

P A P E R S

RELATING TO THE

Settlement of Europeans

IN

I N D I A

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1834.

(38.) Letter
from Company
respecting the
Grant of Li-
censes to pro-
ceed to India;
27 Feb. 1818.

• In respect of applications coming from each of those classes, the following has been the practice of the Court :

Missionaries or Schoolmasters.

THE Court have invariably, except in two or three instances, permitted applicants of this description to proceed to India, after being satisfied of the respectability of their character by the production of proper testimonials from persons of repute, or from the societies with which they were more immediately connected.

Barristers, Attorneys, or Clerks to Attorneys.

THE Court have been influenced in granting or refusing applications from persons in the profession of the law, by the representations of His Majesty's courts of justice in India, through the channel of the local governments, as to the sufficiency or otherwise of the practitioners in point of number, about the time when such applications were received. With respect to attorneys' clerks, we have no such guide; but it is well known to persons acquainted with India, that few Europeans of this description are requisite, as native copying and engrossing clerks are to be procured on moderate terms.

Partners or Assistants in Mercantile Houses already established.

THE Court have always been desirous of enabling every established house of business in India to provide for casualties, and to obtain such additional assistance as they might require in consequence of the opening of the trade. Accordingly, when applicants of this class have been found on inquiry to be individually respectable, and when it has appeared that they were invited to join persons of good character in India as partners, or with a reasonable expectation of becoming partners, the Court have acceded to their applications. Clerks perfectly competent to the subordinate details of a counting-house are to be found in abundance among the half-caste and the native Portuguese, as well as among the Hindoos; and the introduction of a considerable number of European clerks would clash with the employment of people of this description, particularly of the half-caste, whom it is good policy to engage in peaceable occupations.

Shipwrights, Coachmakers and other Mechanics.

LICENSES have been granted in a variety of instances to persons of this class; but the Court are desirous of limiting the number to what may be sufficient for the instruction and improvement of the natives in the useful arts. The latter are known to be great adepts in imitation, and their frugal habits render it impossible for Europeans to rival them in pursuits where success depends chiefly on the cheapness of manual labour.

Agents to manage the Sale of the Cargoes of Licensed Ships, and to procure Investments in return.

WHEN applications have been made by parties actually concerned in any ship or ships licensed under the Act of the 53d of the King, for permission for some person named by them to proceed to India, and there to remain during such limited periods as their interests might require, it has been the general practice of the Court to comply with those applications.

Temporary Residents to settle Private Affairs.

IN cases of this sort, the Court have required the applicants to explain the affairs upon which they desired to proceed, and, when the Court have been satisfied that they were of a nature to require the presence of the applicants in India, leave has been given to them to proceed thither, and to remain as long as appeared to be necessary under the circumstances of each case.

Commercial Speculators, whether in the character of Principals or Factors, or Agents for Persons in Europe; and Candidates for employment in any line in which it may be found.

THE Court have always looked with considerable jealousy to applications from this description of persons, because a general compliance with them would afford a wide opening for the indiscriminate resort of Europeans to India, contrary to the principles upon which the administration of that country has hitherto been conducted, and to which we shall take the liberty of particularly soliciting your attention in the sequel of this letter. To show, however, the spirit by which they have been actuated on these occasions, we take the liberty of mentioning that the authority vested in the Court by the Act of 33 Geo. 3, to license the residence of persons at the several settlements in India under free merchants' indentures, has, since the last renewal of the Company's Charter, been limited in its exercise to the nomination of eight free merchants annually. This arrangement was made, in concurrence with the late President of the Board, expressly for the purpose of extending the opening for compliance with applications which might be preferred upon reasonable grounds by persons desirous of proceeding to India under the Act of the 53d of the King, c. 155, s. 33, and will, we doubt not, be considered as indicative of the Court's disposition (at the expense of all minor considerations) to carry into full effect the provisions contained in that section of the Act.

Applications of Ladies.

It has been the practice of the Court, before complying with applications from ladies, in the first place, to ascertain that the applicants are persons of fair reputation, and next, that they have received invitations to proceed to India from friends or relations residing in that country.

Applications of Menial Servants.

THE Court have always had strong objections to European menial servants of either sex going to India. They are generally found themselves to require the service of natives, over whom they are prone to tyrannize, whilst, in point of comparative usefulness, they rank far below the native servants.

THE foregoing detail will, it is hoped, convey a tolerably distinct notion of the mode in which the Court have exercised the discretionary power which has been confided to them, of licensing persons applying to proceed to India pursuant to Parliamentary enactment. Their uniform wish has been, on the one hand, fairly and honestly to promote all the objects which appeared to them to have been contemplated by the Legislature in prescribing an extension of moral, intellectual, and commercial intercourse between the two countries; and, on the other hand, to avoid any further departure from the principles

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of the long established system of Indian administration than was essentially necessary for the attainment of those objects. In the responsible, delicate, and somewhat invidious situation in which they are placed, they have thought it equally inconsistent with their obligations to grant unlimited facilities, and to start captious objections; they have endeavoured to proportion means to legitimate ends, to distinguish between reasonable and groundless applications, and to consult the wishes of individuals, as far as was compatible with the paramount interests of the public.

In the discharge of this necessary though sometimes unpleasant duty, it was not to be expected that the Court's decisions should always prove satisfactory to disappointed applicants; but the Court would have submitted patiently to any unpopularity which they might have incurred in such quarters, had their proceedings been fortunate enough to meet with the more frequent concurrence and sanction of your Board.

The Board have unquestionably the power of acceding to applications which have been rejected by the Court, but we are confident that we do not mistake your disposition in presuming that it is a power which you would at all times wish to exercise with considerate reserve.

Among the many applications which the Court have received, some have appeared to them to be wholly unfounded, whilst others have been preferred in a spirit of adventure by persons of ruined fortune and questionable character. With such applications the Court of course considered themselves bound to refuse compliance, yet we are sorry to say that, in more than one instance, they have subsequently been acquiesced in by the Board. The frequent reversals of the Court's decisions, which have recently occurred, are the more remarkable, because the usual practice of the late Board was to decline passing any orders upon such applications as the Court had reported to be, in their opinion, inadmissible.

The general profession of "lawful purposes" is easily made: it requires but little ingenuity to find plausible reasons in support of its reality; and attestations to character, even when undeserved, are too often obtained without much difficulty. A corroboration of this remark will be found in one of the reported cases from the Court, on which the Board have not yet been pleased to signify their pleasure. It is that of a person who solicited leave to proceed to India for the purpose of arranging with his brother some family concerns on behalf of his mother. The request appeared plausible, but it came to the knowledge of the Court that the applicant meant to go out as an "adventurer," and he afterwards confessed that his real intention was to seek service in the army of the Nizam.

We trust that we do not assume too much on behalf of the Court in respectfully submitting to you that the number, the wide association and various connections of its members, give them means which the Board may not possess in the same degree, of ascertaining the real grounds of applications, and of making themselves acquainted with the characters and views of those by whom they are preferred. It may not, however, be always expedient for the Court explicitly to assign in writing their precise reasons for rejecting applications, although fully satisfied of the impropriety of granting them. Upon this ground, therefore, particularly when supported by an assurance that it is the cordial disposition, as well as the steadfast determination of the Court to act in strict conformity to the views of the Legislature, in so far as they are able to comprehend those views, we venture

to claim a liberal share of confidence from the Board in their revision of the Court's proceedings.

We would, likewise, beg leave to submit to you, Sir, not only that in proportion to the facility of obtaining licenses will the demand for them increase, but that the evils likely to result from a large influx of Europeans into British India will, in the apprehension of some, be considerably aggravated by the circumstance of their composing two separate classes, holding their respective licenses from two distinct authorities. This consideration may probably have suggested the proposal made by Mr. Courtenay, in his letter to Mr. Cobb of the 21st ultimo, of devising a common form, to be used indiscriminately, for licenses granted by the Court in the free exercise of their discretion, and for certificates issued by the Court, contrary to their own opinion, in obedience to the direction of the Board. The proposal has been attentively considered, but, from the tenor of this address, you will readily perceive the grounds on which the Court hesitate in adopting it. An agreement in principle would greatly facilitate any proposed arrangement upon matters of detail.

The Court understand and believe, that it never was the intention of the Legislature, by the 33d section of the Charter Act, to prescribe a total change in the principles of Indian government, which had been acted upon down to the 21st July 1813, and which have been regarded by all the first authorities, both abroad and at home, as indispensable to the tranquillity of our possessions, and the stability of our power. It is true that the trade with India was then laid open to the merchants of this country, and that special and express provision was made for permission being granted to persons desirous of going to India, for the purpose of introducing among the natives useful knowledge, and religious and moral improvement, and for other lawful purposes, (such as may be considered fairly to come within the scope of those applications to which the Court have been in the habit of acceding.) But there is nothing, either in the correspondence between the two successive ministers for India and the Court of Directors, before the bill for the renewal of the Charter was brought into Parliament, or in the discussions which took place in Parliament pending the progress of the bill, or in the provisions of the Act as definitively passed, to warrant an opinion that any greater innovation upon the Indian system was contemplated than was necessarily involved in the specific measures to which we have alluded; on the contrary, it was admitted by the proposers of those measures that they might be attended with dangers, against which it would be expedient to guard; and precautions adapted to the nature of each case were accordingly taken to avert the ill consequences which might result from the prosecution of interested speculations, injudicious though benevolent designs, and lawful purposes, whether real or pretended.

The trade, instead of being made completely free, was subjected to certain regulations and restrictions, which were promulgated for the information of all whom they might concern. The conditions imposed upon commercial adventurers were precisely defined, and rendered easy of performance, so that no person should have reason to complain that his speculations were liable to be thwarted by a will over which he had no control. Neither were unlimited facilities held forth to such as might be desirous of resorting to India for purposes professedly consonant to law, and prompted by benevolence; but a different sort of security was devised in regard to persons of this

(33.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818.

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818. Description, from those which were required from houses of trade. It being a task of much more difficulty to discover the motives and intentions of individuals than to ascertain the tonnage of a ship, or to examine a manifest, a discretionary power was given to the Court of Directors to comply with or to reject applications, of which the ostensible objects might be found, upon investigation, not to correspond with the real ones, or to be otherwise unworthy of continuance; the negative pronounced by the Court being in all cases subject to reversal by the Board of Commissioners.

Another reason occurs for the obvious distinction which exists between such regulations as affect the conduct of the trade, and those which have been framed with reference to individuals soliciting permission to proceed to India for benevolent or other lawful purposes. Although a minimum for the tonnage of each ship respectively sailing to India has been fixed by law, yet no restriction has been imposed upon the total amount of tonnage to be employed in the trade, because every branch of commerce will learn by experience to respect the natural limits of supply and demand; or if it does not, the worst that can happen is the ruin of thoughtless or obstinate speculators. The same considerations do not apply to the emigration of individuals (whether in smaller or larger bodies) who go in quest of a settlement in a foreign country, and in the pursuit of objects, legitimate perhaps in themselves, but which they may fail in attaining. Here the consequences of failure are not confined to the persons immediately involved in it; they extend to all around them. The disappointed adventurers, being unable either to return to their own country, or to gain an honest livelihood in that which they have adopted, have recourse to fraud and violence; and the natives, who were no parties to the mistake, become the greatest sufferers from it. Hence it has been deemed expedient by the Legislature, that a discretionary power should be lodged in the authorities directing the affairs of India, to negative the applications of persons desirous of proceeding thither, where such applications may appear to come from improper quarters, to be founded upon unreasonable expectations, or to be excessive in point of number.

To constitute a "lawful purpose," it is necessary, not only that the motive in which it originates should be sincere and blameless, but that the object contemplated should be attainable through legitimate means, and that the field of enterprize should, in point of extent, correspond with the number of competitors. An hundred persons may be usefully employed where double the number might barely contrive to exist, and where 1,000 would be driven to absolute want and desperation.

The very terms employed in the 33d section of the Act clearly show, in the judgment of Court, that the expression "or for other lawful purposes," was never meant to have a largely extended application. That part of the clause which provides for the introduction of useful knowledge and moral improvement, and for sufficient facilities being afforded by law to persons desirous of going to and remaining in India for the purpose of accomplishing these benevolent designs, is prefaced by a solemn declaration, that it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India; and notwithstanding this declaration, it is provided, that the prosecution of such benevolent designs shall not, either interfere with the authority of the local

governments respecting the intercourse of Europeans with the interior of the country, or in the slightest degree infringe the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion. But to the second part of the clause, which makes provision for granting permission to persons desirous of going to India, and remaining there "for other lawful purposes," there is neither preamble nor annexed condition. It is highly improbable, we had almost said it is impossible, that in a provision so worded, the Legislature intended any serious innovation upon the system of Indian government, as established and acted upon for half a century.

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Having thus submitted to you the interpretation which the Court put upon the statute, and having endeavoured to show that, by its enactments, a discretionary power has been vested in the Court of Directors, subject to the control of the Board of Commissioners, to negative, on any reasonable grounds, whether of character, object or number, applications which they may receive from persons desirous of going to and remaining in India, we proceed to explain the general considerations by which the Court have been influenced in the exercise of their legal and official discretion.

From the year 1764 down to the last renewal of the Company's Charter in 1813, there has been but one opinion among the many eminently distinguished persons who, in the course of that period, have acted a prominent part, either in conducting the local administration in India, or in superintending and directing the Company's affairs at home, concerning the impolicy and danger of allowing Europeans (not in the King's or Company's service) in any considerable number, to resort to and settle in India. Not only has India never been considered and administered as a British colony, but the system applicable to this species of dependency has always, and justly, been regarded as singularly ill adapted to a country rich, populous and powerful in itself, and the inhabitants of which are so dissimilar from Europeans in their customs and manners, in their social institutions and religious belief, that any general and strict amalgamation of their respective opinions and habits can never be expected. But in proportion as facilities are needlessly multiplied to Europeans to proceed to and remain in India, we depart from those principles of policy which are consecrated by all authority, and we incur both the immediate inconvenience and eventual risk incident to a new system, which the wisdom and experience of the present and the past age have combined to deprecate.

Were we to bring before you all the facts, opinions and admonitions which might be collected from the Company's records connected with the subject in question, they would form a very voluminous document; but we take the liberty of soliciting your attention to a small selection of papers which we transmit as an Appendix to this Letter, and which will at once illustrate and corroborate the views which the Court entertain. We would also respectfully beg leave to refer to the valuable mass of authentic testimony to the same effect which will be found recorded in the Minutes of Evidence taken before the Committees of the two Houses of Parliament, preparatory to the last renewal of the Company's Charter. Considering the state of public opinion, and the measures which were in contemplation at that time, we cannot help thinking that the evidence then given may be received unreservedly as a vehicle of accurate information and

(38.) Letter from Company respecting the Grant of Licenses to proceed to India: 27 Feb, 1818. • useful instruction; and, in the judgment of the Court, it clearly establishes the following propositions:—
 That the natives of India, though, generally speaking, weak in body and timid in spirit, are very susceptible of resentment, and of peculiarly quick sensibility in all that regards their religion and women.

That Europeans, particularly on their first arrival in India, are occasionally liable, from ignorance, to give involuntary offence to the natives.

That Englishmen, especially those of the lower order, are addicted to excesses disgusting to the natives, and which frequently lead to acts of violence and outrage; and that, in general, they are prone to domineer over and oppress the natives from a sense of their own personal and national superiority.

That the natives, if they have not the ready means to obtaining legal redress for the injuries which they sustain, will be disposed to take the law into their own hands.

That the natives, when aggrieved, will often be deterred from seeking legal redress by the distance of the Courts, the expenses attendant upon prosecutions, the difficulty of procuring the attendance of witnesses, and the delays of judgment.

That when legal redress is sought for injuries inflicted, the affinity of the country, language, manners and dress of the Judge with those of the person against whom the complaint is lodged, and possibly the social intercourse subsisting between them, will somewhat shake the confidence of the prosecutor in the justice of the sentence, when it does not exactly accord with his wishes and expectations.

That the frequent punishment of Europeans, although it may give to the administration of justice an air of impartiality, will tend to degrade their character in the eyes of the natives, and greatly diminish the respect in which it has been hitherto held.

That among the British residents in India there is a strong disposition to assert what they conceive to be their constitutional and indefeasible rights, a general leaning towards each other, and a common jealousy of the authority of Government.

That an unrestrained ingress of Englishmen into the interior of the country would be productive of the most baneful effects upon the comfort of the inhabitants and the peace of society, and would be fatally injurious to the British name and interests.

That the number of Europeans who gain admission into the interior, whether clandestinely or from misplaced indulgence on the part of the local governments, will always be proportioned to the number who are permitted to proceed from England or elsewhere to India.

That, notwithstanding the stipulation which has been introduced into most of the treaties subsisting between the Company and the principal native powers in India, by which the latter have agreed not to engage Europeans in their service without the consent of the Company's Government, it is very probable that inferior chieftains and jaghiredars, and even princes of more note, may employ such persons without its coming to the knowledge of the Company's residents, and very possible that Europeans may make their way into the native States, in spite of all the restraints which can be devised. And lastly,

That colonization, and even a large indiscriminate resort of British settlers to India, would, by gradually lessening the deference and respect in which Europeans are held, tend to shake the opinion en-

tertained by the natives of the superiority of our character, and might excite them to an effort for the subversion and utter extinction of our power.

Such were the concurring opinions delivered not five years ago by a considerable number of experienced, intelligent and able men, of whom some had acted a conspicuous part in the Government of India, and others had filled high situations under it. The Legislature was so far influenced by them as to restrict ships engaging in private trade from sailing without licenses, and from frequenting any other than the principal ports in India. Masters of ships were required, before the ships should be cleared, to prepare and deliver attested lists of all persons whom they might carry out with them, which lists were to be transmitted to the Court of Directors and to the Government of the place for which the ships were respectively bound. And the local governments were empowered, either to prosecute to conviction, or to send home in a summary way, all British subjects residing in India without licenses, or exceeding the terms of their licenses.

These were no doubt useful and necessary regulations, but they all, with the single exception of that which relates to the terms of the license, have reference to the circumstance of persons getting out clandestinely to India, not to their behaviour while there. We conceive that it is altogether vain to expect that Europeans may be permitted to throng to Calcutta, Madras and Bombay, and that they may also be prevented from procuring, by some means or other, access to the interior; and the consequences of such an admixture to the native population are easier to be foreseen than averted. It may, at least, be confidently affirmed that the result will not be the introduction of useful knowledge, and the advancement of moral and religious improvement among the natives.

There is one more consideration to which we must advert before concluding this letter.

A despatch has lately been received from Bengal communicating a memorial, signed by a great number of persons belonging to the class usually denominated in India 'Half-caste,' claiming redress for certain grievances under which they conceive themselves to labour. The memorial was addressed to Lord Hastings, and was, in consequence of the importance of the subject, submitted by his Lordship to the Governor-general in Council, who have taken it into their serious consideration, and given to it a very judicious reply.

The Court cannot but perceive among these memorialists indications of a spirit which, were it supported by numbers of their own description sufficient to form a strong physical force of themselves, or by power and influence to command an adequate physical force of aboriginal natives, might soon give birth to events which cannot be contemplated without alarm.

The half-caste will increase in numbers more rapidly in proportion as facilities are extended to Europeans to settle in India, and it is far from improbable that they may be supported in any pretensions they may set up by the bulk of those Europeans who are not in the civil or military service of the King or Company, whether they be persons originally born in Europe, or the descendants of European fathers and mothers.

Of the Europeans who proceed to India, few in proportion to their numbers can ever return to Europe as their ultimate residence.

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(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818. They will, therefore, be more likely to congregate in India, to form populous assemblies, and to fall in with any sentiments or project which may waken ideas of consequence, ambition, and independent government. In this view, every proceeding which would tend further to perplex and embarrass the Indian administration (already sufficiently complicated), and to accelerate a crisis which may happen notwithstanding the most prudent precautions on the part of the governing power, should, in the judgment of the Court, be carefully avoided.

We have thus, by desire of the Court, brought fully before you the view which the Court entertain of the meaning and intent of the provisions contained in the 33d clause of the Act of the 53d of the King, cap. 155, and the general principles upon which they have acted in disposing of the various applications which have been made to them under those provisions, from persons desirous to proceed to India. The certificates which have been granted by the special directions of the Board, in some recent instances of applications with which the Court had not felt themselves justified in complying, appear to indicate a disposition on the part of the Right honourable the Commissioners for Affairs of India to give a latitude of construction to the Act, which, in the Court's opinion, it does not fairly bear, and to dispense facilities from which, if multiplied, dangerous consequences may result.

We doubt not the subject will receive from you, Sir, all the consideration to which it is entitled from its importance; and it is the anxious wish of the Court, for the sake of the public interests, to obtain the co-operation of the Right honourable Board over which you preside, in the formation of regulations which shall, as far as may be practicable, define the grounds on which applications shall in future be either acceded to or rejected.

We have the honour to be, Sir, with great respect,

Your most obedient humble servants,

East India House,
27 February 1818.

JOHN BEBB,
JAS. PATTISON.

(Enclosure in Letter to the Right. Hon. G. Canning.)

EXTRACTS relative to a more extended RESIDENCE of EUROPEANS
in India.

Extract Bengal Revenue Consultations, dated 12th May 1775.

13 Geo. 3,
c. 63, s. 27.

In consequence of the request made by the Committee to deliver an opinion on the orders of the Court of Directors, and on a clause in the late Act of Parliament, Mr. Francis begs leave to give in his opinion.

Extract Mr. Francis's Minute.

The general principles which establish the necessity of such restrictions (of Europeans from holding lands) have not, in my opinion, lost any part of their force by the increase or confirmation of the British influence in Bengal.

1. If nothing but grants of waste lands were in question, it would still be an object of serious consideration, *first, to the British Government, whether or no it would be advisable to encourage colonization here.*

4. The soil of right belongs to the natives. Former conquerors contented themselves with exacting a tribute from the lands, and left the natives in quiet possession of them.

To alienate them in favour of strangers may be found a dangerous as well as an unjust measure. We cannot understand the acts of cultivation in this soil and climate so well as the natives. The landholder will consider us with jealousy and hatred, as the invaders of his rights and property. The ryots, attached by custom, religion and prejudice, to the authority of their ancient masters, will not readily submit to labour for new ones, to whom they are not bound by any natural relation of manners or religion, or by reciprocal obligations of protection and dependence. A few Europeans will be thinly scattered over the face of the country; the native inhabitants will desert it.

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10. A measure which tends to throw the farming of lands into the hands of Europeans must, independently of every other consideration, be attended with difficulties prejudicial to the Company's revenues. The mode of collection in this country must at once be rigid, regular and summary. The natives have at all times been subject to the decisions of the Dewan, or of the Courts instituted by his authority. If British subjects, or their servants, are permitted to rent farms, there will be no way of recovering any arrears or balances due from them to the Company, but by instituting suits against the parties in the Supreme Court of Judicature; the delays and expense of such a mode of proceeding are obvious. It appears to me that, under such a system, the revenues could not be realized, the collections would universally fail, and in the end our possession of the country would be very precarious.

Mr. Monson.

If the paragraphs in the general letter of the 17th March had been attended to, and the positive orders then given by the Court of Directors had been observed as invariable laws, I should not have found myself now in the unpleasant situation, either to censure the acts of the late administration, or to give a sanction to their conduct in opposition to the mandates of my honourable employers.

The question now before the Board, on which I am required to give an opinion, may be considered in a political view:

1st. *Whether it is for the interest of Great Britain to colonize in East India.*

2d. *Whether such a colony would be of advantage to the India Company.*

The migrations to countries believed to be the regions of wealth would be so considerable, that the mother country would soon feel the dire consequences of them.

Every person who comes into this country is impressed with the idea of making, in a short time, a very considerable independent fortune.

The means to be pursued for this end operate to the impoverishment and destruction of the country. If Europeans were allowed to hold farms, as their influence is great, they would in some degree oppress the natives, as in the instance now before us; such checks on the cultivation of the lands will occasion them to fall considerably under their value: besides, they are entirely unacquainted with the mode

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of culture in this country; the language, the customs and manners of the people are so dissimilar to theirs, that it is impossible for foreigners to cultivate on equal terms with the natives.

Their manner of life will not permit them to give equal profits to the Government with the natives, as their expense on every article of subsistence is more considerable; consequently, the Europeans will be in a worse condition than the natives, or Government must be satisfied with a less revenue from the lands, in order to enable them to live.

The few wants of the natives, who are satisfied with the mere necessities of life, will allow them to pay larger taxes to Government from the same quantity of land, in the same state of culture, than an European can afford to do; it is evident, therefore, that it cannot be for the interests of the Company to allow Europeans to become landholders.

The uncultivated lands, under a mild and fixed government, might soon be brought into culture by giving premiums and making advances of money to the natives.

Providence has ordained, by her formation of the constitution of Europeans, that they should not become the cultivators of this country; they can only be taskmasters, and will enrich themselves, having no permanent interest here, to the prejudice of the natives, and to the loss of Government.

Extract Bengal Revenue Consultations, 18 May 1785.

Extract Mr. *Shore's* Remarks accompanying Governor-general's Minute.

It is very obvious, that within the last 10 or 12 years, a considerable alteration has taken place in the manners of the people. This alteration is the natural consequence of a greater degree of intimacy with Europeans than they formerly were admitted to. Those parts of our character which first drew their attention were bravery, clemency and good faith; they have since found that we are not wholly destitute of weaknesses and vices, and that Europeans, like all others, are open to temptation. The respect they entertained for us as individuals, or as a nation, is diminished, and they now consider themselves upon a more equal footing.

The introduction of the Supreme Court of Judicature has largely contributed to the elevation of the natives, and to the depression of Europeans. This system, which was meant for the relief of the natives, has in very few respects answered that object. In many instances it has been a heavy grievance to them, and the natives themselves have found out the art of making the powers of the court the means and instrument of forwarding their own views of interest and oppression, of eluding the power of the Government, and of weakening its authority, by engaging the two tribunals in contests with each other.

Such are the inhabitants of Bengal over whom the European jurisdiction is established. Prudence may, no doubt, render it permanent, but prudence and policy alone can effect this, on a comparison of their numbers with ourselves.

Extract Commercial Letter from Bengal, dated 1st November 1788.

* Free Trade.

Para. 29. If the proposed * scheme were adopted, multitudes of Europeans would flock into the interior parts of the country; they would naturally possess themselves of the seats of the manufactures

abandoned by the Company; eager competition must immediately arise; enhanced prices and debased fabrics follow. The weavers would receive advances from all, each would be ready to take redress into his own hands; disputes between merchants, as well as between them and the manufacturers, would be inevitable; and the country thus, in all probability, become a scene of confusion and disorder, which the distant situation and other avocations of the collectors would little permit them to rectify. How far a salutary freedom and extension of commerce would be promoted by such means, it cannot be hard to determine.

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Extract Proceedings of the Board of Trade in Bengal, the 28th April 1789.

Read the following letter from Dacca.

To the Honourable *Charles Stuart*, President, and Members of the Board of Trade.

Gentlemen,

In my reply of the 21st February last to the address of the 8th December 1788 of Mr. Barnard M'Cullum and other Europeans of Dacca, I took occasion to question on general grounds, in opposition to the spirit of their address, the service which private European traders rendered to the country, or to its commerce, meaning its *internal* commerce.

The question I believe to be new upon the Company's records in India, but arguments partly applicable thereto are, in a wide field of policy, discussed in the 9th Report of a Committee in the House of Commons, to which my letter refers.

My particular opinions were formed from my observation and experience, I stated that they were not singular: when I asserted this, I alluded merely to conversations I had held with different intelligent men conversant with the country, and without knowing that any corroborative opinions had been published other than those which I have referred to in the 9th Report.

Since I transmitted my letter, I find that two men who filled high stations in this country, who were versed in its history, and conversant with its general state, who had deeply reflected on its revenues, commerce, resources and connections, have given to the public their opinions on the same question. These men are the late Colonel Dow, an officer bred up in the Bengal army, and Mr. Francis, formerly a member of the Supreme Council, and now a Member of Parliament.

