme, if not impracticable, as far as the Sarun district. More than half of it has been under water during the two last rainy seasons, owing to the failure of the embankments. These last, I understand, it is the intention of Government to restore, and for which I am sure they will have the grateful acknowledgments of some thousands of suffering natives. It may be said that the indigo planter is directly interested in making this suggestion: I will not deny it; for my own part it will be a saving of 100*l.* or 150*l.* a-year, which I now lay out for bridges, roads, and embankments. How far such a consideration may have influenced me in touching on this subject at all I will not say, but surely it is one that should claim the attention of a Government anxious to promote the interests of every class of its subjects*.

I am, &c. &c.

* "Good roads are much wanted, as the commercial transactions of the merchants who trade from the south and east to Benares, Oude, and Nepaul, would be greatly facilitated if highways were made, and kept in order, from Hajipoor to the Goggra river, from Chuprah to the frontiers of Nepaul, and from Maissy to Durraily. There is not a bridge in the whole district."—HAMILTON, *Art. Sarun*, 1828. The writer, for the most part, drew his materials from the records of the Board of Control, to which he had access through the late Mr. Canning.—ED.

LETTER X.

(Central Provinces,)

* * * * December 28, 1829.

DEAR SIRS,

. IN reply to your circular of the 1st of October last, requesting information on certain points, I beg leave to submit as follows, *viz* :—

I cultivate about 9000 acres, including the plant of the first and second year. Taking the aggregate of my outlay from 1826 to 1828, three years, the average is about 7000*l.* per annum. Including every description of native servant, there are about 335 on the fixed establishment of my eleven factories. In the seasons for ploughing, weeding, and manufacturing, from 1000*l.* to 1100*l.* have been paid in one year for 138,775 days' hire of labourers, employed for digging, ploughing, weeding, &c.

Before the cultivation of indigo was introduced into this part of the country, the rent was from 3*s.* 9*d.* to 4*s.* 4*d.* per English acre. Lands fit for indigo rent at present at from 6*s.* 6½*d.* to 8*s.* 10*d.* I have no matchlock men in my employment; but I have twenty-three watchmen, whose sole duty it is to guard and protect the different factories at night. I have never been called on, in any instance, to assist or protect the judicial authority. The state of the police is extremely defective. The magistrates are in the habit of referring cases respecting disputes about boundaries, &c. to the superintendants for report, and deciding according to such reports; and as these persons are, for the most part, extremely corrupt and oppressive, they report in favour of the party who gives the largest bribe, or whom they wish to serve from some other cause. A short time ago there was a boundary dispute between some Mahomedan and Hindoo landholders, which the magistrate referred to the superinten-

dant of police for report. It is generally said that the Hindoo landholders, who are wealthy, gave the superintendant a bribe of 100*l.*, who, in consequence, reported in their favour; and the Mahomedan landholders, who are poor, have lost the greater part of the small estate that had been in the possession of their families for several generations. I understand the latter have appealed the case to the commissioners of circuit, recently appointed for this division. I have eleven causes in the civil court, in all of which I am the plaintiff. There are no causes instituted against me. The interval that generally elapses between the institution of a civil suit and its being brought on for trial is two years, and one more before it is decided finally; ere which time the defendant finds means, frequently, to convey his property to some other person. If the cause should be appealed to the provincial court, two or three years more elapse before it is decided, and the decree carried into execution. The gentlemen invested with the powers of judge and magistrate, are in general disposed to dispense justice, and to decide equitably, so far as depends on themselves individually, but the native officers under them are so notoriously corrupt, that, unless they are well bribed, a true statement of the cause cannot reach the ears of the judge, or magistrate; therefore, bribery has become a habit of notoriety, and, I may add, of absolute necessity*.

Disputes, in this district, are generally occasioned by the cultivation of one planter being invaded and molested by another, and his indigo plant clandestinely cut, and sold to those who have no legal claim to it.

I am, &c. &c.

* "The general unfitness of the natives to conduct their own causes, in tribunals whose proceedings are regulated by rules of such a refined and intricate nature, has led to the appointment of Vakeels, or licensed pleaders, to each court. But this measure, though intended for the convenience of suitors, is accompanied with injurious effects, by placing the plaintiffs and defendants very much at the mercy of a set of men who, for the most part, we fear, are wanting in respectability of character, with little sense of reputation, and depending for their subsistence on the encouragement and fomentation of frivolous and vexatious litigations."—*Letter of the Court of Directors to the Government of Madras, 1814.*—*Selection of Papers and Records, Vol. II., p. 241.*

LETTER XI.

(Central Provinces,)

* * * * November 4, 1829.

I HAVE been favoured with your circular of the 1st ultimo, and now have the pleasure to reply to the several queries therein contained, as far as I am enabled to do so. In this district, I am inclined to think, the planters manage their factories on a different and far better principle than in other parts of India; for we seldom or ever have disputes with the natives.

My cultivation, for the approaching season, will be about 2700 English acres, capable of producing 55,500 pounds weight of indigo. The outlay is about 5500*l.*, and the people daily employed 750, on an average, exclusive of from 6000 to 7000 cultivators, who rear plant for the factory on contract. Since the first cultivation of indigo in this district, land must, I think, have increased in value at least 50 per cent. In my immediate neighbourhood, the land of such villages as are on farm to the factory, and the leases of which had expired this past season, have been renewed at an advance of from 20 to 25 per cent.: good land in the villages around me, let on farm to the factory, is worth, for home cultivation, from 2*s.* 8*d.* to 2*s.* per acre, and downwards, according to quality. I do not keep any matchlock men for the purpose of using coercive measures with my cultivators: I merely employ a few messengers to run about with orders. I have never been called on by the judicial authorities for any assistance. When a planter has a dispute with a native, it generally arises from the tardy manner in which the land is

prepared, on which he has engaged to cultivate indigo, and from his unwillingness to fulfil his engagements under receipt of advances. In my opinion, the Tirhoot planter has reason to complain of the present system, chiefly on account of the tardy means of obtaining redress in the district courts; and, as to this point, I cannot speak feelingly, for I have not had a cause of any moment in any of the courts since I have been in the district. In Tirhoot, the Government will not benefit by the display of complaints filed by natives against the planters. They are very few, if any, and will all be found ranging in the opposite direction. Without indigo planters, Government would find it very difficult to collect the revenue. It is a well-known fact, that when the native crops are bad the tenantry cannot pay their landlords their rents; consequently, the latter cannot pay the collector without having recourse to the planter for a loan, unless he subjects himself to see his lands sold to satisfy the collector's demands. In this district alone, from 250,000*l.* to 300,000*l.* must be issued by the planters to the peasantry and day-labourers about the factories annually, most of which, no doubt, finds its way eventually into the Company's treasury. Another great benefit has accrued to the Government through the means of indigo planters;—population has greatly increased with the increase of indigo cultivation, and, consequently, vast tracts of lands, which only a few years since were jungle, are now in a high state of cultivation.

I am, &c. &c.

LETTER XII.

(*Central Provinces,*)

* * * * November 15, 1829.

DEAR SIRS,

IN reply to your circular of the 1st of October, we beg to submit the following remarks for your consideration. The

system under which the business of the provincial courts is carried on, is, in our opinion, a most inefficient one; more particularly as regards its relation to the causes and complaints of European cultivators. No persons will, we fancy, dispute the existence of corruption and bribery in its most inveterate form amongst the officers of the court. Not even the judges themselves can disprove it, and in most instances they are obliged (unless it be a very flagrant act indeed) to pass the crime over unnoticed. One, and a very principal proof of its existence, is the style in which the native officers of the court live, which they never could do upon the small stipends they receive from Government. In fact, no native of respectability, as far as the word may be connected with his general character, would exert himself to obtain appointments in the court, or the police department, unless they were attended with a much greater degree of power, and, consequently, of pecuniary benefit, than the mere salary he receives. The native population of this country have always been accustomed to submit to a system of extortion, and, perhaps, were so in a much greater degree previous to the establishment of the courts under the jurisdiction of the present government; and, therefore, they are perfectly reconciled to the feeling, that the longest purse carries the day. But with British-born subjects it is very different: they recoil at the idea of using such means of obtaining redress, and they are perfectly aware that their interests are insecure so long as such a system is permitted to exist. The consideration then is, how this can be obviated, as far as relates to them. It appears, from the regulations of Government, that no judge or magistrate can receive any document or communication from an European complainant in the English language, which we think a great act of injustice*. Every indigo planter would be better qualified to

* “ It is but too obvious that an European must labour under very great disadvantages in the administration of justice among a people so peculiar in their habits, their ideas, and customs, and with whose dialects it is in vain to expect we can ever become sufficiently acquainted. A document which we received from Bengal in the year 1810, distinctly informs us that ‘ a few only of the magistrates understand the Bengalese language.’ In the Peninsula, where the dialects are much more various, this deficiency in the native languages, cannot, we conceive, be less felt than it is within our possessions, subject to the supreme Government. These circumstances, while they must render the proceedings of the European judge liable to great error and misconception, in spite of all his care, and disposition to act rightly, must also, in a great measure, reduce him to a dependence on the native officers of the court, which in various ways will tend, as we know it very extensively has, to the abuse and perversion of the ends of justice; and from the inability of the judges to follow readily what passes in the

represent his case in his own language than in that of the court, which is Persian. In sending in a petition, or complaint, the planter is entirely at the mercy of the native pleader who writes it, as there is not one indigo planter in twenty that understands Persian: he is obliged to put his name to a paper he cannot himself read; and is, consequently, liable to very great imposition. Further, the permission being granted to Europeans to address the courts in English would render them totally independent of the native officers of the court, through whose reading and interpretation the judges and magistrates, who, in very few cases, are themselves capable of reading, or desire to read the originals, are induced to form an unfavourable opinion of the complaints of the planters themselves, and, in many instances, to give an incorrect decision. The influence of these people also over the inferior officers of the external police in the district must be obvious, and again, the power of the latter over the landholders, and the inhabitants generally of the villages, is in the same proportion. The more causes the native officers can get into court the greater field there is for their practice of extortion; and, consequently, the superintendants of police, instead of quelling any disputes that may arise, rather inflame them, and then get the parties into court. The indigo planter can, in our opinion, only be placed upon a fair footing in the courts, by its being made incumbent on the judge and magistrate to receive and answer his complaints in English, and by the employment of Europeans in the capacity of police superintendants;—one, for example, over two or three stations in the district, to whom the planter might apply when necessary. This would prevent also the mis-statements that are most frequently sent up to the judge by the district police, when any dispute takes place between the planter and the natives. The principal cause of such disputes is the insecurity of the native character in fulfilling engagements. An indigo planter requires nothing more than that, when he makes his advances to the native, the latter should be made to fulfil them on his part. The system of cultivators on fixed rents, in our opinion, gives the cultivator much too great power over the landholder. The Government always looks to the landholder for the land revenue; but how is he

“ progress of hearing a cause, a dilatoriness in the dispatch of business
 “ must arise, which, of itself, would contribute, in no small degree, to the
 “ accumulation of suits instituted in the Zillah Courts.”—*Letter from the
 Court of Directors to the Government of Madras, 1814.*—*Selection of Papers and
 Records, Vol. II., p. 240.*

to pay them, unless the tenant pay him? This is another frequent source of dispute with planters; for the landholder, not being able to collect his rents from his tenants, immediately rents the land to the indigo planter, who makes him an advance to enable him to meet the demands of the collector. When the time comes for the planter to sow the land, the peasantry collect, and stop his ploughs: he resists this; an application is made to the judge, who immediately sends down an order to stop the planter's ploughs, until an investigation be made. It is, in most instances, a month before this takes place, and when it does the time is gone by, and the season is lost to the planter. Where is his redress? The people, who were the cause of his loss, have not one shilling in the world, and, therefore, it would be ridiculous to institute any civil suit against them. We suggest, that instead of the planter being brought into these disputes between tenant and landlord, these parties should only have recourse in law against each other, the planter being made an innocent party to their disputes, and the one that generally loses by them. In many instances it has been known, that the landholder has said to the cultivators, "I will take the English gentleman's advance, and you stop his ploughs;" and the same in taking land from the cultivators*.

As to the benefit which the country at large has derived from the cultivation of indigo, the immense circulation of money thrown into the country, the number of poor people who gain their livelihood by it, and, above all, the increased value of land (for in the same ratio as the value of land has increased, has the demand from the collector upon the landholder increased) speak for themselves. The number of acres we cultivate annually, including the * * * * works in which we are interested at * * * * is about 4000, and as our plant up here stands for three years, we generally have a cultivation on the ground of 12,000. Our outlay, at both factories, is about

* "We are sorry that we cannot make any favourable report respecting the moral character of the inhabitants of the districts subject to our jurisdiction. The lower classes are, in general, profligate and depraved. The moral duties are little attended to by the higher ones. All are litigious in the extreme, and the crime of perjury was never, we believe, more practised, among all ranks, than at present. The system introduced by the British Government for the administration of the law, and for the conduct of the internal administration of the country, does not, therefore, appear to have improved the moral character of its inhabitants."—*Replies of the Magistrates of the twenty-four Pergunnahs, to Queries circulated by the Marquis of Wellesley, 1802. Fifth Report, p. 551.*

8000*l.* yearly. The number of labourers employed by us, from the month of June to November, is about 4000 per day; and from November to June, from 150 to 200. We have in our service about thirty matchlock men in our * * * * and * * * * factories, and about the same number at * * * *. The rent of land at * * * * and * * * *, before indigo was cultivated, was from 4*s.* to 6*s.* 8*d.* per acre; it is now from 10*s.* 8*d.* to 12*s.* We have never been called on to assist the judicial authority. We have had no suits in court this year, and we never had more than one or two at * * * *, and one in the appeal court at * * * *. To show how long we are obliged to wait for a hearing in the courts, some indigo of ours was ploughed up in the night by natives in the commencement of the rains of 1828: this case has not yet been heard; and when we wrote to the judge about it, requesting an investigation, the only answer received was, that he could not attend to any communication, except in the usual form, in Persian. This is merely one instance, out of many that we could bring forward, of the tardiness of the judges themselves to afford Europeans justice. In fact, an indigo planter's business will not admit of such delays; it is ruin to his cultivation, and to his general interests. There is one other point with which we shall conclude,—the opportunity allowed by Government to natives to deceive the prospects of an European cultivator, by building factories in the very heart of his cultivation, which the judges at present say they have not the power to prevent. If there is any thing further in which we can conduce to the accomplishment of the desirable object you have in view, we shall be most happy to do so, as we consider its attainment will be attended with the most beneficial results to the community at large.

We are, &c. &c.

LETTER XIII.

(*South-Eastern Provinces,*)

* * * * November 20, 1829.

I AM favoured with your circular of the 1st of October last, and have now the pleasure to reply to the queries therein contained, and to offer a few observations on the subject of your letter. Our cultivation amounts to about 9000 English acres of home cultivation, and the same amount of cultivation on contract. The outlay of this concern is 13,000*l.* per annum. The number of people we employ, on an average, is upwards of 3000 daily; but during the manufacturing season it is considerably more.