That their opinions may officially come before you and the Governor-general in Council, and the Court of Directors, I beg leave to insert, as a part of this address, extracts from their publications, and to beg that the same may be considered as though I had introduced them into my reply of the 21st February.

Colonel Dow, in an essay, intitled, "A Plan for restoring Bengal to its former prosperity," after saying that every possible encouragement should be given to the export trade, proceeds*:

"Free merchants ought to be encouraged, neither must they be excluded from inland trade, as that circumstance would place the subjects of Great Britain on a worse footing than foreigners, whom we cannot, without violence, prevent from trading wherever they please. Let, however, the residence of free merchants be confined

* See page 127, 3d vol. History of Hindustan, by Col. Dow, published in 1772. •

(38.) Letter
from Company
respecting the
Grant of Li-
censes to pro-
ceed to India;
27 Feb. 1818.

"to Calcutta, as the influence which all the natives of Britain have acquired over the inhabitants of Bengal is so great, that the selfish can convert it into the means of oppression."

Mr. Francis, in an introduction to a publication, intituled "Original Minutes of the Governor-general and Council of Fort William, on the settlement and collection of the Revenues of Bengal, with a Plan recommended to the Court of Directors in January 1776," says,

"As a question at least it deserves to be considered whether it may not be essential, not only to the internal prosperity of the country, but to its dependence on Great Britain, that the Europeans in Bengal should be limited to as small a number as the services of the Government will admit of."

"The acquisition was made, and has hitherto been preserved by a British force which has borne no proportion to that of the natives. Under a mild and equitable government, under such a one as it is our own greatest interest no less than our duty to give them, they are incapable of rebellion or defection. Their patience and submission to their rulers in the last twenty years are sufficient to show how much they can endure. On the other hand, as we increase the number of those who can only exist at the expense of the country, we load our Government with useless weights, and add to its embarrassments without adding to its strength."

"Whether these Europeans are directly employed or not in the service of Government, there is no fund but the public revenue out of which they can derive a subsistence. One way or other it is paid for by the country, and one way or other must become chargeable to Government."

"Exclusive of public employments or contracts with the India Company, there is no fair occupation for the industry of Europeans in Bengal. Every enterprize they engage in, whether of foreign commerce or internal improvement, leads them into distress if it does not end in their ruin. Even of adventurers pursuing every mode of acquisition that offers, very few, if any, have succeeded. But these are people to whom no encouragement should be given. Their residence in the country, especially in the remoter parts, harasses the people and alienates them from their natural habits of submission to any power that protects them."

These gentlemen, it is probable, spoke from their own observation of the acts of violence which Europeans not immediately under the eye of Government, perhaps unknown to it, are prone to commit in the remote parts of the country. The actions of Mr. Bernard M'Cullum, and his confederates, sanction their opinions on this head. Mr. Francis takes a further broader ground, and states that Europeans in Bengal, beyond the number the services of Government required, are an useless weight and embarrassment to the Government, and injury to the country, and that they are people to whom no encouragement should be given. I am, &c.

14 April 1789.

(Signed) JOHN BERN, Rest. Dacca.

Extract Observations of the Court of Directors on a Letter from the Right honourable Henry Dundas, dated 16th February 1793.

It is moreover extremely desirable, and even of the last importance, to prevent individuals from interfering with the interior of India as much as possible.

Extract Letter from the Right honorable *Henry Dundas*, to the Chairman, dated the 15th April 1793.

(33.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818.

The objection to it is, that inconveniences and perhaps dangers might arise to our Indian empire if such unrestrained intercourse was to be admitted, as might take place, if ships of that description were to be allowed to sail to India; and *I feel the weight of this objection very forcibly, from the opinion entertained by every body possessed of local knowledge with whom I have conversed, and who have all stated that the utmost delicacy is requisite in guarding against an unrestrained intercourse with the natives of India.*

After what I have now and throughout explicitly stated as my opinion as to the consequence of preserving the European character in India, and the propriety of preventing a free and unrestrained intercourse with the natives of India, it would be superfluous for me to enter into any examination of the authorities referred to by the Court of Directors. I do not differ in those principles, and my proposing that both the Government and trade of India should continue to be conducted through the medium of the East India Company, entirely rests on the basis of those principles which have not escaped my most attentive consideration.

✓
Extract Letter from Marquis Cornwallis to Mr. Dundas, dated London, 7th November 1794.

34. And I am strongly impressed with a conviction that *it will be of essential importance to the interests of Britain, that Europeans should be discouraged and prevented as much as possible from colonizing and settling in our possessions of India.* I look upon it to be highly expedient that it should be a fundamental principle in the new system, not only to relieve the corps of European troops frequently, but also to secure the return of all military men who may be entitled to any provision from the public to their mother country, by rendering all pensions and allowances to them after they are worn out or may have been permitted to retire from the service, payable to those only who shall actually claim them in Europe.

Extract Public Letter from Lord Cornwallis, Governor-General in Council, to the Court, dated 3d September 1792.

Letter to 8th February 1792

(58.) One hundred and four persons permitted to proceed to India this season as free mariners. Desire our sentiments as to the expediency of allowing persons of this description to go out annually, and whether the commerce of the country or the Company's interests are promoted thereby.

37. This subject, which we deem of more than ordinary consequence, having been brought before us, we should ill discharge the duty you have assigned to us if we did not deliver our opinion upon it without the least reserve. *We shall not therefore hesitate in assuring you, that we think it extremely advisable under the present circumstances of the Company's trade and situation in India, that you*

should not only confine to very few instances every year (we could wish that the number should not exceed five or six, or at the utmost ten) your license to individuals to proceed to this country as free merchants or free

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818.

mariners, but that particular care should be taken, when you grant it, that the persons on whom you bestow this mark of favour are from their characters entirely deserving of it.

38. We beg leave to take this occasion to observe, that although many years ago a distinction may have been and we believe was maintained between those who visited India as free merchants, and those who came to it as free mariners, a distinction revived in late despatches from your Honourable Court, who have not often given licenses to free mariners; the habits obtained in a long period of time, and circumstances connected with the policy, upon which men vary in their judgments, of bounding the mercantile speculations of individuals or allowing them full scope, while the latter, which is certainly the most liberal, has seemed also to prevail in the opinion of men who wish well to the people of this country, have gradually brought upon a level the persons who came out with your leave as free merchants to exercise their discretion in trading from one part of India to another, or residing at any fixed place to engage in commerce, and the free mariners, whose license, according to the old and original intention, was limited to the maritime trade, in the pursuits of which they were themselves to travel from place to place, without being entitled by their covenants (as they were intended to be understood) to take up their abode and settle for commercial purposes in one part of India in preference to another.

39. It seems impossible to renew this distinction in practice, without exercising a very great degree of severity, which we believe not to be in contemplation; and we think, that although it were renewed, you could never be quite certain of its being rigidly adhered to.

40. The situations of free merchants and free mariners being thus supposed to be not dissimilar, it seems to be of little consequence whether the licenses be granted under one denomination or the other, but a restraint upon the number is extremely necessary, for there is not a part of India that is not principally inhabited among the Europeans by persons who are not upon the civil or military establishment of your service; many have not the means, and some not the inclination to carry on trade, and they become a burthen to the society in which they live.

41. It may certainly be said, that it were better to give an express authority to persons to trade in India, than that a great variety of people from England should be here without any license whatever; and we should admit the position if it stood by itself; but as it is very easily practicable to remove from the country all those who are in it without your permission, and those who have that permission sometimes assume rights and pretensions that are not perfectly justifiable, and cannot under their covenants be sent away but upon a notice of not less than 12 months, we hold a more direct control over the unlicensed European who may be forced to quit the country on a day's notice, than we are thought to possess over the man who produces his indenture to show that he trades on an authority superior to our own.

42. There are many instances to prove the importance of your being perfectly satisfied upon sufficient evidence in England, as to the characters of the persons to whom alone your licenses should be granted. A very recent case was lately before us, of a Mr. Michael M'Namara, who went to England in the year 1789, in consequence of an order from Government, upon a full assurance of his very improper conduct in

different parts of Bengal. He probably stated his situation as deserving of compassion, and himself as much oppressed, and the humanity of the Court perhaps was interested to allow of his return. He came to Bengal with the indenture of a free mariner, and he had not been many weeks here when he brought forward the very same complaint of ill usage that had been rejected in 1789, after an inquiry, the result of which induced us to order him out of the country.

43. We have given Mr. Michael McNamara notice that he must be prepared to leave Bengal at this time twelve months; and we trust that he will not be allowed to return to it.

44. The papers that have a reference to his complaints and conduct are recorded on our proceedings of the annexed dates.

Letter from Company respecting the Grant of License to proceed to India: 27 Feb. 1795.

Consultations: 1 and 24 April 1789, 20 Aug. 1792.

Extract of Mr. Dundas's Letter to the Chairman, dated 2d April 1800, respecting the Trade between India and Europe.

It is immediately connected with the observations last offered, to consider by what agency is the trade of individuals in India to be carried on. If the question was to be decided on the principles of an open and free trade, the answer to the question would be, that every individual should send out or employ any agent he thought best to manage his own business. *But from what I have already stated, on a former point, you will anticipate my opinion on this; namely, that no agent should be employed in India, or permitted to reside there, except with the license of the East-India Company, and subject to the control of such regulations as the habits, prejudices and trade of the country may render expedient.* In addition to every other consideration, arising out of the peculiar nature of the trade and manners of the country, there is one decisive circumstance against the tolerance of every unlicensed adventurer in India; it would rapidly, though insensibly, lead to the settlement and colonization of the worst kind of adventurers taking root in that country, than which there could not be a more fatal blow to the permanence of the British power and pre-eminence in India. *No principle ought ever to be tolerated, or acted upon, that does not proceed on the basis of India being considered as the temporary residence of a great British establishment, for good government of the country upon steady and uniform principles, and of a large British Factory, for the beneficial management of its trade upon rules applicable to the state and manners of the country.*

Extract First Report of the Special Committee of the Court of Directors, dated 27th January 1801.

A CONTINUAL course of detached commercial adventurers would entail the residence of great numbers of Europeans abroad; many others would be tempted to resort thither in the hope of establishing themselves gradually; in consequence of these changes they would be enabled to strike out new modes of employment, and spread themselves in the country. Even now the Society of Merchants in India discover a wish to be emancipated from every material restraint; that spirit would live, and be more powerful in a larger society. Government then would find it a new and arduous task to maintain order and subordination. Every port in India would be accustomed to the visits of adventuring Europeans; connections between them and the country powers could hardly be prevented; part might go

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818.

into the service of those powers; all could not expect fortunes to return; and those who saw no prospect of this kind would naturally commence colonization. That the rights and usages of our native subjects might not be encroached upon in its progress; that these people, though passive, might not be at length exasperated; and that they might not, from example, gradually lose their habits of submission to Government, no man can be warranted to deny; nor is it less probable that a vast mass of native subjects, thus put into a new state of agitation, a numerous European community, progressively enlarging its views with its importance, and the combinations of Indian politics influenced by and influencing these circumstances, might render it extremely difficult for this country to maintain, in that remote quarter, a government sufficiently strong and energetic to contain all these interests within their due bounds.

At a Court of Directors held on Wednesday, the 4th February 1801. The following Resolutions were then read and the Court approved thereof.

Resolution Second.—That it is equally the interest of the nation, and the duty of the Company, to guard against all principles and measures which, by an indefinite enlargement of the present channel of communication, in their nature tend to the introduction, immediate or gradual, of such an open intercourse, and its probable consequent colonization.

Eleventh.—That if to this aggregate capital, which may be termed the present maximum of the native stock of British India for a trade to Europe, it became a practice to add capital belonging to private residents in Great Britain, and transplanted to India for the purpose of forcing the productions of that country beyond the ability of its own means, this would be the introduction of one of the first principles of the Colonial or West Indian system; and if it were sanctioned, directly or impliedly, by any public regulation, it would tend greatly to extend the relations and intercourses between those countries, and this, as well as to supersede covertly, if not openly, the prohibition to Europeans to occupy lands there, which prohibition is already, in a variety of instances, dispensed with; and thus, without any certainty of ultimate commercial benefit to the British empire at large, a change would be commenced in the present system of Indian policy, which is allowed to be the best for the maintenance of those distant possessions.

Extract Letter from the Right Honourable *Henry Dundas*, to the Chairman, dated 21st March 1801.

Upon the First, Second, Third, Fourth, Ninth, *Eleventh* and Twelfth Resolutions, I have only to observe, that my opinions entirely accord with the general principles detailed therein.

Extract Report from a Special Committee to the Court of Directors, dated 25th March 1802.

In a letter from Lord Cornwallis, dated the 7th November 1794, his Lordship says, "I am strongly impressed with a conviction, that "it will be of essential importance to the interests of Britain, that

"Europeans should be discouraged and prevented as much as possible
"from colonizing and settling in our possessions in India."

(38.) Letter
from Company
respecting the
Grant of Li-
censes to pro-
ceed to India;
27 Feb. 1818.

Extract Letter from the Right Honourable *Robert Dundas*, to the
Chairman and deputy Chairman, dated 28th December 1808.

In the detail of any legislative proceedings which might be ex-
pedient on this subject, it would be absolutely necessary to guard
against the abuses which would arise from facilities thus afforded to
persons attempting to settle and reside in the British territories,
without a license from the Company, or without the sanction or know-
ledge of the local governments.

Extract Letter from the Chairman and Deputy Chairman to the Right
Honourable *Robert Dundas*, dated 13th January 1809.

BUT a more serious consequence than all these would still remain:
a free trade to India would unavoidably draw after it the residence of
numerous and continually increasing Europeans there, whatever
prohibitions might at first be opposed to their settling in the country.
When all restraint to the importation of ships and goods is taken off,
men must be allowed to follow their property, and to remain at the
place where they land it, till they have disposed of it; they must be
allowed to navigate the Indian seas, and to return to the same place
when their business calls them; they will thus insensibly, and with
hardly reasonable grounds for opposition, domiciliate themselves,
nor would an unsuccessful trade prevent them, but many would seek
to indemnify themselves on shore for their losses by the voyage.
The instances of such settlements will be numerous, and it will be
impossible for any police to follow up the cases of individuals, and
continually to exercise a rigorous system of exclusion. This has not
hitherto been done, though attended with comparatively little diffi-
culty, and the attempt would soon, under the new order of things, be
abandoned as hopeless. Colonization must in such case follow.
Large communities of Europeans will struggle for popular rights.
New feelings with respect to the mother country, new interests and
attachments, will then spring up; and in a region so remote, so rich
and populous, and so accustomed to yield to the ascendancy of the
European character, the tendency and process of these things cannot
be difficult to conceive.

Extract Hints approved by the
Committee of Correspondence,
and submitted to the considera-
tion of the Right Honourable
Lord *Melville*.

18. An unrestrained intercourse
with India to be prevented, and
the existing restrictions with res-
pect to residence in India to be
confirmed.

Extract Observations, by the Rt.
Hon. Lord *Melville*, on Hints
suggested by the Deputation of
the Court of Directors, 3d
March 1812.

18. It will be indispensably ne-
cessary, for the purpose of guard-
ing against the inconvenience herein
alluded to, that the existing restric-
tions shall be continued, with such
alterations as may be requisite
in the new system of trade.

(38.) Letter
from Company
respecting the
Grant of Li-
censes to pro-
ceed to India;
27 Feb. 1818.

Extract Letter from the Deputation to the Right Honourable the Earl of Buckinghamshire, dated 15th April 1812.

Hints, 18.—Observations, 18.

THE existing regulations, as to ingress and settlement of unlicensed Europeans into the Company's establishment and territories, to be continued. No British subject to be allowed to settle in any country within the Company's limits, and not under the government of the Company.

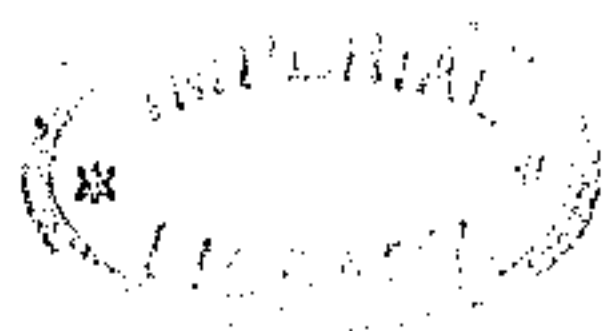
Hints, 25.—Observations, 25.

The maintenance of the Molucca Islands, which produce no valuable commodity but spices, occasions to the Company a heavy expense, and can only be compensated by a monopoly of their trade; and if private merchants are to participate in that trade, they ought also to bear a proportionable share of the charge of establishment in those islands. But the spice trade is not the most interesting consideration belonging to this question. If in any of the islands in the Eastern Seas not belonging to the Company, British subjects were to settle, (a thing which the Company, even if armed with legal powers, would find it difficult to prevent, after those seas should be open to all the ships of this country,) it would seem impossible to hinder them from obtaining by one means or other a supply of the teas of China for the purpose of being smuggled into Europe. That object alone might be tempting enough to induce a settlement, where no other circumstance was sufficiently inviting. And if from this motive, or a concurrence of others which might be supposed, a number of Englishmen were once to unite themselves in that quarter, whither new individuals might continually resort, and whence again they might repair to all the ports of the Indian continent, it would seem scarcely practicable to preserve the efficiency of regulations formed, either here or by the Indian governments, for the exclusion of unlicensed persons from their territories. Such would be the danger especially of any British settlement in the Eastern Archipelago, not subjected to the government of the Company, a danger very seriously to be deprecated; and even in those held by them, as the Moluccas, if they were open to all British ships, it may well deserve consideration, whether there might not be some liability to danger of the same kind. On all these grounds it really seems advisable that British ships from Europe should not have access to the spice islands.

Extract Letter from the Right Honourable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated 24th December 1812.

THE justice of the observations respecting the additional number of Europeans that would find their way to India in consequence of the extension of the trade, *must be admitted to a certain extent*; but it is obvious that this danger would arise from the extension of the export trade to India, and would scarcely be lessened by confining the import trade to the port of London. Every individual during his residence in India would of course be subject to the existing regulations of the local governments.

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Extract Letter from the Chairman and Deputy Chairman to the Right Honourable the Earl of *Buckinghamshire*, dated 30th Dec. 1812.

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818.

WITH respect to the resort of Europeans to India, if we do not misunderstand the scope of your Lordship's observations, it seems to imply that their numbers might be in proportion to the export trade from this country. If, indeed, they were to be regulated by this scale, our apprehensions would be the less; but we have no difficulty in acknowledging that, in addition to all our other arguments against admitting importations to the outports, we think that the granting of this privilege would increase the spirit of rash speculation from Great Britain and Ireland, and thereby the number of adventurers in search of fortune in India; for it is to be remembered that those adventurers would naturally seek for new establishments, even out of the Company's territories, and there endeavour to acquire real property.

At a General Court of the United Company of Merchants of England trading to the East Indies; held on Tuesday, the 26th Jan. 1813.

That any unrestrained intercourse of Europeans with our Indian empire is highly to be deprecated: that the unlimited competition of commercial agents would, from the peculiar circumstances of the country, produce "a boundless scene of confusion and fraud, and ultimately the ruin of the manufacturers themselves;" and that tempting opportunities would be held out to the agents to maintain illicit intercourse with the native powers, and to conduct a dangerous system of communication with China from the eastern islands.

Extract Report of the Committee of Correspondence, dated 9th July 1813.

Let it never be forgotten, too, that the Indian people are concerned in this question. The Court have already, in their letters to Lord Melville and Lord Buckinghamshire, stated their apprehensions that the opening of the outports to imports from India might increase the resort of European adventurers to India. It has been advanced in return, from some quarters, that the police of India is so excellent as to obviate every danger of this kind. Your Committee are sorry to observe, that they find in the records of the Bengal Government informations concerning the police, which do not warrant them to conclude quite so favourably of it; for in fact, with all the progressive improvements in the system of the government there, they have not yet been able to bring the police into a state of perfect efficiency. The Fifth Report of the Committee of the House of Commons has entered much into this subject, and one quotation from the conclusion of it may suffice to justify this observation: "It does not, therefore, appear to have been from any want of information in regard to the imperfect state of the police, that the Government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy."

Extract Letter from the Chairman and Deputy Chairman to the Right Honourable the Earl of *Liverpool*, dated 27th May 1813.

We have stated, in our correspondence with the President of the

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 Feb. 1818. Board of Commissioners for the Affairs of India, the ruinous consequences that would be produced by this great innovation. The course of evidence since adduced before the House of Commons, and through the protracted inquiries of the opponents of the Company, only just closed, has abundantly confirmed our statements, by showing

That a large influx of Europeans into our Indian territories (an influx which will unavoidably follow the permission of an open and general trade) must prove dangerous to the peace and security of those invaluable possessions, now so highly improved under the Company's administration.

At a Court of Directors, held on Wednesday, the 16th May 1815.

On a Motion, *Resolved*, That from and after the 1st July next, the number of Free Merchants to be nominated by the Court in one year be limited to eight, and that the nomination thereof commence with the chairman, the deputy chairman, and the six senior members of the Court.

(39.) Letter from the Right Hon. George Canning to the Chairman and Deputy Chairman of the East India Company, respecting Permissions to proceed to India. 22 Aug. 1818.

Gentlemen, India Board Office, 22d August 1818.

N.B. It was dated 27 Feb., but not received till the 3d March. THE Letter which I had the honour to receive from Mr. Bebb and Mr. Pattison, in the month of March, on the subject of licenses to reside in India, has remained so long unanswered, and I have had so many opportunities in the interval of communicating with you personally on the subject, that I might perhaps feel inclined to abstain from any written answer, were not the letter itself necessarily matter of record, and as such liable to reference hereafter.

I acknowledge the importance as much as I feel the difficulty of the whole subject; but that part of it which alone can be usefully discussed between you and me, is of much less magnitude than the writers of the letter appear to have imagined.

The object of that letter was to remonstrate against the reversal by this Board of several refusals by the Court of Directors of applications for permission to resort to India.

By an account which I have obtained from the India House, it appears that there have been made to the Court of Directors, in the whole, 318 applications for leave to go and reside in India, since the beginning of the operation of the Act of the 53d. Of these 318, 231, or something less than three-fourths, have been granted by the Court; and upon them, as there has been no exercise of the authority of this Board, there has of course been no opportunity for a difference of opinion.

There remain 87 cases, in the course of near five years, upon which the Court have exercised their right of refusal, and upon which the Board have had imposed upon them the duty of reconsidering, and of either affirming or reversing, the Court's decisions. Of these 87 decisions, 68, or rather more than three-fourths, have been affirmed by the Board; 19 only have been either reversed or modified.

So far from thinking this an extraordinary proportion, I should rather acknowledge my surprise that any two authorities, or almost

any two minds, applying themselves to the consideration of cases so various, and so little susceptible of being measured by any precise general standard, should in so few instances have come to different conclusions. ^{(39.) Letter from the Right Hon. Geo. Canning; 22 Aug. 1818.}

The only way in which a more complete concurrence could have been produced, would have been by the Board's treating the references to them as mere matter of form; as if the Legislature had intended these references for no other purpose than to reconcile the disappointed applicant to the decision of the Court of Directors. Some phrases in the letter to me might perhaps be construed as implying a wish that they should be so treated; but on this point the intention of the Legislature cannot be mistaken.

It is not to be denied that Parliament was led to apprehend the existence, in the Court of Directors, of a disposition, in respect to the granting these permissions, the very reverse of facility and profusion. If the number of permissions granted by the Court of Directors, compared with the number of their refusals, invalidates (as it undoubtedly does in a great degree) those suspicions on which the apprehension of Parliament was founded, it must be admitted, on the other hand, that the proportion of the affirmations to the reversals of the Court's decisions by the Board, affords proof of the extreme caution and reserve with which the Board has discharged its superintending and corrective duty.

The grievance specifically complained of by the Court being thus reduced to its real dimensions, the portion of evil of which that grievance is alleged to have been productive must be diminished in a corresponding degree.

Two hundred and thirty-one persons appear to have gone out to India in five years, by permission of the Court of Directors; 19 within the same period upon the authority of the Board of Control. Were there any question as to the *right* of the Board, the permitting 19 persons to go to India without the consent of the Court of Directors would be as objectionable as the permitting 1,900. But it cannot be intended seriously to argue, that the apprehended dangers to India would arise, not from the 231 strangers whom the Court of Directors have sent into that country, but from the comparatively trifling addition to that number which has been made by the Board of Control.

As to the general reasoning of the letter, therefore, I am afraid it will be found, on careful examination, to be directed, not against the conduct of the Board under the Act of the 53d, but against the provisions of the Act itself.

The letter recapitulates the recorded maxims of old and able governors and magistrates of India, and refers to the opinions of those eminent servants of the Company who were examined before the Committee of the House of Commons on the renewal of the Charter in 1813. But it must not be forgotten, that all these arguments and authorities against laying open India to the influx of uncovenanted Europeans, were manifestly and notoriously brought forward to prevent the opening of the trade. Parliament, not in consonance to these arguments and authorities, but in spite of them, decided to adopt the measure. The resort to India allowed by the Act, either in furtherance of that measure or concomitantly with it, if it be an evil, is one which the Legislature with its eyes open determined to encounter, rather than leave the new experiment imperfect. Upon this point, therefore, neither the Court of Directors nor the Board of Control, whatever their own opinions of the expediency of the sys-

(39.) Letter
from the Right
Hon. Gen. Canning; 22 Aug.
1818.

tem may be, have any option but to carry into effect the intentions of the Legislature.

27 February.

In every permission which the Board has given since I have held my present situation, I have believed myself to be acting in conformity to those intentions. The few instances (and I have shown them to be very few) in which the decision of the Board has differed from that of the Court, have been, however, enough to show that cases will inevitably arise on which no previous agreement upon general principles could by possibility ensure an undeviating concurrence. I must also confess, that after maturely reflecting upon what is suggested in the letter of the 3d March, as to the advantages to be derived from such previous agreement, it appears to me liable to an objection which would more than counterbalance those advantages, inasmuch as by substituting a compromise in lieu of a revision, it would render the appeal from the Court to the Board altogether unsatisfactory for the purposes which the Legislature had in view.

I have, &c.

The Chairman and Deputy Chairman.

(signed) GEORGE CANNING.

(40.) Letter
from Peter Auber, Esq. to T. Hyde Villiers, Esq.;
4 Feb. 1832.

(40.)—LETTER from *P. Auber, Esq.* to *T. Hyde Villiers, Esq.*, transmitting Statement of Number of Licenses to proceed to and reside in India, granted since 1814.

Sir,

East India House, 4th February 1832.

In reference to your letter of the 30th December, I am commanded by the Court of Directors of the East India Company to transmit to you the accompanying statement of the number of licenses to proceed to and reside in India, granted by the Court in each year from 1814, the number of applications refused by the Court, and the number of the latter granted by the Board; with a general classification as to trades, &c. of the whole.*

In reply to the Board's request for a statement of the general principles on which such licenses have been granted by the Court, I am directed to refer you to the letter from the Chairman and Deputy Chairman to the President of the Board, dated the 27th February 1818, as containing the views of the Court upon this subject at that time.

In his reply to that letter, it was remarked by Mr. Canning, that out of 87 applications up to that time refused by the Court, the Board had in 68 cases confirmed the Court's refusal, leaving 19 cases only in which the Court's decision had been modified or reversed. "So far" (Mr. Canning observed) "from thinking this an extraordinary proportion, I should rather acknowledge my surprise that any two authorities, or almost any two minds, applying themselves to the consideration of cases so various, and so little susceptible of being measured by any precise general standard, should in so few instances have come to different conclusions."

Since the correspondence above alluded to, the number of applications refused by the Court has decreased by more than one-half in proportion to the number complied with, whilst the proportion of decisions reversed by the Board has scarcely exceeded that which Mr. Canning considered as less than was to be expected in such a case.

I have the honour to be, Sir,

Your most obedient humble servant,

P. AUBER, Sec.

* The statement alluded to will be found in the Appendix to part 2nd.—Ed

(41.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Revenue Department), dated 8th July 1829.

(41.) Letter to Bengal Government on Permission to hold Lands in India; 8 July 1829.