The value of land in this neighbourhood, before indigo was cultivated, was from 6*s.* 6*d.* to 11*s.* per acre. It is now from 22*s.* to 26*s.*, and the rent of inferior lands, which ten or twelve years ago was from 5*d.* to 1*s.* per acre, is now 2*s.* 2*d.* We employ about 30 messengers, and from 50 to 60 watchmen, when there is indigo plant on the ground. We have 32 suits in court, *viz.* 12 in the civil, and 20 in the criminal side of the court. The number of suits on the file in the district is generally, we are informed, from 800 to 1000 in the civil; and from 1000 to 1200 in the criminal department. In the civil court, people are, in most cases, obliged to wait for a hearing about two years, and very often double that time; and in the criminal, to wait two or three months for the most trifling case. There is no doubt that indigo cultivation greatly benefits the country, owing to the number of people employed, and the large sums of money every year circulated by the planters. In this district the money yearly circulated is about 300,000*l.*, whilst the Go-

vernment revenue is only 100,000*l*.* This surely speaks volumes. Our disbursements enrich the landholders, and enables them to pay up the land tax with greater facility to Government; and betters, in no small degree, the condition of the lower orders. The latter are in a most deplorable state, principally on account of the system of borrowing from money-lenders, which, as it is conducted, is one of the greatest evils that can befall a country, and which the Company's officers have no means of checking. The money-lender advances the cultivator such monies as he may require, at the exorbitant rate of 37½ per cent. per annum! He advances grain for the peasant and his family during the season, for every bushel of which the usurer receives back a bushel and a half. He advances him seed-corn at 100 per cent., that is, he gets back two bushels for his one. These pests of the country, not content with such immense profits, cheat the poor people most shamefully; which they can easily do, as all the crops raised by the cultivator go into the usurer's granary the moment they are ready, and he takes good care never to grant a receipt, or render an account of any kind. Thus, the money-lender has the poor peasant completely in his power; and not only can starve him if he choose, but cast him into prison, by making up false accounts, and taking out a writ against him, which is easily accomplished. This, indeed, he never fails to have recourse to, whenever the cultivator becomes refractory, and will not obey his mandates, whatever they may be, implicitly. I may add, that I know of many instances, after a proprietary native planter has built upon an old-established concern, that he has obliged the money-lender, being a tenant of his own, to stop giving grain to the villagers unless they agreed to take his, the native planter's advances, and throw up those of the European planter. From this cause many very sanguinary disputes take place.

As regards the state of the police generally, I am of opinion that never was any country cursed with such a base one as this is †. It is owing to the native superintendants

* "The estimated assessment in 1791, on which the permanent settlement was made, which, in a few years ruined a majority of the proprietors, was 137,380*l*."—*Appendix to Second Report of the Select Committee of the House of Commons*, p. 183, 1810.

† "The Darogah system is so essentially bad, that no talents on the part of the magistrate can render it good. It is a system which, I believe, has never been attempted to be established in any country but this, and which certainly never can be any where successful. An officer of criminal police, who has no other occupation, and whose sole main-

and constables, that more than one half the disputes arise in which European planters are concerned. These minions of power invariably find it to their interest to stir up strife, by setting one neighbour against another, in order that they may enrich themselves with the money arising from the bribes which both parties are generally obliged to give on such occasions. When a native superintendant goes into the country to investigate any affair, let it be even a case of murder, he never considers how he may benefit the ends of justice, but how much money he can get, by making out a favourable case for the party who is best able to pay; and in this manner the innocent are obliged to bribe them to do them justice, and the guilty escape, by the same means. I will give you an instance, to prove what has been advanced above. A few years ago a native planter built a factory in such a situation, that he could not obtain water for his vats without placing his pumps on, and conducting his carrier-drain through our land. This he did, after breaking up some of the plant to make room. The assistant in charge of the factory, to which the land and plant belonged, very properly went and had the pumps thrown into the river; but he had scarcely left the spot, when the man brought out a quantity of old thatch, set fire to it, and lodged a complaint against the assistant, for *burning down one of his houses!* The superintendant of police was ordered out by the magistrate to investigate the matter, and send in a report. Our assistant having found out that he had taken a large bribe from the native planter, and promised to send in a report in his favour, had no alternative left but to

“ tenance consists in the low salary which he receives for his work, is
 “ usually considered as nothing more than a thief-catcher; who may be
 “ sometimes useful, but very seldom a respectable member of the com-
 “ munity. Such a person can never be placed at the head of the police
 “ of a district, subject to no controul but that of a magistrate fifty or a
 “ hundred miles distant, without exciting disgust and contempt. The
 “ country magistrates of England are respected, because they are unpaid,
 “ and are men of character and property in their several districts; but
 “ what would be the consequence if their duties were transferred to a low
 “ stipendiary police officer, and if they were themselves placed under
 “ the controul of a darogah, or constable. Such an order of things,
 “ however, would not be more repugnant to the feelings of the people of
 “ England than it is to those of the inhabitants of this countr. The
 “ darogah system has nothing to recommend it. Had it a chain of posts
 “ from the Kistna to Cape Comorin, it would not prevent a single crime;
 “ instead of acting quietly and unseen, it is always in the highway, full
 “ of hurry and bustle. It has no hold upon the prejudices or attachments
 “ of the people; it is strong and active only to vex and injure, but weak
 “ and inefficient to protect.”—*Minute of the late SIR THOMAS MUNRO,*
dated April 27, 1821.—Selection of Papers and Records, Vol. IV., p. 71.

counter-bribe the man of authority, and thus induce him to send a true statement of the case to the magistrate, who having before decreed the land, on which the pump was fixed, in our favour, dismissed the complaint as soon as the report reached him. Such is the awfully corrupt state of the police in this district; and in others, we believe, it is just as bad, that neither life nor property is secure; and had not our assistant, on this occasion, acted as he did, he might have been sent down to Calcutta to stand his trial in the supreme court on a capital charge. This is but one instance of the villany of the provincial police; I could mention many others which have come under my own observation—at least as far as reports, in which I could place every confidence, can be relied on—where people, guilty of the worst of crimes, have compromised matters with the police, and escaped. The state of the district courts is, I am sorry to say, lamentably defective; and that “every man has his price,” is but too clearly proved by the bribery that daily goes on, amongst its native officers, from the highest to the lowest. It is a notorious fact, that, from the defective state of the law, the facility with which false witnesses can be procured, and the mass of plausible evidence these hirelings contribute to support, by the most artful and daring perjury, obliges the planter sometimes, in self-defence, to take the law into his own hands, and run all risk, rather than enter a suit in a court, where the proceedings are carried on in Persian, a foreign tongue which few understand, and where there is nothing but bribery, corruption, and contamination, in the very threshold*.

* “ We have read with unusual concern the proceedings to which you have referred us, relative to the corrupt practices of the native judicial servants in Canara. These transactions appear to have been first brought to the notice of your Government by Mr. Wilson, the judge and magistrate, in a letter of the 1st of May, 1813, from which, and from repeated communications subsequently received from that gentleman, and his successor in office, it appears that there existed among the native servants, not only of the court, but throughout the judicial department, an organized system of extensive and flagrant corruption, extortion, and oppression. In these nefarious transactions the two head ministerial servants of the court were principal instigators and active leaders. Of the native pleaders and attorneys employed immediately in court, Mr. Wilson observed that not one of them, from the highest to the lowest, could have been ignorant of the iniquities going on, or could possibly have been prevailed upon to observe so profound a silence as they had maintained, without some powerful inducement to ensure their connivance. There was another description of native servants, from whom the ministerial officers, attached to the court, were represented by Mr. Wilson to have derived the most active assist-

The planters are by no means a turbulent set, nor do they oppress the natives. Every body knows it is not their interest to do so, but on the contrary, to support them to the utmost of their power; and it cannot be disputed, that in thousands of instances they have saved the cultivators from the greedy money-lender, and incarceration in a dreary gaol. This the Company's officers in the provinces are fully aware of.

In answer to your seventh query, I need say little, as it must be evident to you, from the number of cases on the file in the different courts, that even were a judge or a magistrate to sit twelve hours on the bench (instead of four or five, as they now do), the arrears of business could not be brought up fast enough to ensure justice. I have frequently not only been deprived of the services of my people, who have been summoned to attend the district courts, as witnesses, defendants, or complainants, for months together, but also obliged to pay their expenses during their stay at the station; and at the same time to employ other people to attend to their duties. Thus, entirely owing to the inefficient state of the courts, we are put to a great deal of unnecessary expense and trouble*.

“ance and support in the practice of their malversations; namely, the
 “commissioners for the trial of civil suits. This class of persons is stated
 “by Mr. Wilson to have oppressed the lower orders of the people by the
 “exaction of compulsory service of every kind, without remuneration,
 “and by beating and confining those who made any remonstrances, or
 “opposition to their demands, whilst they forcibly possessed themselves
 “of the estates of the higher orders, and extorted from them the neces-
 “saries of life, and other commodities, at less than the market price.
 “The court officers, and external police, are likewise represented to have
 “contributed, in a material degree, to the support of this iniquitous sys-
 “tem by their good-will and connivance, these being necessary in almost
 “every act, and insured by occasional loans of money, and the exercise
 “of other petty good offices, with which the head officers of the court
 “found it their interest to reward them. In describing the lamentable
 “state of things in Canara, Mr. Wilson says, ‘that attacks against the
 “dearest rights were made by one party, and an abject surrender of every
 “privilege was yielded by the other; that extortion was not confined in
 “its practice against those only who had business before the court, but
 “was extended, under every form and aggravation which rapacious
 “avarice could devise, against all whose opulence attracted notice—all
 “whose possessions rendered them fit objects for such infamous designs.’
 “The truth of Mr. Wilson’s representations has been since fully confirmed
 “by the correspondence of Mr. Baker, his successor, as well as by the
 “proceedings of the courts of justice.”—*Letter from the Court of Directors*
to the Government of Madras, 1818.—Selection of Papers and Records,
Vol. II., p. 762.

* “These are subjected to great inconvenience and distress, being
 “summoned as witnesses in every trifling litigation that goes before the
 “judge from their respective villages. They are supposed to know the

The abolition of the restrictive system would be of service to indigo planters as far, especially, as it is connected with the arbitrary power of transmission, which Government at present possesses, and I sincerely hope, that the petition which you, in conjunction with the other houses, have in contemplation, will have the desired effect. Should any further information be required, I shall be happy to afford it to the best of my ability. I have been busy sorting and packing our indigo, which must plead my excuse for not replying to your letter sooner.

I am, &c. &c.

LETTER XIV.

(*South-Eastern Provinces,*)

* * * * * October 20, 1829.

DEAR SIRS,

I HAVE to acknowledge the receipt of a circular from you, dated 1st October, 1829, and beg to state, in reply thereto, that my cultivation is from 4300 to 4800 acres; that the rent

“ state of the matter better than any body else, and are therefore always
 “ summoned. They are detained weeks and months from the manage-
 “ ment of their farms, and are frequently no sooner at home than they are
 “ called away fifty or one hundred miles by a fresh summons, about some
 “ petty suit, which they could have settled much better on the spot; and
 “ crowds of them, as well as of the principal Ryots, are always lying about
 “ the courts, and very often without its being known to the judge that they
 “ are there. Hundreds of complaints of acts of oppression have been
 “ made to me, but on which I have no power 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, in such instances, is so clogged with
 “ forms, &c. that nine out of ten of such grievances never can come before
 “ it. It is cheaper for complainants to submit to be plundered, than to
 “ seek redress.”—SIR THOMAS MUNRO, in *Selection of Papers and Records*,
 Vol. II., p. 240.

of these lands has more than doubled since indigo has been cultivated on them ; that my outlay is from 3000% to 4000% a-year ; that the average number of labourers and workmen I employ monthly is about 400 ; of brokers, writers, and overseers about 20 ; and of matchlock men and watchmen 10. I have had no suits in the court since I have been at these factories ; indeed I have not made a single complaint to the court ; not but that I have had cause to complain often enough, but the delay and expense attending it have debarred me from doing it. Last year many of my cultivators sowed rice on the land that they had taken advances to sow indigo on. If any of them behave in this manner in the present year, I must complain ; and I have no doubt but they will attempt it, for an Indian peasant has no gratitude, let you show him what favour you will. This is the cause of disputes generally : the cultivators are distressed for money, —come to an indigo planter for advances, or perhaps go to two or three, and take advances from each for the same lands, and then, with respect to what little plant there may be, it is, “ who is to have it ? ” The natives are in the habit of making presents of money to the native officers of the court, and we always have our native agent come to us to allow him to do the same ; or, he says they will persuade the judge to give a decree in favour of the party they have received money from ; or, if money be not given, the cause or complaint will not be tried for many years. Many Europeans will not give a rupee in this way ; and again, they cannot prove that their opponent has. Therefore, he who does not fee the native officers has but little chance of gaining his cause, or getting it speedily settled, unless he be on intimate terms with the judge, for every judge must place a great deal of confidence in his head man. As I before said, I have not made a single complaint ; I have also to say, that I have not had a complaint made against me ; nor have I ever caused a peasant to be beaten.

The state of the police is decidedly bad,—no dependance can be placed on it ; and the losses an indigo planter sustains by its bad and illegal practices are often very great. For instance, should the superintendant come into his villages to inspect a deed of murder, robbery, or accidental death, at the time of his sowing season, the whole, or nearly so, of his cultivators, run away till the inquiry is over, which sometimes lasts eight or ten days ; not that they are guilty, but to escape being taken up on suspicion, for every man is suspected till he pays a rupee or two to the

constable and his followers. This is taken from them in a sly way, so that they could not bring witnesses to say that the money had been extorted. This money, which sometimes, I have heard, amounts to 100%, is put, for example, into a cloth, and into the constable's hand when sleeping under a tree. On awaking he does not think of making inquiry how it came there, but feels the weight, and gives the servant a frown or a smile ! Now, how can these people be detected ? They cannot, without an European were placed at the head of every three, four, or five police stations, as they might lie, near to or far from each other. The constable and his people could not act in this way then. They now dread an indigo planter, and the planters are a great check on them. I had my cultivators run away last year on account of the police people coming to arrest their head man, as they said they should be fined and ill used until he was caught. They kept out of sight upwards of fifteen days, leaving their own rice and my indigo lands unsown, and I was unable to sow it after, not getting rain again until the season was too far advanced. I am certain I lost 400 pounds of indigo, for I had good plant from the adjoining villages, that were sown at the time this event occurred*. I beg to apologise for the length of this, and perhaps the detailed account I have given is more than you wished ; if so, I beg you will excuse me.

I am, &c. &c.

* " In the course of my circuit I have every where endeavoured to ascertain how far the new system was agreeable or otherwise to the inhabitants. From the constant and extensive communication I have had with them, I am convinced there is not one in a thousand, and perhaps scarcely a man in the country, who is not pleased by the change. All classes expressed their satisfaction at being relieved from the police, and vexations of its officers ; and in some districts they spoke of it as a " system of organised oppression."—Sir THOMAS MUNRO, in *Selection of Papers and Records*, Vol. II., p. 543. The system here reprobated was borrowed from Bengal, and, in fact, a counterpart of it.—ED.

LETTER XV.

(South-Eastern Provinces,)

* * * * October 20, 1829.

GENTLEMEN,

IN reply to your circular dated 1st inst., I beg leave to state that our concern of three factories has a cultivation of between 1600 and 1700 acres. Our average yearly outlay is 25,000*l.* Our permanent establishment consists of 114 persons of all descriptions, besides 700 extra day labourers during the two manufacturing months. The rent of land, when indigo was first cultivated in this district, was about 1*s.* 6*d.* per acre; now it is 9*s.* We were never called upon by the magistrate to assist, but invariably by his officers to aid them in putting the court's orders in force, which is always complied with. The police are, in fact, notorious thieves, and never applied to except by the magistrate himself, to make bad worse. We are obliged to submit to paying *bribes*, from the lowest officer of court up to the native head of it, in every cause without exception, or no business can be done. An example or list is here enclosed of the commencement of the smallest suit, with the bribes attendant thereon in the criminal department, beginning with the one shilling stamp for instituting a complaint against a peasant for beating our servant in attending the cultivation, until the sum amounts to 3*l.* 10*s.*; and, after all, if the defendant is not apprehended within six months, the cause is cleared off the court books, and all is at an end. This clearing off of the court books takes place every six months.

We have one complaint in the civil court at * * * *, for 40*l.*, with charges 10*l.* more, since 1824, for which we

have had two decrees, and this year sent to the appeal court at Calcutta. When it will be decided there, if ever, we know not. We have one criminal cause in the district court of * * * *, since December 1828, and no hearing yet. We have thirty-eight civil causes in * * * *, for near 300*l.*, besides about 80*l.* charges already incurred, since February, 1829, and no hearing yet. We have twelve civil causes in * * * *, with charges, amounting to about 200*l.*, since 1826, for which we have had decrees since 1828, but cannot get any other satisfaction—neither payment of the debts, nor the persons of the debtors, although they go about daily before our eyes. There it is for all the trouble and expense we have been at!