2. We now address you on a subject which, although it has not been brought regularly before us by any direct communication from you, is of so much importance, that we deem it imperative upon us to make you acquainted with our sentiments upon it without delay. We allude to the application which appears to have been made to you, on the part of certain merchants and indigo planters, to extend the power of holding land on lease for the cultivation of indigo; and the measures upon which you have resolved in consequence of that application.

3. You well know that the authorities in England, as well as your predecessors in the Government of India, have always regarded the question whether Europeans should be permitted to hold any permanent interest in land as one of the most serious in Indian policy; nor has there been any measure, in their opinion, which required more mature deliberation and cautious proceeding than one by which Europeans would be permitted and entitled to mix themselves with the natives, to acquire a power among them liable to abuse, and, at the same time, to acquire an interest which did not immediately depend upon the connection between India and England.

4. You have decided this important question for yourselves, and have carried your concessions upon it to an extent which, as far as we are at present informed, is almost unlimited; you seem to have done so without previous deliberation, and you have certainly done so without waiting the result of that reference to us, which upon a matter of this paramount importance it was your duty to make. There are undoubtedly questions of importance which must occasionally arise which will not admit of the delay of a previous reference to us, and when great advantages may be gained by a speedy decision; but this case was one in which nothing was to be gained by precipitation, and which every consideration should have dissuaded you from.

5. The permission granted by you in 1824 to certain Europeans to hold portions of land on lease, for the purpose of making the experiment whether coffee could be advantageously cultivated in Bengal, cannot, and must not, be drawn into a precedent. The duration of the leases granted even for that purpose, we deemed unnecessarily long; but as the quantity of land applied for was limited, and a doubtful experiment stood in need of peculiar encouragement, we by our letter of the 10th September 1828, sanctioned the indulgence which you had thought expedient to grant. We also considered that the case of coffee was peculiar; a considerable outlay being necessary to form the plantation, and a number of years elapsing before it yields any return. A certain length of tenure is required by these circumstances for the profitable cultivation of coffee; but these circumstances do not exist with regard to indigo. The cultivation of indigo is annual,* and a single year, or at most a few years, will indemnify the cultivator for the expence he has incurred. We observed, that at the time of granting the leases for the experimental cultivation of coffee, a strong line of distinction was drawn, and very properly, by the officers of your Government, between the case of indigo and that of coffee. By the Minute of Mr. Trower, under date the 25th of March 1823, we see that the utility of any lease to the cultivator of indigo was altogether denied.

* Not always in the Upper Provinces.—ED.

(41.) Letter to
Bengal Govern-
ment on Per-
mission to hold
Lands in India;
8 July 1829.

6. But it is not merely because you have permitted the granting of leases to Europeans of too extensive a duration, that we disapprove the measure which you seem to have recently adopted. The Resolution of Government, under date 7th May 1824,* passed on the occasion of the leases granted for the experiment of the coffee planters, laid down a system of rules which were very well adapted to obviate the evils and inconveniences which were likely to arise from the presence of Europeans as landholders among the native population of India. Among the securities thus provided, that contained in sec. 19 of the above-mentioned Resolution appeared to us of peculiar importance, as it enabled you at once to relieve the Government and the people from the presence of any person who might make a mischievous use of the privileges granted to him. This section, with the two which follow and are connected with it, you have most unadvisedly omitted in the Resolution to which we are now adverting.

7. Whatever may be the future misconduct of a planter which the ordinary operation of the law may not reach (and you know to what an extent of annoyance and oppression such misconduct may proceed), you have left to yourselves, under the system which you have now adopted, no remedy but that of sending the individual out of the country; a remedy which ought not to be resorted to except in extreme cases, and the application of which to the case of an European leaseholder you have rendered peculiarly delicate, by not reserving to yourselves the power of cancelling, in the event of his misconduct, the lease you have given him the power of possessing.

8. We do not think it necessary to state at any greater length our opinion of the errors involved in the proceeding to which we are now referring. It remains, however, that we communicate to you distinctly the course which we desire you hereafter to pursue.

9. We direct that all the rules laid down and all the securities provided by the Resolution of Government, dated 7th May 1824, shall be strictly observed in the case of every permission granted to an European to hold land on lease for the purpose of cultivation.

10. Under these securities we do not object to your granting permission to Europeans to hold lands on lease in their own names, for the cultivation of indigo and other agricultural products.

11. The length of the leases must in all cases be regulated with reference to the nature of the cultivation, and must not be greater than may be necessary to afford the undertaker the prospect of a fair remuneration for the capital he may expend. The leases must not in any case exceed the duration of 21 years without a previous reference to us, and our express approbation.

12. It is not less important, in the case of the transfer of leases than in that of the original grant, that Government should be satisfied in regard to the respectability and good character of the individuals who are to hold them; and therefore the permission of Government must be rendered necessary to every transfer of a lease held by an European.

13. We trust that the extent to which Government may be committed by any actual engagements under the proceeding which we have thus been compelled to disapprove, will not be extensive at the time when this letter shall reach you. We doubt not that you will be anxious to retrace your steps as far as it is practicable; and we are

* The whole of this Resolution is quoted in part 2d of this work.—Ed.

sure it is altogether unnecessary to direct that your future proceedings relative to this important affair shall be regulated in strict conformity to the instructions you have now received.

14. The opinion we have intimated to you upon this important question has been formed by us deliberately, and is in entire unison with that of His Majesty's Government.

(41.) Letter to Bengal Government on Permission to hold Lands in India; 8 July 1829.

(42.)—LETTER from the Secretary to the Government of *Bengal* to the Secretary at the East India House, dated 1st September 1829.

(42.) Letter from Bengal Government to the Court of Directors; 1 Sept. 1829.

Sir,

I AM directed by the Governor-general in Council to transmit to you, for the purpose of being laid before the Honourable the Court of Directors, copies of the under-mentioned papers, viz.

1st. Memorial from the principal mercantile firms in Calcutta, praying an extension and modification of the rules under which Europeans were permitted to hold lands in the interior of the country for commercial purposes.

2d. Resolution of Government on the above memorial.

3d. Minute by Sir Charles Metcalfe.

4th. Minute by the Governor-general on the general question of giving increased facility to Europeans to settle in the interior.

2. The Governor-general in Council proposes at an early period to bring the subject of those papers to the notice of the Honourable Court, in a separate dispatch; and he hopes at the same time to be able to lay before them the result of the deliberations relative to the amendment of the law, in which the Government has for some time past been engaged in communication with the judges of the Supreme Court. But his Lordship in Council considers it proper that the Honourable Court should be put in possession of the abovementioned Minutes without further delay.

I have, &c.

(signed) R. M. TILGHMAN,
Officiating Deputy Secretary to the Government.

(43.)—MEMORIAL from the principal Merchants at *Calcutta* to the Governor-general in Council at *Bengal*, dated 28th January 1829.

(43.) Memorial from Calcutta Merchants to Bengal Government; 28 Jan. 1829.

My Lord,

THE various inconveniences experienced by indigo planters, from their inability to hold lands in their own names, have opposed such obstacles to the successful prosecution of their industry as could never have been compensated but by extraordinary fertility of soil and cheapness of labour. The losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances, to perform their contracts, and from the litigation and affrays they are liable to be involved in by the relations in which existing Regulations compel them to stand to such persons, are an unnecessary expense, which cannot be estimated at less than 25 per cent. on the total outlay, and a serious bar to all experimental improvements in agriculture. Notwithstanding the disadvantageous nature of the tenure, about one-third of the entire quantity of indigo plant is grown by the planters themselves, and two-thirds purchased on contract from ryots. The number of begahs appropriated to this crop is between 35 and 40 lacks.

(43.) Memorials
from Calcutta
Merchants to
Bengal Govern-
ment;
28 Jan. 1829.

The value of the indigo annually produced is from two-and-a-half to three crore of rupees; whereof perhaps two crore are expended in this country for rent, stock, wages, interest on capital, &c.; and a large portion, probably three-fourths of the balance, is remitted to England. Competition among planters has increased the cost of production from 80 to 100 per cent., so as greatly to reduce the superiority which this country has long possessed over the other countries from which Europe is supplied with indigo, namely, Manilla, Java, Caraccas, Guatimala, and the West Indies. The necessity of removing artificial obstructions, in order to secure the success of this most important branch of trade, and to promote the manifest interests of this country and of England, is thus continually rendered more urgent.

Until Parliament shall be pleased to apply a more adequate remedy to the disadvantages of our position, we are satisfied that there is no measure which would tend so immediately to give a new impulse to the trade, and to augment confidence in its stability, as the extension of the provisions of a Resolution passed by the Right Honourable the Governor-general in Council, on the 7th May 1824, for the encouragement of the cultivation of coffee. We do therefore respectfully solicit that your Lordship in Council will be pleased to pass a Regulation, rendering the same provisions, with the exception of those contained in the 19th and 20th paragraphs, applicable to the cultivation of indigo and all other agricultural produce.

We have, &c.

(signed)	<i>Palmer & Co.</i>	<i>Bruce, Allan & Co.</i>
	<i>Alexander & Co.</i>	<i>J. Scott & Co.</i>
	<i>Mackintosh & Co.</i>	<i>Shedden & Co.</i>
	<i>Colvin & Co.</i>	<i>Bush & Co.</i>
	<i>Cruttenden, Mackillop & Co.</i>	<i>Stewart, Robertson & Co.</i>
	<i>Fergusson & Co.</i>	<i>Bagshaw & Co.</i>
	<i>Trotter, Gordon & Co.</i>	<i>Allport, Ashburner & Co.</i>

(44.) Resolu-
tion of Bengal
Government;
17 Feb. 1829.

(44.)—RESOLUTION of the Government of *Bengal*, (Revenue Department), dated 17th February 1829.

THE Governor-general in Council remarks, that the present restrictions on the occupancy of land by Europeans have notoriously failed of their purpose; and their effect in inducing a recourse to fiction and concealment has been manifestly injurious.

2. When the tenures are avowed, there will no longer be any difficulty in defining their extent and nature; and an essential security may be obtained against the fraud, inconvenience and litigation which the present system is calculated to occasion, and which must be alike injurious to the success of trade, to the peace of the community, and to the character of our countrymen.

3. Every day the great importance of facilitating the production and reducing the cost of articles of export from India becomes more apparent: but with the above opinion of the practical effect of the prohibitory system, it appears to his Lordship in Council unnecessary to dwell at length on such considerations.

4. They would indeed evince that the matter is one of great national interest; but apart from any such argument, the practical results of the prohibition seem to afford ample grounds for its discontinuance.

5. Although the provisions contained in s. 107, c. 155, of the 53d of his late Majesty, in regard to the administration of civil justice, seem to require explanation and amendment; and though the state of the law relative to the trial and punishment of criminal offences committed by British subjects in the more distant provinces is still more seriously defective; these circumstances do not appear to constitute any sufficient ground for postponing a compliance with the prayer of the memorial above recorded, since, as already observed, the measure appears likely in its consequences to diminish litigation, and to obviate the causes of violence and crime.

(44.) Resolution of Bengal Government; 17 Feb. 1829.

6. Actuated by the above sentiments, his Lordship in Council resolves that the Resolution of the 7th May 1824 shall no longer be confined to lands required for coffee plantations, but that the same principle shall be applied to all cases in which Europeans may desire to occupy lands for the cultivation of Indigo or other agricultural purposes.

7. His Lordship in Council further resolves that the 19th, 20th and 21st sections of the above-mentioned Resolution shall be rescinded.

8. The rules contained in Regulation 38, 1793, and other corresponding Regulations, requiring only that before Europeans occupy land they shall obtain the permission of Government, no new enactment appears to be necessary; and his Lordship in Council considers it to be advisable to postpone any measure of that nature until the exigencies of the case shall be practically developed. In the mean time the above Resolution will sufficiently define the conditions on which the required permission is to be granted.

9. On the application of Messrs. Alexander & Co. relative to the Nujifgurh estate, his Lordship in Council deems it unnecessary to pass any special order, it being undesirable that Government should interfere with individual claims.

(45.)—MINUTE of Sir Charles Metcalfe, dated 19th February 1829.

(45.) Minute of Sir Charles Metcalfe; 19 Feb. 1829.

CONCURRING cordially in the proposition for extending to Europeans, engaged in the cultivation of Indigo, and in other speculations, the privileges already granted to coffee planters, I beg leave to submit my reasons for advocating that proceeding, as I am not quite satisfied with those stated in the Resolution of Government.

I have long lamented that our countrymen in India are excluded from the possession of land, and other ordinary rights of peaceable subjects.

I believe that the existence of these restrictions impedes the prosperity of our Indian empire, and of course that their removal would tend to promote it.

I am also of opinion that their abolition is necessary for that progressive increase of revenue, without which our income cannot keep pace with the continually increasing expense of our establishments.

I am further convinced that our possession of India must always be precarious, unless we take root by having an influential portion of the population attached to our Government by common interests and sympathies.

Every measure, therefore, which is calculated to facilitate the settlement of our countrymen in India, and to remove the obstructions by which it is impeded, must, I conceive, conduce to the stability of our rule, and to the welfare of the people subject to our dominion.

(46.) Minute of
Governor-Ge-
neral ;
30 May 1829.

which would enable them to aid us? Do our institutions contain the seeds of self-improvement? Has it not rather been found that our difficulties increase with length of possession? In the midst of financial embarrassment, are we not constantly called upon for new establishments involving fresh burthens? Is not the agriculture of the country, in most places, conducted with a beggarly stock and without skill or enterprise? Are not its manufactures generally in a degraded condition? Is not commercial intercourse spiritless and ill-informed? Is there a single article of produce, excepting those which Europeans have improved, that is not much inferior to the similar productions of other countries, and can the difference be traced to circumstances of soil and climate? One great staple manufacture being supplanted, is there not reasonable ground to apprehend a failure in the means of effecting the returns, without which no profitable trade can exist, especially in a country tributary to another, as India is to England? Do not the cultivators and manufacturers and merchants alike labour under an oppressive rate of interest, which, with a languid condition of trade, unequivocally evinces poverty and want of credit? Is there not, as indicated in Sir Charles Metcalfe's Minute, imminent danger of our failing to realize the income which is necessary to maintain the establishments required for the protection and good government of the country, to say nothing of roads, canals, seminaries, and public improvements of every kind?

The answers to these questions must, I apprehend, be such as to imply that the present condition of things is far from being that with which we could justifiably sit down contented. They must equally, I am satisfied, if rendered in full sincerity and truth, evince that the required improvement can only be sought through the more extensive settlement of European British subjects, and their free admission to the possession of landed property.

No stronger argument can be adduced in favour of the present proposition than is exhibited by the effects which European skill and machinery have produced *against* the prosperity of India. In the last despatch in the Commercial department from the India House, dated 3d September 1828, the Court declare that they are at last obliged to abandon the only remaining portion of the trade in cotton manufactures, both in Bengal and Madras, because through the intervention of power-looms the British goods have a decided advantage in quality and in price. Cotton piece-goods, for so many ages the staple manufacture of India, seem thus for ever lost. The Dacca muslins, celebrated over the whole world for their beauty and fineness, are also annihilated from the same cause; nor is the silk trade likely long to escape equal ruin. In the same despatch the Court describe the great depression of price which this article sustained in consequence of the diminished cost of the raw material in England, and of the rivalry of British silk handkerchiefs. The sympathy of the Court is deeply excited by the Report of the Board of Trade, exhibiting the gloomy picture of the effects of a commercial revolution, productive of so much present suffering to numerous classes in India, and hardly to be paralleled in the history of commerce.

If all the ancient articles of the manufacturing produce of India are swept away, and no new ones created to supply this vacuum on the exports, how will it be possible for commerce to be carried on, and how can any remittances on private or public account be made to Europe? If bullion alone is to supply the balance, soon will the time

arrive, when, under the increased value that scarcity must give to money, it will no longer be possible to realize the revenue at its present nominal amount. It is therefore the bounden duty of Government to neglect no means which may call forth the vast productive powers of the country, now lying inert from the want of adequate encouragement. It may be confidently asked, whether to the natives singly we may look for success, and whether any great improvement has been ever introduced not exclusively due to European skill. To those who so feelingly deplore the misery of the Indian manufacturer, it will be consolatory to know that a prospect exists of better days, with a hope also that her staple commodity, the cotton manufacture, may still be rescued from annihilation. Mr. Patrick, an "Englishman,"* is at this moment erecting a very large manufactory for the spinning of cotton-twist by machinery, to be moved by steam; and it is not irrelevant from the object of the present paper to observe, that these great works are erecting upon his own estate, held in fee-simple, under a grant from Warren Hastings. Hitherto the Bengal cotton has been held unfit for conversion into twist, but an improved kind has been lately cultivated, which it is supposed will be quite fit for the purpose. An improved species of tobacco has also been grown, bearing double the value of the native tobacco, and likely to vie with that of America. To whom again is the commerce of India indebted for these new resources in her commercial distress? To Englishmen only, is the triumphant answer. Specimens of both these articles have been sent to the Vice-president of the Board of Trade.

(36.) Minute of
Governor-general;
30 May 1829.

It remains to inquire whether the giving more facility to Europeans to settle in the interior with the power of acquiring landed property, is likely to be attended with any, and what, hazard of evil. On this point I confess my present sentiments differ considerably from those I once held, and the circumstance makes me with the more confidence oppose myself to opinions held by persons for whom I cannot but entertain a sincere respect.

The apprehension of evil from the extensive settlement of British subjects in the interior of the country seems to rest chiefly on the supposed character of the natives, and on the assumed disposition and conduct of our countrymen. It has been stated that the former are exceedingly jealous of any interference by strangers, and singularly averse to change; and it has thence been argued that the frequent resort of our countrymen, while it would fail to produce any useful alteration in the habits and sentiments of the people, would almost certainly occasion alarm and discontent, if not disturbance.

The views of the native character in which such references have been founded must, I think, be now admitted to require considerable modification. I shall not dwell on facts drawn from their history under the dominion of our predecessors, nor on the various changes which Hindoo communities appear to have undergone, independently of any impetus from without. Yet the facility with which they have submitted to the successive conquerors of the country; the relation in which many of the most influential persons and classes among them have stood to foreign rulers; the habits which many of them have borrowed from the Moslems; the divisions existing among them; the rise of new sects in comparatively modern times; the frequent instances that are met with by our revenue officers of na-

* A Scotchman it is believed.—Ed.

(16.) Minute of
Governor-general;
30 May 1829.

merous village zemindars professing the Moslem faith, though they distinctly trace their origin to a Hindoo ancestor, and still retain the name and pride of high caste;—all these circumstances powerfully contradict the notion that there is something immutable in their sentiments and condition. Recent events, and the occurrences now passing under our eyes, still more clearly justify the persuasion, that whatever change would be beneficial for our native subjects we may hope to see adopted, in part at least, at no distant period, if adequate means and motives be presented. I need scarcely mention the increasing demand which almost all who possess the means evince, for various articles of convenience and luxury purely European; it is in many cases very remarkable. Even in the celebration of their most sacred festivals, a great change is said to be perceptible in Calcutta. Much of what used, in old times, to be distributed among beggars and Brahmins is now in many instances devoted to the ostentatious entertainment of Europeans, and generally the amount expended in useless alms is stated to have been greatly curtailed. The complete and cordial co-operation of the native gentry in promoting education, and in furthering other objects of public utility; the astonishing progress which a large body of Hindoo youth has made in the acquisition of the English language, literature and science; the degree in which they have conquered prejudices that might otherwise have been deemed the most inveterate; (the students in the medical class of the Hindoo college under Dr. Tytler, as well as in the medical native school under Dr. Breton, in which there are pupils of the highest castes, are said to dissect animals, and freely to handle the bones of a human skeleton); the freedom and the talent with which in many of the essays we lately had exhibited to us, old customs are discussed; the anxiety evinced at Delhi and at Agra, and elsewhere, for the means of instruction in the English language; the readiness everywhere shown to profit by such means of instruction as we have afforded; the facility with which the natives have adapted themselves to new rules and institutions; the extent to which they have entered into new speculations after the example of our countrymen;—the spirit with which many are said to be now prosecuting that branch of manufacture (indigo) which has alone as yet been fully opened to British enterprise; the mutual confidence which Europeans and natives evince in their transactions as merchants and bankers;—these and other circumstances leave in my mind no doubt that our native subjects would profit largely by a more general intercourse with intelligent and respectable Europeans, and would promptly recognise the advantage of it.

As to the practical effect, much must of course depend on the circumstances, character and conduct of the persons who might settle in the country. Let us then consider how far, on this head, there is any just ground of apprehension. It has been supposed that many of the indigo planters resident in the interior have misconducted themselves, acting oppressively towards the natives, and with violence and outrage towards each other. Had the case been so, I must still have thought it just to make large allowances for the peculiar position in which they stand. They have been denied permission to hold lands in their own names. They have been driven to evasion, which has rendered it difficult for them to establish their just claims by legal means, or they have had to procure the plant required by them through a system of advances, which in all branches of trade is known to

occasion much embarrassment, and to lead to much fraud. They have possessed no sufficient means of preventing the encroachment of rival establishments, still less of recovering their dues from needy and improvident ryots. Further, we must not forget that the restrictions imposed upon the resort of Europeans to this country have operated to compel the houses of business often to employ persons in the management of their concerns in the interior whom they would not have employed if they had had a wider scope of choice. It would not be wonderful if abuses should be found to have prevailed under such circumstances, or if the weakness of the law should have sometimes led to violence in the assertion of real or supposed rights. But under all the above circumstances of disadvantage, the result of my inquiries is, a firm persuasion (contrary to the conclusions I had previously been disposed to draw) that the occasional misconduct of the planters is as nothing when contrasted with the sum of good they have diffused around them. In this as in other cases, the exceptions have so attracted attention, as to be mistaken for a fair index of the general course of things. Breaches of the peace being necessarily brought to public notice, the individual instances of misconduct appear under the most aggravated colours; but the numerous nameless acts, by which the prudent and orderly, while quietly pursuing their own interests, have contributed to the national wealth, and to the comfort of those around them, are unnoticed or unknown. I am assured that much of the agricultural improvement which many of our districts exhibit may be directly traced to the indigo planters therein settled; and that as a general truth it may be stated (with the exceptions which, in morals, all general truths require to be made), that every factory is in its degree the centre of a circle of improvement, raising the persons employed in it, and the inhabitants of the immediate vicinity, above the general level. The benefit in the individual cases may not be considerable, but it seems to be sufficient to show what might be hoped from a more liberal and enlightened system.

It is imagined, however, that British subjects, if admitted freely to resort to India, and to occupy land, would colonise in great numbers; that, becoming too strong for the Government, they would violently invade the rights of the people, and at no distant period throw off their allegiance. It is supposed, in short, that we should have exhibited here results similar to those which occurred in the Americas; that the original inhabitants of the country would be subjected to violence and oppression; and that the colonists, if not swept away by insurrections of their own creating, would soon claim independence, and assume an attitude of hostility to England.

Now, without presuming to pronounce what the course of centuries may produce, under the great changes which British India is, I trust, destined to undergo, we may, I think, confidently assert, that there is no analogy to support the above anticipation of the effects which will flow from an increased facility to Europeans to settle in the interior of this country.

In respect to climate, India may be described as a tropical country, in which the European cannot safely labour in the field, excepting at particular times, and in which the Northern races appear, after a few generations, to lose much of their physical hardihood. The mountainous tracts, in which a more congenial climate is to be found, present no surface to support any large population. It is already, in all the districts that would invite the adventurer, a densely-peopled

(26.) Minute of
Governor-general;
30 May 1820.

(16.) Minute of
Governor-general:
30 May 1829.

country. The land is in most places distinctly appropriated by individuals. The rights of private property are recognised not less clearly than in Europe, and the modes of transfer not less fully defined. Its inhabitants are industrious, accustomed to all kinds of severe toil, readily turning their hands to new arts, frugal in their habits, patient of exertion in the pursuit of gain. Living and rearing families upon little, in a climate suitable to their constitutions, they present to the manufacturer and the agriculturist a singularly cheap supply of labour. They seem to have a peculiar aptitude in accommodating themselves to the various tempers of their masters, and fidelity to their trust is generally held to distinguish them, even when otherwise ranking low in the scale of morals. In the more warlike classes, there is presented to the Government the means of maintaining a large force of excellent soldiers. In almost all classes, excepting the lowest, it may find able instruments of civil government. With strong local attachments, there is no feeling of patriotism to excite their enmity to strangers, or to bind them together in one common enterprise. Their paternal village is dear to them. The name of country, in a large sense, is unknown. Their religion (I speak of the Hindoos) is even more a cause of division among themselves than of separation from others. Rival sects may contend, but, undisturbed, they will never apparently find cause of hostility in the religious practices of those who profess a different creed. The spirit of Hindooism is exclusive, not offensive. These last-mentioned circumstances, which have in all ages rendered it comparatively easy to subjugate India, seem calculated to facilitate the settlement of our countrymen among them; but they must at the same time operate to prevent such settlement from assuming the shape ordinarily exhibited on the introduction of a new race into a country. While the Hindoo religion is maintained there can be no mingling of races, such as has occurred in other countries; and the line of separation would probably long survive after the original cause had ceased. The Christian rajpoot is not more likely to forget his origin than those who are now found professing the religion of Mahomed; and all the circumstances above enumerated appear to render it in the highest degree unlikely that Europeans would fill India in such numbers as to colonise, in the ordinary sense of the word, or as to acquire the power of setting Government at defiance; nor is it more probable that the habits and pursuits of the settlers would incline them to violence.

Without adverting to the difficulty of transporting any large number of labourers to so distant a country, India, I may remark, offers no advantage to the European who has only his labour to bring to market. In providing himself with the comforts necessary to his existence, he must here expend a sum that would much more than purchase an equivalent of native labour; and the comparative value of the latter must increase with improved skill and knowledge. In agriculture, the chief branch of national industry, and that on which the population mainly depends, it is impossible to economise labour to the same extent as in manufactures; especially where a tropic sun and periodical rains exert so powerful an effect on the vegetable world. And the climate must, in almost all our districts, confine the European husbandman to the work of general superintendence. In all branches of industry, indeed, it is European capital, skill and example which India requires, and for which she offers a market. European labour is not wanted, and could not be maintained. The

settlers therefore must be men of capital and skill. They must consequently be few in number, contrasted with the population of the country. A labouring class who should attempt to settle would perish. There is no scope for wild adventure. The acquisitions of the settlers must be made in the face of an established Government, and under fixed laws. Wealth can be found only by industry working with superior skill or superior credit.

So far indeed from fearing too great an influx of Europeans, I confess my apprehension is that no encouragement we can hold out will induce them to resort to India in the number that seems to be desirable. Nor does there seem to be any sufficient reason to assume, that even if much more numerous than I conceive possible, they would be disposed, or if disposed, able to resist the Government and oppress the people. He who looks to derive an income from such speculations as would occupy them, is not likely to find his advantage in scenes of violence and civil commotion. Excepting to the wild tribes, who can bear the climate of unhealthy fastnesses, there is no country in the world perhaps that presents fewer facilities to those who would enter upon a contest with the established Government, even though commanding the active co-operation of a considerable proportion of the people; and such co-operation could scarcely be looked for by those who had raised themselves by oppressive means. Ages indeed must elapse before the descendants of Europeans can be so numerous as to be formidable to a Government that consults the interests and possesses the attachment of its subjects, even supposing them to retain the vigour and distinctive characteristics of their ancestors. While they are few in number, no one seems to deny that they must side with the Government; and the argument I am contesting seems to admit that the natives will suffer from injustice only when the new settlers and their children are strong enough to set them and the Government at defiance.

But is there, in truth, any reason for considering the interests of the two parties distinct? have we not hitherto found, that where the field has been equally open, the accumulation of wealth by the natives has fully kept pace with that of our countrymen; nay, that the former, as being the most necessary to their joint concerns, and the most keenly alive to the means of forwarding his private interests, has generally had the advantage? Is it not extravagant to suppose, that within any period of time on which it would be reasonable to speculate in prospective legislation, the natives can be superseded by Europeans, or their co-operation slighted?

The whole indeed of the objections to the settlement of our countrymen which I have been now considering rest on a train of argument, in meeting which the chief difficulty is that of so stating it as to bear the semblance of sound reason. If an enemy to our faith and nation were to urge it, starting with the assumption that the Government would league with the settlers in a scheme of injustice and spoliation, one could easily imagine that he might find materials of plausible and insidious declamation; but it does seem to be strangely paradoxical when the same conclusion is drawn by an Englishman loving his country, and justly proud of it.

But it may be said that the danger lies in the union of the British settlers with the natives of the country; and this is a more intelligible ground of argument. It assumes, however, a vast change to have occurred in the frame of society, such as can scarcely be looked

•(16.) Minute of
Governor-general;
30 May 1829.

(46.) Minute of
Governor-general;
30 May 1929.

for in centuries to come; I might almost say a vast improvement, which would imply that the time had arrived when it would be wise in England to leave India to govern itself. For assuredly, if we suppose the distinctions of tribe and caste to have ceased, and conceive these rich and extensive regions to be filled with an united people, capable of appreciating and asserting political freedom, we must complete the picture by imagining that England has (voluntarily or involuntarily) ceased to withhold privileges she has taught them to exercise. So long, however, as our countrymen and their Christian descendants are few in number, and that must be for centuries, they must cling to the Government, even supposing, what is not likely, that they have no closer connexions with England. Nay, even community of faith and language, or of language alone, will, I conceive, tend to bind the possessors of it to our interests (if we do not utterly neglect theirs) by a tie stronger than that which connects the Hindoos of different castes and sects, and will, if they be numerous, greatly strengthen our hold of the country. The British settlers and their descendants, at least the more wealthy of them, will probably maintain a very close connexion with the mother country. Some will reside in it; many will visit it; many will send thither their children to be educated; many will look to it as the place of retirement from active life; all will depend upon it for much of their comfort and wealth. Their relation to the Government will be proportionably close. And that the residence in the interior of the country of any considerable number of such persons in the capacity of landholders and merchants would add to the efficiency and strength of our Government seems to me to be certain. They would open to us much useful information now difficult of attainment. The complaints of mismanagement on the part of the local authorities would be made with comparative freedom. The growth of discontent might thus be nipped in the bud; projects of disturbance would be more readily discovered; the local influence of our countrymen, and the sentiments of those who had acquired from them our habits, our language, our knowledge or our creed, would operate to break the current of any general feeling adverse to our rule. In each individual we should, on the occurrence of any emergency, have an active and well-informed agent for local purposes. Their number, though altogether feeble when opposed to the arms and unaided by the resources of the state, might powerfully reinforce our means of putting down internal or resisting external hostility. In the civil branch of Government, they would present a cheap and excellent substitute for much of the existing expensive and inefficient establishments. Our police might then really be founded on the only good foundation, the influence and authority of local residents. In our courts of judicature we might then hope to introduce, with comparative facility, the best institutions of our country. Can we doubt that they would add largely to the wealth of the country, and greatly facilitate the realization of the revenue necessary to its security and good government? or can we imagine that they would not powerfully contribute to the diffusion of knowledge, which would raise the moral and intellectual condition of our native subjects, and to the introduction of arts, machinery and works of skill, calculated to enlarge the productive powers and correct the physical disadvantages of the country?

I have not particularly adverted to the Mussulman portion of our subjects, because I do not imagine that any stress has ever been laid

upon the class in the present argument, because it appears to me to be self-evident that an increase in the number of British or Christian inhabitants must diminish the risk of danger and trouble from them, and because I believe that, so long as they profess the intolerant doctrines of their prophet and remember the station they once held, their hostility can only be neutralized by their interests and their fears and by their knowledge of our power.

616.) Minute of
Governor-ge-
neral;
30 May 1829.

I do not of course overlook the circumstance, that in proportion as Europeans resort to the country in greater numbers, the increase of the mixed race must be accelerated. But this I by no means regard as a source of danger. Quite the contrary. The race in question must necessarily be much more closely connected with the nation of their fathers, by community of language, habits and religion, than with the people to whom their mothers may have belonged, among whom, if Hindoos, they must hold the lowest rank, and by whom, if Moselmens, they are little likely to be respected. It is, indeed, from association with the governing class that they must chiefly look for station, wealth and influence, within any period to which we can reasonably extend our speculations.

I am aware that there exists in many quarters an uneasy feeling in respect to the East Indians. It seems to me to be greatly misplaced. Their number is inconsiderable. The evident disposition of all who raise themselves to opulence and consideration is to take their place with Englishmen according to their rank. The lower classes are not politically to be distinguished from natives, excepting that, as Christians, they are of course nearly allied to us. That many individuals of the class are discontented and unhappy is, I fear, true. Their condition is in several respects an unhappy one. Their education has not, I believe, been hitherto, generally speaking, judicious. There has been little opening for their enterprise, and they have not shown much enterprise in using the opportunities afforded them. There are some striking exceptions, but these are themselves the first to admit the general truth. I should greatly rejoice to see a wider field opened for the industry and skill of the class in question; and such will, I think, be one of the happy effects of affording a greater facility to Europeans to settle in the interior and to occupy lands. Fathers will thus have the means of giving useful and profitable employment to their children to a much greater extent than they now have; and the wants of European settlers and their families will soon create various demands now unknown to the country, in supplying which the industry of all classes will find a ready market.

On whatever side therefore the subject is considered, the more does it present the prospect of advantage from the free resort of Englishmen to India. On one supposition only can I entertain the apprehension of danger. Undoubtedly, the presence of our countrymen, and the knowledge which they are likely to diffuse, will render the people more conscious of their rights and better able to understand the duties of their governors. Were it our purpose to pursue a course of injustice, to withhold from the people the privileges they may fairly claim and could advantageously exercise, to sport with their lives, their properties or their feelings, by arbitrary acts, by grinding extortion, or by capricious innovation, we should act most unwisely in permitting one British subject to enter the country, excepting as an accomplice in the scheme; we should be acting madly in spreading abroad the lights of knowledge. But our designs being benevolent towards

(16.) Minutes of
Governor-general;
30 May 1829.

India, let us not withhold what best would serve her. Our duty being to maintain the dominion of England, let us not reject the best means of confirming it. Our care being equally the interests of both countries, let us not exclude those who would best promote and combine them.

With the above sentiments, I must of course feel most anxious that the state of the law should be so amended as to oppose no obstacle to the settlement of British subjects in the interior. It is clear that if any large number of that class become proprietors of land, or reside for other purposes at a distance from the Presidency, many serious inconveniences may be experienced, unless they be subject, with the rest of the inhabitants, to the authority of the local courts. The defects in the legislative provisions relative to civil suits must therefore be amended. The jurisdiction of the criminal tribunals now confined to trespass and assault must be extended. The doubts that attach to both branches must be removed. It would be the height of absurdity to argue, from the inefficiency of our existing institutions, against the admission of Europeans. The remedy, it is clear, is not the exclusion of these, but the reform of our system.

Further, it appears to be no less evident that the authority to be exercised by the Supreme Court should be better defined, and its process regulated. How this can best be done I do not now propose to discuss. Before leaving Bengal, I desired the secretary to prepare materials for our deliberation; and I hope soon to learn that considerable progress has been made in the work. My present impression is that the Supreme Court, instead of standing isolated from the Government and from the local tribunals, should be rendered a component part of our judicial establishments, the whole being remodelled, with many alterations, into one harmonious system; and that the Government (in conjunction possibly with one or more of the King's judges) should be vested with power to legislate equally for all classes, Europeans and native. By such a plan all difficulties might easily be conquered, and all the doubts and embarrassments now incident to the acts of a legislative body, separated by half the globe, would be obviated. But even should Parliament, in its wisdom, reserve to itself the power of legislating for India (the local legislature would in any event remain subject to the control of the home authorities), there may not, I trust, be any serious difficulty in obtaining the enactment of such laws as may afford to all classes equal protection, and as may secure for all the cheap and prompt administration of justice by able and independent judges adequately controlled.

(signed) W. C. BENTINCK.

(47.) Letter
from Bengal
Government;
1 January 1830.

(47.)—Extract LETTER from the Governor-general in Council at Bengal to the Court of Directors (Revenue Department); dated 1 January 1830.

2. We propose to confine the present communication to the subject of your Honourable Court's despatch of the 8th July last relative to the permission granted to Europeans to hold lands in the interior of the country.

3. The papers transmitted to you on the 1st September last will have sufficiently apprized you of the sentiments entertained by the Governor-general and by Sir Charles Metcalfe respectively, in regard

to the advantages to be anticipated from the freer resort of Europeans to this country, with increased facilities of acquiring the possession of lands. We have the honour of forwarding (numbers in the packet) copies of Minutes recorded by the Governor-general and by Mr. Bayley and Sir Charles Metcalfe, on a consideration of the despatch now acknowledged.

(*) Letter
from Bengal
Government;
1 January 1830.

4. The Governor-general's Minute containing a full exposition of the scope and purport of the Resolution passed by us on the 17th February 1829, it appears to be unnecessary to trouble your Honourable Court with any detailed explanation on that point; and it can scarcely be necessary for us to expatiate on the benefits which England and India would, in our judgment, alike derive from the more extensive application of the skill, enterprise and capital of British subjects, to the improvement of the agricultural and commercial resources of the latter country. On that head there is, we imagine, but little difference of opinion; and the sentiments entertained by us are fully stated in the papers, of which copies will accompany this despatch.

5. It may be proper, however, to say a few words on the subject of that part of your despatch wherein you intimate doubts as to the utility of long leases on an assured tenure for the cultivation of indigo. After stating the circumstances which render a certain length of tenure requisite for the profitable cultivation of coffee, you observe that "these circumstances do not exist with regard to indigo. The cultivation of indigo (you add) is annual, and a single year, or at most a few years, will indemnify the cultivator for the expense he has incurred." This subject you will find particularly noticed in the 13th and 14th paragraphs of the Governor-general's Minute, to which we beg to refer you. The opinion entertained upon it by those connected with the trade is strongly expressed in the Memorial which led to our Resolution of the 17th February, and every information we possess induces the belief that they have not exaggerated the disadvantages to which they were subjected by the prohibitory law. The notorious fact that almost all the Euporean planters found it necessary to rent lands in the name of their servants, subject to all the risks and embarrassment of such a proceeding, might be sufficient to establish the benefit of a legalized occupancy. The understood practice of establishments, belonging wholly or in part to persons born in the country, leads to the same conclusion; and a brief consideration of the nature of the trade and of the circumstances of the country, with the detailed explanations which your Honourable Court can readily obtain from gentlemen practically conversant with the subject, will serve to indicate the nature and extent of the benefits contemplated. Every magistrate in Bengal can attest the litigation and other demoralizing effects which have frequently resulted from the competition of rival factories; a competition which, instead of proving mischievous to the community, and often ruinous to the parties, would be greatly beneficial to the country if the indigo planters were generally permitted to stipulate for the possession and usufruct of defined fields; and so could give precision to their contracts with the cultivators, and provide the means of promptly enforcing their fulfilment. The experience of your Honourable Court in regard to that part of your investment which is provided by advances, will afford you the means of estimating the losses and difficulties to which an indigo planter is exposed, who has to trust to engagements with needy and improvi-

Mr. J. B. S.
in a Board
Government,
1 January 1833.

dent ryots for the produce of fields on which he is not allowed to have any legal lien, and the rent of which is payable to another, under the ill-defined relations of the zemindary system. And where the native zemindars have turned their attention to this speculation, as they have of late years done to some extent, it is plain that the European is placed on a footing of great disadvantage, if denied the best, indeed the only means by which he can effectually and honestly counteract the intrigue, chicanery and fraud by which, in the present state of morals in the bulk of the native community, he must expect to be assailed. Even without any such influence or temptation it frequently happens, we are told, that the ryots take advances from two parties, and cultivate for neither: and the outstanding balances belonging to almost every factory that is exposed to sale may be taken as conclusive proof that large losses are sustained by their undertaking what they can not, or will not, fulfil. It is not surely necessary to suppose the exercise of any improper influence, in order to show that the planter would be able to make advances with much increased security, if standing towards the cultivator in the character of landlord, possessing a well-defined lien on the articles produced with his capital. The same cause would, we doubt not, greatly ameliorate the condition of the ryots; for if the planters did not grossly misapprehend their own interests, they would certainly, we conceive, pursue them through a course of fair dealing and liberality, since no one can hesitate in preferring the advantage of having to deal on terms of mutual benefit, with comfortable and cheerful people, well supplied with agricultural stock, and enjoying a just share in the fruits of their industry, to any speculation of forcing, through the employment of a host of native servants, a dissatisfied and beggarly tenantry to fulfil the stipulations of a hard-driven or unequal bargain; and in proportion as Europeans are allowed to hold lands on an assured tenure, we should confidently anticipate a gradual rise in the circumstances of the agricultural community, and the more adequate supply of agricultural stock, now generally obtained by the ryots at a ruinous charge of interest, and often but scantily supplied. Further, it appears to us that nothing could be more beneficial than the gradual relinquishment of the system of advances, under which it can scarcely be said that the cultivators are the owners of any of the produce raised by them; a system which cannot but lead to improvidence, carelessness and expense. Now this end will, we think, be greatly promoted by the more extensive occupation of land by Europeans and their descendants; and no class is likely to benefit more than the ryots by the increased value and certainty which will, we trust, be given to their rights and interests as the occupation of our countrymen is extended.

6. Your Honourable Court appear to doubt whether, in so far as concerns indigo, an improved tillage can be contemplated from the removal of the restrictions to the occupancy of land by Europeans. We understand, however, that even in Bengal many intelligent individuals already speculate on such improvement. We are not prepared to say how far skill and science can in this case be applied to an improvement of the process of culture and dressing land; but there are, we believe, extensive tracts, now of little value, which might probably be made productive by irrigation, or by the admission of the waters of the Ganges and other streams when loaded with alluvial deposit; and in Behar and the Western Provinces it is, we conceive,

certain that planters would be disposed to ensure and extend irrigation by a considerable outlay of capital, if vested with an assured tenure under a long lease.

(47.) Letter
from Bengal
Government;
1 January 1880.

7. Your Honourable Court will best be able to judge how far the indigo trade of Bengal is liable to suffer from the competition of other countries. To whatever extent, and in whatever quarter the danger may exist, it is plain that of all means which can be taken for averting it, the best, indeed the only effectual one, must be sought in keeping down the cost of production. The high prices which have recently prevailed, however advantageous to individuals, have been consequently regarded by us with some anxiety; the evil of over-production, though the individual loss is of course to be deprecated, may safely be left to work its own cure. But in a commercial view nothing could be more calamitous than to lose this great staple; and if there be the slightest ground for the apprehension of foreign competition, which some intelligent gentlemen have expressed, we can conceive nothing more mortifying and discreditable to the administration of this country than to discover, possibly too late for remedy, that, yielding to speculative fears, they had fostered the trade of our rivals by withholding from our countrymen the facilities which they required in order to preserve this important branch of national commerce. We shall most deeply therefore lament if it shall appear to your Honourable Court (contrary to our hope and trust) that paramount considerations require you to deny to the British settlers those privileges in regard to the occupancy of land by which they expect permanently and unobjectionably to diminish the expenses at which the indigo of Bengal and its dependent provinces is now produced.

8. We shall not further dwell on the advantages likely to follow the freer admission of Europeans to the possession of landed property; as already observed, they are, we imagine, generally admitted. The question how far the measures proposed to be adopted for the purpose of securing the contemplated benefits are likely to be attended with the risk of preponderating evils, is one upon which a greater diversity of sentiment may be expected to exist. On that question, therefore, it may be proper that we should submit some remarks, in addition to the observations contained in the Minutes now and formerly transmitted to you.

9. In the first place, we may observe, that the circumstances of the country (at least of those districts in which Europeans are at all likely to settle) have greatly changed since the prohibitory rules were first adopted. In the provinces of Bengal, Behar and Orissa, a large portion of the zemindaries formerly held or managed by natives, has, you are aware, been transferred, by public or private sale, to persons having no hereditary connexion with the tracts of which they have so acquired the property or management. Of the purchasers many are inhabitants of Calcutta, who or whose families acquired wealth, either by commercial speculations, conducted in close communication with Europeans, or in the service of the Government under European superiors. The habits and notions of such men are necessarily very different from those of the persons whose tenures they have acquired. Several of them are well acquainted with our language; all are familiar with the system of our government; and the progress of education which, you are aware, has been singularly rapid among the Hindoo youth of Calcutta, will

(47.) Letter
from Bengal
Government;
1 January 1830.

every day tend to create a community of sentiment between the natives and Europeans, and to remove impediments to their free intercourse. Already, indeed, we are informed, that there are instances of the employment by native zemindars of European gentlemen in the superintendence of indigo factories established on their estates. Generally, too, it is to be observed that in our old provinces the people have now long been accustomed to a plan of government, according to which every situation of importance and high emolument is vested in European officers, while the subordinate offices are generally held by men of their selection, guided by their instructions and example, or trained in the execution of laws wholly of our enactment. The interference of the European functionaries (direct or indirect) pervades every corner of their districts. The character of the functions which they are required to discharge, whether as judges and magistrates in crowded cutcherries, or as collectors entering into detailed inquiries as to the minutest particulars of the rights and interests of the people, is equally calculated to do away that strangeness with which in new countries the Asiatic must necessarily regard the European. Our native officers are the creatures of our will. In many districts, too, the British settlers are already numerous. However multiplied, their residence could no longer occasion the fears and jealousies that might be supposed to follow the introduction of a race of strangers, even if the system of our Government, and the course of proceedings prescribed for its officers, had not operated to accustom the community to the European character. In so far as these observations are applicable, it seems to be clear that there is little room for the apprehensions that might be entertained if it were proposed suddenly to introduce a body of British adventurers into countries recently conquered or acquired, and still possessed by natives of influence and rank, reared under the despotic government of Indian rulers.

10. Even less reasonable do we consider the supposition that the possession of lands would be acquired by Europeans in a manner calculated to excite disturbances. Of all property it is the least likely to be wrongfully taken from its owner, excepting through the operation of bad laws, or laws badly administered; and as the eyes of Government, of its magistrates, and of the community, would be specially directed to the conduct of the European settlers, they are of all classes the least likely to be shrouded in the obscurity which must cover usurpations resulting from such a cause. Public sales in liquidation of arrears of revenue are in the Lower Provinces now rare, though numerous estates are advertised. The rules under which they are conducted are such as afford every reasonable security against abuse; and any abuse practised by or in favour of an European would be much more easily detected than malpractices to which natives alone were parties: since of the latter, generally speaking, our European functionaries can know little but the name. In the Western Provinces sales for arrears are now happily almost unknown. None are made without the express sanction of Government; and the errors and misapprehensions in regard to the rights and interests of the several classes connected with the land, to which mainly are to be ascribed the extensive alienations of property that occurred in several of those provinces, are, we trust, in a great measure corrected. It does not consequently appear to us that any argument against encouraging Europeans to settle in the interior, by granting to them the privilege

of holding landed property, can be drawn from the unhappy prevalence of sales in former periods; on the contrary, the more we see reason to apprehend that our institutions have hitherto failed to secure the rights of the people, or that our native officers have oppressed or defrauded them, the stronger is our persuasion of the advantages of granting the privilege in question to our countrymen, because the presence of a considerable number of them in the interior of the districts must tend essentially to secure for our judges and collectors (if not wilfully blind) that information, to the want of which past failures must chiefly be ascribed.

(37.) Letter
from Bengal
Government;
1 January 1830.

11. We freely admit, that in proportion as European settlers multiply, the necessity of modifying the law relative to the administration of civil and criminal justice will be more urgently felt; but the changes which the utmost conceivable increase in their numbers would render necessary may, we conceive, be easily made without any essential alteration in the general system established for the administration of affairs. On this subject we shall have occasion at an early period again to address you. In the mean time it cannot, we conceive, be necessary to use any laboured argument to satisfy your Honourable Court that, with suitable laws, the servants of the Honourable Company will, under your directions and control, be found abundantly competent to meet the exigencies of the case, consistently with the best interests of England and of India. To imagine that the European settlers will violently invade the rights and disturb the possession of the natives in the face of established law, would be to admit a supposition equally discreditable to your Government and remote from probability. So far indeed from expecting that the admission of Europeans to the privilege of purchasing and holding landed property will prove injurious to the several classes connected with the land, we should confidently anticipate that the latter will gain decidedly, and in proportion as the competition extends, since every thing by which the land can be rendered more productive, or by which the demand for it is enlarged, must be advantageous to the owners of it; and of land already owned and occupied, the European speculators must seek to acquire the possession by offering to those who now possess it, advantages beyond what they at present enjoy, while their extensive acquisition of it, under the rules that have been prescribed (and independently of those rules), will, we conceive, tend greatly to promote the ascertainment, and consequent security, of the rights and interest of the ryots, and of all classes connected with the land.

12. If it be alleged that the power and influence of a landlord are liable to be abused, we must of course admit the truth; but we would submit, that in proportion as landlords are enlightened and capable of fully understanding and steadily pursuing their true interests, in the same proportion may it be expected that their conduct will be distinguished by kindness and moderation towards their tenants. We are not aware of any case in which an European possessing lands has been complained against by those holding under him (the allfrays and litigation that are complained of have arisen chiefly out of causes which a legalized occupancy of land would obviate). It has been stated to us that instances are not unfrequent in which the tenantry of a village have in a body requested that the planter with whom they had dealings would take the farm of it; and knowing, as your Honourable Court well does, the oppression often practised by the native zemindars and renters, and still more by their onlah, when the

(17.) Letter
from Bengal
Government;
1 January 1830.

hereditary manager is, as they too often are, imbecile or profligate, we do not surely ask too much for our countrymen when we would have it believed that, by their admission to the privilege of holding land, the agricultural classes would generally be gainers.

13. It is no doubt true that in many places, especially in the Western Provinces, a careful advertence must be had, in all arrangements relating to landed property, to the peculiar local rights and customs connected with the law of succession, vicinage, and the usages of the several village communities. All such laws and usages it is one main object of the settlement now in progress to ascertain and record, on the basis of a detailed census and a field measurement. The result will, we trust, be such as to enable our officers distinctly to comprehend and maintain all the rights which the people possess or justly claim; and possibly in some cases they may prove to be inconsistent with the admission of Europeans to the possession of any beneficial interest in the soil: in such cases of course the privileges we have proposed to grant would be inoperative. In others, again, the interest which a stranger can acquire from the actual occupant, or from the renter, will be variously modified by the rights belonging to other individuals or to the community. But all such considerations equally apply to Christians born in the country, to Moslems in their relation to Hindoos, and to the different castes, tribes and families of Hindoos in relation to each other; and as a considerable number of villages in the Western Provinces are already held by gentlemen born in the country, there is no reason to conclude that they will be found to oppose any obstacle to the settlement of Europeans, though few of those probably will desire to settle in the remoter districts.

14. In the case in question, there seems to be no room for the misuse of that superior vigour of character and influence which may be supposed to attach to the British character, unless we admit the supposition of a misconduct on the part of those who have to administer and enforce the laws, inconsistent with all security for the persons and properties of the people. In all branches of commerce and industry, not affected by special restrictive laws, we find the natives and Europeans pursuing their several interests without anything like hostile collision; and if in such pursuits as require superior science, energy or credit, the advantage is on the side of the latter, it is an advantage fairly won by the superior knowledge and the higher morals that distinguish our country. This ground of distinction will, we trust, gradually be narrowed, and at length disappear; and on the other hand, the natives of India have many peculiarities which Europeans can never be expected to acquire, and which in several lines of life already give them the advantage in a competition with the latter. Already, too, landed property bears a high value in the market; instances, we understand, not being wanting of sales to natives at 20 years' purchase of the net rent. Excepting, therefore, in cases in which an European may see clearly the means of introducing some essential improvement, there can be no prospect of such extensive gains as will tempt to wild speculation. In proportion as the country improves and wealth accumulates, the value of land must be expected to rise, especially if, by an improved administration of the law, all classes shall be better maintained in the possession of their just rights, and in the enjoyment of the fruits of their industry; and the natives of the country may before long be expected to emulate their European neighbours in all improvements introduced by them, espe-

cially in agriculture. Supposing, therefore, for the sake of argument, that a large increase of European settlers would be disadvantageous, there is, we conceive, no reasonable ground for the notion that if the land be freely opened to their speculations, a crowd of adventurers of that class will resort to this country. And satisfied as we are that the best interests of England and India will be promoted by the free admission to the latter of European industry and enterprise, our persuasion is scarcely less strong, that with every possible encouragement, the settlement of our countrymen will fall far short of the number which is to be desired, whether regard be had to the extension of commerce and agriculture, to the good order of the country, to the prompt, cheap and equal administration of good law, to the improvement of the people in knowledge and morals, or to the strength and security of our power.

15. With the sentiments above stated, and those more fully explained in our several Minutes, we earnestly hope and trust that your Honourable Court and His Majesty's Government will see reason to relax the restrictions you have judged it necessary to impose on the admission of Europeans to the privileges of holding landed property.

16. We do not understand the orders now under consideration to have any reference to the unoccupied forests and islands of the Sunderbunds, on the subject of which we shall do ourselves the honour of reporting separately. You may of course rely upon our regulating our future conduct in regard to all other parts of the country by the instructions you have now given to us; and much as we must lament your disapprobation of the measures adopted by us, we have satisfaction in stating that the extent to which the Government is committed by any actual engagements under the proceeding disapproved by you, is altogether inconsiderable.

(48.)—MINUTE of the Governor-general, dated 8th December 1829.

I AM desirous of recording some observations on the despatch which we have lately received from the Honourable Court, regarding the Resolution passed on the 17th February last, by which certain facilities conceded to Europeans in regard to holding leases for coffee plantations, under a Resolution passed by Government in May 1824, were, with somewhat modified conditions, extended to lands held for the culture of indigo and other products. But first it may be right briefly to notice the causes which prevented an earlier communication than was made to the Honourable Court.

2. It will be in the recollection of the Board, that when on the 17th of February we unanimously agreed to comply with the request made to us by the merchants, it was in the full persuasion that the measure would receive the concurrence of the home authorities. Their approval of the Resolution of May 1824, and of the measures adopted in regard to Saugor Island, their understood sentiments as to the vast importance of rendering India as far as possible the source of supplying the articles for which England is mainly dependent on foreign countries, which have since been so fully explained in their commercial despatches to this presidency and to Bombay, left on my mind no doubt as to the point. Prior to my assuming charge of the government, the above-mentioned Resolution had been in certain cases extended to lands required for the cultivation of sugar-cane and

(47.) Letter
from Bengal
Government;
1 January 1830.

(48.) Minute of
Governor-general;
8 Dec. 1829.

18 Feb. 1829.
3 June 1829.

(18.) Minute of
Governor-general;
8 Dec. 1829.

cotton, as reported to the Honourable Court in a despatch dated the 26th June 1828; and, as I shall hereafter more particularly notice, the recession of the 19th and two following clauses did not appear to me to involve any important consequences. Although, therefore, I must now regret that a copy of our Resolution of the 17th February last was not transmitted home immediately on its being recorded, and I propose that it be hereafter a standing rule separately to address the Honourable Court in all similar cases without any delay, it did not occur to me at the time to issue special directions on the subject. And Sir Charles Metcalfe having in his Minute of the 19th February entered on the general question of the settlement of British subjects in the interior, I was naturally desirous of placing upon record, with that paper, an exposition of my own views upon so important a subject; this I found it impossible to do with the care and deliberation which the matter called for, before the date of my Minute of the 30th May, having immediately proceeded to the Straits of Malacca. I was of course anxious that those Minutes should reach the Honourable Court as soon as possible, but it was not less my wish that they should be accompanied by a statement of the views of Mr. Bayley; and as I understood the opinions of that gentleman to be favourable to the measure advocated by myself and Sir Charles Metcalfe, although he doubted the sufficiency of the existing law, and the strength of our judicial establishments, to meet the exigencies that would rise out of its adoption, I further wished that if possible we should at the same time lay before the Honourable Court the result of the deliberations relative to the amendment of the law, in which we had been engaged in communication with the judges of the Supreme Court.