The native proprietors have every advantage over us, by their being able to purchase estates, or farm villages, while we are not allowed to do either. If we do, it is in the name of a native, one of our servants; and he, invariably, takes advantage of us by every possible means. I look upon the real cause which occasions disputes in general, to arise, in the first place, from its being given out by the officers of the courts, that the cultivators may make contracts and receive advances from indigo planters, and not be obliged by the court to cultivate or sow the lands unless they please. Through such impression, two years ago, some of my cultivators came direct from the court, and broke up above thirty acres of plant six or eight inches high. The time was gone by to sow again, nor have they sown since. The twelve suits in the civil court at * * * * are on this account. The same year, many hundred acres of plant were destroyed by the cultivators of different planters in this district, all from the same cause.

The root of the evil is, no doubt, occasioned by the administration of justice being too often entrusted to gentlemen who have neither the necessary age nor experience for the judicial duties,—whose knowledge of law and business is acquired from the native officers of the court, and who are too often guided in their decisions by the representations of these persons, while the Regulations are, in most cases, a dead letter*.

* “ In the conduct of trials, in unravelling intricacies of particular cases, in eliciting truth from witnesses, in appreciating evidence, in applying the law to the fact, Indian judges, unprepared by education or otherwise for the judicial office, have many peculiar difficulties to contend with. The code of regulations, by which they are bound, consists almost entirely of rules of procedure: the Mahomedan and Hindoo laws are the

The Company's servants can have no knowledge of the true character of the natives from the assistant to the circuit judge; nor is it to be expected they should, when they never see them but in the act of supplication.

I am, &c. &c.

LETTER XVI.

(*South-Eastern Provinces,*)

* * * * *October 23, 1829.*

DEAR SIRS,

I HAVE the pleasure to acknowledge the receipt of your circular, under date the 1st instant, and, agreeably to the request therein conveyed, I beg to send you the following replies to your queries, which I hope will be of some use in drawing out your statement. I am afraid there is nothing new to yourselves in what I say.

I receive from the cultivators annually, in engagements, from 8000 to 10,000 acres of land; but owing to various causes, such as bad soil, inability on the part of the peasants to cultivate, loss in measurement, and want of rain in season, not more than from 5500 to 7000 can be reckoned upon as being actually cultivated. My annual expenses are from 8000*l.* to 10,000*l.* including the cost of indigo seed. My establishment of servants is according to the size of the factory and its cultivation. The wages of my permanent establishment of servants range from 15*l.* to 20*l.* a-month. At the manufacturing season I employ a great many labourers, say 3200. The wages of the latter are from 6*s.* to 8*s.*

“ guide for their decisions in certain cases only; and in all others, not specially provided for, the judge has no law but that of his own conscience. For propriety in the proceedings of the courts, therefore, little security is to be found in the state of the law and of the judicial establishment.”—*Letter from the Court of Directors to the Bengal Government, 1824. Selection of Papers and Records, Vol. IV., p. 39.*

a month; and, to secure their services, hundreds of pounds are advanced five or six months previous to the manufacturing season.

I have no idea what the value of land was here before indigo was cultivated, but of course it has neither increased nor decreased, as far as those cultivators are concerned, who hold perpetual leases from the landholders. The rates in such cases are very low, *viz.*, from 9*d.* to 1*s.* 2*d.*, and 1*s.* 6*d.* per acre. I allude, of course, to those lands on which indigo is cultivated, and for which I pay to the cultivator from 12*s.* to 15*s.* The peasantry reserve good lands for the cultivation of rice. Our indigo grows on islands, or sandbanks, formed by a change of course in the great rivers, and on which other crops do not thrive so well. It is a very fortunate circumstance that it is so, otherwise we should experience great difficulty in getting lands to the extent required. The expense of cultivating these light soils is small compared to high lands, which is another advantage we have over other parts of the country.

I am sorry I cannot say any thing in favour of the present system of police. The constables and inferior officers of it, in this part of the country, are a set of harpies. I am obliged to keep on good terms with them, otherwise they would do every thing in their power to give me annoyance, and injure the factory business. It would be endless entering into a detail of the different modes they practice to extort money. One very common method they have of making money in large sums is, that whenever a murder or robbery takes place, they apprehend as many people as they can, and, under the threat of sending them to the magistrate, extort large sums*. I know this to my cost. I could give many

* " On the 6th of January, 1810, some robbers carried off near 10,000*l.*
 " worth of treasure at Muddenpore, killed nine men, and wounded
 " twelve more. Some months passed without any discovery of the per-
 " petrators of this robbery. The spies were then sent to work, and a man,
 " named Dulo Sing, was sent by the magistrate into the country, with
 " powers to apprehend persons on suspicion. This Dulo Sing, in
 " the course of six months, seized, or caused to be seized, almost at
 " random, and without any just grounds of suspicion, one hundred and
 " ninety-two persons. One hundred and forty-two were released by the
 " magistrate, as soon as they could be examined, and forty-six were com-
 " mitted for trial. Six men made confessions, and received pardon, or
 " promise of pardon. Dulo Sing was rewarded with the grant of some
 " land by Government, on the representation of the magistrate. On the
 " trial, the report upon which I have read, it appeared that the prisoners
 " were all innocent of the robbery, and they were acquitted accordingly.
 " It appeared that the confessions were extorted or fabricated by Dulo

instances where the villagers have paid hundreds of rupees, from fear of being taken up and sent to the court, where perhaps they would be detained six months, and be put to great expense in paying bribes to the court officers.

In the civil court I have several suits for debts. These have been pending for more than two years, and I dare say another year will expire ere I obtain a single decree. The delay in the decision of a suit is very harassing, and to this circumstance you may ascribe many breaches of the peace, arising from boundary disputes. It compels the parties to take justice into their own hands rather than go to court, where perhaps redress could not be got under several years, and an enormous expense. Bribery and corruption are carried on to a very great extent, and it is almost impossible to sue for justice without paying the court officers. This vile practice will never cease, as long as the administrators of justice are unable to give more attention to the business themselves. In my opinion the judges have more to do than they can attend to, and some of the districts are too extensive, and far removed from the courts. The native officers have the entire management of the business, and the judges decide causes according to the cases brought before them by these persons, who receive bribes for drawing out the proceedings, and giving assistance in many other ways. But it is not always that money given to the native officers of the court has the desired effect, although it is never left in trust;—pay you must, while your cause is pending. Very lately I paid 150*l.* on account of a native. The money passed through my hands, and he got the cause decided in his favour. I don't mean to say the bribe got him the cause. The officers of the court feigned reluctance to bring the business forward, and draw out the papers as they should have done, in order to give the cause the appearance of a just one*.

“ Sing; that many witnesses were suborned by him; that the inhabitants of several villages were laid under contribution, the people seized, and their houses searched, at the pleasure of Dulo Sing. Of the forty-six prisoners who were detained in irons above a year before the trial, three died during their confinement.”—SIR HENRY STRACHEY'S *Answers to COURT'S Queries*, December 30, 1813.—*Selection of Papers and Records*, Vol. II., p. 73.

* “ But, on the other hand, every native will perjure himself. In every litigation respecting water, boundaries of villages, and privileges of caste—in all these cases he never speaks the truth, unless from the accident of its being on the side which he conceives himself bound to espouse. He will also perjure himself (not uniformly, indeed, yet with

One great cause which leads to disputes between planters, originates in the cultivator's taking advances from two planters for the same lands; and at times leaving one party altogether, and going over to the other without liquidating the debt to the first. If justice could be obtained in time, this could never occur. A cultivator thinks nothing of being in debt to one planter, and then receiving fresh advances from a second. You may prosecute him; but then you must wait patiently for a couple of years. In the interim, he makes away with his property, and evades the course of justice in a hundred ways. Boundary disputes between farms held by the different planters are very difficult to settle. Cultivators of both parties claim the land, and try to keep possession of it, by proving that they have sown it. At the manufacturing season large bodies of peasantry collect, and carry off the plant by force: this leads to bloodshed, and then follows a court proceeding. Every native farmer is bound down to his landlord to protect the boundary, and prove an encroachment by other landholders*.

I am, &c. &c.

" little hesitation) in favour of a relation, a friend, or an inhabitant of the same village, and even of persons in whose welfare he has apparently no concern. These causes, added to bribery, render perjury so common that scarcely any dependence can be placed upon evidence, unless where it is supported by collateral proofs. The number of witnesses, and even their general character, is, therefore, of less consequence than an acquaintance with those particulars, customs, and prejudices, by which their evidence is likely to be biased. The judge must always be inferior to a native in knowledge of this kind; he will likewise be deficient in language; he never can be so much master of it as to follow and detect the minute points by which truth and falsehood are often separated. The voice of a witness—the manner—the mode of expression—the use of words of a less positive, though often similar sense—all these must be beyond the reach of an European, whose knowledge of an Indian language can never extend to such niceties. The judge must, therefore, often require explanation from the officers of the court, and trust to their opinion. Where he forms a wrong one, there is little hope of his being enabled to correct it from any arguments that may be adduced by the pleaders—for these men will most probably agree among themselves, and divide all fees, and care very little which of the parties in a suit is successful."—Sir THOMAS MUNRO, in *Selection of Papers, &c. &c.* Vol. II., p. 234.

* In an agricultural country, without fences or landmarks, reduced to anarchy by an imperfect administration of justice, and where the titles to property are left rather to tradition than records, it may readily be supposed that the defence of a boundary, by force, is looked upon more as a merit and a duty than a crime. The following passage from the able report of a British officer, on the condition of landed tenures among the Mahrattas, affords a very curious illustration:—"Weer is land granted for defraying expenses incurred in celebrating the memory of a person killed in a boundary dispute, which entitles him to rank as a hero."—*Selection of Papers and Records, Vol. IV., p. 641.*

LETTER XVII.

(*South-Eastern Provinces.*)

* * * * November 9, 1829.

MY DEAR SIR,

I AM surprised to hear that strong opposition is offered to the framing and passing of some regulation, or provision, defining and placing us in such an independent situation in the country as would stimulate us still further to draw forth our resources for its improvement; more particularly in these enlightened times, when the benefits which the country and its inhabitants derive through our exertions are so generally acknowledged. For example*, it is not twenty

* It may be necessary to guard the reader against imagining that the decay of the manufacturing industry of Decca has had any connection with the free trade of India. It began many years before the free trade, and was the certain and inevitable consequence of the introduction of improved machinery in Europe, and the encouragement or protection given to their own domestic fabrics by the manufacturing nations of the west. With respect to the miserable condition of the poor of the city of Decca, adverted to in the letter, the description, is unfortunately, too generally applicable to the lower orders in India throughout, as may be seen by the following statement from unquestionable authority; for one of the parties is at present a Director of the East India Company.—“ It has been contended, that the condition of the lower orders has improved under our Government, and we are not at all disposed to dispute the fact. “ The practice of seizing begaries may have prevailed under the administration of our predecessors, even to a greater extent; their rahdarry duties may have been more vexatious and oppressive than our customs, and other grievances may have existed. All that we mean to advance is, “ that the people do not enjoy, under our Government, those comforts

years since Decca had triple its present number of inhabitants, and at a more distant period its population was still greater. The manufacture of cloth was then the staple trade, and by it a great body of its immense population obtained subsistence. But this outlet has long ago ceased, and the inhabitants are of course obliged to look for other means to obtain a livelihood; and I may say safely, in the cultivation of indigo they have found it. The population of the country has increased in proportion, and more than in proportion, to the decrease which has taken place in that of the town, where now, reduced as it is, in a melancholy degree, I am informed by respectable natives that at least 5000 poor creatures have not the means of providing for more than one meal a-day, and that too a very scanty one of boiled rice and a little salt.—400,000*l.* sterling used formerly to be distributed yearly amongst a happy and well-fed people, employed in the cloth manufacture, and now but a very few thousands are expended in this way. Where, you will ask, and how, does the surplus population now obtain an honest livelihood? I am not aware that the population of the province has decreased;—I am still less sensible that any other trade has appeared and exists, except indigo, in which the people can find employment. Our concern alone employs from six to eight thousand persons throughout the year, and, admitting five to every household, from thirty to forty thousand individuals obtain subsistence through our means. Supposing we grow one-fourth of the indigo of the district, nearly one hundred and fifty thousand souls look to the planters for their daily bread. Considering this as fact, surely little doubt can exist as to the benefit we are of to the lower orders. We are not perhaps of less benefit to the higher, who are proprietors of the soil, through our bringing into cultivation extensive wastes capable of being made use of for no other crop than indigo, in districts thinly peopled, and where irrigation by tanks and periodical inundation affords, on low and easily cultivated land, ample harvests of rice. Nor could the

“ and advantages which might be supposed to suggest comparisons highly favourable to their present rulers. The peasantry do not, by any means, enjoy a state of comfort; their huts are miserable, and their ordinary food is of the meanest kind;—millet, pulse, and the smaller grains, usually furnish their subsistence, and they rarely consume the more substantial grains (wheat and barley), which are produced by the labour of their hands.”—*Report of the Commissioners of the North-Western Provinces of Bengal, in the Selection of Papers, &c. &c. printed by the Court of Directors, Vol. I., p. 26.*

peasant, under present circumstances, bring into culture the forest lands which we have succeeded in clearing. From fifteen to twenty thousand acres of such land now belongs to this concern, and nearly half of it has been added within the last five years, and I am not at present sensible that a single acre has been taken out of the hands of the peasantry. On the contrary, we are in the practice of permitting them to have the benefit of our fields in many situations, to raise a crop of rice, hemp, or mustard, when unemployed by ourselves from August to February. The rental of these lands, and the capital we circulate amongst the poorer tenants, enable the landholders to meet the Government demands, which, otherwise, I am doubtful of their ability to do. But confining myself to a circumstance every day brought under my notice, the people near indigo factories are much more happy, and enjoy the necessaries of life in a much higher degree, than any other description of the peasantry. It is but a few weeks since this was strikingly brought under my observation when visiting a distant and almost uncultivated part of this district with the view of establishing a new work. The people flocked round me, and expressed their satisfaction in a most touching way, offering at the same time to take advances, and begging for employment. This is not the only benefit they look to: a not less one is that protection which Europeans have it in their power to afford to the too frequently oppressed cultivator. To the respectable planter he lays open his grievances, and seeks advice—to the planter he comes for the loan of money to meet his landlord's demands, and obtains it upon easy terms, when otherwise he would have been necessitated to procure it by the sale of his cattle, or to borrow it from the money-lender by pawning them, and this, at a rate of interest that would involve a whole family in ruin or difficulties requiring years to overcome. And I may add, that, from the clutches and oppression of the police, the cultivator requires a friend to shield him; and the knowledge that an ear is open to him, puts the native authorities sufficiently on their guard not to oppress to any great extent. Still a few instances of oppression by the police will occur; but the active and intelligent magistrate we fortunately have makes them few in comparison, I fear, to those which occur in many other districts. The access which a planter always has to him, and the instant notice, and vigilant measures he takes to put a stop to any oppression, make it a pleasure to the informant to lay before him acts of impropriety in his police, and I think not less so

to him, his having Europeans seated throughout the district to convey information to a tribunal where a speedy redress is sure to be had.