3. Finding that indisposition and the pressure of other business prevented Mr. Bayley from fulfilling his intention as soon as I had expected, and that the discussion with the Supreme Court was also likely to be protracted for some time, I directed the secretary to forward the papers already on record to the secretary to the India House; this I find was done on the 1st September last.

4. It appears to me that the Honourable Court have attached greater importance than a practical consideration of them requires, to the modifications made in the Resolution of the 7th May 1824, which they entirely approve in its application to coffee land, and the extension of which they have now authorized.

5. As I have already observed, that Resolution had been extended by my predecessors to the cultivation of cotton and the sugar-cane; and from the papers forwarded to them on the 1st September last, the Honourable Court will perceive that all the most important rules and conditions laid down in it have been maintained. The licence to hold land is still confined to persons duly licensed as to residence. In each case a special application is to be made to Government. The land to be held is in each case to be specifically defined; all rights attaching to it are as far as possible to be ascertained and recorded; all disputes are to be settled, and the European planter is still, as before, to be subject to the award of the revenue authorities. The tenure is still one of leasehold only: as to the period of the leases no new Regulation has been passed; and the Court having approved of the licence given to Messrs. Laruletta and Gordon, whose leases were stated to be for 99 years, no objection on that score was anticipated.

6. The rule laid down in the 19th clause of the Resolution appeared to Government to be needlessly harsh, and indeed altogether unne-

cessary. It was calculated to deter persons the best intentioned from availing themselves of the Resolution, and therefore practically to nullify it. It was fatal to the expectation of any improvement requiring a considerable outlay; and the Government having still the power of ordering the planter to the Presidency, or, if necessary, removing him from the country; and of preventing any other European from undertaking the local management, to whom there might be valid objections, the penalty of a forced sale, excepting in liquidation of demands against the planter, seemed to be quite uncalled for.

(48.) Minute of
Governor-general;
8 Dec. 1829.

7. The 20th rule appears to me to be very unimportant when considered as a check on the European leaseholder; though in as far as it gives a general discretion to the Board of Revenue, which might even be carried the length of preventing the acquisition of leases applied for, its provisions were such as would naturally be objected to. The requisition of security beyond that which the tenure itself presented was not intended to be general, and cannot indeed, I conceive, be necessary, when the power of sale in the execution of any award under the previous rules, and of cancelling the licence to reside, still exists, and since no transfer of the lease can take place without the individual to whom it is to be transferred first obtaining such local licences.

8. The 21st rule could scarcely be applied under a Resolution of the character of that of the 17th February, having reference particularly to lands leased for the cultivation of a single article.

9. But though the 19th, 20th and 21st rules were cancelled, I do not, I confess, see how the inference which the Honourable Court have drawn therefrom, can be supported. The permission which the Government proposed to give to Europeans to hold leases, is conditional upon the fulfilment by the applicant of all the stipulations and conditions of the Resolution, by the 13th clause of which all proceedings held by the local revenue officers are to be reported to the Board of Revenue, who are only authorized to confirm the arrangement if all claims have been duly attended to and properly adjusted. It follows of course, that where the requisite stipulations had not been fulfilled, the Board would report to Government, and the permission granted to an individual would, in the event of the failure lying with him, be cancelled.

10. On the whole, therefore, as stated in my former Minute, the immediate purpose of Government was merely to enlarge the operation of certain rules already in force, and the effect of its determination could only be to permit that which is now done covertly, to be done openly.

11. From the nature of the forms to be observed, the understood sentiments of the Europeans most immediately concerned, and the known aversion of natives to any minute scrutiny by public officers, it appeared to be certain, that however ultimately beneficial, the measure would not come into extensive operation for a long time to come; and the sanction given by the Court to the arrangements adopted for the clearing of Saugor Island, their full approval of the Resolution of May 1824, and the instructions given by them to the Bombay Government, seemed to leave little doubt of its meeting with their concurrence.

12. This last hope has indeed been disappointed, but the anticipations of Government in respect to the limited extent to which the Resolution would be called into operation, have been more than realized. Six applications only have been received, of which five have been complied with, and one rejected in consequence of the applicant being

148. Minute of
Governor-General;
8 Dec. 1829.

desirous of obtaining a permanent and proprietary interest in the soil. The whole extent of land comprised in three of the five applications is 15,000 begahs.

13. The remarks of the Honourable Court relative to the peculiar circumstances of the coffee cultivation, are in the main just; but it is certain that several other articles require at least in an equal degree the security of an assured tenure and long leases. For the preparation of coffee no expensive buildings or apparatus are required; the berry may, I imagine, be dried on mats, and a moderate-sized godown would hold a large cargo. When gathered, it may be carried to a considerable distance without being injured; so that once fairly introduced, the article might probably be produced in spots of land scattered through the villages in the vicinity of the factory, and left to the care and ownership of the native. With indigo and sugar the case is different. For indigo a considerable outlay is necessary in the construction of vats and requisite buildings; still more expensive machinery may in all likelihood be required for sugar. The indigo weed will not bear carriage of many hours without injury, to say nothing of the expence of conveying so bulky an article; the same observation is in its degree applicable to sugar; and indeed, in regard to all articles, tobacco, silk and cotton, and others to which it is not applicable, it is obvious to remark how essentially economy and efficiency of superintendence (always a heavy item here) must be sacrificed by the distance of the places of growth from each other or from the residence of the superintendant.

14. I need not state how little, in estimating the advantage of long leases, we can refer solely to the particular crops intended to be raised, nor need I specify the various improvements necessary alike to every branch of agriculture, which can only be undertaken by persons possessing an assured tenure. But in respect to indigo, I must observe, that from all the information I have been able to collect on the subject, I am forced to conclude, that many if not all of the evils complained of, as incident to the extension of cultivation, have their origin in the insecurity of the tenure possessed by the planters; and I believe it will be found that just in proportion as they have been enabled to hold lands (though under the disadvantage of doing so in fictitious names), the disorders to which the Honourable Court have adverted have been of rare occurrence. To this subject we shall have occasion to advert more particularly when the returns that have been called for from the several magistrates in the Judicial department are complete, and I shall not now enter further on the discussion.

15. On the general question of the policy of encouraging the introduction of European skill and capital in the production of articles enculcated for the home market, I have already stated my opinion in my former Minute; I need not therefore repeat the arguments there stated, but there are one or two points connected with the discussion to which I am desirous here to advert.

16. The objections to the admission of Europeans into the interior of the country were originally urged, and justly urged, under circumstances very different from what now exist; and there can be no doubt that their intercourse extensively would have been offensive to most of the natives of rank and influence whom we found in the country on first acquiring it. Even the natives whom we employed in the administration of the country required time to become accustomed to our habits and mode of acting.

17. A great change, however, has now taken place, at least in this part of India. Here, excepting in rare cases and in tracts likely to be the seat of European speculation, we no longer employ in the public service natives of rank and influence derived from preceding rulers; we have long intermeddled in all the minutiae of judicial and revenue management affecting the persons and property of our subjects; the present generation have grown up under and are accustomed to us; many indeed of the wealthiest and most influential are of our own creation, and are sufficiently conversant with the general habits and character of Europeans to benefit instead of suffering by the intercourse.

(48.) Minute of
Governor-general;
8 Dec. 1829.

18. It would surely be very illogical to apply to such a state of things arguments derived from the structure of society and of government that existed under native rulers, and which for a time survived their fall.

19. Further, I would observe, that of all places in India, Bengal, independently of its having been the longest subjected to a regular English government, presents the least possible ground of apprehension from the settlement of Europeans, whether we look to the character of the inhabitants or the nature of the country.

20. Lastly, I would remark, that if the authorities in England entertain any alarm lest Europeans should be induced in any considerable numbers to resort to India, and to settle in the interior on the mere speculation of holding land with a view to the profits of rent, I have no hesitation in avowing my conviction that such alarm is wholly groundless. The European capitalist can, in my opinion, only find his advantage in India in the production of articles for the home market, or in effecting some great improvement, which accomplished, he will rarely find any advantage in retaining land merely for its rent. Such indeed is the value which I am given to understand natives set upon land, that I think it probable that they would be enabled to buy out all Europeans holding tenures in which some great improvement had not been made, or which were not held in connection with some valuable mercantile concern.

(signed) W. C. BENTINCK.

(49).—MINUTE of Sir C. T. Metcalfe, dated 13th December 1829.

I concur generally in the Governor-general's remarks on the recent orders from the Honourable the Court of Directors, regarding the encouragement offered to Europeans by the Government for their settlement in lands, with a view to the improvement of the products of India; and I have only to add the expression of my deep regret at the resolution of the Honourable Court to obstruct the establishment of Europeans in the possession of lands lawfully acquired, as I thoroughly believe that their unrestricted establishment is essential to the prosperity of this country, and necessary for the future security of our Indian empire.

(49.) Minute of
Sir C. T. Metcalfe;
13 Dec. 1829.

(signed) C. T. METCALFE.

(50).—MINUTE of W. B. Bayley, Esq., dated 31st December 1829.

I regret that the Honourable Court of Directors should have seen reason to disapprove the measure adopted by this Government in February last, for permitting Europeans to hold lands on lease for the cultivation of indigo and other articles. The rules and restric-

(50.) Minute of
Mr. Bayley;
31 Dec. 1829.

(50.) Minute of
Mr. Bayley;
31 Dec. 1829.

tions with which that measure was accompanied, did not indeed correspond in all respects with those prescribed in the former Resolution of May 1824; but I concur with the Governor-general in opinion, that more importance has been attached to the modifications than they deserve, and that the rules which were retained, provided all the securities which were necessary.

2. In truth the remaining restrictions were abundantly embarrassing, and involved so much previous inquiry and the adjustment of so many minute interests, that the intended indulgence of Government would have been called into operation very gradually and less frequently than was to be desired.

3. But anxious as I am that much greater facilities should be granted with the object of encouraging European British subjects to invest their capital and employ their skill in improving the products of India, I still feel that under the present state of our laws of judicial institutions, they could not be permitted to occupy extensive landed property in the interior of the country, except upon conditions corresponding with those which were retained in the Resolution of Government of February last.

Whenever the British Legislature shall see fit to declare that all persons, European or native, residing in the interior of our provinces in India, shall be subject to the same regulations and to the same local tribunals, civil and criminal; and shall, by the delegation of sufficient powers for that purpose, enable the British Government in India to modify and improve our judicial institutions to the extent which may from time to time be found necessary; from that moment the unrestricted admission of European British subjects, and the free permission to acquire and hold landed property on an equal footing with the natives of India, may be conceded, not only without inconvenience, but with the most important benefits to India as well as to Great Britain.

Even with the limited powers now possessed by our local tribunals to prevent or punish offences on the part of European British subjects, and with the obvious disadvantages which result from a divided jurisdiction, and from restrictions which go to encourage acts of fraud and violence, I am of opinion that the most solid benefits have resulted and continue to result from the residence and employment of European British subjects in the interior of the country, and that the mischiefs and inconveniences have in practice been of much less importance than has been commonly supposed. The measures sanctioned by Government in the Resolution of February last, would have operated, gradually but certainly, to diminish those inconveniences, and to extend and augment those benefits.

Concurring generally in the sentiments which have been expressed by the Right honourable the Governor-general and by Sir Charles Metcalfe, in regard to the great moral and political advantages to be anticipated from the extensive employment of British skill and capital in India; I will only say, that this object may, in my judgment, be safely accomplished without injustice or injury to the native inhabitants, and without exciting dissatisfaction on their part, provided always that the European British resident be subject to the same laws and amenable to the same tribunals as the native, and that the Supreme Government be vested with sufficient powers to modify and improve our laws and judicial institutions to the full extent which circumstances may render desirable.

(signed) W. B. BAYLEY.

(51.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Revenue Department), dated the 6th April 1831.

(51.) Letter to Bengal Government; 6 April 1831.

Occupation of Lands by Europeans.

Government of opinion that the grant of long leases would obviate the necessity of Europeans renting lands in the names of their servants, diminish litigation, improve the condition of the ryot, enhance the value of land, supersede the system of advances, bring wastes under culture, keep down prices, avert the evils of foreign competition, and preserve the indigo trade to India. Government anticipate no evils from

Para. 1. We shall now reply to your letter dated 1st January 1830.

2. We have given to this letter and its accompanying documents that attention which the importance of the subject demands; but, on consideration, we are not disposed to suggest any other course than that which we communicated to you in our despatch dated the 8th July 1829; you will therefore continue to act implicitly on the instructions therein conveyed.

the free resort of Europeans to India, on the following grounds: that their being under the eye of Government is a guarantee for their good conduct; that education is progressive; that European agency already exists to a great extent; that no complaints have reached Government of the conduct of European holders; and because of the superior knowledge, and "the higher morals that distinguish our countrymen." If a free resort to India were allowed, Government think there would rather be a deficiency than a redundancy of European settlers. On all these grounds, Government urge the Court to relax their restrictive orders.

(52.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Financial Department), dated 2d April 1828.

(52.) Letter to Gov. of Bengal, on Intercourse with Native Inhabitants; 2 April 1828.

We feel great indignation at the facts disclosed in the statement recorded by your acting secretary, of the circumstances attending the failure of a mercantile house at Calcutta; from which it would appear, "that the house was long insolvent, and sold by a judgment bond to another firm, which supported it while it was gathering up, mostly upon credit, large quantities of produce of all kinds in the interior; and just at the moment when all had been collected, or was in transit to the Presidency, judgment was entered on the bond in the Supreme Court, and the whole community of the interior saw the goods they had provided, and looked upon as their security, torn from under their eyes, without hope of a fraction of their value being set apart to satisfy their claims. Unfortunately the failure of this firm, though the largest, is by no means the only one of the same kind."

We are not surprised that such transactions had the effect of irritating "the native community of the country against the European character and mode of transacting business," and we think that the law ought effectually to provide against these practices.

We have thought it right to place the papers upon this subject in the hands of our law officers, for their opinion upon the present state of the partnership and bankrupt laws, as applicable to India; it being our intention to consider the propriety of applying for a legislative enactment, to remedy so far as may be practicable all existing defects, and to guard the Indian community against losses in their transactions

(52.) Letter to Gov. of Bengal, on Intercourse with Native Inhabitants; 2 April 1828. with Europeans, whether arising from improper collusion, or from the failure of firms the partners in which may have transferred their property to England.*

(53.) Letter to Government of Bengal, on Intercourse with Native Inhabitants; 6 August 1828. (53.)—EXTRACT from Judicial Letter to Bengal, dated 6th August 1828.

Para. 10. The lawless violence of Indigo planters in the interior of the country was strongly animadverted upon in the circular orders issued by Government on 13 and 20 July 1810; and we see with regret that it has not yet been repressed.

11. In some places these persons keep large armed establishments for supporting their claims by force, and they or their servants become involved in violent affrays or other breaches of the law.

12. The officiating judge of circuit, Mr. Steer, in his report after the first session for 1824, speaking of Dacca Jelalpoore, says, "There is a class of persons very common in this district, and who are emphatically designated latteals, or bludgeon-men. They have of late years become numerous, their conduct extremely violent, and subversive of the peace of the country; they hire themselves out on occasions of affrays; sets of them are attached to almost every indigo factory, for the purpose of protecting its property and cultivation, but more especially to enforce payment of outstanding balances from the ryots, to secure and hold in seisin their crops, and not unfrequently to lay hold of and carry off the produce of neighbouring cultivators." This account is confirmed by Mr. Mitford, another officiating judge, and by Mr. Ahmuty, the chief judge of the Dacca circuit. In Mr. Ahmuty's letter to the registrar of the Nizamut Adawlut, dated 7th August 1823, we find the following passage: "Some of the indigo planters and their native servants, with a view to enforce their advances to the ryots for cultivation of the indigo plant, frequently have recourse to the most violent measures, without the consent of the landed proprietors, to take forcible possession of their lands, and to seize and confine the cultivators according to their option, which generally produce affrays, assaults and homicides in the mofussil, between the indigo planters and the zemindars, talookdars and ryots. Such cases are constantly brought for investigation before the Foujdarry court, and ultimately appealed to this court." Their misconduct and oppression in other districts were represented to you from Rajeshaye, Nuddea and Jessore, and petitions against them were presented to the Nizamut Adawlut.

* * * * *

16. In your Resolutions on the Dacca circuit report for the first sessions of 1823, you remarked that Government must look for the effectual suppression of outrages such as those which we have noticed, to the vigilance of the magistrates, and to their steady resolution to exercise with firmness and vigour the powers vested in them. But unless these officers happen to be particularly able and zealous, it is in vain to expect that they will discharge their duties so vigilantly and resolutely, without a constant superintendence: of the deficiency of the superintendence in the present instance there could be no doubt, if, as you believe to be the case, acts of violence were frequently

* Allusion is here made to the bond in judgment obtained by the late firm of Mackintosh and Co. against the late firm of Mercer and Co.—ED.

† The paragraphs omitted had reference to the case of an individual only, and such omission will, it is supposed, be no detriment to the objects contemplated by a reprint of a publication of this nature.—ED.

committed by the indigo planters, notwithstanding the magistrates had, under the law, ample means of protecting the natives against them; if, with those means at their command, any of your public functionaries are found inadequate to the great purposes of their appointments, they should be removed, and men willing and able to execute the laws appointed in their room. We must here refer you to an occasion on which the acting magistrate of Dacca Jelalpore was manifestly chargeable with a neglect of duty, in regard to complaints made to him against an indigo planter and his dependents; instead of instituting an immediate inquiry and preventing injustice, he contented himself with ordering that the petitions should be recorded. For this neglect he was very properly censured by the judge of circuit, but neither the Nizamut Adawlut nor the Government appear to have taken any notice of his proceedings. As the degraded state of the administration of justice in Dacca Jelalpore required particular attention, we think you should have enforced the censure by your sanction, and pressed it upon the attention of the Nizamut Adawlut; for it is obvious that if the business of a district is conducted with so little regard to the due execution of the laws on the part of the magistrate, there can be no general protection of person or property.

17. An application having been made by Messrs. Palmer & Co. and other principal mercantile houses in Calcutta, in behalf of the indigo planters in Dacca, who were represented as aggrieved by certain orders of the Court of Circuit issued through the magistrate, the interference of Government was readily obtained with no longer delay than three days; the Governor-general in Council directed the Nizamut Adawlut to give such immediate instructions to the magistrate as should prevent him from giving effect to those orders, which appeared to Government to be equally unauthorized and injudicious. The planters must have known that they might have had an explanation or revision of the proceedings of the Court of Circuit, merely by petitioning that court at Dacca; and when they sought to attain their object by the help of powerful patrons at Calcutta, who could procure the direct interference of Government in their favour, it might have been presumed that they had some particular reason for so doing: we know no cause why the applicants in this case should not have been referred to the regular judicial authorities: the truth was the orders of the Court of Circuit were perfectly proper, although they had been misinterpreted by the magistrate. The Nizamut Adawlut, with their reply to the communication from Government, forwarded to you the explanations furnished by the Court of Circuit, and copies of two petitions which they had recently received containing many serious charges against the indigo planters. It certainly does appear to us that the wrongs of the natives, as set forth in these papers, were entitled to a degree of attention no less prompt than that which had been given to the interests and allegations of those whom they charged to be their oppressors; yet the subject was not noticed for six months; it was then intimated to the Nizamut Adawlut that the Governor-general in Council was satisfied that the representations contained in one of the petitions, which was anonymous, were grossly exaggerated: the satisfaction of Government on the acquittal of an indigo planter, in case of an affray mentioned by Mr. Ahmuty, the circuit judge, was also expressed, but no inquiry was made respecting the remaining allegations in Mr. Ahmuty's letter, and in the other petition, which was signed by 63 persons.

(63.) Letter to Government of Bengal, on Interference with Native Inhabitants; 4 August 1828.

(53.) Letter to
Government of
Bengal, on In-
tercourse with
Native Inhabi-
tants; 6 August
1828.

18. On your consultations of 12 April 1827, we find recorded an engagement which the magistrate of Dacca Jelalpoore had taken from all the indigo planters in his district, beginning as follows: "Whereas it has come to the knowledge of this court, that at the time of cultivating, sowing and cutting the indigo-plant, the proprietors of indigo factories in this district are in the habit of assembling and temporarily entertaining in their service a number of men, inhabitants of this and other districts, armed with clubs, spears and other weapons, by whose aid they take forcible possession of disputed crops and lands, and cause serious affrays in which people are frequently killed or wounded, and by which the peace of the country is seriously disturbed; also, that these armed bands frequently watch the opportunity to commit decoities and other heinous offences." The party to the deed then engages, under a penalty of 3,000 rupees, that he will abstain from various acts of violence and oppression which are therein enumerated, and that he will submit to the laws.

19. As the planters were fully aware that the magistrate had no power to exact such an engagement from them, and as they might either have refused to execute it, or protested against it to the Government or to the Court of Circuit, the act must be considered as voluntary on their part; it is therefore with surprise that we have seen such an admission of their notorious criminality; but we cannot sufficiently express our concern on observing that a magistrate should have acknowledged, with seeming indifference, that the administration of justice in the district under his charge was in so feeble a state as is implied in this document; that instead of enforcing the laws, he should have had recourse to the device of penalty bonds to induce men to obey them; and that all this should be passed over by the Nizamut Adawlut and even by the Government without comment, as if it were a matter of course.

20. You have very properly directed that all cases in which a British subject residing in the interior has been guilty of violence, oppression or injustice towards the natives, in prosecution of indigo or other commercial transactions, shall be brought to your notice, and have declared that in every instance of a serious nature you will recal the licence under which the individual may be residing in the interior; we are of opinion, however, that every case of violent affray attended with aggravating circumstances, in which the servants of an indigo factory have been engaged, whether the European head of the establishment has been included in the charge or not, should be examined by the circuit judge, and that the superintendant of police should be required to furnish with his annual report a specific statement of those cases.

21. We desire to be informed whether the superintendant has ever supplied the reports required of him by your orders of the 9th March 1821.

22. Regulation VI. of 1823, having for its object the more prompt adjustment of disputes and enforcement of contracts for the cultivation of indigo, is very proper as far as it goes; and the remarks and orders contained in your letter to the superintendant of police, dated 10th July 1823, respecting the violence of the European planters, appear to us to be generally judicious; but if, as you admit to have been the case, the planters were frequently in the habit of obliging the ryots to receive advances, and of adopting illicit and other improper means to compel them to cultivate indigo, it was of importance that the most

effectual means should have been used to put a stop to such unwarrantable proceedings. We are of opinion that the discretionary power of Government in granting licences to Europeans to reside in the interior, and also the power vested in them by the provisions of section 3, Regulation XXXVIII. of 1793, have not been exercised with that caution which the general conduct of the Europeans demanded, and that the proceedings of the magistrates have not been superintended with the necessary vigilance and severity.

(43.) Letter to Government of Bengal, on Inter-
course with Native Inhabitants; 6 August
1828.

23. We direct that, immediately on the receipt of this letter, you prepare for our information a special report of the British subjects and other Europeans residing or holding lands or factories for the cultivation or manufacture of indigo in the several districts under your presidency; we desire to know the names and descriptions of those persons, and the nature and extent of their establishment, as far as it may be in your power to ascertain the same; you will state whether they have permission to hold lands, or to reside in the interior; and you will furnish us with a list and summary of all cases recorded in the civil and criminal courts, since 1810, in which they, or their principal or armed servants, have been concerned as plaintiffs or defendants in regard to disputes connected with their indigo business. Finally, we desire to be distinctly told, whether, in the opinion of your Government, or of the judicial authorities generally, it is necessary, for the effectual subjection of the indigo planters and their servants to the control of law, that any further legislative provisions should be made in addition to those which already exist.

(54.)—EXTRACT *Bengal Judicial Consultations*, 24th March 1829.

No. 1. READ a Letter from the Honourable the Court of Directors in the Judicial Department, dated the 6th August 1828.

(54.) Letter
from Court of
Directors,
6 Aug. 1822.

STATEMENT of British Subjects and other Europeans residing in or holding Lands or Factories for the cultivation or manufacture of Indigo, in the District of —				
Name.	Native Country.	Extent of Establishment.	Residing, by what Permission.	Have permission, or not, to hold Lands, and to what extent.
Summary of all Cases recorded in the Civil and Criminal Courts, since 1810, in which they or their principal armed servants have been concerned, as Plaintiffs or Defendants, in regard to disputes connected with the cultivation or manufacture of Indigo.				

The Vice President in Council desires that an extract from paragraph 23 of the Honourable Court's letter be sent to the magistrates and joint magistrates throughout the provinces, directing them to furnish the information required, according to the form given in the margin.

(55.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 8 Sept. 1829.

(55.)—Extract Letter from the Governor-general in Council at Bengal (Judicial Department), dated 8th September 1829.

* 8. We are sorry to find that the report called for from the acting magistrate of Dacca Jelalporo (Mr. T. D. Gordon) on the 1st December 1820, does not appear to have been furnished.

9. In pursuance of the opinion expressed by your Honourable Court, we have directed the Nizamut Adawlut to instruct the several magistrates and joint magistrates to submit to the commissioners of circuit, for their examination, every case of violent affray, attended with aggravating circumstances, in which the servants of an indigo factory may hereafter be engaged, whether the European at the head of the establishment shall have been included in the charge or not, and each of the commissioners has been desired to furnish a specific statement of such cases.

10. We beg leave to refer your Honourable Court to the documents noted in the margin, forwarded as separate numbers in the packet, for the information required in this paragraph.

11. The provisions of Regulation VI. 1823, and the state of the law affecting engagements for the cultivation of indigo, have been lately under our consideration; and a reference has been made to the Sudder Dewanny and Nizamut Adawlut on the subject, the result of which will be reported hereafter to your Honourable Court.

12. In the mean time the magistrates and joint magistrates throughout the provinces have been called upon to furnish, in a prescribed form, the details necessary to enable us to prepare the special report required by your Honourable Court in this paragraph.

(56.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 1 June 1830.

(56.)—LETTER in the Judicial Department, from the Governor-general in Council of Bengal, to the Court of Directors, dated 1st of June 1830.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

W. P.

Honourable Sirs,

Para. 1. Our last despatch in this department was dated the 18th ultimo.

2. In the 12th paragraph of our letter of the 8th September 1829, we informed your Honourable Court that the magistrates and joint magistrates throughout the provinces had been called upon to furnish, in a prescribed form, the details necessary to enable us to prepare the special report of British subjects and other Europeans residing in the interior, or holding lands or factories for the cultivation or manufacture of indigo, required in the 23d paragraph of your Honourable Court's letter, dated the 6th August 1828.

Criminal Consultations, 24th March 1829. No. 45.

3. The information was called for on the date noted in the margin; but up to the month of December the returns had been only partially rendered; and, in pursuance of the Governor-general's Minute, recorded on the 16th of that month, further information was called for from the local officers, and they, as well as the commissioners of circuit and the Nizamut Adawlut, were required to state their opinion,

* Paragraphs 5, 6, and 7 have been omitted for the reasons stated in the note to page 54.—Ed.

whether it is necessary, for the effectual subjection of the indigo planters and their servants to the control of law, that any further legislative provisions should be made in addition to those which already exist.

(56.) Letter
from Govern-
ment of Bengal,
on Intercourse
with Native In-
habitants;
1 June 1830.

4. The returns received conformably to the foregoing orders are entered separately: the first series, from No. 1 to No. 98, in reply to the orders of the 24th of March; the second, from No. 103 to No. 262, in reply to those of the 29th December.

5. The whole are recorded on our proceedings of this date, and are herewith submitted as separate numbers in the packet, together with an Abstract Register, prepared in the secretary's office, with reference to the last series of returns received from the magistrates and commissioners of the several divisions.

6. It will afford satisfaction to your Honourable Court to learn from those documents, that the local officers generally entertain a very favourable opinion of the character of the European planters. They are represented as kind in their treatment of the natives around them; and, with few exceptions, the local officers do not consider any new enactments necessary for their subjection to the control of law.

7. The Court of Nizamut Adawlut observe, that "the only measures calculated, in the judgment of the court, to secure the proposed object, would be either to enhance the powers conferred on the justices of the peace by section 105, of the 53d Geo. 3, c. 155, or to make it lawful for the Government to appoint commissioners for the trial of British subjects charged with affrays, from time to time as occasions may arise for such proceedings. The court are, however, by no means prepared to advocate the expediency or necessity of either of those measures. The instances which have been brought to the notice of this court, in which British subjects have been personally implicated in cases of affray of a serious nature, have been rare. For the suppression of minor offences of this description, the magistrate, in his capacity of justice of the peace, is already armed with sufficient powers, while the establishment of any anomalous jurisdiction authorized to inflict heavy penalties, without the intervention of trial by jury, would obviously be regarded with extreme jealousy, and be attended with many inconveniences."

8. Mr. Ross is of opinion, that British subjects residing out of Calcutta should be rendered amenable to the criminal laws of the country enacted by the Government, in common with the natives. He thinks, that in the very few instances that would occur of Europeans being brought to trial, a jury, composed half of natives and half of Europeans or descendants of Europeans, might even now be assembled; and that, were Europeans freely permitted to settle in the country, any difficulty in assembling a jury so composed that might at first be experienced, would soon cease to exist. The subject has engaged our serious attention, and we hope to be able to submit, in a very short time, the result of our deliberations, in concurrence with the judges of the Supreme Court, upon this very important question.

We have the honour to be, honourable Sirs,

Your most faithful humble servants,

(signed) W. BENTINCK.

W. B. BAYLEY.

C. T. METCALFE.

Fort William, 1st June 1830.

(57.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 9 Nov. 1830.

* Criminal Consultations, 9th June 1830, Nos. 1 to 32.

(57.)—Extract of a LETTER in the Judicial Department, from the Governor-general in Council at *Bengal*, to the Court of Directors, dated 9th November 1830.

Para. 8. A MEMORIAL from the Indigo Planters of Jessore, and a representation from the house of Messrs. Alexander and Co. of Calcutta, are recorded on the annexed date;* these documents have reference to the Regulations in force relative to the cultivation of indigo, and the contracts between planter and ryot, which are represented by the above-mentioned parties as not affording a just or sufficient protection to individuals engaged in the culture of indigo, and praying therefore for some legislative interference on their behalf.

9. Regulation VI. 1823, was enacted with a view to support the indigo planters in their just interests in contracts with the cultivators who had received advances: adverting, however, to certain points noticed in the above documents, it appeared to us that some further provisions might be necessary to accomplish what was intended by the enactment of 1823. We therefore transmitted the whole of the papers to the Nizamut Adawlut, and directed the court to take the existing law relative to the transactions between indigo planters and ryots cultivating under engagements, into their consideration, and to report their sentiments on the propositions submitted in the application, and generally, on the best means of affording protection and security to the parties concerned.

10. Several other documents recorded on the same date, having reference to the question, were likewise forwarded to the Nizamut Adawlut.

11. On the proceedings above referred to are likewise recorded several reports respecting the disturbed state of the district of Dacca Jelalpore, originating in indigo transactions between rival factories.

12. The registrar of the Court of Nizamut Adawlut submitted the several Minutes of the judges of the Sudder Dewanny Adawlut, with the draft of a Regulation prepared by Mr. Ross, in the provisions of which the court concurred generally, though on the point of Europeans becoming landed proprietors the court declined giving any opinion. To these Minutes we beg to refer your Honourable Court, as well as to the several documents connected with our proceedings of the date already specified, for the grounds on which we considered it advisable, after mature deliberation, to amend the provisions of Regulation VI. 1823, and provide more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant, in pursuance of which purpose we passed Regulation V. of 1830, the usual number of copies of which were transmitted to to your Honourable Court.

(58.) Letter from Nizamut Adawlut to Government of Bengal, on Intercourse with Native Inhabitants; 3 April 1830.

(58.)—LETTER from the Registrar to the Nizamut Adawlut, to the Secretary to Government, dated 3d April 1830.

Sir,

I AM desired by the Court of Nizamut Adawlut to acknowledge the receipt of your letters, dated the 29th of December and 23d ultimo, with the extract enclosed in the former from a letter from the Honourable the Court of Directors, under date the 6th of August 1828, requesting the court's opinion as to whether any further legislative provisions should be made, in addition to those already existing, for

the effectual subjection of indigo planters and their servants to the control of the law.

2. In reply, I am directed to observe, that the only measures calculated, in the judgment of the court, to secure the proposed object, would be, either to enhance the power conferred on the justices of the peace by section 105, Act 53 Geo. 3, c. 155, or to make it lawful for the Government to appoint commissioners for the trial of British subjects charged with affrays, from time to time as occasions may arise for such proceedings.

3. The court are, however, by no means prepared to advocate the expediency or necessity of either of these measures. The instances which have been brought to the notice of this court, in which British subjects have been personally implicated in cases of affray of a serious nature, have been rare. For the suppression of minor offences of this description the magistrate, in his capacity of justice of the peace, is already armed with sufficient powers; while the establishment of any anomalous jurisdiction, authorized to inflict heavy penalties without the intervention of trial by jury, would obviously be regarded with extreme jealousy, and be attended with many inconveniences.

4. Mr. Ross directs me to submit, for the consideration of his Lordship in Council, the accompanying copy of a Minute, which he has deemed it necessary to record on the present occasion.

I am, &c.

Fort William, 3d April 1830. (signed) W. H. MACNAGHTEN, Registrar.

(56.) Letter from Nizamut Adawlut to Government of Bengal, on Intercourse with Native Inhabitants; 3 April 1830.

(59.)—MINUTE by Mr. Ross.

In the remark contained in the 3d paragraph of this reply to the Judicial Secretary's letter, viz. "that British subjects are rarely charged with the commission of serious affrays," I entirely concur; and it should be added, that *they are even more rarely charged with the commission of offences of any other kind.* I am of opinion, however, that British subjects, residing out of Calcutta, should be rendered amenable to the criminal laws of the country enacted by the Government, in common with the natives. The tribunals appointed to administer those laws, if competent to administer them justly to the natives, and to Europeans not British subjects, must surely be considered competent to administer them also to British subjects.

British subjects, choosing to reside within the jurisdiction of the country tribunals, could not object to being rendered amenable to them, on any other ground than that of their defective constitution or character; but that is an objection which might be urged against them with more reason by the natives, who cannot withdraw from their jurisdiction; and it is one which, if well founded, may be and ought to be removed.

A British subject brought to trial for a serious offence before a court of circuit, might have the option of being tried by a jury; and indeed the same option might be allowed to natives, in cases in which a trial by jury might be deemed necessary to ensure the attainment of justice.

In the very few instances that would occur of Europeans being brought to trial, a jury, composed half of natives and half of Europeans or descendants of Europeans, might even now be assembled; and were Europeans freely permitted to settle in the country, any diffi-

(59) Mr. Ross's Minute, on Intercourse with Native Inhabitants; 1 April 1830.

(59) Mr. Ross's
Minute, on In-
tercourse with
Native Inhabi-
tants;
1 April 1830.

culty in assembling a jury so composed, that might at first be experi-
enced, would soon cease to exist.
Fort William, 1st April 1830.

(signed) A. Ross.

The following STATEMENT is presented by the Secretary.*

(61.) Mr. Ley-
cester's Minute

(61.)—MINUTE by Mr. *Leycester*.

As far as I can judge of the order of the magistrate of Furreedpore in its English dress, it appears greatly misconstrued, and that it is anything but an "instruction not to sow their stipulated land unless agreeable to themselves."

The exact purport of the order can only be clearly understood in its original.

I much suspect that the provisions of Regulation VI. of 1823, have very seldom if ever been resorted to by our indigo planters. Under this Regulation they can get summary awards, and having got them, they are entitled to place a watch over the said "defined spot of land," and to the "aid of the police in their favour."

I know of no possible further aid that it could be desirable to grant; indeed the only two which occur would be quite inadmissible, violation of the property of the contractor, or violation of his person.

The above process too is equally conclusive against interlopers who wish to tamper with people who have entered into contracts; the summary award shuts the interloper out.

The great difficulty is assumed from the excessive poverty of the tenant, and the excessive wealth calculated to be made out of the produce of his labour. This certainly is a very unnatural state of affairs; and not paralleled in any other article of produce, and which must, I suppose, remedy itself by relieving the poverty of the ryot, through a reduction in the profit of the indigo planter; and it may be calculated that then the ryot will be actuated by the stimulus of interest to fulfil his contract.

It should be recollected that the whole or nearly the whole cultivation of the country is, as specified in the preamble of Regulation VI. of 1823, carried on with borrowed capital; and that the capitalists who so lend their money to ensure a certain produce, are entitled to the same protection from the Legislature as the speculator in indigo. But it seems to me that there is no fair proportion preserved in awarding penalties, when the failing and bankrupt contractor, without any impeachment of dishonesty, is declared liable to a penalty amounting to 300 per cent.

In legislating to secure the just rights of indigo planters, we must not lose sight of the fact, that there are two parties concerned; and if the conditions imposed on the ryot are such that no reasonable person purposing to act an honest part would engage under them, I think we may be certain that we are legislating in favour of one class at the expense of another, and that from natural causes such a system of legislation must prove inoperative and ineffectual; and such seems to me the rule of imposing on a failure, involving no imputation of fraud, a penalty of 300 per cent.

(signed) W. LEYCESTER.

* This Statement of European Indigo Planters, &c. in the several districts, &c. with a supplementary Statement of ditto, will be found in the Appendix to Part II.—Ed.

(62.)—ADDITIONAL MINUTE by Mr. *Leycester*.(62.) Indigo
Planters: Mr.
Leycester's
Additional Mi-
nute.

I desire to add a few words to the foregoing observations. It has been remarked that the Regulation VI. of 1823, authorizes indigo planters holding summary decrees, to place a watch over the indigo crop; that it does not do so if no such crop is produced; in other words, that the Regulation affords no aid in the extreme case of the contractor omitting to cultivate altogether.

Such perhaps is the letter; but we are considering a remedial law and not a criminal one: that such law, admitting that the indigo planter has a lien on the land, should exclusively allow a watchman to be placed over that land for the protection of the crop, and not for the production of the same, would, I think, be a wrong construction.

That a man holding a lien on any land for its cultivation with indigo, should sit quietly by and see it cultivated with potatoes, would only show that a man may have a lien without any tie, or a tie without any lien.

Section 5, Regulation VII. of 1819, declaring contracting workmen guilty of any wilful breach of contract liable to punishment by a magistrate, is, I should suppose, as applicable to an indigo contract as to any other. But a great trade will never be carried on or benefited by a bill of pains and penalties, and I apprehend the section quoted has never been acted on since it was promulgated; and it does not seem to have been considered that there are two parties to a contract, and that there can be no justice in declaring one party liable to punishment as for a misdemeanor or for a breach of contract, and not the other party also, as, for instance, in making advances, &c.

I should, with Mr. Ross, very much like to see British subjects allowed to acquire landed property by free purchase or other contract, not merely for indigo or coffee, but for general purposes. The rules however which he would establish for the regulation of contracts between the indigo planter and the cultivator, however good in themselves, are I fear far too intricate and too complex for practical use, nor do I see whence the public functionaries required are to come from; with any people like the present moonsiffs I apprehend it would be fearful odds for the poor ryots. I think it would be far more desirable if the indigo plants were produced without the intervention of contracts and advances, and the crop brought into the market, and the price regulated by the demand, as other crops are. There would then be some reciprocity of interest between the producer of the plant and the consumer of it, which cannot be said to be the case at present.

But whatever is resolved on, I trust it will be made of a general nature, including cotton, sugar, and all other articles, and not be restricted to indigo alone.

(signed) W. LEYCESTER.

(63.)—MINUTE by Mr. *Ross*, dated 21st September 1829.(63.) Indigo
Planters: Mr.
Ross's Minute;
21 Sept. 1829.

It is undeniable that the evils which induced the enactment of Regulation VI. of 1823 are still experienced, and it must also, I think, be admitted that the provisions of that Regulation are not calculated to obviate those evils.

Although, however, the Regulation referred to is defective, I apprehend that the continuance of the evils complained of is not so much attributable to its defects as to the inefficiency of the tribunals authorized to carry its provisions into execution; and that were it

Letter from
Secretary to
Government,
Judicial De-
partment, dated
6th May 1829,
relative to Re-
gulation VI. of

1828, for enforcing the execution of contracts for the cultivation and delivery of indigo plant. Letter from Ditto, dated 29th May, on the same subject. Letter from Ditto, dated 9th June, on the same subject. Letter from Ditto, dated 25th Aug., on the same subject.

amended, it would still be as inoperative as it has hitherto been, if left to be enforced by the same tribunals.

It must be kept in mind that the courts at the sudder stations of the several zillahs are the only tribunals authorized to take cognizance of disputes arising between European indigo manufacturers and the ryots who contract to supply them with indigo plant; and that those courts are from their situations, and the great extent of country over which they have jurisdiction, inaccessible to the majority of the ryots, and from accumulation of business, obstructing and retarding their proceedings, of little avail to the manufacturers.

There is in reality no provision made for administering any law to these two classes, and that fact alone is sufficient to account for the disorder that prevails in the indigo districts. The ryots, feeling no assurance that they will be allowed to reap the produce of their labour, are easily induced to engage to cultivate their lands for the manufacturers on any terms; but they do not seem to consider the contracts entered into under such circumstances as voluntary on their part, and it may therefore be believed, that they have little scruple in employing all the means they are said to resort to, in order to evade performance when any advantage can be gained by so doing. The manufacturers too find that they have nothing to depend on but their own means for preventing the loss of ~~the~~ capital and of time to which they would be subjected by the non-execution of the ryot's contracts; and they therefore maintain large establishments of armed men, to enforce the execution of those contracts. Thus the two classes are compelled to resort to the means of self-protection which they are both blamed for employing.

It may be observed, that it is owing to this non-existence of any provision for administering justice, that in the districts possessing the advantages of soil and climate adapted for the production of indigo, the establishment of rival factories has not been always followed by so much benefit to the native population as might have been expected. Competition has doubtless raised the cost of the indigo plant to the rival manufacturers; but the increase, instead of being received by the cultivators of the plant, in the shape of an advance of its price, as it ought to be, and as it would be were they duly protected, is consumed by the armed establishments, which, as I have above mentioned, the want of other protection obliges the manufacturer to maintain.

It seems to me, therefore, that the first thing necessary to be done to remedy the evils complained of is, to make provision for ensuring to the cultivators as well as to the manufacturers that protection which the law ought to afford to them; and that, I conceive, can be accomplished in no other way than by raising the qualifications and powers of the courts of the moonsiffs. Those courts are the only tribunals so situated as to be accessible to both parties, and capable of administering justice equally to both. In them only can poor suitors, as well as rich, personally attend to the investigation of their suits; an advantage essential in trials, in the first instance, to the attainment of justice, and which the due performance of the functions of investigation requires that all courts of *original jurisdiction* should be capable of affording. They alone, in fact, possess the most important of the requisites to the competency of courts of original jurisdiction, and they are as susceptible of being rendered competent in other respects to discharge the functions of such courts as any of the other established tribunals.

From the foregoing observations, I would not be understood to think that the establishment of an efficient system of local judicature would be sufficient to relieve the indigo manufacturers from the difficulties they have to contend against: a prompt administration of justice would doubtless remove those difficulties in the few cases in which the persons who contract to supply the indigo plant are men of substance; but in the numerous cases in which the contractors are needy ryots, without any property whatever, the existing laws, if enforced, would increase, and not remove, the difficulties complained of. I will, therefore, beg leave to suggest the measures, which with reference to these last-mentioned cases, I conceive it would be advisable to adopt for amending the laws affecting indigo manufacturers, supposing an efficient system of judicature to be established.

The cases referred to may be classed under two heads: 1st, *Those in which ryots, after receiving advances of money and contracting for the cultivation and delivery of indigo plant, do not sow any land with indigo seed, and consequently have no plant to deliver.* 2d, *Those in which contracting ryots, after having sown land with indigo seed, refuse to deliver the produce to the manufacturer who advanced his money for it.* In the cases coming under the first head there is no remedy whatever provided in any Regulation in the judicial code. In those coming under the second head, Regulation VI. of 1823 allows a process intended to secure the growing plant to the manufacturer entitled to it; but that process, although summary, cannot be issued with the celerity requisite, and consequently is unavailing. In both classes of cases, therefore, neither Regulation VI. of 1823, nor any other enactment, contains any provision calculated to protect the manufacturers against possible dishonesty on the part of those with whom they must deal. In regard, indeed, to the European manufacturer, the law, as it now stands, is, as I before observed, worse than defective. It compels him to resort to the system of making advances for his indigo plant, and at the same time debars him from availing himself of the only security he can have against the losses to which that system exposes him. It places him in the predicament of having to choose either passively to submit to those losses, or to incur the consequences of acting illegally in order to avert them.

In endeavouring to provide a remedy for this obvious injustice, there are two considerations to be attended to, and they suggest the measures by which the remedy sought for may be afforded. One is, *that a ryot who requires an advance of capital to enable him to cultivate his land, has nothing to offer as security for its repayment but the capability of his land to yield produce of value equal to the amount of the advance: the other is, that this security will be unavailing if any delay be made in providing either for ploughing or sowing the land at the proper season, or for preventing the produce, when ripe, being carried off.* The measures suggested by those considerations, are, *the removal of the prohibition against Europeans holding lands; and the empowering indigo manufacturers to attach and take the usufruct of land to the produce of which they have acquired a right by contract with the occupant, immediately upon the latter refusing to plough or reap, or to do any act necessary to enable him to fulfil the conditions of his contract.*

By the adoption of these measures, not only would difficulties which the existing laws oppose to the indigo manufacturers in the conduct of their business be removed, but other important advantages might

(3.) Indigo
Planters: Mr.
Ross's Minute;
21 Sept. 1829.

(63.) Indigo
Planters: Mr.
Ross's Minute;
21 Sept. 1829.

be expected to result; among which may be mentioned the discontinuance of the practice of Europeans renting lands in fictitious names, and of the evils which that practice gives rise to; the introduction of a respectable and intelligent class of *indigo-plant farmers*, who, being able to maintain their rights, would not be induced to enter into contracts on terms lower than the demand for their produce would entitle them to, and whose self-interest would be sufficient to induce them to fulfil their contracts; and, lastly, the general improvement of the agriculture of the country, and an increase of all the valuable products of its soil and climate.

App. No. 67. I have put into the form of a draft of a Regulation (and which is herewith submitted to the Court), the rules which I conceive it would be proper to enact to give effect to the measures above suggested. In the event of its being deemed advisable to adopt them, the notes appended to the draft afford all the explanations in regard to the rules proposed that seem to be required; and I have, therefore, only to request in this place, that it may be kept in mind that they have been framed on the supposition that the local courts of judicature, by which only they can be carried into execution, will be raised to the footing on which those courts should be placed to qualify them to perform the functions assigned to them; and I may add, that until the local courts shall be rendered fit to be entrusted with the discharge of those functions, it is not to be expected that any amendment of the existing law that can be proposed with a view to the correction of the evils under consideration, will be productive of advantage.

(signed) A. Ross.

(64.) Indigo
Planters: Mr.
Sealy's Minute;
28 May 1829.

(64.)—MINUTE by Mr. *Sealy*, dated 28th May 1829.

By clause 3, section 5, Regulation VI. 1823, the indigo planter who has made advances to a ryot who has disposed of the weed to another, is at liberty in a regular suit to prosecute the ryot, and the individual to whom such produce was sold or delivered, conjointly. I do not see why he should not be allowed to do the same in a summary suit, as the evil complained of appears to be very extensive; that is, the ryots who have received advances declining to sow their lands with indigo seed. I would extend the powers contained in section 5, Regulation VII. 1819, to contracts for the cultivation of indigo. This will go a great way to put a stop to the frauds now practised by ryots and their evil advisers, and may in the end diminish the number of affrays that now annually take place for indigo lands, which are invariably attended with severe wounding, and frequently with loss of life, in consequence of planters entertaining bodies of fighting men for the express purpose of fighting their battles on such occasions.

(signed) C. T. SEALY.

(65.) Indigo
Planters: Mr.
Rattray's Minute;
30 May 1829.

(65.)—MINUTE by Mr. *Rattray*, dated 30th May 1829.

The preamble to Regulation VI. of 1823, admits that it seems reasonable that the person who advances seed and capital, or capital only, for the expense of cultivation on a defined parcel of land, should be considered to possess a lien and interest in the indigo plant produced on that land, when so stipulated in a written engagement

between the parties, and especially in cases in which such written engagement may have been duly registered under the provisions of Regulation XXII. 1812; and that it should not be in the power of a ryot who has already conditioned for the delivery of the produce of his land to one person, to break the condition by a clandestine and fraudulent transfer of such produce to another.

With a view to the accomplishment of what is here admitted to appear reasonable, the above Regulation was enacted; and experience has proved that it has, if not entirely, so far failed in its object, as to render a modification of it obviously expedient.

I cannot better exhibit the loss and vexation to which indigo planters now stand exposed than by quoting an anonymous writer (one of themselves, I presume), a communication from whom lately appeared in one of the public prints of this presidency. "It must," this writer observes, "be considered that the sowing of indigo admits of no delay. When the lands are prepared for the reception of the seed, and rain falls, no time must be lost. Delay, that in all cases is dangerous, in this instance is ruinous; either the lands must be sown at once, or not at all. Hence it will appear, that the speculative redress of the Regulation (VI. of 1823) teems with consequences to the indigo planter which would be more aptly expressed under the term *grievance*; the means would infallibly entail the very evil sought to be removed. During the progress of the litigation, the sowing season passes away; and the issue at best must prove disadvantageous to the planter, who sues a fraudulent defendant who can prove himself insolvent, in the event of being cast, by the aid of a few oaths, which he can procure as cheap as eggs. By way of exemplification, I will put a case, neither improbable nor of unusual occurrence in different degrees, which will show how this Regulation is likely to operate on the interests of the planters:—I make advances to 2,000 ryots, who agree to sub-let to and cultivate for me two or three beegahs of indigo each, on receiving at the rate of two rupees per beegah. The money is paid four or five months before the sowing season commences, during which time I am much gratified by the care and attention they evince in preparing the lands; and I already begin to calculate the probable balance that next manufacturing season will place to my credit in the agent's books. Rain comes, but no ryot appears for seed; when, after a little patient delay, I send to them, and proceed to compel them, a few at a time. Away two of them lie to the magistrate, and complain that I have taken away their paddy lands (they having become acquainted with a Regulation which prohibits compulsory measures being used towards them in such cases), and I am summoned and appear. The fact of advances having been made is not denied; but the complainants swear that the lands in question were not those intended for indigo; and so I become, by the fiat of the court, subject to the consequences of an infringement of the Regulation. The conquering ryots repair home, where the news of my defeat emboldens the rest to persevere in their original resolution of withholding the lands; and the only remedy left me is to enter 1,993 separate actions for damages, which the defendants cannot make good. The glaring injustice here done me need not be dwelt upon. The very prosecution of my actions would occupy at least six months, if the judge should happen to be very assiduous; during which time the season has slipped away, the lands lie fallow, or have yielded other crops to their roguish occupiers, and

(N.) Indigo
Planters: Mr.
Rattray's Mi-
nute;
30 May 1829.

(65.) Indigo
Planters: Mr.
Rattray's Mi-
nute;
30 May 1829.

I am grinned at as a fool, and advised to be more cautious for the future in making advances, when perhaps those I have already made, and the expenses incurred in prosecuting my right, render the advice quite superfluous. Some may think, that by referring disputes of this nature to the darogahs for their report, the evil might be averted, and the ends of justice attained; but this arrangement would prove as little calculated to promote impartial justice as the Regulation, so long as the office of darogah is filled in the manner it now is."

Now if this be a fair exhibition of facts, and I believe it to be without any exaggeration, it must be admitted that legislative interference is urgently called for. All the obligation I would impose is, that of an honest performance of a voluntary contract; and after affording to the subject much thought, and making myself as fully acquainted with it as opportunity has permitted, I venture to suggest the following rules, as calculated to relieve the planter, without any hardship or injustice towards those who now oppose such fearful odds to all fair dealing, under the very law enacted to promote and preserve it.

PROPOSED MODIFICATION of Section 5, Regulation VI. of 1823.

1st. In cases in which a ryot or other cultivator of the soil, who may have received advances and entered into written engagements for the cultivation of indigo or other plant or produce of the soil, in the manner indicated in Regulation VI. 1823, shall have failed to cultivate the land specified, or having cultivated it, shall have failed or refuse to complete his engagement, or shall have sold or made away with or transferred the produce to another person, the party with whom such agreement was first made shall be at liberty to apply for redress to the magistrate or joint-magistrate within whose jurisdiction the land may be; or to institute, at his option, either a summary or a regular suit in the civil court against the said ryot or cultivator, or the party at whose instigation the said ryot or cultivator shall have so failed, or both, as shall appear to the plaintiff expedient..

2dly. If the application be made to the magistrate or joint-magistrate, the case shall be disposed of under sect. 5, Regulation VII. 1819; and pending the imprisonment of the ryot, if the charge be substantiated, and after his release, till such time as he shall proceed to a due performance of his engagement, the plaintiff shall be put in possession of the land the cultivation or produce of which he may have contracted for, with liberty to complete the said cultivation, or to reap or collect the said produce at his own expense, having his remedy for the said expense by a summary or regular civil action against the said ryot, or the party at whose instigation the latter shall be proved to have so failed, or both, in the manner hereinafter provided for.

3dly. If a summary civil process shall be adopted in the first instance, and the cause (upon the grounds stated in the next following section) be decided in favour of the plaintiff, the defendant or defendants each shall be subject to the payment of the amount of the advances actually received by the said ryot or cultivator, with interest on the same, and the costs of summary process; the claim for the amount of any further loss sustained by the nonperformance of the contract being cognizable only under a regular suit. But in this case of summary process the plaintiff shall not be entitled to possession of the land, as provided in the preceding section, the suit being

considered as instituted solely for the recovery of loss already sustained by the advances or expense above mentioned, and not with a view to any prospective benefit to be derived from the soil. But nothing herein shall prevent a prior application to the criminal court, as provided for by the preceding section, if the party aggrieved shall seek his remedy in the manner and to the end therein stated.

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4thly. If the plaintiff shall seek the remedy by a regular suit, the case shall be tried and decided under the principles and provisions of the general Regulations; provided, however, that where a ryot shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo or other plant or produce of the soil on a specified portion of land, and to deliver the produce of such land to one individual, and shall have subsequently sold or delivered such produce to another, or have failed to prepare or cultivate such land at the instigation of another, the aggrieved party shall be at liberty to prosecute the ryot and the individual to whom such produce may have been sold or delivered, or who shall so have instigated the contractor, conjointly; and if it be established that the individual receiving the produce, or so instigating, was at the time aware of the prior engagement, such individual, and the ryot or cultivator, shall be jointly or severally held answerable for the full amount of the penalty specified in the original agreement, together with all costs and expenses of the suit.

5thly. If no fraud or dishonest dealing be established, and the failure of a ryot or other contractor to execute the stipulations of his engagement be owing to accident or other cause not implying fraud or dishonesty, the remedy shall be as in common cases of contract failure, provided for by the Regulations generally. Appeals must of course be provided for, as should facilities to the registry of contracts.

(signed) R. H. RATTRAY.

(66.)—MINUTE by Mr. *Turnbull*, dated 2d July 1829.