To tie up the planter's hands further, and not allow the remedy for his reasonable complaints, after so many years of probation,—after so many proofs of the advantages he has conferred on the country, and seeing that he is disliked by neither rich or poor, is surely most unreasonable. I, myself, can give twenty instances of a deputation of the respectable inhabitants of a village going fifty and sixty miles to the house of the landholder to request my being preferred to native farmers, who subject their under-tenantry to a thousand vexatious oppressions. The native farmer is ever in search of an excuse to extort money. He often transfers his lease to a sub-tenant, who, likewise, must have a remuneration for his trouble, and all falls upon the poor cultivator, who is beyond the reach of making complaint*. To the magistrate he

* “ Government may possibly imagine that my apprehensions are not without foundation, when I inform them that, at this very moment, the Zemindars of Rungpore are perverting the provisions of Section 3, Regulation V. 1812, to the entailment, in perpetuity, upon their wretched victims, the peasantry, of a long series of exactions, of which the following are but a few specimens:—

“ Rajchunder Chowdry, proprietor of the four annas portion of pergunnah Cooury, who pays 15,976 rupees malguzarry to Government, purchased, in the year 1812, of Messrs. Colvins, Bazett, and Co, a lower-roomed pukka-house, situated nearly opposite to the European burial-ground at Rungpore, formerly the property of one Nichols, a shopkeeper, for the sum of 2100 sicca rupees : he likewise held a debapooja, to render his entry on the premises duly auspicious, which cost him 2000 rupees more. It is a notorious fact, that Rajchunder Chowdry has collected from the ryots of his estate, with a view to defray this expense, no less a sum than 11,000 rupees, under the bold item of dalan khurcha (house or hall money).

“ The ceremonies attending the birth of the Zemindar's grandson cost him 1200 rupees; and he has collected from his ryots, on this account, five thousand.

“ Sudasheb Raee, a joint proprietor of the seven annas portion of the same estate, had his house burnt down a little more than ten years ago, on which occasion he is said to have lost a considerable quantity of property. This Zemindar is notoriously known to have fully indemnified himself for this loss by collections from his ryots, and the temporary addition thus imposed on the rent-roll of his estate is said to have outlived the cause which gave it birth, and to have become a permanent increase upon the former rent, under the title of ghur bunaee (house-building).

“ Sudasheb Raee commemorated the Mahabharat some years ago, which ceremony lasted three months, and in which 20,000 rupees were expended. The whole brunt of this vast expense fell upon the tenantry of his estate.

“ Jyram Baboo, a man whose boundless extravagance has reduced him to a very low ebb, farms the whole of his estates, which, though much of his property has gone to the hammer, are still of great extent. This

has no access, excepting through such a channel as is a complete bar to it. How is he to meet the expense, and carry

“ man, though, as above stated, his lands are all in farm, has for many
 “ years been in the annual practice of visiting his villages in the cold
 “ season. On these occasions he proceeds in great pomp, travelling with
 “ a set of double-poled tents, and several elephants, and led horses follow-
 “ ing in his train.

“ It may be imagined, that this annual visit is with a view to alleviate
 “ misery, and to extend the hand of charity to the distressed among his
 “ tenantry. Far different is his object. He proceeds from village to
 “ village, levying contributions as he goes, under the name of Mangun and
 “ Bhukka, which in name only are voluntary; for all must give their
 “ quota, or look to the consequences of a refusal. I am unprepared to
 “ state the probable amount of the annual collections thus made: the very
 “ mode in which they are levied bids defiance to all inquiry on the subject.
 “ Suffice it to say, that these collections are yearly made, and the worthy
 “ landlord has probably but just returned from his annual ramble

“ Moonshee Himayutoollah, once sheristadar of the judge's court, and
 “ late dewan of the collectorship, bought a very large estate in the
 “ Dinajepore district, a few years ago; and so happy was his bargain, that
 “ he is said to have levied, in the course of the first visit of ceremony to his
 “ new tenants, a full moiety of the purchase-money. This he is said to
 “ have managed with such address as to have left the contributors mightily
 “ pleased with the moderation and forbearance of their new lord and
 “ master.

“ Himayutoollah had occasion to buy an elephant a year or two ago,
 “ which cost him 500 or 600 rupees. This was a mere flea-bite to his
 “ tenants, whom he found it no difficult matter to persuade that it was as
 “ essential to their respectability as to his own, that he should no longer
 “ mount the back of so mean a quadruped as a horse.

“ Ræe Danishmund Niteeanund, who has very extensive estates in
 “ Rungpore, Dinajepore, and Moorshedabad, and who pays an annual
 “ revenue to Government for his estates in Rungpore alone of 69,742
 “ rupees, yearly levies, in the most open and barefaced manner, a cess of
 “ an anna per rupee, from the whole of his tenantry, for the avowed pur-
 “ pose of defraying the daily expense of the offerings to his household-god,
 “ Bunwaree; and I am given to understand, he quiets his conscience by
 “ the reflection, that he is not guilty of malversation, not even the vast
 “ sums thus levied being, as he maintains, adequate to the expense in-
 “ curred on account of his favourite idol.

“ A man, named Bhyrub, commonly called Bhyrub Baboo, about three
 “ years ago farmed the extensive pergunnah of Dimli, comprising the ex-
 “ tent of a whole thana jurisdiction, and with the view to increase the
 “ revenues of the pergunnah, carried into the Mofussil, at the first outset,
 “ above a thousand rupees worth of broad cloth, coarse and superfine,
 “ with which, assisted by the proffer of more substantial personal immu-
 “ nities, he bribed the puramanicks of the several talooks over to his
 “ interest, who, without remorse, consigned their inferiors to exaction and
 “ to plunder.

“ The above are but a few of the many practical proofs which might be
 “ adduced in support of what I have advanced relative to the state of the
 “ ryot in Rungpore. Every doorgah, every cartick, every katee-pooja, is
 “ paid for by the ryots, who, in Rungpore, to add to the cruelty of the op-
 “ pression and to the insult, are full three-fourths of them Mussulmans.
 “ Not a child can be born, not a head religiously shaved, not a son married,
 “ not a daughter given in marriage, not even one of the tyrannical
 “ fraternity dies, without an immediate visitation of calamity upon the

through with effect such complaint? How uncertain is that success when opposed in every stage by superior power, and when he is baffled by suborned witnesses, who are ever at hand for a trifling hire to be thus employed! Where is such a complainant to retire to? Every evil is ready to be heaped upon him when he returns to his home, and the utter ruin of himself and family is the inevitable consequence of any attempt to resist oppression. Were he to seek redress from the district constable, every one in the least acquainted with the provinces, and the power wielded by the police officers, always open to bribery and corruption, will not wonder that complaint is still less likely to avail in this quarter. He therefore turns to the planter, and I should hope, generally not in vain. I have now farms to the extent of nearly 5000*l.* yearly rental, and I could easily have them extended to five times that amount, if I desired it. Many of these lands were taken at the anxious desire of the proprietors to prevent disputes among partners, and to avoid ruinous lawsuits, as well as breaches of the peace. Many of them were obtained for the sake of the cultivators, who, as already adverted to, invariably prefer the European farmer. Out of all my engagements, I am not aware that a single disagreement has arisen, or complaint been made, further than to myself against my own servants, and certainly I have not otherwise benefited, than by the more ready wish shown to assist my works in return for the benefits which the cultivator derives.

It may be alleged, that the planter has not raised his advances to the proprietor and cultivator, in proportion to the price of indigo; but, in this part of the country, the charge is ill founded, and a reference to other parts will, I think, prove, that it is equally so throughout. It appears almost a sufficient reply to this allegation, to view the labourer, the tenant, and proprietor, as free agents, far too well acquainted with the independence of their own position to be forced to accept advances for indigo, notwithstanding the extra advantages above noticed, unless they found doing so, at least

“ ryot. Whether the occasion be joyful, or whether it be sad—in its effects to the cultivator it is alike mournful and calamitous. Surely it will be sufficient to have stated these facts. I feel that I should only be weakening the cause by dispassionately discussing the probable effects of the continuance of so woeful a system of remorseless tyranny.”—Mr. Sisson’s *Report on Rungpore*, April 2, 1815, in *Selection of Papers, &c. &c.* Vol. I. pp. 389, 390. Rungpore is a district of the province of Bengal, and its population, twenty-two years ago, was estimated to be greater than that of Scotland, or 2,700,000 souls.—ED.

not a losing speculation. The reverse I know to be the case, having seen the whole advances of a factory cleared off, and a large sum remaining due at the close of a season. And these advances are made, not generally, at fixed times and periods. The cultivator suits his own convenience, and when pressed by his landlord, or by misfortune, or otherwise distressed, he ever calls on us for more, and frequently receives much beyond what prudence dictates, to enable him to meet, perhaps unexpected and unprovided-for demands. He takes it, giving, perhaps, only the security of a neighbour equally poor with himself. No interest is demanded, and upon the prospects of a good season rest our hopes of repayment. How different are the terms when he is obliged to borrow from a money-lender;—his cattle, his all, perhaps, must be mortgaged for the principal, while interest is charged at the rate of 50 or 60 per cent. Again, for home cultivation, of which this concern principally consists, we advance for workmen at the rate of 6*s.* a-head, and for ploughs at the rate of 20*s.* The former receive 5*s.* per month, and the latter upwards of 8*s.* Six or eight years since, the hire of day labourers was only 3*s.* 9*d.* a-month: it has now increased to the above extent, and 6*s.* are given during the manufacturing season. Masons formerly had only 8*s.* a-month, and now they receive from 10*s.* to 12*s.* For making 100,000 bricks, the general price used to be 5*l.*; now it has risen to nearly 20*l.* Every thing else has advanced in a similar degree.

I am, &c. &c.

LETTER XVIII.

(*South-Eastern Provinces,*)

* * * * *October 24, 1829.*

IN answer to your circular letter of the 1st instant, but lately received, I beg leave to state, that I hold on lease about 650 acres of land, all for home cultivation, with about

eight acres occupied by the factory. My outlay, annually, amounts to about 1200*l.* and I employ about 150 people daily, on an average. The rent of land here was about 1*s.* 6*d.* per acre before indigo was cultivated on it, and now it is 3*s.* The ground on which the factory stands, pays at the rate of about 18*s.* per acre. The state of the police is very bad. The native officers, with their numerous train of matchlock men and runners, stationed all over the district, instead of affording protection, make it their only business to extort as much money as they can. They are all of them well feed by the landholders, and, under their countenance, the most licentious enormities are committed. I have no suits in court this year, nor have I had more than three altogether during my twenty-one years residence in this district. Indeed, I endeavour to avoid having any thing to do with the court, seeing so little good is to be had there. I am told that the number of causes filed in the district court, annually, amounts to about 7000; *viz.* 2000 civil, and 5000 criminal. In the civil department about 1000 are decided yearly, and in the criminal 4300, leaving an arrear in the first of 1000, and in the second of about 700.

The system of bribing the native officers of the courts has long since been resorted to, and is very much in practice among all classes of people in this district, from absolute necessity towards obtaining any thing like redress. But after all, if a defendant pays most, then the plaintiff may be sure to lose his cause: and it is not in the power of a judge or magistrate to detect the chicanery and fraud of the native officers.

One great cause of the disputes in the provinces is the want of a law or regulation, prescribing an equitable boundary, and prohibiting the erection of new indigo works between the long established factories. The natives, who are the sole proprietors of the soil, avail themselves of this want, to build indigo works wherever they please among them,—if only to enhance the rent of the land, and to receive at a cheap price from their cultivators (who are no better than slaves to them) some of the indigo plant advanced for by the Europeans. They are not afraid of a lawsuit while they can readily obtain false witnesses, of which there are very many*. The natives are perfectly

* “ A rich man can seldom be convicted of a crime at a gaol delivery.
 “ If committed on the strongest positive testimony before the magistrate,
 “ he, without difficulty, brings twenty witnesses on his trial, to swear an
 “ *alibi*, or any thing else that may suit his case; or he can bribe the pro-

acquainted with the restrictive policy of the Company, and the disabilities under which Europeans are labouring, and are sufficiently prone to take advantage of them.

I am, &c. &c.

LETTER XIX.

(*South-Eastern Provinces,*)

* * * * *October 30, 1829.*

IN reply to your circular of the 1st instant, I beg to acquaint you that the extent of my indigo cultivation is 450 acres, and my outlay 1800*l.* The number of permanent factory servants I employ, including three watchmen, is thirty-eight. The value of land before indigo was cultivated on it, was from 9*d.* to 7*s.* 6*d.* per acre, and at the present period it has risen to from 6*s.* to 15*s.* As to the general state of the police.—First, with respect to the police stations;—in this branch complaints are seldom made, or business transacted, without introducing them with an offering, which is only part of a more or less extensive system of bribery, as the nature of the case may be; but this corruption and venality is not confined to the police stations only. It is equally prevalent with the officers of

“secutor, or his material witnesses. He has, besides, a very good chance of escaping, by the mere contradictions of the witnesses against him, particularly if what they have to depose to is long or intricate, or happened at a distant period, or was seen and heard by many witnesses, of different descriptions and characters; or if many facts, names, and dates, are to be recollected. No falsehood is too extravagant or audacious to be advanced before the court of circuit. No case, at least no rich man's case, is too desperate for a defence, supported by counter-evidence; and if once doubts are raised, no matter of what kind, the object of the accused is gained, and he is secure.”—*Answer by SIR HENRY STRACHEY, Judge and Magistrate of Midnapore, to Interrogatories by the Marquis Wellesley, 1802; Fifth Report, 1812.*

the district courts: here bribery is generally considered so necessary, that few individuals, in my opinion, would be so bold as to attempt to carry on their lawsuits without it. I have at present one suit in the criminal court, and my servants have been in attendance there, and at the police station, since the 5th instant; and when it will come to an issue, I have not the most distant idea. This is only the second cause that I have had in the court in question, since my arrival in the district. With respect to the civil court, no individual instituting suits therein can reasonably expect (agreeably to the manner that business is transacted) a decree in a less period than a year, by which time the defendant has probably either absconded, or transferred his property to some relation or friend. Upon the whole, I am of opinion that the principal source of disputes lies in the corruption and venality of the native officers, and the difficulty and delay in obtaining redress in the courts of justice. I am, &c. &c.

LETTER XX.

(*North-Western Provinces,*)

* * * * * *October 27, 1829.*

WE are in receipt of your circular letter, under date the 1st of the current month, and it affords us sincere pleasure to observe, that the interests of the planters are meeting with such attention in Calcutta. We shall do our best to furnish every information on the topics alluded to, and readily lend our most zealous co-operation to the subject generally. We may preface our remarks by observing that, as far as our own district courts are concerned, we are not at all afraid of any statements which the local authorities can, con-

sistently with truth, transmit to Government, being well aware that the records of these courts will furnish but few cases, indeed, in which indigo planters have been in any respect concerned. But we cannot help thinking that Government ought, in justice, to have called upon their officers for statements of the number of cases in which planters had decrees given in their favour, compared with those decided against them. Had this been done, we are convinced that cases of the former kind would be found in the ratio of ten to one to those of the latter. Indeed, the delays of the courts, and the corruption of the native officers, are of themselves quite sufficient to deter the planter from instituting any suits, even those of the clearest nature and easiest proof.

The indigo cultivation of our factories is about 4600 acres annually; but as two-thirds of the second year's plant, and a portion even of the third year's, are generally retained, we pay rent yearly for about 8200 acres. Our annual outlay is about 6000*l.*; and it is to be observed, that the full amount of this sum, in absolute cash, goes into the pockets of the circumjacent landholders and villagers. Our permanent establishment of servants receiving wages, throughout the year, is about 130; and as it would be difficult to state, with accuracy, the number of labourers we from time to time employ, we think it better to particularise the amount we disburse, under the following heads:—

Ploughing—may be said to stand us in 1*s.* 8½*d.* per acre; or say, in gross, 600*l.*: and the whole of this sum goes directly to the poorer cultivators, whose ploughs and bullocks at the time, but for us, would be unemployed. Weeding—may be rated at 2*s.* 2½*d.* per acre, and this amount is paid in small change to the lower classes of women and children, who, at the season of the indigo weeding, could have no other occupation. The operation of hoeing the indigo plant is performed during the hot winds, when the whole village population is, otherwise, idle. This may be rated at about 1*s.* 1*d.* per acre. Cutting or reaping the plant is, like weeding and hoeing, performed by women and children, and may be said to average 5*d.* per acre throughout the whole of the old and new cultivation, or, as we have said, on 8200 acres. The carriage of the plant to the factory, which is done by contract, rates about 1*s.* 8*d.* per acre; and this also applies both to the old and new cultivation. Besides all this, during the three or four manufacturing months, we permanently employ from

400 to 500 of the poorest of the labouring people; and, indeed, the collection of seed crop, and miscellaneous operations throughout the year, afford nearly the sole livelihood of the low caste families in the neighbourhood.