The eager competition noticed in the preamble to Regulation VI. 1823, commenced in the preceding year; and holding, as I then did, the situation of judge and magistrate of Nuddea, I had some opportunity of witnessing the scenes of contention and strife ensuing from the various and conflicting interests to which that competition gave rise. The disorders which then prevailed in that and the neighbouring indigo districts, have, I believe, nothing abated to the present day, and they are certainly such as to call for the serious interposition of Government. From the moment of ploughing the land and sowing the seed, to the season of reaping the crop, the whole district is thrown into a state of ferment. The most daring breaches of the peace are committed in the face of our police officers, and even the magistrate himself. In utter defiance of all law and authority, large bodies of armed men are avowedly entertained for the express purpose of taking or retaining forcible possession of lands or crops. Violent affrays, or rather regular pitched battles ensue, attended with bloodshed and homicide. Our police establishments are corrupted, and the darogahs are said notoriously to be in the pay of the planters, European or native, to secure their good offices. Private assassinations occasionally occur, and forgery and perjury have their full sway; in short, every species of crime is committed, and in the list I should not omit

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false charges of murder, arson, &c. which are very common, and are the most harassing of all to the accused as well as to the magistrate. If such are the consequences of the present system of indigo cultivation in the Bengal districts, and that they are so will not, I think, be disputed, it is certainly high time that decisive measures should be adopted to put down evils of such magnitude, independently of the question more immediately under consideration, of affording protection to the rights and interests of the numerous individuals concerned. The practices noticed in the papers which have originated the present discussion, no doubt prevail to a considerable extent, and are the common subject of complaint. I particularly remember one instance in which a ryot acknowledged before me, that he had in quick succession taken advances from and entered into engagements with three separate establishments for the same parcel of land. This was clearly an act of fraud, and would, I take it, be criminally punishable under the Mahomedan law and the Regulations already in force, as well in the ryot as in any others who should be proved to have knowingly participated, and wilfully aided and abetted therein: but would this reach the evil? I fear not; on the contrary, if such a power were at all abused or indiscreetly applied, if resort were had to it frequently and vexatiously to harass or intimidate the ryots; if it were not restricted to cases of a glaring and flagrant character, the planter would soon discover that he had used an instrument to his own destruction. The principal source of all the mischief may, I fancy, be traced to the contract formed with the ryot, which is sometimes not in writing, is frequently insufficiently defined, and is generally extremely unfavourable to the ryot, rendering him in fact a slave to the establishment with which he has once engaged, and thereby preventing an open and fair competition to all, which would afford the only true and effectual remedy. Too much also, it is said, is entrusted to dewans, naibs, gomashas, and numerous others employed by the planter, who I fear looks but little beyond the quantity of land procured for him, and does not pay sufficient attention to the means by which it has been obtained, so that at the critical period there is a general scramble. In such a state of things it cannot be matter of much surprise that the ryot, who is acknowledged to be in poverty, and has perhaps been labouring in vain for years "to work off his old balances," as it is called, should readily yield to the temptation of an offer of money from a rival factory to pay off his old score, and thereby liberate himself from thralldom, as well as engage on more favourable terms. The evils, therefore, being inherent in the system itself, this must undergo a change before any real good can be done by legislative provision. The planter must be prepared to admit a fair and open competition; he must not seek to *undermine* his neighbour by allowing his native agents to interfere secretly with ryots already under engagements, or to put him down *vi et armis* with hired Lutheals; he must secure his ryot by other means than a contract which bears him down so heavily that he can have little hope of fulfilling its obligation, and which drives him therefore to artifices and intrigues for immediate relief, though ultimately leading to his own ruin as well as to the injury of his employer. He must, in short, endeavour to attach him to his interest, not by force, but by indulgence, kindness and liberality; and if his neighbour rises higher in terms than himself, he must either meet him by corresponding liberality on his own part, or leave the ryot free to act as the latter may deem most con-

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ducive to his own interest. The difficulty of framing rules calculated to ameliorate the system, so that it shall work beneficially to all concerned, and afford prompt redress for the various grievances complained of by either party, has been always felt and acknowledged. The Regulations already provide that a preference shall be given to registered deeds of contracts; but the obstacles are so great, in expense of stamp-paper, fees of registry, distance from the sudder station, &c. that it is seldom or never resorted to; indeed it is impracticable. If any plan could be devised to encourage a more general resort to the practice of registry, by reducing the expense and rendering the means more accessible to the parties, a great point would no doubt be gained; not only that a contract thus formally sanctioned has greater force with the parties, and would perhaps deter many from an attempt to violate it, but also because it would generally enable the court to determine more readily on the validity of the engagement, without being compelled, as they frequently are at present, to enter into a lengthened investigation, the result of which depending upon conflicting testimony, must always be doubtful, and often erroneous; and the delay of which generally defeats its whole object. In the difficulties which present themselves, the only remedy which occurred to me, is the establishing subordinate offices of registry in each thannah division, to be held by natives or others specially appointed for the purpose, and placed under the general superintendence and control of the registrar of the district, or other European officer at the sudder stations, to whom a daily report should be made of all registered deeds, and by whom they should be forthwith entered in a general registry book kept separately for the purpose, under such forms and checks as should be found necessary to render it an authentic and useful public record. I can however but throw out the hint, as I am sensible that many obstacles may occur in the details (even if Government should be willing to incur the additional expense) to render any plan of this nature practically efficient and useful with the means we have at our disposal. Unfortunately the same difficulty opposes every suggestion which offers itself: let us consider the vast interests that are involved in the matter under discussion, not merely in the lacks of rupees that are annually at stake, but as variously affecting the greater part of a large and populous district, and consider at the same moment the means we at present possess of affording prompt and effectual redress in the countless disputes which cannot but arise from such a state of things. A single factory may have formed upwards of a thousand contracts; the party may be distant from the only courts now open to them, from 50 to 100 miles; those courts are already overwhelmed; the matters in dispute press for decision, and cannot wait the ordinary course, for delay would render the decision nugatory, and worse, as the parties would have been needlessly subjected to annoyance and expense. What then is the remedy? I confess that I am at a loss to propose any other than the appointment of a respectable sudder ameen in each thannah division, with a salary or authorized emoluments, such as would incite him to a faithful and honest discharge of the important trusts which must necessarily be confided to him.

(signed) M. H. TURNBULL.

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posed by Mr.
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(67.)--REGULATION proposed by Mr. Ross.

A REGULATION to provide more effectually for enforcing the execution of Contracts relating to the cultivating and delivery of Indigo Plant; to remove the existing prohibition against Europeans occupying Land for the cultivation of Indigo Plant or other purposes; to make all Suits relating to the cultivation and to Contracts for the delivery of the said Plant cognizable in the Courts of the Moonsiffs, and to declare the cutting down or damaging of Indigo crops in certain cases an offence punishable by the Courts of Criminal Judicature: passed by the Governor-general in Council, &c.

Preamble.*

WHEREAS Regulation VI. of 1823, for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant, having failed to diminish in any degree the evils which induced its enactment, it has become necessary to make more effectual provision for remedying those evils: And whereas it is necessary to that end that Europeans should be authorized to occupy land for the cultivation of indigo plant; and also expedient, with a view to the general improvement of the agriculture of the country, that permission should be granted to them to purchase, lease and hold land for that and other purposes: And whereas it is at the same time necessary for the protection of the ryots and other occupants of the soil, that all complaints and suits relating to contracts for the cultivation and delivery of indigo plant, and to the possession and produce of lands cultivated with that plant, should be cognizable in the courts of the moonsiffs, the only established tribunals accessible to the great body of the cultivating classes: And whereas it is moreover judged proper, that the cutting down or wilfully damaging indigo crops for the purpose of injuring any individual having an interest therein, should be declared an offence punishable by the courts of criminal judicature;—the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

II. First.—Sections 3, 4, 5 and 6, of Regulation XXXVIII. of 1793; Regulation XXXIII.; and Sections 3, 4, 5 and 6, of Regulation XLVIII. of 1795; Sections 3, 4, 5 and 6, of Regulation XIX. of 1803; Regulation VI. 1823, and Regulation V. of 1824, are hereby rescinded.

Second.—Such parts of Regulation XXIII. of 1814, of Regulation XIX. of 1817, and of any other Regulation in force, as may be inconsistent with any of the Rules hereinafter enacted, are to be considered as null and of non-effect in regard to cases coming within the provisions of this Regulation.

III. Europeans are hereby permitted to purchase, rent and occupy land for the cultivation of indigo plant or any other purpose; and all Europeans, as well British subjects as others, who may avail themselves of this permission, shall be held to be amenable in common with the natives of the country to the courts of the moonsiffs, and the other civil courts of the district in which the lands purchased, rented or occupied by them may be situated, in all matters relating

* The Marginal Abstract to this Regulation has been omitted as a much more concise one will be found appended to Mr. Prinsep's Notes, p. 82.—Ed.

to such lands which may be cognizable in those courts under this or any other Regulation in force.*

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IV. It is hereby declared, that ryots and all occupants of lands, while their right of occupancy exists, are at liberty, so far as may be consistent with the conditions of their tenures, to cultivate any article of produce, and to engage for the cultivation of indigo plant with the owner or manager of any indigo factory wheresoever situated, or with any person with whom they may judge it to be most conducive to their interest to engage; and it is hereby further declared, that owners or managers of indigo factories shall not be considered to have any right to the produce of lands wheresoever situated, but what may be derived to them by purchase, lease or other contract, voluntarily entered into by the owners or other persons having legal occupancy of the lands†.

V. First.—Persons engaged in the manufacture of indigo dye, who may advance capital for the cultivation of indigo plant, or parcels of land of certain defined limits, shall be considered to have a lien or interest in the produce of such parcels of land, and shall be entitled to avail themselves of the means authorized by this Regulation for protecting that interest; provided that in each case the conditions on which the advance of capital may be made shall be recorded in a written deed or instrument, and agreed to by the party receiving the advance before two or more witnesses, not being servants or dependants of the other party; and provided also, that the deed shall contain a specification of the particulars mentioned in the following clause, and shall be registered in the court of the moonsiff of the jurisdiction in which the parcel of land engaged for may be situated, and advertised in the village in which the land may be included, at least three months before the date fixed for commencing the cultivation of the land‡.

* The considerations which appear to render it advisable to grant a general permission to Europeans to hold lands are the following:

1st. Without allowing indigo manufacturers to occupy lands in the particular cases referred to in this draft, it is impossible to make any effectual provision for obviating the evils sought to be remedied.

2d. Those evils are much more likely to be effectually remedied by unlimited than by limited permission. Unlimited permission, by admitting of leases being taken by men possessing capital and intelligence, and capable of adopting the best modes of cultivation, would lead to the establishment of a class of growers of indigo plant, from whom the manufacturers of the indigo dye could reckon with confidence on being supplied with the quantity of plant they required, without resorting to the objectionable and expensive means which they must now use to obtain it. The advantages which would result from the establishment of such a class of growers of the plant, both to the manufacturers of the dye, and to the owners of the indigo lands, need not be here detailed.

3d. Unlimited permission, by rendering European energy and intelligence available, would accelerate the general improvement of the agriculture of the country, and add greatly to the amount of its most valuable productions. This consideration may, I submit, be opposed to the objection that will perhaps be urged against the proposed enactment, on account of the expense which it would render necessary for a reform of the local courts of judicature.

† I have thought this declaratory Section necessary, to obviate the prejudicial effects likely to result to the ryots from a notion which seems to prevail, that by the establishment of an indigo factory near to lands fit for the cultivation of indigo plant, an exclusive right is acquired to the plant grown on those lands, and that this right is encroached upon by the subsequent establishment of another factory near to and dependent for its supply of plant upon the same lands; in other words, it would seem to be assumed that all the ryots who have been in the habit of cultivating for the factory first established in their vicinity, are the ryots of that factory, and not at liberty to cultivate for any other. If such an assumed right were recognized, every factory, would be enabled to command, on its own terms, all the plant produced within a circle round it, including the most distant lands from which it had at any time drawn its supplies; and the owners and occupants of indigo lands, every where, would be deprived of the advantage arising from the establishment and competition of new and rival factories, an advantage to which they are unquestionably entitled, and which, if duly protected by the laws, they could not fail to obtain. It is true that the quantity and quality of indigo lands round a factory, and the favourable disposition of the ryots occupying these lands (termed in the letter of Messrs. Alexander & Co. the "good-will of the concern,") constitute the great part of the value of the factory; but it is no less true, that such value can be legitimately preserved only by a liberal and conciliatory treatment of those on whose will it depends.

‡ The intention of the provisions of this section is to facilitate the decision of disputes arising out of contracts of the nature referred to, by requiring the specific lands engaged for to be so clearly

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Second.—The particulars required to be specified in deeds of contract of the nature referred to in the foregoing clause are the following:

1st. The name of the village in which the parcel of land to be cultivated is included.

2nd. The boundaries of the said parcel of land, and the number or name under which it is recorded in the accounts of the village.

3rd. The rate or price per bundle of plant, with the dimensions of the bundle, at which the produce of the land is to be delivered by the contracting ryot or cultivator, and the amount of the advance received by him.

4th. The date on which the cultivation of the land is to be commenced, and the date on which it is to be completed.

5th. The amount of penalty to be incurred for non-performance of the contract.

Third.—On an original deed of contract being produced in the moonsiff's court, by a party desiring to have it registered, the moonsiff shall cause a correct copy of the deed to be entered in a book to be kept for the purpose in his court; and shall cause an advertisement or notice containing the substance of the contract, and exhibiting the names of the contracting parties, and the name or number, and the boundaries of the parcel of land engaged for, to be stuck up by an officer of his court in a conspicuous place in the village in which the land is included, and on a bamboo erected in the field or parcel of land described, and also on the door of the house of the contracting ryot, if it cannot be personally delivered to him.

Fourth.—On the registry and advertisement being completed, the moonsiff shall return the original deed to the person from whom it may have been received, with a certificate under his signature endorsed on it, specifying the dates of the registry and advertisement; and immediately after shall transmit a copy of the deed and of the certificate endorsed on it, to the judge of the zillah or city to whose authority he may be subject*.

Fifth.—To defray the expense attending the registry and advertisement of indigo contracts in the manner directed in the foregoing clause, the moonsiffs are hereby authorized to demand a fee of rupees for every deed so registered and advertised, and to refuse the official acts required from them until the fee be paid.

Sixth.—All persons shall be allowed to inspect and search the re-

defined in the deeds of contract that their identity may be easily ascertained; and also to give such publicity to the contracts as will enable individuals considering themselves injuriously affected by them, to prefer their objections before the time arrives when the manufacturer will be entitled to adopt the means proposed to be authorized for securing the produce of the lands.

* The court of the moonsiff is selected for the place of registry, as being from situation the most convenient for all parties, and the only court accessible to the mass of the cultivating classes. The being easy of access is essential to the usefulness of an office of registry, and the court of the moonsiff affords that advantage, without greater risk of false registry, or of alteration of deeds after registry, than would be incurred in any other office against such risk; indeed, the rule directing a certificate to be endorsed by the moonsiff on the original deeds registered, and the immediate transmission of copies of the deeds, and of the endorsements on them, to the judge of the zillah, to be recorded in his court, seems to provide every possible security.

I have not made it necessary that the contracting ryots should acknowledge before the moonsiff their consent to the conditions of their contracts at the time of registry, because the number of ryots engaging every season with a factory may be so great as to make it impossible to procure the attendance of all of them at the moonsiff's court simultaneously; and it might be exceedingly inconvenient to the manufacturer, or his agent, to have to attend with some of them at one time, and some at another; and, moreover, considering the possibility of one person personating another, or engaging for the cultivation of land in the occupancy of another, it is by no means certain that a rule requiring the attendance of the engaging ryot would be more effectual for ascertaining that actual occupants of the lands specified had engaged, than the advertisements of the contract which I have proposed to substitute.

gister books kept in the moonsiff's court under this Regulation, on payment of a fee of half a rupee for each inspection and search.

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VI. First.—If any person object to a contract registered and advertised as directed in the preceding section, it shall be competent to such person, within a month from the date of the advertisement of the contract, to present a petition to the moonsiff in whose court the contract may have been registered, stating his objections thereto: on the petition being filed, a summons containing its substance shall be issued to the party to the disputed contract, by whom it may have been registered, requiring him to attend and answer to the objections preferred against it, either in person or by an authorized agent, within 15 days. The summons shall be served by delivering a copy of it to the party to whom it is addressed, or if that cannot be done, by affixing a copy of it to the outer door of the said party's house, and also in the cutcherry of the village in which the land specified in the disputed contract may be included.

Second.—After the period allowed to the party summoned to file his answer shall have expired, the moonsiff shall immediately proceed to examine the objections urged against the contract in question, and after taking all the evidence adduced in support of those objections, and also all that may be offered in refutation of them, if he shall deem the objections established, and shall consider them sufficient to warrant the annulment of the contract, he shall adjudge it to be null, and shall award to the petitioner such reasonable sum to be paid by the party who registered the contract as may be thought an adequate compensation for the expense and trouble to which the petitioner has been thereby subjected. If, on the other hand, the objections urged to the contract shall appear to be unfounded or invalid, the complaint shall be dismissed, and the petitioner made liable to the payment of costs, and such sum in addition as may seem to the moonsiff a proper compensation to the party complained against, for any trouble to which he shall have been subjected by the complaint having been preferred.*

Proviso Third.—Provided, however, that an objection to a contract registered in conformity with the Regulation, grounded on the allegation that the contracting ryot is not the occupant of the land specified, or on the allegation that the contracting ryot, although the occupant of the land was not competent to contract for the cultivation of it without the consent of the zemindar or person entitled to the rent thereof, shall not be held sufficient to warrant the annulment of such registered contract, unless, in the case of the first allegation, it be satisfactorily established by the original accounts of the village in which the land is included, and by the testimony of the gomastah or putwarree, and of the mundul or head man of the vil-

* It is obvious that to refer a ryot who has to support himself and family by his labour, to a tribunal at a distance from the place of his abode for redress, when an act of injustice has been done to him, is in effect to deny him redress: and it is therefore indispensable to the attainment of the object which this Regulation has in view, that suits relating to contracts between the manufacturers and the cultivators of indigo, should be made cognizable in the first instance by the courts of the moonsiffs, or by courts equally accessible to both parties. It appears to me to be impossible otherwise to devise means whereby both security to the manufacturers for the due application of the capital advanced by them, and also protection to the cultivators in the possession and disposal of the produce of their lands, can be afforded.

On these considerations, I have proposed to make all suits under this Regulation cognizable in the courts of the moonsiffs, assuming those courts to be (as they should be) fit to be entrusted with such suits, or that they will be rendered fit by the appointment to the office of moonsiff of men of respectable character and requisite qualification, with adequate salaries, and by the establishment of an effective system of control over their proceedings.

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lage, and of the occupants of the adjoining lands, that the person objecting to the contract himself cultivated the parcel of land in question in the preceding year, and was in the actual occupancy thereof at the time the contract objected to was made; and unless, in the case of the second allegation, it clearly appear from the village accounts and the contracting ryot's caboose, or other authentic document, that the objector is the zemindar or person entitled to the rent of the land, and has a right to prescribe the articles of produce to be cultivated thereon: provided also, that no deed of contract executed by a ryot for the delivery of indigo plant or other article of produce, which does not stipulate for the produce of a specified parcel of land, or deed so stipulating, which does not clearly define the parcel intended, shall be deemed sufficient to authorize the annulment of a deed executed by the same ryot which shall have been prepared, and registered conformably to the rules of the Regulation.

VII. In cases in which a ryot having contracted for the cultivation of indigo plant on a defined parcel of land, and whose contract has been registered and advertised as directed in this Regulation, and has not been subsequently declared null by a judicial decision passed under the preceding section, shall refuse to cultivate with indigo plant the parcel of land specified in the deed of contract, or, after having cultivated it, shall refuse to deliver the produce to the manufacturer with whom the contract was made, such manufacturer shall have the option of taking the usufruct of the specified parcel of land for the then current year, subject to the conditions mentioned in the following section; or of prosecuting the defaulting ryot for the amount of the penalty conditioned in his engagement*.

VIII. First.—In cases in which a manufacturer may deem it advisable to follow the first of the courses mentioned in the preceding section, it shall be incumbent upon such manufacturer, 10 days previous to the date fixed by the deed of contract for commencing the cultivation, to cause a written notice of his intention to adopt that course in the event of the cultivation not being commenced on the day fixed, to be served on the contracting ryot, and also a copy of it to be affixed to the door of the said ryot's house; and if the cultivation be not commenced on the date, or if after being commenced, it be not completed on the date stipulated for its completion, it shall be competent to the manufacturer to take possession for the current year of the parcel of land defined in the deed of contract, and to cultivate it by means of his own or hired servants. In case of the land being cultivated by the contracting ryot, it shall be incumbent upon the manufacturer, when the

* It is evident that so long as the great body of the ryots who occupy the soil are without property, the practice of making advances for the cultivation of the indigo plant must be continued, and that the manufacturer can have nothing but the land to look to as security that the capital which he advances for its cultivation shall not be misapplied. It seems equally evident, that to render the security of the land available, the manufacturer must be empowered, without previously applying to a court of justice (under liability to be compelled to make ample reparation for an undue exercise of the power), to attach and take possession of the land immediately that the ryot who has engaged to cultivate it commits an act of default, showing his intention not to perform his engagement; for it must be remembered, that when the time for ploughing and sowing, or the time for cutting the crop arrives (at either of which times only the contracting ryot's intention can be known), the delay of a day might render possession useless, and that it is impossible to devise a judicial process which could be applied for and issued with the requisite celerity.

Nor does it appear to me (the existence of tribunals capable of affording prompt justice to the ryots being always assumed) that any solid objection to vesting the powers of immediate attachment in the manufacturer can be urged on behalf of the ryots. It is optional with the latter to engage to cultivate or not; and therefore they cannot complain of a law which declares that after they have engaged they shall be considered to have given the only security they had to offer for the performance of their engagement, especially when the same law affords to them the ample security of the manufacturer's property that he will justly perform his part of the contract.

plant growing thereon shall be sufficiently ripe for being cut, to cause a written notice to be served on the ryot, and also affixed to the door of his house, requiring him to commence the cutting and delivery of the plant on a given day; and if the cutting and delivery of the plant be not commenced on that day, and continue till the whole be cut and delivered, it shall be competent to the manufacturer to take possession of the plant, and to employ his own or hired people to cut it down and carry it to his factory: provided, however, that a manufacturer who in any year shall take possession of a defined parcel of land, or of indigo plant growing on a defined parcel, as above authorized, shall be held to have taken possession of such land or plant subject to the payment of whatever rent may be due for the land on account of that year, to the zemindar or other person entitled to the rent thereof under existing Regulations, and also in satisfaction of all the conditions of the ryot's contract for the same year*.

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posed by Mr.
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2 July 1829.

Proviso.

Second.—It shall be the duty of the police darogahs in whose jurisdictions land or indigo plant may be taken possession of by an indigo manufacturer under the foregoing clause, upon inspection of the deed of contract under which possession is claimed, and the certificate of registry required to be endorsed thereon, by section 5 of this Regulation, to support the possession of the said manufacturer, and to prevent opposition to his servants or other people employed by him in cultivating the land and reaping its produce.

It shall also be the duty of the police darogahs to prevent any indigo manufacturer, or the servants of any indigo manufacturer, ploughing land, or taking possession of indigo plant growing on land, for which a valid deed of contract, with the prescribed certificate of registry endorsed thereon, shall not be produced.

Third.—In cases in which a ryot shall consider himself aggrieved by having been dispossessed by an indigo manufacturer of land, or of indigo plant growing on land in his occupancy, such ryot shall be at liberty within three months from the date of the dispossession com-

* The intention of the provision contained in the conclusion of this clause, is to prevent dispute about the quantity of the produce of the land taken possession of by the manufacturer, and to preclude the possibility of a balance being exhibited against the ryot, which would hold him perpetually bound to cultivate for the manufacturer on such terms as the latter might choose to prescribe.

The provision may perhaps appear objectionable on the ground that in cases in which a ryot, after having received an advance, does not cultivate the land he engaged to cultivate, the expense of the cultivation will fall upon the manufacturer, in addition to the advance already made by him for that purpose, which advance will consequently be lost to him. But this is an objection which cannot, I conceive, be maintained; for the provision allows the manufacturer, in the cases supposed, to take all that he can justly claim, and in fact all that there is for him to take. He will, it is to be observed, obtain the whole quantity of plant the land is capable of producing, and of course the whole value of that quantity; which value, if the plant be estimated at a fair price, must be sufficient not only to cover the rent payable for the land, and the expense incurred in cultivating it, but also to give a profit to the cultivator. This profit the manufacturer will have in repayment of the advance made by him to the ryot. Its amount may, indeed, fall short of the amount of the advance; but for this there can be no remedy, and the deficiency must be given up by the manufacturer as an irrecoverable loss, wholly ascribable to his own imprudence, in having advanced a larger sum than, with reference to the circumstances of the ryot, and the capability of his land, it was safe to do.

In regard to the ryot, the provision seems also unobjectionable. Its operation will be most unfavourable to him when the advance received by him shall be expended in the cultivation of the land, of which the produce shall be afterwards taken by the manufacturer. The ryot, in this case, will lose the profit which the produce would yield if delivered according to the terms of the contract, supposing those terms to be advantageous to him. But the loss will be owing to his own fault, and will be no more than a just penalty for his not performing his engagement.

I would further observe in regard to the provision in question, that it is likely to have a beneficial tendency in two ways. On the one hand, it will make it necessary for the manufacturers to inquire more particularly than they now do, as to the extent and capability of the lands occupied by the ryots with whom they deal, and to apportion the amount of advance to each, according to the probable produce of the land which he engages to cultivate. On the other hand, it will tend to induce contracting ryots (supposing the terms of contract made with them to be equitable) to keep to their engagements, by rendering it difficult for them, without the consent of the parties with whom they contract, to deliver to others the produce of the lands contracted for.

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plained of, if the estimated value of one year's gross produce of the land from which he may have been dispossessed shall not exceed 100 rupees, and within three years from that date, if the said value shall exceed 100 rupees, to institute a suit against the manufacturer for compensation for the injury done by him, in the court of the moonsiff in whose jurisdiction the land in question may be situated.

On such suit being filed in the moonsiff's court, a summons containing the substance of it shall be issued and served in the manner directed in clause 1, of section 6, of this Regulation, requiring the manufacturer complained against to answer to the complaint, either in person or by an authorized agent, within the period of 15 days, reckoning from the end of the month which usually concludes the season for manufacturing indigo, if the summons be issued during that season, and from the date on which the summons may be served, if issued at any other time of the year. After the period allowed for filing an answer to the plaint shall have expired, the moonsiff shall take the evidence adduced by the complainant in support of his allegations, and any evidence that may be offered in refutation thereof; and if on a consideration of the whole evidence the moonsiff shall be of opinion that the complainant was deprived of the possession of the land specified in his plaint, or of plant growing thereon, by the manufacturer complained against, or by his servants, without the complainant having rendered himself liable to be dispossessed under the provisions of this Regulation, he shall adjudge the said manufacturer to pay to the complainant as compensation for the injury suffered by him, over and above the costs of the suit, a sum of money equal to the value which the land specified, if cultivated with the most valuable product of the village in which it is situated, may be estimated to be capable of yielding in a favourable year, and a further sum equal to the full amount of the penalty to which the complainant under the deed of contract executed by him would have been liable had he refused to perform its conditions; or, if he shall not have executed any deed, a sum equal to the highest rate of penalty specified in the deeds of the neighbouring ryots. On the other hand, if the complainant shall be deemed by the moonsiff to have rendered himself liable to be dispossessed of the land or plant in question, under the provisions of this Regulation, his complaint shall be dismissed, and he shall be adjudged to pay the costs of the suit, and such sum in addition as may seem to the moonsiff a proper compensation to the party complained against, for any trouble to which he may be subjected*.

IX. First.--In cases in which an indigo manufacturer may not think it advisable to avail himself of the option given to him of taking possession of land, or of the produce of land in the occupancy of a cultivator refusing to perform the conditions of a contract agreed to by him; and also when that course cannot be adopted, in consequence of the deed of contract not stipulating for the produce of any particular portion of land, such manufacturer shall be at liberty to institute a suit in the court of the moonsiff in whose jurisdiction the

* It seems expedient that the time allowed for instituting suits under this Regulation, arising out of transactions of small value, should be limited to a short period after the cause of action may arise, with a view to the prevention of the obviously objectionable practice of allowing such claims to lie dormant until they accumulate to an amount not easily satisfied, and give a legal power of compelling the consent of the debtors to terms disadvantageous to them in the negotiation of future contracts.