Before the establishment of this factory the rent of land was from 2s. 8½d. to 3s. 3d. per English statute acre. Since the cultivation of indigo commenced it has gradually risen to its present rate of from 4s. 7½d. to 7s. 6d. per acre; and while this subject is under notice, it may be well to observe, that, prior to the building of our works here, the surrounding country was almost entirely covered with jungle, with only a few patches of arable land here and there intermixed: since then, large tracts have yearly been brought under culture, chiefly through the individual exertions of the planter, and of the labourers which his capital collected around him. At the present moment the remaining waste lands are coming rapidly under the plough; and we are safe in saying, that the rental of the proprietors in the neighbourhood is seven or eight times greater than it was twenty years ago. If any one should be hardy enough to maintain that this increase is the natural effect of the course of time—of increased civilization, or, of any cause apart from indigo planting, we have only to quote the instance of a factory in our neighbourhood, which was last year shut up, in consequence of its making inferior colours, and where the land rent has already fallen to less than one-half of the rates current while it was working; and we have not the slightest doubt but that the lands which belonged to it will speedily relapse into their former wildness and poverty*.

As to the police, except for the apprehension of petty delinquents, on charges of theft or embezzlement, the establishment is totally ineffective. A case lately came under our personal observation, where officers sent from the court itself to apprehend the part proprietor of a small village were threatened,—kept at bay, and finally frightened off. For obvious reasons, we are always extremely averse to institute complaints in court; and when we do so, it is solely for the purpose of punishing our opponent,—thereby to show our other debtors that we will not always be imposed upon

* “ In pergunnah Lehimpoore the manufacture of indigo had been carried on by the late General Martine on a very extensive scale, and the rents paid for the lands were extremely high. The manufacture has been since abandoned, or greatly reduced, and the resources of the pergunnah diminished in consequence.”—*Report of the Board of Commissioners in the Ceded and Conquered Provinces, April 13, 1803.—Selection of Papers, &c. &c. Vol. I., p. 31.*

with impunity, and not certainly with any hope of obtaining justice, or recovering a loss.—We cannot, without making more private inquiry than we think proper, speak decidedly as to the number of suits on the file of the court; but we have reason to think that the civil side is upwards of six years in arrear; and we can only say that the cases which Mr. * * * * filed on the death of Mr. * * * * have not yet been heard. We feel considerable delicacy in adverting to the subject of bribery, but we believe the system to be *now* notorious to the whole world; and our decided conviction is, that no cause, however good, would succeed without it. With respect to the differences and altercations between Europeans and natives, we have to observe, that it is extremely difficult for us so to word our agreements with the landholders as to evade the regulations, prohibiting British-born subjects from either purchasing or renting lands; and we need not now remark, that the late order, allowing Europeans to farm villages under certain restrictions, is so fettered with delays and forms as to be a dead letter, as far, at least, as indigo is concerned. Surely it is somewhat inconsistent in the Government, annually to solicit tenders of indigo, which they must be well aware could not be complied with if the spirit of their own laws was attended to*. In this district the most fruitful cause of quarrel originates in the uncertainty regarding the proprietary right of land; but to convey a proper understanding of this, it will be necessary to go somewhat into detail. In making of our annual agricultural arrangements, a landholder tenders to us a quantity of ground for our ensuing crop. Previously to writing our agreement, or giving the advance which is usual, we ascertain that the land he offers has, for some time, been in his own natural possession, or that he was the person to whom the cultivators paid their rent. Being satisfied on these points, we write the agreement, measure the lands, and make the advance. But it frequently happens that at the time of sowing, some other claimant disputes the proprietary right, and an affray between these two claimants may perhaps ensue, which being reported to the court, it is the present practice (what an ex-

* In the five years, ending 1828-29, the East India Company exported 2,298,860*l.* sterling worth of indigo from Calcutta. This article, grown in defiance of the principles of the Company's administration, and by a daily evasion of its own laws and regulations, forms the most considerable portion of their commercial remittance to Europe,—a remittance which is argued to be indispensably necessary towards enabling the Company to carry on the civil and military governments of India.—See BELL's *Review of the External Commerce of Bengal*.—ED.

extraordinary order), that the land is not to be sown at all, until the proprietary right be determined. We need not enlarge on the glaring injustice of such a decree. It is sufficient to say, that in the only case of the kind, which we last year had, the order to the above effect has not yet been rescinded, although we presented a petition, praying to be allowed to sow the ground upon paying the full amount of the rent to the order of the Court, thereby leaving ourselves without any resource for the recovery of our advance, save the tedious forms of a civil suit. Our petition was, however, unattended to, and the order to prevent any one occupying the land still remains unrevoked. We also observe, with the deepest regret, that orders to overturn standing crops of indigo are now becoming general, in any case where a new decree regarding the land may have been obtained. Until lately, in cases like to the foregoing, it was the custom to order payment of the rent only to the proper proprietor, and such an order has certainly a much nearer approach to justice and equity than the one which now obtains. Surely it is preposterous to suppose that a planter can, in a few days, or weeks, at most, determine with accuracy a point which takes the learned judges of the court many years of deep consideration to make up their minds upon. To the planter of such a precarious crop as indigo, delay, in a word, is the greatest injury he can receive.

It is not foreign to our present subject to mention, that the Government Regulation, prohibiting Europeans from building a factory within five *coss* (near six miles) of any existing establishment, is rendered of no avail, by their erecting works within the prescribed limits in the name of one of their native servants. Anglo-Indians and others may, indeed, do so directly in their own names. The aforementioned regulation, if made binding on all classes of the community, would, undoubtedly, be just and equitable; and, as matters now stand, without some such enactment, the planter's interest never can be protected. We therefore think this subject well worthy of consideration, as two factories coming into collision naturally involves the ruin of both*.

* The necessity of having recourse to such a law as is here referred to, and to others of a similar character, sufficiently indicate the unsoundness and injustice of a system which requires such bolstering; and it is hardly necessary to insist that the easy and only remedy for the evil complained of is to give full permission to the European planter to purchase and hold the fee-simple of the land;—in short, to place on a perfect footing of equality every subject of the state—an indispensable requisite of every well-ordered society.—Ed.

From the whole, then, it must be evident to any unprejudiced person that, by whatever test the prosperity of a country can be tried, the resident European planters confer incalculable benefits on India. By them the value of land is doubled—by them unproductive wastes are converted into fertile fields—by them the comforts of the lower orders are immeasurably increased—and by them hundreds of families are mainly maintained. It is absurd to aver that, as a body, they are more litigious than the defective state of the Company's code, and the inefficiency of their police, will amply account for. Among so numerous a class of men exceptions may, and, no doubt, will be found; but, surely, the faults of the few can never afford a tenable argument for withholding from so large and so useful a class of the community the rights of common justice; and, more particularly so, when almost all the delinquencies that can possibly be charged to them may be fairly attributed to their being, in most cases, placed beyond the protection of law. The truth and accuracy of the foregoing statement may be implicitly relied on; but we would not wish the names of your informants to go beyond the bounds of your own office.

We are, &c. &c.

LETTER XXI.

(*Central Provinces,*)

* * * * *October 27, 1829.*

Your printed circular of the 1st instant I received but two days ago; and I lose no time in answering your principal queries. I have about 2700 acres in cultivation. My yearly outlay here is 4200*l.* I keep constantly employed 230 monthly servants; and in the periods of cultivation and manufacture employ 500 more for several months in each year. The rent of land, thirty years ago, before this factory was built, used to be, for dryland, generally, about 3*s.* 3*d.* per acre;

and for wet, or rice lands, about 4s. 4d. At present, the rent of the first is about 6s. 6d., and of the last about 8s. 8d. We employ no matchlock-men, nor any thing of the kind, having no use for such people. I once, in * * * *, about sixteen years ago, assisted the magistrate in clearing the district of a gang of robbers, principally through my local knowledge of the country and people, for I had resided seven years at one factory. The police of the country I consider as being more oppressive to the people than of any real good to them. There is hardly a cultivator in the country who would give information at the police station, if his house were broken into in the night, and he were robbed of all his property, say to the amount of 5l., or even of 50l. Should the knowledge of the robbery come to the ears of the village watchman, he gives information at the police station, and then the poor fellow who was robbed, has to suffer a second loss;—for the police people never make their appearance without being paid for it. I have been twenty-seven years in the country without having any thing to do with either civil or criminal courts, until I came here: for these four years past I have had eight suits for debt, but never yet recovered a shilling through the court. I give no bribes to the native officers; therefore, have no business there. Last cold season I wanted to complain in court of some landholders, who had stopped my carts in going along the main road; and my people had to wait in the town of * * * * for upwards of one month before even a petition could be presented, although the stamp alone cost 8s. An English letter is not attended to, let the case be ever so urgent. It would appear as if the profits of the court in stamps, fees, and fines, were the principal thing attended to*.

What I have further to say I write in the confidence, that neither the party nor the district be mentioned.—I have long been in the habit of giving medicines to the natives, without distinction, and am frequently successful, particularly in cholera, fevers, and diarrhœa. This takes up a great deal

* Institution fees and stamps on law proceedings were imposed in 1795 and 1797, or two and four years after the first institution of the present form of administering justice, in the hope of preventing litigation. The stamp duties of Bengal for 1826-27, levied almost exclusively on the proceedings in the courts of justice, amounted to 219,600l., having been quadrupled since the commencement of the present charter. By the last account laid before the House of Commons, the charges of collection exceeded 14 per cent. In England they are under 3 per cent.—*Papers on the Finance of India, 1830.*—*Second Report of the Committee of the House of Commons on the East India Company's Affairs, 1830.*—*Finance Accounts of the United Kingdom.*—ED.

of my time; for in sickly seasons I frequently give medicines to thirty or forty people in a day. I have a long pension-list of helpless creatures that keeps increasing every month; of blind 236, of lepers 224, of lame 114, of paralytic 19—in all 593, who each receive 2s. and a few copper coins, every second month, at my door. I have had 120 in attendance at once at my door, on the first and second Saturday, when it takes me nearly two hours to pay them, having so many names to look over. I give a new dress to every known widow within the circle of my cultivation every six months, and a spinning-wheel, with some cotton, if they are without them. At the commencement of the cold season, I give a new dress to poor women, who are unable to buy one: from 500 to 700 receive it every November. I still continue to maintain two schools: I had four, but so few boys attended, that two were given up. I occasionally make a well of solid masonry in my villages, where the peasantry are too poor to make one for themselves. The cost of such a well is about 2l. 13s. These are a part only, of my ways*.

I am, &c. &c.

* The description here given by the writer affords an earnest of the benefits which might be expected to accrue to the country and people of India from the presence of resident British proprietors. Even Portuguese proprietors, who appear to have got possession of their estates by fraud or violence, seem, in the sequel, to have conferred inestimable advantages on those parts of India in which they colonised. On this subject I quote the following curious and striking passage from an authority that it is impossible to suspect of partiality to British colonisation in India. "The system of revenue pursued by the Portuguese, who formerly possessed a great part of the northern Concan, was very different from both Mahratta and British. The lands were divided into large estates, which were given to Europeans, who merely paid to the Crown a quit-rent; or rather, perhaps, it should be called, a tax on the rent itself, of from 4 to 10 per cent. This deducted, the remainder formed the income of these large landholders, who were denominated *fazendars*. Besides the above, there were certain farms of excise, which, however, altogether yielded but a very small revenue. The *fazendars* thus residing upon their estates, and having to make a small contribution only to the public revenue, it is related that the country was in a highly flourishing state, which is confirmed by the remains of many splendid public buildings and sumptuous mansions of the landholders; some of the latter now standing in places scarcely at all cultivated, others on entirely waste land. But as the Portuguese system brought all the rents of land into the pockets of the European landholders, its effects must have been destructive to the higher order of natives. On the other hand, the system, by a mutual recognition of faith, customs, and language, must have attached the greater part of the people to the interests of the Government. When the Portuguese lost the country, the European landholders quitted it, and the Mahratta Government immediately levied, not only the tax formerly paid by the *fazendars* to the Crown of Portugal, but also the whole of the rent which had before formed the income of the *fazendars*. The collector observes, the effect of such a large portion of

LETTER XXII.

(*South-Eastern Provinces,*)

*** November 5, 1829.

CONFORMABLY with the requisition in the circular letter of the 1st ult., addressed to me by you, for information on the several proposed queries, I have to offer the following explanation:—My cultivation consists of about 4000 acres, the yearly disbursement on which is about 3500*l*. The monthly servants, of all ranks and descriptions, amount to 162. In the manufacturing season, which continues for two months, I have in constant employment about 1000 labourers, including men, women, and children.

From personal inquiry, made on my arrival here in 1808, combined with more recent ones, I discovered, that, in the western half of the district, the lands were in a better state of cultivation than in the eastern; and there, formerly, the acre (I confine myself solely to lands fit for the culture of indigo) paid an annual rent of 3*s*., 3*s*. 6*d*., and 4*s*. per acre, which is now advancing to 8*s*. In the eastern part of the district, where the waste lands bore a considerable proportion to the whole, a large measure of land, equal to about eight acres, was commonly let at 9*d*., 1*s*., and 1*s*. 3*d*. The present rent is from 3*s*. 9*d*. to 4*s*., and 4*s*. 6*d*. Exclusive of these rents, the tenantry are charged by the landlords various fixed discounts, amounting to about 15 per cent., and four

“ the produce of the land going into the public coffers, instead of being
“ mainly re-expended, as before, within, and upon the improvement of,
“ the estates, was, of course, to impoverish; and this consequence is too
“ fully shown in the state of things, past and present. For about twenty-
“ three years following the acquisition (1762-63), the Mahrattas contented
“ themselves with the above rent and taxes only. They then commenced
“ the rapacious practice of adding cess on cess, under several denomina-
“ tions, as is detailed by Mr. Marriott. This practice was of itself quite
“ sufficient to reduce the country to that low state of poverty in which we
“ found it.”—*Letter from the Governor of Bombay to the Court of Directors,*
November 27, 1822.—Selection of Papers and Records, Vol. III., p. 774.

or five undefined charges besides, which vary with different proprietors, some exacting more than others. When the lands are sublet to the peasantry, the middleman makes an additional charge for himself of about $12\frac{1}{2}$ per cent. upon every payment, so that, in such a case, the actual cultivator pays near 28 per cent. beyond his nominal rent. These consequences have followed from the interests of the under-proprietors not having been sufficiently embraced or protected in the Honourable Company's permanent settlement with the zemindars, whose interests, while they were defined and regulated, those of the ryots remained loose and open to the extortions and abuses of power*.

Exclusive of summary suits and trials, the number of civil and criminal causes in first instance, or in appeal in the different courts of this district is 8050; *viz.* 1950 in the two European, and 6100 in the two native courts. In the civil side of the superior European court, causes stand on the file from one to six years; in the inferior European court and native courts, from one to three years. Criminal causes stand on the file in the superior European court from a month to a year and a half, and, in the inferior and native courts, from a day to a year †. My own cases in the

* "In Burdwan, in Behar, in Benares, in Cawnpore, and, indeed, wherever there may have existed extensive landed property at the mercy of individuals, whether in farm, in jaghire, in talook, or in zemindary of the higher class, the complaints of the village proprietors have crowded in upon me without number; and I had only the mortification of finding that the existing system, established by the Legislature, left me without the means of pointing out to the complainants any mode in which they might hope to obtain redress."—"The cause of this is to be traced to the incorrectness of the principle assumed at the time of the perpetual settlement, when those with whom Government entered into engagements were declared the sole proprietors of the soil. The under-proprietors were considered to have no rights, except such as might be conferred by lease; and there was no security for their obtaining these on reasonable terms, except an obviously empty injunction on the zemindar amicably to adjust and consolidate the amount of his claims."—"If it were the intention of our regulations to deprive every class, but the large proprietors who engaged with Government, of any share in the profits of the land, that effect has been fully accomplished in Bengal. No compensation can now be made for the injustice done to those who used to enjoy a share of these profits under the law of the Empire, and under Institutions anterior to all record, for the transfer of their property to the rajahs."—*Minute of the MARQUIS of HASTINGS, Governor-General, &c. September 21, 1815.—Selection of Papers, &c. &c. &c. Vol. I., pp. 425, 6, & 7.*

† "Had justice always proceeded as slow as of late years, what would now have been the state of the country?—There would have been as many unsettled suits as inhabitants."—*SIR THOMAS MUNRO'S Answers to Queries by Court of Directors.—Selection of Papers, &c. &c. &c. Vol. II., p. 110.*

several courts are, seven in the civil and eight in the criminal courts. You will observe they are few; for I have long made it a rule never to appear in court, either as complainant or defendant, save in the extremest cases, choosing rather to submit to injury than doing any thing that might lead to a course of litigation; as I know, from experience, that the remedy is equally hurtful with the disease, since, in every case, criminal as well as civil, bribes are indispensable, in order to go through with any probability of success, and this, too, without reference to the soundness or unsoundness of the cause. Hence arises the necessity of both parties paying. Venality, in short, pervades all ranks of native officers, whereby it is quite evident that crimes, in many instances, originate through the very men whose duty it is to prevent them. It begins under the fostering hands of the district constables, and ascends through all grades of the court officers up to the head native. These men are all leagued together, the out-station constables paying *douceurs* for the countenance of their superiors in the courts, and generally, indeed, buying their places. Another cardinal evil is, perjury and subornation:—perjury is practised in a manner disgraceful to common sense, for the forswearers are ever seen arrayed on each side, under oath, uttering the most rank and barefaced falsehoods, in contradiction to their opponents, and always with impunity*. In respect to the state of the files, much rests on the assiduity and alertness of the gentlemen presiding over these courts, although three European Officers are far too few, with their best exertions,

* “ Perjury is extremely common; and though it occurs much more frequently on the part of the accused than of the prosecutor, yet I have known several instances of conspiracies and false complaints supported by perjury. The judge who has once had experience of a case of this kind is soon plunged into doubt and perplexity, continually awake to the possibility of the witnesses against the accused being sworn; and, as he of course leans to the favourable side, the consequence must be, that the guilty frequently escape.”—SIR HENRY STRACHEY’s *Reply to Queries by the Marquis Wellesley; Fifth Report, 1812, p. 534.*

Q. “ In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?—A. We do not perceive any effects from the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead. In the course of our judicial duties, we still meet with the same barefaced disregard of truth, which always characterised the natives of India; we are, however, of opinion, that the terror of this stigma should be retained in our code.”—*Report from Moorshedabad Court of Appeal and Circuit, January 26, 1802; Fifth Report 1812, p. 524.*

to keep them tolerably clear *. To this inefficiency, united with the inadequacy of the laws—the universal propensity to corruption of the native officers, who are virtually the dispensers of justice, and the notorious currency of perjury, apparently legalised by common custom, are to be attributed most of the feuds, riots, and disorders, which afflict the country. As far as the European planter is concerned, the landholders of all descriptions are excited to commit extortions upon him, through the great facility with which they can raise false swearers. They are not unfrequently the instigators of the cultivators to strife. Not but that in many instances, too, the planter's servants are faulty; for it is a known fact, that natives, of whatever class, are all extremely prone to litigation.

I am, &c. &c.

LETTER XXIII.

* * * * November 9, 1829.

I AM duly favoured with your circular of the 1st ultimo, and the following is the information you require:—Our concern consists of twenty-one working indigo factories, in the districts of * * * * and * * * *. We give advances to, and make engagements with about 26,000 cultivators for the culture of upwards of 15,000 acres of land, and our

* “ I have a strong belief, and I hope the truth may not be learned in a more unpleasant manner, that the present system cannot long go on. “ An additional number of well-instructed and efficient British judges and magistrates are much wanted in many of the populous towns and districts of India, both for civil and criminal jurisdiction. Moorsheadabad and its district have, I am told, a population nearly equal to Calcutta, and most probably contain above half a million of persons, and yet “ there is but one magistrate and his assistant to render justice on the spot “ to this immense multitude.”—SIR EDWARD HYDE EAST, *His Majesty's late Chief Justice of the Supreme Court of Calcutta, in Appendix to Lords' Report on the Affairs of the East India Company, 1830.*

average annual expenditure exceeds 10,000*l*. Our permanent establishment of servants consists, in all, of 275 persons. The late Mr. * * * *, and my father, commenced this concern about forty years ago; and although it has long been of nearly its present extent, our civil suits in the three courts have not averaged much above one per annum. Decisions are generally obtained in two or three years, though some of our suits have remained double that time in the court. Notwithstanding the long continuance and the great extent of the concern, with the vexatious increase of opposition factories within the heart of our old cultivation, there has not been, until this last season, a single complaint lodged in any of the courts against us, or our servants, for violence, or for being a party in any affray. It has been only through the most conciliatory measures, that we have avoided affrays with our native neighbours, and it has probably been from their not relying so much on their strength in the courts, that we have found them more reasonable than our European adversaries, who encroach on us from one of the court stations.

Our lands being on contract, disputes can only arise when cultivators enter into more than one engagement for the same portion of land. The Sixth Regulation of 1823, gives but little protection in our case, where few cultivators rent to us above half an acre of land. The expense of attaching every separate field puts redress, indeed, quite out of the question; nor do we seem to have any other protection. A personal application was made to the magistrate, to allow some authorised police officer to attend at some villages, where we were afraid of disputes, who might prevent violence, and allow each party to carry away only such plant as the cultivators had cut for him, and for which he could exhibit agreements. The magistrate declared he had no such authority. The consequence was, our opponents forcibly cut and carried off all the plant, without even the sanction of the cultivators. Our redress against this violence lies in a civil suit against the cultivators and our European opponents conjointly! The cultivators object to a criminal prosecution, both because the plant each individual lost was not great, and because they would have to make their depositions on oath, and attend, probably months, at court. The native police also stood aloof, either from dread of our opponents' interest, or from hopes of an affray, which always proves a lucrative occurrence to them. Our opponents'

people then threw aside all fear, and tried to seize the plant, already cut and delivered to us by the cultivators, and which our people were conveying to the factory. An affray occurred, and a complaint was made up against us. We respectfully requested the magistrate to hold the investigation on the spot, where alone the truth could be seen into; but from motives not known to us, the case was first carried to the police station, and then to the court station, thirty miles from the spot. There was no doubt that the plant was ours, but the complainants having collected most people with bruises and marks, we were mulcted 20*l.*, and the case has not yet terminated, although the affray occurred about the middle of August. It will, I fear, appear querulous to explain so fully our only affray; but, I suppose, most indigo affairs of the sort are not very dissimilar. The planters may be much to blame,—the laws may be most inefficient; but the police, European and native, are surely not free from fault.

That the native police are universally corrupt, and that nothing can be done without bribes, are truths too notorious to be denied. It is not uncommon for the constables of out-stations to make even burglaries a matter of profit and oppression, and the natives generally try to hide all thefts committed, in preference to subjecting themselves, their families, and no small portion of their neighbours, to a fruitless attendance on the courts.

A very great evil in Bengal, is the conducting of almost all business in a foreign language*. The Persian is almost

* “ The language of the court is Persian, which is foreign at this day to every description of subjects in the empire, and is both impolitic in regard to the state, and inconvenient to the people. It was natural for the first Mussulman conquerors, whose language was Persian, to administer the laws in their own tongue to the conquered people; but by the same policy, if their conqueror and successor, the British Government, do not adopt the native tongue, it should give the law in English. The Koran having been written in Arabic, the Mussulman expositors of the law would necessarily have preferred giving their opinions in that language, but they were constrained by our Government to give them in Persian, so that the Persian was not agreeable to any party. Upon the whole, the adoption of the English language appears to be most expedient and politic; for the language of its native subjects is various in different parts of India, and the limit of each is not very strictly defined. All would as easily, or nearly so, addict themselves to learn English, and have stronger motives to do so than each other's dialects and languages.”—SIR EDWARD HYDE EAST, *His Majesty's late Chief Justice of the Supreme Court of Calcutta, in Appendix to Lords' Report on the Affairs of the East India Company, 1830.*

totally unknown, except to the people brought up in the courts, and the issuing orders in that language is a source of much hidden oppression and injustice. The contents of the orders being reported according to the police constable's wishes, many a disgraceful act thus bears the stamp of a British magistrate's authority, unknown to him. The necessity of taking the prescribed oaths, is also a most serious hinderance to justice. It is most difficult to induce any man of respectability to take the oath,—and it even seems to be regarded by most, more as an act of impiety, than as an obligation to speak the truth. It is, in consequence, in all cases, necessary to hire witnesses, who by frequently taking oaths have lost all prejudice on that head*.

I am, &c. &c.

LETTER XXIV.

(Central Provinces,)

* * * * October 31, 1829.

IN reply to your letter of the 1st instant, I beg to render to you the following statement:—The number of acres

* “ Such is the terror of the oath, that no respectable person will appear in our courts as a witness, if he can help it. My own little experience enables me to say, that it is common for families, sometimes even whole villages, to fly at the apprehension of being named as witnesses. I have often known people cry and protest against the injustice of others who have accused them of being witnesses to a fact; and they declare that they are innocent of the charge, with as much anxiety as if they were accused of felony. Some men refuse to swear from conscience, and others from pride. Whatever may be the orthodox opinion of the Hindoo theologians, the people at large do certainly consider that the taking of an oath on the Ganges water is a spiritual offence of the most horrid nature, which consigns them and their families, for many gene-

cultivated last year, at the factories under my management, amounted to about 11,000, and my outlay was 17,153*l.* Deducting rent at 4*s.* 4*d.* per acre, seed, &c. you will observe, by the enclosed account, that a balance of 7641*l.* will remain for labour. Allowing at an average of five shillings a month to each labourer, this exhibits 2547 persons employed per day; 76,411 per month; and 916,932 per annum. It should be kept in mind, however, that on account of the limited crop of 1828-29, there were not near the number of people employed by us as for previous average seasons. Respecting the value of lands, it may be of importance to bring to your knowledge, that during my residence at this factory, from 1822 to the present date, 1829, there was not a concern within fifteen miles of this place. Since that period many works have been erected, and I can give you the names of *ten* factories, most of which are within that distance of me. If the natives were really oppressed by the turbulent spirit of the planters*, as some would wish it to appear they were, how, I ask, does it come to pass that landholders are so ready to grant leases

“ rations, to damnation. With respect to those persons who do not make
 “ it a point of conscience, it must be admitted, that to appear in one of
 “ our courts as a witness, is in the highest degree disgraceful. In short,
 “ the very fact of a native having taken an oath in one of our courts, is a
 “ presumption against the respectability of his character, or against the
 “ purity of his conscience. If any doubt is entertained of the truth of
 “ these facts, I can only say, that I assert them on the grounds of my own
 “ experience, and of the best information which I have been able to col-
 “ lect, from natives as well as Europeans. I suppose that the evils are
 “ acknowledged to exist to their fullest extent, but that they are consi-
 “ dered to be necessary evils. The courts have now authority, in certain
 “ cases, to exempt persons from swearing. This is something, but it does
 “ not appear to me to be sufficient. If the corporal oath, in the form now
 “ used, does tend to banish truth from our courts, and if it is liable to the
 “ objections I have stated, I know no reason why it should not be abolished
 “ altogether. The imposition of an oath on a man who believes that by
 “ taking it he brings damnation on himself and his family for many ge-
 “ nerations, appears to me to be a mode of finding out truth not very
 “ different from torture.”—EDWARD STRACHEY, Esq. *a Judge of Appeal*
in Bengal, in answer to Court's Queries; Selection of Papers, &c. &c. Vol. II.,
 p. 79.—The writer of this statement is at present, and has for many years
 been employed in the discharge of the duties of an active and useful office
 at the India House.—ED.

* “ The general conduct of the Europeans not in the service of the
 “ Company, who reside within our jurisdiction, is correct; and very few
 “ instances have occurred, of any complaint whatsoever having been pre-
 “ ferred against them.”—*Answers of the Magistrates of the Twenty-four*
pergunnahs, July 1, 1802, to Queries circulated by Marquis Wellesley; Fifth
Report of the Committee of the House of Commons on the Affairs of the East
India Company, p. 556.

indiscriminately to European adventurers? It is because they benefit themselves by enhancing the value of their estates, which previously to the introduction of indigo cultivation were not of *one-third* their present value. Besides, it enables them at all times to raise money to meet the heavy assessments of Government; and in this manner their estates are prevented from coming to the hammer. Were it not for European intercourse, and the resources arising from it, the land, now in general cultivation, would be a dead waste to the proprietors, from the absence of the capital which draws cultivators to them. I myself have frequently advanced money to landholders to enable them to pay arrears of their land-tax to Government. This, every impartial judge will readily allow has been as beneficial to the state as advantageous to the proprietors of land. The Company's servants in the provinces must be perfectly sensible, that if it were not for the planter's assisting in advancing money to the proprietors, they would find it a matter of no small difficulty to collect their enormous annual revenue. In confirmation of the above assertions, it may be as well to bring to your notice the well-known fact, that upwards of 200,000*l.* sterling are annually circulated by the indigo planters in Tirhoot. Where does this almost incredible sum go to? Why, to the landholders, merchants, mechanics, and labourers of the district. This of itself is sufficient evidence to bring conviction to the mind of any unprejudiced person, that the planters are most useful, and that their industry, and their conciliatory treatment of the native inhabitants is held of such value and importance by the latter, that they look up to them as their strong arm in all cases of exigency*.

The planters of this district have come to an agreement among themselves not to build new factories within five miles of any old and long-established concern, with the view of avoiding such competition as might lead to misunderstandings and, eventually, to expensive lawsuits. Some natives and others have infringed upon this mutual agreement, and built

* "It is wonderful to see how the English Government, every now and then, voluntarily places itself in the station of a government existing in opposition to the people; a government which hates, because it dreads the people, and is hated by them in its turn. Its deportment, with regard to the residence of Englishmen in India, speak these unfavourable sentiments with a force which language could not easily possess."—*History of British India*, by JAMES MILLS, Esq. *Third Edition*, 1826.

within the prescribed distance. These interlopers, however, have met with such overwhelming opposition as to oblige them to abandon their sinister intentions, although by law they are entitled to build wherever they please, to the infinite loss and annoyance of their more liberal neighbours. Some, indeed, had actually carried the practice to such a pitch, as to make a traffic of it, for the purpose of obtaining a high remuneration by the sale of factories, and this, too, to the very people whom they so immediately affected. These are causes which create mischief, and which lead to endless disputes, but which might be easily obviated, were Government to make the regulation general in every district*. This would put an end to animosity, and be an encouragement to the manufacturers. Were Europeans allowed to hold lands, there is not a doubt but the cultivation of coffee, of sugar, cotton, and every other useful production, in addition to indigo, would be brought to a state of great perfection, to the ultimate improvement of the country, the augmentation of commerce, and the obvious increase of the revenue of the state.

I have never been called on to assist the judicial authorities; but, were it necessary, I could bring to their aid from 500 to 1000 armed men, with missile weapons; and have no doubt that, through the united efforts of the planters of this district, such assistance could be given to the magistracy as would suffice to quell any internal disturbance that might arise, without calling in the aid of the military; and, in time of war, our services would be of especial importance in aiding the commissariat. The state of the police is wretched beyond measure, and is the chief cause of most of the crimes and robberies committed in the country. The native officers attached to it are allowed but a scanty salary, compared to the establishment they keep up; and it is a well-ascertained fact, that any man who can afford to give 100% will obtain the enviable situation of a district constable. The salary of these functionaries does not exceed 50s. a month. This is not sufficient to pay for their nocturnal recreations with the dancing girls, who flock from all parts of the country for their entertainment, at the expense of the

* It is clear that such a law as is here proposed would be unjust and impracticable. The arbitrary and factitious system pursued towards Europeans may make such a rule, under existing circumstances, expedient in their case; but, in that of Anglo-Indians and natives, it would be a palpable and unpardonable invasion of the rights of property.—ED.

unfortunate and much-oppressed peasantry*. How do all these miscreants become rich? Why, by extorting money from all the low class of natives, who are afraid to complain, or have not the means to *bribe* the officers of court, from whom no redress can be obtained without having recourse to such foul means. We have so many suits in court that it will require time before I can furnish you with a list of them. Some of them, you will observe, when forwarded, have been undecided for years. We might probably wait till the expiration of the Company's charter before obtaining a hearing, did we not jog their memories by bribing the native officers of the court, to an amount exceeding the offer of our opponents, besides being at the expense of keeping native agents residing constantly near the district courts, for the purpose of pleading. In fact, the servants of these courts are a mass of corruption, from the head native officer of court to the lowest grade of constables. It will doubtless strike you, that a number of these responsible civil situations could be held to much greater advantage to Government were they occupied by intelligent and deserving Indo-Britons, many of whom are now in absolute poverty for want of employment; and these, shameful to say, sons of old and gallant veterans of the Indian army. The native officers of the court are all so combined together; that it is impossible for the most vigilant magistrate to detect their shameful and nefarious practices. I have no further remarks to make at present, but to assure you that what I have stated is a *fac-simile* of what is to be daily seen.

I am, &c. &c.

* "The most prominent feature in the civil government of the Company is the almost entire exclusion of native agency. The offices held by natives are only those of the lowest description, such as could not be the object of ambition to any European; and the salary attached to these appointments is such as barely affords, to themselves and families, the means of subsistence. To natives of rank and liberal education no temptation is held out which can induce them to engage in the service of the Company. Not only are the emoluments offered scanty, but the want of confidence reposed in them, the general light in which they are received, cannot fail to inspire them with insurmountable disgust. Hence none but adventurers of a doubtful character are seen crowding the Company's settlements; and a general suspicion, if not disgrace, is attached to native agency. A very little consideration will be sufficient to show, that no circumstance tends more strongly than this to impair the efficacy of our Indian government, and even to render its duration precarious."—COLONEL A. WALKER'S *Answers to Court's Queries.—Selection of Papers and Records*, Vol. II., p. 185. The writer had been many years employed in important political and civil employments.

LETTER XXV.

(Central Provinces,)

* * * * December 5, 1829.

I SHALL now endeavour to answer the several queries contained in the circular of the 1st of October, which you forwarded to me, and shall likewise afford whatever information I possess on provincial subjects, in order to assist those who are now preparing to show the benefits which have accrued to this country, from the cultivation, by Europeans, of only one of its staple commodities.

Some months ago, the district magistrate forwarded to me a paper, regularly headed, containing various queries, which he requested me to answer for the satisfaction of Government. The information I gave will not assist the Honourable Company in proving, that indigo planters are a turbulent and oppressive race.

I have, at this factory, a cultivation of 3120 acres, 2930 of which are indigo: the remainder is reserved for oats and pasture. My outlay, one year with another, amounts to 5000*l*. My total permanent establishment consists of two hundred and thirty-six native servants, whose wages amount to 780*l*. per annum. During the manufacturing season, I employ, in loading and unloading vats, beating indigo, boiling and pressing it, &c. &c. not less than three hundred and fifty additional hands, whose earnings, in a favourable season, exceed 300*l*. The rent of land fluctuates from 4*s*. 4*d*. to 6*s*. 6*d*. per acre. I myself pay 5*s*. 6*d*. Before this factory was established, I am informed that the lands brought from 6½*d* to 1*s*. 1*d*. per acre. The country was then overspread with jungle, and infested with tigers: such was also the case at the establish-

ment of your other factories. Even within these three years, at the establishment of your * * * * * factory, it was dangerous to go out after sun-set, on account of tigers and leopards prowling about. The rent of a good deal of the land is paid in kind by the cultivators: it is only very good land they will take a lease of, such as fine rice land; the remainder they sow in their miserable way. If it produces, the proprietor gets one-half; if it fails, he gets nothing. It often occurs, that the proprietor's sole dependence, for paying his rents to Government, is placed on the indigo cultivated in his village. A marked alteration appears on the face of the country soon after the establishment of an indigo factory: jungle, jungle-grass, and useless trees disappear, and the ground is converted into arable; an impetus is given to the people around: by the diffusion of money, many idle hands get employment, roads and bridges are constructed, and carts seen in every village, where formerly they had no other means of carriage but what a bullock's back afforded. Such are the mischiefs resulting to the country from European settlers*!

* "*Métayers*. This subject may be easily dispatched; for there is not one word to be said in favour of the practice, and a thousand arguments that might be used against it. The hard plea of necessity can alone be urged in its favour; the poverty of the farmers being so great, that the landlord must stock the farm, or it could not be stocked at all. This is a most cruel burthen to a proprietor, who is thus obliged to run much of the hazard of farming in the most dangerous of all methods; that of trusting his property absolutely in the hands of people, who are generally ignorant, many careless, and some undoubtedly wicked."—"That the poverty of the tenantry, which has given rise to this mischievous practice, has arisen from the principles of an arbitrary government, cannot be doubted. Heavy taxes on the farmers, and those taxes levied arbitrarily, at the will of the intendant and his sub-delegates, have been sufficient to impoverish the lower classes. One would naturally have supposed, from the gross abuses and cruelty of this method of taxation, that the object in view, were as much to keep the people poor as to make the king rich. As the *taille* was professedly levied in proportion to every one's substance, it had the mischievous effect of all *equal* land-taxes, when levied even with honesty; for a farmer's profit—his success—his merit—was taxed exactly in proportion to the quantum—a sure method of putting a period to the existence of either profit, success, or merit. The farmers are equally poor, or apparently poor, since a rich man will affect poverty to escape the arbitrary rise of a tax, which professes to be in proportion to his power of bearing it: hence poor cattle, poor implements, and poor dung-hills, even on the farms of men who could afford the best. What a ruinous and detestable system, and how surely calculated to stop the current of the wealth of the sovereign as well as of the people!"—YOUNG'S *Travels in France*, Vol. I., p. 405-6.—This description applies with perfect accuracy to the condition of Indian husbandry. The Court of Directors acknowledge the accuracy of the picture in the following passage. "The rural economy of the Hindoos, we understand, generally

I have never been called on to assist or protect the judicial authority. The state of the police is such, that I am certain much crime, much oppression, and much violence is committed with impunity; as the head constables and their myrmidons have it in their power to make out *any* statement they please, of *any* thing that occurs. Whoever has the means of satisfying the rapacity of these wretches, will, in most instances, escape. They will, if possible, conceal even murder itself; every thing has its price with them. Whenever I am under the necessity of applying to the police station, which seldom happens, the first thing necessary to be done, is to make a present to the different functionaries, otherwise they would throw every obstacle in the way of getting redress. When I pass through their hands, and a statement is forwarded to the magistrate, the order is issued to send in the offender, together with the witnesses. Well! in they go, and week after week passes before the investigation takes place; nay, I have known months to elapse ere the magistrate has thought proper to do his duty.

“ speaking, to be wretched in the extreme. The rudeness of their imple-
 “ ments, the slovenliness of their practice, and their total ignorance of the
 “ most simple principles of science, are said to be equally remarkable.”
 Instead of that application of skill and capital, which is ready to be poured
 in upon India, the Honourable Court proposes the following remedy:—“ It
 “ is, of all things, desirable to ascertain, whether the rude implements and
 “ accustomed processes of the Indian peasant could be advantageously
 “ supplanted by those of Europe; and whether the establishment of experi-
 “ mental farms in various parts of the country, under the superintendence
 “ of proper persons, selected by Government for the purpose, might not
 “ be useful, in the way of example, as a corrective of some of the vices
 “ and defects of the prevailing system.”—*Letter from the Court of Directors*
to the Government of Bengal, January 15, 1812.—Selection of Papers and
Records, Vol. I., p. 66. Of this project, the following passage from a tem-
 perate and judicious Report from the Board of Revenue at Madras affords
 a sufficient refutation. “ We have not thought it requisite to advert par-
 “ ticularly to the remarks contained in the last of the Honourable Court’s
 “ Letters, respecting the expediency of some attempts being made to
 “ improve the Indian system of agriculture, because the consideration of
 “ this subject does not appear to us to be very materially connected with
 “ that of the principal points of discussion. Without intending, however,
 “ to call in question the proposition, that the rural economy of the Hindoo
 “ is susceptible of improvement, we venture to express a doubt, whether
 “ any speculative attempts to improve it would be attended with much
 “ practical good effect. We are of opinion that, apparently rude as may
 “ be the implements and the processes of the Indian peasant, they are not
 “ ill adapted to the soil and climate; while the former, it must be acknow-
 “ ledged, are better calculated than more expensive implements would be
 “ to the general state of his circumstances. We are convinced, at least,
 “ that the first and most effectual step towards the improvement of agri-
 “ culture (whether considered generally or as a system), is to improve the
 “ condition of those who pursue it.”—*Selection of Papers and Records, Vol. I.,*
p. 572.

So much for justice in the criminal courts. How, in the name of common sense, can a poor man, who has sustained an injury, pass through such an ordeal*?

A conscientious, active, and intelligent magistrate, can, no doubt, remedy some of these evils: but such a character is not to be met with often. A supine and indolent man is the cause of much evil; a person of a contrary nature, of much good; his very name is a terror to evil doers. There is no knowing how much injury is daily submitted to under present circumstances. It would be a great blessing to the poor, if Europeans of character and respectability, not in the covenanted service of the Company, were selected by Government, in every district, to act as magistrates; and until something of the kind is done, justice must be denied to the majority of the people†.

In the civil court, I have fortunately only two causes on the file (two too many): the delay is so great, that I always prefer to compromise matters, which saves expense, vexation, and time. From three to seven years is the general time that elapses before a decree is obtained, and then you have the consoling words "I'll appeal," sounded in your ears. Nothing can be obtained in this court without first satisfying the cravings of the native officers, who are more like vultures than any thing else. This is a fact as clear as the noon day, and a damning fact it is. Another cause that disinclines me from entering the Honourable Company's courts is the mass of perjury you have to encounter. It is really out of the question to gain your cause by plain sailing. Let any man try his luck in these

* "Our judicial system has failed in the most important object of all law, the securing the great body of the people from oppression. It may truly be said, by the heavy expense attending it, to put them legally out of the protection of the law. The great mass of the ryots, who are the people most exposed to wrong, must suffer in silence, because they cannot afford to complain. Under every native government, though occasionally subject to the most tyrannical exactions, they could, in general, obtain redress free of expense: it is only under a new judicial code, framed expressly for their benefit, that they are utterly excluded from justice."—SIR THOMAS MUNRO'S *Answers to the Court's Queries*, November 22, 1813.—*Selection of Papers and Records*, Vol. II., p. 119.

† "The civil servants of the Company mix but little with the native community; they have no common interest with it; and it is only such of them as have naturally a spirit of inquiry, or as are forced by the duties of their situation to inquire, that know any thing about it, or can tell Government whether any particular law is popular, or the reverse. Government itself knows nothing of the state of the country, except what it learns from its local officers."—*Minute by SIR THOMAS MUNRO*, December 31, 1824.—*Selection of Papers and Records*, Vol. III., p. 621.

courts, and he will find my words true. The natives openly assert, that it is only by the force of bribes and false swearing that a man runs any chance of gaining a cause. This is an awful consideration for a Christian Government*. I think one step towards remedying such a crying evil, would be to abolish Persian in the courts, and substitute the vernacular tongue. Plaintiffs and defendants, judges and witnesses, would then know what was going on, a thousand times better than they do now.

When I was at **** I remember having got a decree against some carpenters: the cause had lasted some eight or nine years; in the interim one-half of the defendants had died. When the survivors were arrested, I was obliged, rather than send them to starve in gaol, to allow them to go back to their native place in custody of the bailiff, in order that they might beg the amount. They succeeded in begging about three-fourths of the sum complained for, which I took, and let them go. The law expenses, of course, went to profit and loss.

The Government are, in my humble opinion, more indebted to indigo cultivation than they imagine. The sum I spend every year at this factory amounts to more than the revenue of all the villages in its circle. Who will be so hardy as to assert, that the Government rents would be realised with the same ease, if the factory was to stop? The tax might certainly be levied, but still it would cause infinitely more distress and heart-burning than what it does now, and many a time would a village change hands on account of arrears of rent; many a time does a planter save a man's village from sale. A humane man has many opportunities of doing good. When that scourge, the cholera, is raging, he may be the means of saving many valuable lives—may be the means of preventing a wife from

* "The introduction of English pleaders into the Mofussil courts, I will not say in the place of (the country may be safely left to judge between them), but in addition to the native pleaders. That the native pleaders, with, perhaps, some rare exceptions, do not afford any effectual assistance to the courts, experience has too plainly shown; that they frequently embarrass their proceedings, I have been informed from the best authority. How can it be otherwise, when it is considered how deficiently they are educated in all the principles of real knowledge and judicial learning? The very regulations which the Government, at the suggestion of the courts, has been obliged to make, to guard against their ignorance and corruption, sufficiently declare their general incapacity, proneness to extortion, and degraded condition."—SIR EDWARD HYDE EAST, *His Majesty's late Chief-Justice of the Supreme Court of Calcutta, in Appendix to Lords' Report on the Affairs of the East India Company, 1830.*

becoming a desolate widow—children from becoming destitute orphans: he may be the means of reconciling differences—of binding up the broken heart; he may be a blessing to all, and be blessed by all. As a body of men, I have no doubt but that the planters would stand the test with any other: there may be some bad and indifferent characters among them, but such are to be found in every profession—yea, even among the servants of the Honourable Company itself!

I am, &c. &c.

LETTER XXVI.

(Central Provinces,)

* * * * November 26, 1829.

In reply to your circular, dated the 1st of October, I have the pleasure to make the following statement:—

I suppose it may be assumed, that, in the Bengal territories, the average yearly produce of Indigo at present is, and in future will probably continue to be, about 9,000,000 lbs., produced at a prime cost of 3s. 8 $\frac{3}{4}$ d. per lb., equal to 1,680,000*l.* sterling; selling in Calcutta at 5s. 4d. per lb., or 2,400,000*l.* sterling; producing a nett profit of 720,000*l.* to the planter; and reselling in Europe at 8s. per lb., including expenses, which is equal to 3,600,000*l.* sterling.

As for the country, that is for Bengal, an impartial inquirer will find, *first*,—that the culture and manufacture of indigo distributes, according to the above calculation, annually 1,680,000*l.* sterling in hard cash;—*secondly*, that it has, since 1805, more than doubled, and in many instances, such as in Tirhoot, to my certain knowledge, quadrupled the value of land, while it has also doubled the number of inhabitants, and brought into cultivation (I am speaking of Tirhoot) almost every foot of land capable of remunerating

the labour bestowed upon it, except where the bad character, rapacity, and mutual quarrels of the native landholders, forced the peasantry for a time to abandon the soil.

But it may be said, that population would have increased,—more land been consequently brought from an unproductive to a productive state, and the value thereof enhanced, without the aid of indigo factories*. Probably this might have been the case; for however inefficient the Government, and however rapacious and profligate the native petty officers, still there is an air of mildness in this administration of ours, which, being more supportable than the tyrannical sway of surrounding native despots, keeps the people together, and does not absolutely prevent the natural tendency of the human race to increase and multiply, and consequently, to cause more and more land to be brought into cultivation, according to their wants. But the march of all this would have been of the slowest, were it not for the presence of the mainspring, the indigo planter, who never ceases to throw millions of money upon them, and thereby to lend a spur to agricultural industry with the happiest effect.

Of Tirhoot, one of the completest indigo districts in India, I am aware, from personal experience, that, since 1805, the population has at least doubled, and the people have become so much richer, that it is easier now for the meanest day-labourer to command a shilling, than three-pence at the aforementioned period.

Three-fourths of the land, formerly waste, have been made productive,—the land-rental at the same time having risen four-fold; and an acre, which at that time paid

* “Increasing cultivation necessarily follows population, and is every where visible. To those who are tolerably acquainted with the internal state of the country, it is known that the population, unless checked by some great calamity, constantly increases very fast. It will be found, that it is not the want of courts of justice, nor of a regular system of police, that prevents the prosperity of the provinces subject to the Mahrattas. Where no battles are fought—where the ryots remain unmolested by military exactions—where the zemindar or his agent are seldom changed, the lands of the Mahrattas in the neighbourhood of this district are in a high state of cultivation, and the population is equal, frequently superior, to ours; I say frequently to ours: not that the natural increase of population is by us in the least obstructed, but because, in a well-superintended Mahratta estate there are, in addition to the natural increase, constant accessions to the numbers, by emigrants from the neighbouring country.”—SIR HENRY STRACHEY, *Judge and Magistrate of Midnapore, Answer to Court Queries, January 30, 1802; Fifth Report of the Select Committee of the House of Commons on the Affairs of the East India Company, 1812, p. 531.*

from 7*d.* to 2*s.*, now readily fetches from 2*s.* 2*d.* to 9*s.* Wild beasts, and even game, from the density of population, and consequently improved cultivation of every kind, have nearly disappeared. Luxuries of all sorts are on the increase, and English chints, and broad cloth, are seen every where.

Money being abundant, people now-a-days talk of *thousands* as formerly of *hundreds*, and of *hundreds* as then of *tens*; yet, from this spot, Government draws a yearly revenue, if I am not misinformed, of about 200,000*l.*—nearly, the whole of which is regularly sent out of the district! Such an annual drain, one should imagine, must soon have exhausted the country, and so no doubt it would, were it not for the indigo planter (that nuisance, as some would have it), who, with his *cornucopia* in hand, steps in and pours out his yearly 200,000*l.* of hard cash on the land, as fast as Government can remove it*.

Indigo alone, then, is equal to the Government revenue of the whole district; and all else remains for the increased and still increasing prosperity of the native Tirhootians. To the political economist I should hope the above picture may prove satisfactory. For the philanthropist I have also a word of consolation to spare. He asks,—“How much land, otherwise fit for producing the bread of the poor, will this vile money-making drug require?” I will tell him;—there are about forty independent indigo factories in Tirhoot. Each, at an average, may occupy 2750 acres; or, in all, about 110,000, which, scattered over a surface of 8000 miles, the area of the district, is seriously felt by none; and the best proof of this is, that the necessaries of life are cheaper in Tirhoot than in any other province bordering on the Ganges.

The last question our opponents may perhaps have the curiosity to ask, is, “But are the planters liked by the natives?” Perhaps not; but show me a single instance in all India, where Europeans of any kind really are, and I will admit that there is something particularly offensive in the character of an indigo planter. The truth is, dislike is

* The rack-rent of Tirhoot, on which the perpetual settlement of the land-tax, in 1793, was made, was little more than one-half of the amount stated by the writer of the letter, or 104,528*l.*; and it must not be forgotten that that impost was estimated, and to the ruin of the majority of the proprietors, at above 40 parts in the hundred of the whole gross produce of the soil. Through European industry, skill, and capital, a single article of the produce of the soil and labour is now, at the expiration of thirty-eight years, equal in value to double the amount of the original assessment, so grievous in its consequences.—See *Second Report on the Affairs of the East India Company*, 1810, p. 183.—ED.

general, from the highest to the lowest—the military, the civilian, the clergyman, the planter, and the private trader—in one word, the *Sahiblog* (the Lords) are equally disliked: and why? simply because we labour under the unpardonable crime of being Europeans and Christians—Kafirs, or infidels, alike dangerous to Brahminical priestcraft and Mussulman dominion*.

As to the information you require about my present factory, it is such a trifle, and so lately taken possession of, that I have only to state, in a few words, that my cultivation contains from seven to eight hundred acres, with a few hundred day-labourers, ploughs, carts, and cattle, occasionally hired among the natives, for the lands are all on contract, giving employment to about twenty constant factory servants on wages, the whole at a probable outlay, exclusive of personal expenses, of from 1500*l.* to 2000*l.* during the year. There is one civil suit entailed upon me by my predecessor, but no criminal cause. In the courts, a civil cause is hopeless, being generally protracted for from two to four years, at the end of which your debtor has either run away, or made over his all to a nominal purchaser, relative, shareholder, &c. when you must begin a new suit, with a new man, all the while paying for stamp papers, and other law charges, and bribes (however just your cause), at an enormous rate. At last comes the execution; and here again, if you do not bribe right and left, you will still get nothing. This is provincial justice! As to the police, the highest bidder has it; bribes are publicly taken, and even demanded. It is of no consequence, be your cause good or bad; the only question is, to pay, and according to that the case is decided. Now and then it happens that a judge or magistrate takes you by the hand; he assists you personally; you gain your cause without a bribe, and in good time; but that is a rare exception of the rule, few, and far between, like angel visits; and upon the whole matters go on in the ordinary way; that is, something like an auction, in favour of the highest bidder.

* “ Great reliance seems to be placed on the operation of our laws, “ which profess to afford equal protection to all classes of our subjects; “ and in protecting the lower orders against the oppressions of the more “ powerful, it is presumed, that we must secure the attachment of the “ great body of the people. This we apprehend to be a very deceitful “ speculation. The lower orders of the people scarcely know us: if they “ know us at all, it is not generally in a character which is calculated to “ engage their attachment. We appear to them usually to demand contri- “ butions. The salt monopoly proscribed the use of an article which may “ be considered almost a necessary of life, and which the most rapacious

If I speak of bribery as a general evil, it must always be understood as exclusive of the European civil servants*, who certainly, upon the whole, are a well-educated and most honourable set of men; but though they are aware of, and,

“ of our predecessors never denied to the people. Our transit duties
 “ harass them in every direction; the produce of their labour cannot be
 “ conveyed to a market without interruption from a band of custom-house
 “ officers of the meanest order. But, in fact, there is little disposition at
 “ present to resort to our courts of justice: they have not yet become
 “ objects of veneration to which our new subjects look up for protection;
 “ and our whole system of administration, excellent as the intentions may
 “ have been of those who framed it, is, in many respects, calculated rather
 “ to alarm the prejudices of the people than to conciliate their regard.
 “ This is not an exaggerated description. We have no motive for exagger-
 “ rating: we wish to convey to your lordship a correct idea of the country;
 “ and if any individual, whose opinion is entitled to the smallest respect,
 “ can seriously maintain that the lower classes are more attached to us
 “ than to their natural chiefs, we hope that every thing we have ad-
 “ vanced may be treated with utter neglect.”—*Report of Board of Commis-
 sioners for the Ceded and Conquered Provinces of Bengal, April 13, 1808.—
 Selection of Papers and Records, Vol. I., p. 26.*—One of the writers of this
 remarkable passage is at present a distinguished member of the East India
 Direction.

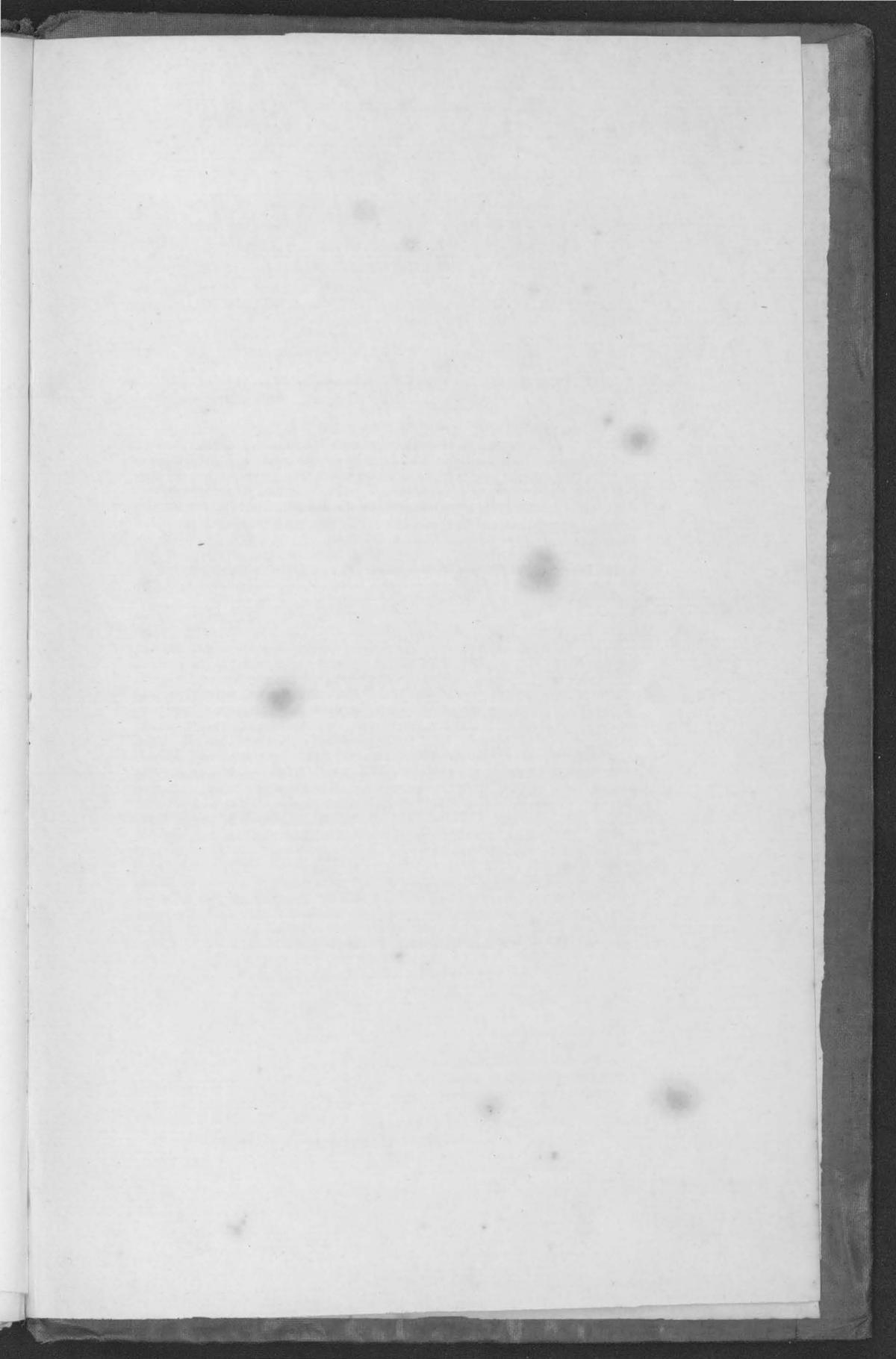
* The character here given of the officers of the civil department of the Indian service is equally just and accurate; and it may safely be asserted, that no body of public men of any nation or of any country, can boast of a greater share of integrity, purity of principle, or good intentions; but their want of numbers, their inexperience, and their unavoidable ignorance as strangers and sojourners, make it physically and morally impossible that they should ever be able to exercise the wholesome and efficient control, or possess the practical knowledge of the country and its inhabitants, necessary for the purposes of good government. The most remarkable illustration of this truth is afforded by the notorious case of a native of the Madras provinces, named Cass Chitty, who held the inferior office of treasurer to a collectorate. The peculations, embezzlements, and malversations of this individual, embraced every branch of the public revenue—extended over a province containing from six to seven hundred thousand inhabitants—amounted, as far as they could be ascertained, to 237,000*l.* sterling, and were carried on for nine years, to all appearance without the knowledge of his European chief, or of any other European officer. Sir Thomas Munro, who conducted the investigation, and substantiated the offences of this person, makes the following just observations on the subject:—“ It is well known that the great body
 “ of the ryots will submit to extra assessments as long as they can pay
 “ them, rather than seek redress from the courts. The average rent of each
 “ individual is not ten pagodas, and it is easier for any one of them to pay
 “ five pagodas, or fifty per cent. more, than to leave his house and neglect
 “ his fields, in order to attend a court of justice. When it is considered that
 “ the extra collections in Coimbatore have been going on for several years,
 “ that they have been paid by twenty-five or thirty thousand of the inha-
 “ bitants, and that of all this number probably not twenty have ever sought
 “ redress from the courts, it is impossible to resist the conclusion that our
 “ institutions are inefficient, and that the same abuses, to a greater or less
 “ extent, must prevail in every province under this Government. It is in
 “ vain to say that the courts are open, when the conduct of the ryots, in not
 “ applying to them, shows, that they regard them as shut. No argument
 “ to the contrary can have any weight when opposed by the general feel-
 “ ing of the people.”—*Selection of Papers and Records, Vol. I., pp. 750, 51.*

with us, deplore the profligacy and venality of their petty officers, yet we all know that, under existing circumstances, it is not in their power to correct or even mitigate the evil*.

This, gentlemen, is a statement, not of hypothesis or theory, but of facts and observations, gathered during a residence of twenty-seven years in India, and twenty-five in the indigo line; and in which, though long and desultory, I trust you may still be able to glean something useful for your purpose.

I am, &c. &c.

* The population of the provinces, constituting the government of Bengal, is computed by the most recent returns at 50 millions, spread over an area of 328,000 square miles. The number of courts where British officers preside, subordinate or appellate, is about 106. The total number of British officers exercising the magistracy,—carrying on the principal ministerial duties in the courts, and exercising the functions of chief civil and criminal judges, amount to about 150. The following is an example of the business which these officers have to perform. In the year 1828, in the criminal department, 102,266 persons were apprehended, of whom 59,410 were acquitted, 38,089 punished summarily, and 4,678 committed for trial for felonies before a superior tribunal. In the same year there were instituted of regular civil suits, exclusive of summary (the latter, probably, about 50,000), 175,849; there were disposed of 173,944, and the arrear of civil justice, in 1829, amounted to 140,144 causes. In the year 1818, with the same extent of territory as at present, the arrear of civil suits was but 79,037. In 1821 it was 103,454; and in the next eight years, as just stated, it had increased by 35 per cent. In the year 1797 the number of civil suits instituted was 330,977. In that year, the government, with the view of checking litigation, imposed institution fees and stamps on law proceedings. In 1805, after a vast extension of our dominions, the suits instituted fell to 208,687. In 1814, further difficulties having been thrown in the way, the number fell to 167,643. In 1818, with a fresh acquisition of territory, they were only 141,335. Of the civil suits, fifteen-sevenths in Bengal and seven-eighths at Madras are tried by native judges. Exclusive of fees, fines, stamps on law-papers, and the commission of the native judges, *who have no salaries*, the expenses of the judicial system, throughout British India, exceed a million sterling per annum. “The whole establishment,” says Sir Thomas Munro, “is of recent origin, and has, in a few years, arisen from nothing to be the most expensive judicial system in the world.” The few facts pointed out in this note will demonstrate, beyond all power of contradiction, that it is also from the very principle of its formation, and from inevitable necessity, the most inefficient.—See *Letter from Court of Directors, Judicial and Revenue Selections*, Vol. IV., p. 32, and *Manuscript Public Reports*.



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