The limitation proposed would also tend to encourage the establishment of substantial indigo plant growers, by operating as a discouragement to manufacturers dealing directly with the inferior classes of cultivators.

alleged defaulter may reside, for the amount of the penalty conditioned in his engagement, provided the petition of plaint shall be preferred within three months from the date of the alleged default, in case of the penalty claimed not exceeding the sum of 100 rupees, and within three years from that date, in case of the claim exceeding the said sum of 100 rupees. On such suit being filed in the moonsiff's court, a summons containing the substance of the plaint shall be issued and served in the manner directed in clause I. of section 6, of this Regulation, requiring the alleged defaulter to answer to the claim preferred, either in person or by an authorized agent, within 15 days, reckoning from the end of the month which usually concludes the season for manufacturing indigo, if the summons be issued during that season, and from the date on which the summons shall be served, if issued at any other time of the year. After the period allowed for filing an answer to the claim shall have expired, the moonsiff shall take the evidence adduced by the manufacturer in support of his claim, and also any evidence that may be offered by the alleged defaulter in support of his objections thereto; and if on a consideration of the whole evidence, the moonsiff shall be of opinion that the deed of contract filed by the manufacturer was agreed to by the cultivator, and that he dishonestly refused to fulfil his engagements in the manner stipulated, the moonsiff shall adjudge him to pay to the manufacturer the full amount of the penalty conditioned by the contract, with the costs of suit, or to be imprisoned in the dewanny gaol of the zillah for such limited time as may be deemed an adequate punishment for his dishonesty: provided, however, that in cases in which a contracting cultivator prosecuted under this section, shall plead inundation, or other calamity of season which he could not prevent, as the cause of his failure to fulfil his engagement, and the truth of the plea shall be satisfactorily proved, and it shall not be expressly stated in the deed of contract that he agreed to take the whole of such risk himself, he shall not be held to have incurred the penalty specified in the deed, and such award shall be passed as under all circumstances may be deemed to be equitable.*

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Second.—In cases in which a ryot, who has contracted for the cultivation of indigo plant on a defined parcel of land, and whose contract has been registered and advertised in conformity with the provisions of this Regulation, shall have been induced by a person not a party to such contract to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person in the court of the moonsiff for his undue interference, in like manner as it is competent to him to prosecute the defaulting ryot in that court under the foregoing clause of this section; and if it shall be established by the evidence adduced, that the defendant received any part of the produce of the parcel of land which the defaulting ryot was bound by his registered deed of contract to deliver to the

* It was obvious that the penalty conditioned in deeds of contract, executed by ryots who possess no property, will have little or no effect in inducing them to fulfil the conditions of their engagements, if the courts be only empowered to adjudge them to pay the penalty, and if imprisonment in execution of the decrees passed against them may be evaded by claiming the benefit of the Regulation for the relief of insolvent debtors, to which they must be admitted, or suffer imprisonment for life. On this consideration, I have thought it expedient to provide, that ryots dishonestly evading the fulfilment of their engagements, shall be adjudged either to pay the pecuniary penalty conditioned in the engagements, or in lieu thereof, to undergo such a limited term of imprisonment as may be deemed an adequate punishment for the dishonest act committed by them.

This provision, I beg to remark, will have the same effect as the measure recommended in the memorial of the Jessore manufacturers.

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plained of, if the estimated value of one year's gross produce of the land from which he may have been dispossessed shall not exceed 100 rupees, and within three years from that date, if the said value shall exceed 100 rupees, to institute a suit against the manufacturer for compensation for the injury done by him, in the court of the moonsiff in whose jurisdiction the land in question may be situated.

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IX. First.—In cases in which an indigo manufacturer may not think it advisable to avail himself of the option given to him of taking possession of land, or of the produce of land in the occupancy of a cultivator refusing to perform the conditions of a contract agreed to by him; and also when that course cannot be adopted, in consequence of the deed of contract not stipulating for the produce of any particular portion of land, such manufacturer shall be at liberty to institute a suit in the court of the moonsiff in whose jurisdiction the

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The limitation proposed would also tend to encourage the establishment of substantial indigo plant growers, by operating as a discouragement to manufacturers dealing directly with the inferior classes of cultivators.

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alleged defaulter may reside, for the amount of the penalty conditioned in his engagement, provided the petition of plaint shall be preferred within three months from the date of the alleged default, in case of the penalty claimed not exceeding the sum of 100 rupees, and within three years from that date, in case of the claim exceeding the said sum of 100 rupees. On such suit being filed in the moonsiff's court, a summons containing the substance of the plaint shall be issued and served in the manner directed in clause I. of section 6, of this Regulation, requiring the alleged defaulter to answer to the claim preferred, either in person or by an authorized agent, within 15 days, reckoning from the end of the month which usually concludes the season for manufacturing indigo, if the summons be issued during that season, and from the date on which the summons shall be served, if issued at any other time of the year. After the period allowed for filing an answer to the claim shall have expired, the moonsiff shall take the evidence adduced by the manufacturer in support of his claim, and also any evidence that may be offered by the alleged defaulter in support of his objections thereto; and if on a consideration of the whole evidence, the moonsiff shall be of opinion that the deed of contract filed by the manufacturer was agreed to by the cultivator, and that he dishonestly refused to fulfil his engagements in the manner stipulated, the moonsiff shall adjudge him to pay to the manufacturer the full amount of the penalty conditioned by the contract, with the costs of suit, or to be imprisoned in the dewanny gaol of the zillah for such limited time as may be deemed an adequate punishment for his dishonesty: provided, however, that in cases in which a contracting cultivator prosecuted under this section, shall plead inundation, or other calamity of season which he could not prevent, as the cause of his failure to fulfil his engagement, and the truth of the plea shall be satisfactorily proved, and it shall not be expressly stated in the deed of contract that he agreed to take the whole of such risk himself, he shall not be held to have incurred the penalty specified in the deed, and such award shall be passed as under all circumstances may be deemed to be equitable.*

Proviso.

Second.—In cases in which a ryot, who has contracted for the cultivation of indigo plant on a defined parcel of land, and whose contract has been registered and advertised in conformity with the provisions of this Regulation, shall have been induced by a person not a party to such contract to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person in the court of the moonsiff for his undue interference, in like manner as it is competent to him to prosecute the defaulting ryot in that court under the foregoing clause of this section; and if it shall be established by the evidence adduced, that the defendant received any part of the produce of the parcel of land which the defaulting ryot was bound by his registered deed of contract to deliver to the

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This provision, I beg to remark, will have the same effect as the measure recommended in the memorial of the Jessore manufacturers.

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prosecutor, the moonsiff shall adjudge the defendant to pay to the prosecutor the amount of the penalty specified in the said deed, together with all costs of suit.*

X. First.—Any person who may be dissatisfied with a decision passed by a moonsiff under this Regulation, shall be at liberty to appeal from it to the judge of the city or zillah to whose authority the moonsiff who passed the decision may be subject, provided the petition of appeal be presented to the judge within the period of three months from the date of the moonsiff's decision. The decision of the city or zillah judge on the appeal shall be final, unless the Sudder Dewanny Adawlut shall see special reason for revising his proceedings; in which case it shall be competent to that court to admit a special or second appeal, and to annul or alter the decision of the city or zillah judge, as may be deemed proper.

Second.—It shall be competent to a city or zillah judge, to whom an appeal may be preferred under the foregoing clause, and also to the Sudder Dewanny Adawlut, in a case in which a special appeal may be admitted by that court under the same clause, to affirm the decision appealed from, without calling upon the party interested in its being upheld to file an answer to grounds urged for the appeal, if after a revision of the whole of the proceedings held in the case those grounds shall be deemed insufficient to warrant the reversal or alteration of the decision; provided, however, that no decision appealed from shall be reversed or altered without notice of the appeal having been given to the party in whose favour the decision may have been passed, and a reasonable time allowed to such party to file an answer to the objections urged against it by the appellant.

XI. The rules in force in regard to the value of stamp paper to be used, and the fees chargeable in summary suits and summary appeals, and also the rule which requires that summary suits and summary appeals shall be taken up and disposed of before suits and appeals standing on the regular file of the courts, shall be applicable to suits and appeals instituted under this Regulation; provided, however, that the decrees passed in suits and appeals under this Regulation shall have equal force and validity as decrees passed in regular suits; it being hereby declared, that the said suits shall be subject to the rule in regard to regular suits which enacts that the cause of action in such suits, after having been tried by a court competent to take cognizance thereof, shall not be tried a second time by the same court, and shall not be open to further litigation in any shape but that of appeal to a superior court.†

XII. First.—Whenever a party obtaining a decree in the court of a moonsiff, under the provisions of this Regulation, shall be desirous of having it enforced, he shall present a petition, either in person or by an authorized agent, to the moonsiff who passed the decree, praying for its execution, either by the arrest and imprisonment of the party answerable for the amount adjudged, or by the attachment and sale of any property that may be possessed by him, a specification and description of which shall be annexed to the petition. The moonsiff,

* The provision contained in this clause, it will be remarked, is in effect the same as that suggested in the letter of Messrs. Alexander & Co.

† It is to be observed, in regard to the suits intended to come within the provisions of this Regulation, that although made subject to the rules applicable to summary suits for reducing law charges and ensuring speedy decision, they will be in every other respect the same as regular suits; that is to say, the whole evidence on both sides will be examined, and the whole merits of the dispute investigated before decision.

after comparing the petition with the decree in the original record of the suit, shall cause the party against whom execution is applied for to be served with a written demand for payment of the amount adjudged against him, within the period of 15 days: the demand shall be served by a peon of the moonsiff's court, and if it cannot be served personally on the party to whom it is addressed, it shall be affixed to the outer door of his usual place of residence, which shall be deemed to be a sufficient service of it.

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Second.—If the amount due under the decree shall not be satisfied within 15 days, the moonsiff, immediately after the expiration of that period, shall report the case to the judge of the city or zillah to whose authority he may be subject, transmitting with his report copies of the decree, of the petition applying for its execution, of the demand served upon the party answerable for its amount, and of the return made thereto.

Third.—On the receipt of the moonsiff's report by the city or zillah judge, the latter, if the person answerable for the amount of the decree possess property of value equal to the amount, shall cause such property to be attached and advertised for sale in satisfaction of the decree, conformably to the rules prescribed in Regulation VII. of 1825, and shall order the property to be sold on the day appointed for the sale to take place agreeably to advertisement, should the decree not be previously satisfied. If the person answerable for the amount of the decree possess no property, the judge shall cause him to be arrested and committed to the dewanny gaol, to be there confined for the limited period adjudged by the decree.

Fourth.—In cases in which an appeal shall be preferred from the decree of the moonsiff within the time allowed for appealing, it shall be competent to the judge to stay execution pending the appeal; provided property answerable for the amount of the decree shall have been attached, or if no property be forthcoming, provided the appellant shall give sufficient security for his appearance when required, in the event of the decree being affirmed.

Fifth.—Petitions for the execution of decrees passed under this Regulation shall be presented, if the amount of decree do not exceed 100 rupees, within the period of three months, and if the amount exceed that sum, within the period of one year from the date of the decree for the execution of which the application is made. In cases in which execution shall not be applied for within the prescribed period, the decree-holders shall be considered to have relinquished their rights to demand execution*.

XIII. No objection shall be taken against any deed of contract for the cultivation and delivery of indigo plant on account of its not bearing the proper stamp, provided that it be executed on paper bearing a stamp of such an amount as would be required under the rules in force for a bond of the amount actually advanced, or acknowledged to be advanced, as the consideration for entering into the agreement.

XIV. The cutting down and taking away by force or otherwise, or the damaging or causing to be damaged by means of cattle or otherwise, indigo plant growing on land, for the cultivation of which an advance of capital has been made by an indigo manufacturer or other person, to the injury of such manufacturer or other person, or of the

* For the reason of the provision contained in the last clause of this section, see the second Note in explanation of Section VIII.

(67.) Indigo ryot by whom the plant may have been cultivated, is hereby declared
 Planters: Re- to be a criminal offence, punishable by the magistrate with imprison-
 ment and labour for a term not exceeding one year.
 regulation pro-
 posed by Mr.
 Ross;
 2 July 1829.

In cases attended with severe wounding or homicide, or other aggravating circumstances, the persons charged with having been concerned in the commission of the offence shall be brought to trial before the commissioner of circuit, and shall be liable, on conviction, to such punishment as the commissioner, under the general Regulations, may be competent to award.

(68.) Indigo
 Planters: Mr.
 Prinsep's Notes
 26 Oct. 1829.

(68.)—Mr. H. T. Prinsep's NOTES, dated 26th October 1829.

Note.—I HAVE made an Abstract of Mr. Ross's Regulation for disputes regarding indigo plant, which is annexed hereto, having deemed it impossible to judge of a matter of this description without having the substance of the rules in a compressed form before me, so as to allow ready comparison one with another, and that the scope and effect of the whole might be seen by having all the parts in a small compass under view at the same time.

What is new in principle in the Regulation may be summed up shortly under the following heads:

Section III.

1st. Europeans have full liberty given them to purchase, lease and occupy all manner of tenures of land, under the condition of liability to all the civil courts, whether administered by native or European judges.

Sections IV. &
 VI. Third.

2d. Ryots are declared to have the right of determining what crop shall be taken from land, unless the contrary can be proved by the zemindar, and of disposing of their crop of indigo plant at pleasure.

Sections V. &
 VIII.

3d. Indigo manufacturers engaging with ryots for plant grown on defined parcels of land, and registering their contracts with the moonsiff, have a lien, and may enforce it on their own authority, over the land for cultivation, if they please, and over the crop for reaping, being answerable however for the zemindar's revenue.

(N. B.—By Regulation VI. 1823, they have only a lien on the indigo crop, enforceable by summary process to be taken out in the zillah adawlut.)

Section VIII.
 Clause Third.

4th. For abuse of the authority so granted, the manufacturer may be sued before the moonsiff, and cast in the same penalty as the contract stipulated against the ryot, besides costs; the suit, however, is not to be proceeded in till after close of the indigo season, and then to be tried after 15 days.

Section IX.
 First.

5th. Manufacturers may sue out the penalty of their contracts before the moonsiffs, in lieu of proceeding against the land or crop, in which case the calamity of season may be pleaded in bar, unless the contrary is specially stipulated. If decreed against the ryot, the decree to adjudge a term of imprisonment in commutation.

Section IX.
 Second.

6th. A third party inducing a ryot to fail in his contract, to be liable for his penalty, on proof of receipt of any part of the crop.

Section X.

7th. One appeal allowed to the zillah judge, who may dismiss without calling on the decree-holder to plead, if not satisfied with the grounds of appeal. Second appeal may be allowed by Sudder Dewanny Adawlut to that court only.

Section XI.

8th. Exemption from institution fees and other stamp duties levied in regular suits; also the advantage of priority of adjudication

is granted as in summary suits, with the full effect of a regular decree.

9th. Making away with plant proved by a registered contract, or damaging it by turning in cattle, is made a criminal offence cognizable by the magistrates.

The other provisions are of detail, prescribing forms to be observed. These Government may adhere to or vary at pleasure. The first question is, whether the above principles are sound, and ought they to be admitted wholly or in part as the basis of an enactment; will they remove the evils complained of, or do other good to the parties whose interests are at stake, or to either or any of them, without prejudice to others? In so far as these questions can be answered affirmatively, the rules proposed may be adopted, but if the benefit be doubtful and injury to any class apparent, Government will not, it is presumed, entertain propositions which threaten such a result.

First.—The unrestricted authority for Europeans to hold land without being subject to the local criminal law, is a measure this Government can scarcely venture upon at present. There are many well-informed people who do not consider the right of holding land to be at all connected with the necessary local control of European residents; who think the latter equally indispensable whether the Europeans hold land or not; nay, who go the length to argue that the confusion which calls for the remedy of a local tribunal is greater, because of the shifts and expedients resorted to in consequence of the restrictions to their holding lands: I am not of this opinion. The unqualified removal of the restrictions of Europeans holding land, would open to them a new branch of speculation not entered upon by them hitherto, because of their legislative exclusion, viz. land jobbing or other zemindarry jobbing. The purchase of tenures sold by the courts or collector for arrears or for private debts, with a view to profit from enhancing the revenues drawn from the ryots, is, and most fortunately for the credit of the Government and nation, has been since 1793, confined to natives. Had the old families holding rajagees and zemindaries, which to the extent of more than half of the Government jumma for Bengal, were sacrificed to the inflexible rigour of the Cornwallis system, seen their estates, one after the other, fall into the hands of English adventurers; had they seen these people watching about the collector's cutcherry for a bargain purchase at each public sale, their feelings, and those of the great body of the people, towards their governors, would have been widely different from what they now are. It cannot however be necessary to enter on this ground; suffice it that hitherto, notwithstanding that natives have carried speculation in zemindarry purchases to a mischievous extreme, so as to call for a legislative remedy for the evils which ensued, there has been no land jobbing by Europeans; there have indeed been occasional purchases and more frequent farms be-namee, that is, in the name of native dependants or children, but these have all been subsidiary to other speculations, to aid the extension of indigo cultivation, or to afford facilities for more chimerical projects, which have been attempted everywhere with various success, and the farms have been taken and the purchases made with an anticipation of loss on the bargain more frequently than the contrary; nothing of the kind has been entered upon as a primary object of speculation, and that simply because it was forbidden, and because no capitalist at Calcutta would advance the funds for engaging in such a line of adventure so long

(68.) Indigo
Planters: Mr.
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Section XIV.

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as it was so. If the restrictions were at once to be wholly removed, this line of adventure must be expected to be superadded to the other inducements to reside and seek fortune in the interior which now exist; and while the number of adventurers would be augmented beyond measure, their relations with the people would be more complex, and the materials of collision would be infinitely multiplied, while the single restraining authority at present possessed by Government, in its power of removing Europeans without trial, would become wholly inefficient. With what face could the Government ask to reserve to itself a power of removing a man from his inherited or purchased freehold? And how can it be reconciled to the laws and prejudices of England, whence confirmations of this authority will have very shortly to be solicited, to leave in the hands of Government the means of separating the proprietor from his fee simple, and the tenant, who has been encouraged by the law to embark capital freely in a speculation for increased produce from his tenure, at the moment perhaps when it begins to yield return. What has been said hitherto applies only to born subjects of England; their legitimate descendants born in this country, with the rights of their parents in respect to law and those of their country for location, will be much more embarrassing. In short, what is meant to be urged is simply this, that wholly to remove existing restrictions on the residence and occupation of land by Europeans before we have a local law strong enough to control Europeans, or a legislature competent to make such a law, would be beginning at the wrong end; to say nothing of the doubtful competency of this Government legally to make a great alteration in the constitution of the Government and its system of administration, as established under orders from England, and as confirmed by the Legislature of England, nor of the obligation to obtain from the same authorities some previous sanction for every departure from the fundamental principles they have laid down for our guidance.

Section III. of Mr. Ross's draft may, however, be omitted without injury to other principles of his proposed enactment; and it is to be considered how far these also will stand question.

The second point noticed above is, the declaration of the ryot's right to cultivate what produce he pleases, and to engage to deliver his crops to whomsoever he pleases. I believe it would be of the best effect; and no more than their just right, to make this declaration in behalf of the khodkasht ryots of Bengal; but in the draft it is put much too generally. When land is assessed with a money rent according to its quality, nothing can be fairer than to leave the occupant cultivator to settle what he will grow each year, and how dispose of his crop; but nearly half the land of Bengal is rated by its produce: rice land paying so much, and sugar land, &c. its different rate. In such cases no change can be made without an arrangement between the parties; and to allow sugar land to be turned to indigo at the will of the ryot only, would deprive the receiver of the rent or revenue of more than half his income. In like manner, when the zemindar's rent or revenue is drawn as a proportion of the crop, or as commutation for the same, a change made to indigo without his knowledge would wholly disorganize his relations with the tenant, who might yet be an hereditary occupant entitled to hold, without power in the zemindar to remove him. The remedy afforded in Section VI. third clause of the draft, throws the onus of proof on the zemindar, and is sharp practice against him, seeing that he will be concluded in perpetuity if the

manufacturer's contract be once admitted to registry. If Mr. Ross's rule had been drawn as applicable only to ryots paying fixed money rents for defined portions of land, there could be no objection to it; on the contrary, it would be a highly beneficial provision, as tending to declare their rights and establish their independence, but it will do mischief if left general.

Third.—The extension of the lien granted by Regulation VI. 1823, to the usufruct of the land, instead of confining it to the crop of indigo growing thereon, is a beneficial provision, and I think manufacturers might be allowed to enforce planting and reaping, where they have contracts for defined parcels of land, in some manner analogous to that laid down. But the condition of registry and advertisement in the moonsiff's court, according to the process of the draft, will quite defeat the provision of any good effect it is calculated to produce: for, in the first place, engagements are seldom entered into, and advances never made, so much as three months before the commencement of the time for cultivation; nor is the time of cultivation anywhere fixed and certain; in Bengal, it is always dependent on the fall of rain. Again, the engagements are counted by thousands for each factory of any size, and in amount run for the most part from two and three rupees to eight and ten advanced on each: the expense and trouble of registering and advertising, and of making the copies prescribed of so many deeds, not to mention the stamps, would amount to 50 per cent. at least on the total advances of a factory, and would consequently be an expense both of money and (what is of more importance) of time, such as no concern could bear. Doubtless, specification of the land with its boundaries, so as to be capable of identification, must be a condition of a manufacturer's obtaining process against land or against its crop. The further condition of registration, with notice served both on the ryot and upon the land, is superfluous and impracticable, and calculated to render abortive the whole provision.

The remedy afforded by this part of the draft seems to proceed upon the principle, that all the affrays, violence and bloodshed that take place, have their origin in the difficulty experienced by indigo manufacturers in holding ryots of acknowledged occupancy, who have allowed their land to be measured off and defined, and have publicly signed contracts for growing indigo there for delivery at a given factory, to the terms and stipulations of their engagements; but it is not on account of such ryots that affrays occur; it is where, in the eagerness to extend cultivation, the manufacturer presses money upon a half-unwilling ryot, or on one of several joint ryots, or on ryots who have no right to change their cultivation without the zemindar's permission, or on ryots not in possession; in all which, and 500 similar cases that might be cited, the manufacturer has not the land measured out to him and specified, but relies on the ryot's word as to his possession, and as to the land's fitness for the plant, confirmed perhaps by a dishonest gomashita. Ryots, in any of the above predicaments, will get advances from as many factories as they can, intending to be dishonest to all. The remedy should be sought, not by increasing the power of the manufacturer over his good ryots, about which there is no dispute, but by applying checks to the practice of entering into loose contracts, and making advances to unknown persons, without seeing the land engaged to be cultivated. With Mr. Ross, I would give no redress to a planter who made advances without visiting the

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land in person, and having it measured out to him, and in whose contracts the boundaries were not specifically described and laid down, so as to be capable of identification: a rule of this kind would do infinite good, provided the police and courts were strong enough to prevent people from thriving by violence; but the manufacturers trust, at present, to their lutheral to supply the deficiency of their contracts. The stronger party benefits always by the looseness of an engagement; and while this is the case, that is, while through the inefficiency of the existing law to protect the weaker, the manufacturers can bear down the ryots by hired ruffians, it may be part of their policy to cry out against the system, as compelling them to resort to such means of righting themselves; but Government will not readily be persuaded that they are the oppressed class who require to have their hands strengthened by farther legislative provisions. I do not say this would be the effect of Mr. Ross's proposed Regulation; for Mr. Ross has very properly required a contract, with specification of boundaries and other clear stipulations, as the condition of a manufacturer's exercising the powers he has conferred; but for this very reason it will be ineffectual for the purpose, and will neither prevent affrays and fights for the growing crop, nor afford facilities in settling the disputes when brought afterwards into court by parties, none of whom will be found to have the pukka engagement Mr. Ross has assumed as a preliminary to the application of his remedy.

Fourth.—The fourth point noticed as new in the draft is, that it opens the moonsiff's courts for redress. The class of persons who fill the situations of moonsiff throughout the country are unfortunately not of the first credit and respectability. It is said that every large manufacturer makes a point of having the police darogahs in his pay: it would be much more worth his while, if this Regulation were to pass, to pay for the moonsiff's good will; and unless the situation were differently filled from what it is at present, he would assuredly do so. If local pergunnah courts could be provided of good character, and filled with men of the class who are now generally appointed sudder ameens, I should see no objection to making them the arbiters of quarrels between indigo manufacturers and their ryots and neighbours, or even with zemindars; and if it be intended to substitute such persons for the present moonsiffs, the rule or something similar might be passed; but I should prefer to see it drawn for making the cases cognizable by sudder ameens, with power to the Government to increase their number and locate them when required, because of the good repute these officers enjoy, which the moonsiffs do not.

With respect to the fifth point, the summary process for recovery of the penalty, when the manufacturer prefers this to proceeding against the land or crop, and the admission of the plea of calamity of season in bar to such an action, with the adjudication of a term of imprisonment for default of payment, are new provisions. There is one objection, however, which occurs *in limine* to the grant of any special favoured process in respect to contracts for delivery of indigo. Why confine the rule to indigo, when the same principle will apply to advances for sugar, cotton, rice, or any other produce? The summary process should be given to all or none; and for this reason, the consideration of this part of the draft should be taken up along with the determination as to the expediency of passing a Regulation of the kind proposed by me, some time ago, for the purpose of opening the summary courts to all simple-contract debts, agreeably to the instruc-

tions to that effect issued by the Honourable Court of Directors. (68) *Indigo*
 Supposing Mr. Ross's rule to be made general for all contracts, and *Planters: Mr.*
 assuming the moonsiff's court to be put on the respectable footing of *Prinsep's Notes*
 the present sudder ameen's courts, I see no objection to the principle 26 Oct. 1829.
 of these provisions of this draft, nor to the admission of the plea
 of calamity of season, and the fixing by the decree a limit to the term
 of imprisonment in default of payment, the defaulter being then
 released under the rules applicable to insolvents.

Sixth.—I see also nothing inequitable in making an interloper, who
 has induced a ryot to fail in his contract, answerable jointly and sever-
 ally with him for the penalty; nor in making proof of the clandestine
 receipt of the article contracted for to another, by the interloper,
 sufficient evidence of his being the inducing party to warrant decree
 against him; but this also should be extended to all articles, and not
 confined to indigo.

Seventh.—The single appeal to the zillah judge, with special appeal
 to the Sudder Dewanny Adawlut when the failure of justice is glaring,
 are manifest improvements on the present system, which leaves cases
 to be observed for years in the most defective of all civil tribunals, the
 provincial courts of appeal. I should anticipate, however, that both
 before the moonsiff's and in the zillah court, cases instituted under
 the Regulation would frequently be found to involve new points of
 law and complex interests, such as it would be the height of injustice
 to decide summarily, and pass a conclusive decree upon, without
 allowing both the time to plead and produce evidence, and the process
 of investigation laid down for disputes of a formal character, when
 made matter of regular action. The rule, therefore, of my draft al-
 lowing transfer of a case by the judge, whether native or European,
 to the regular file, will deserve consideration, if the draft should be
 approved, or a Regulation founded on it be ordered to be prepared.

Eighth.—Europeans can be allowed no exemption from stamp duties
 for their cases which may not be granted to natives. The quarrels
 of indigo planters are not, *par excellence*, entitled to indulgence in this
 respect; so long, therefore, as the institution fee is paid for the court's
 assistance in recovering any kind of contract debt, the manufacturers
 of indigo must pay it on their suits, whether the process of investi-
 gation be shortened or not. This question, like that of the expediency
 of opening the summary courts for the recovery of simple-contract
 debts, must be taken up and considered as a general one, not as con-
 nected merely with the disputes between indigo manufacturers and
 their ryots.

Ninth.—There cannot be the least objection to the ninth and last-
 mentioned rule; viz. that for making the abstraction, or wilful damage
 by cattle, of indigo crops punishable as a criminal offence: if indeed
 the act were proved against a stranger, it would be so now; the diffi-
 culty is in the proof. Mr. Ross, I presume, intends to include the
 contractor amongst the parties so liable criminally; for in him it is
 equally a fraud committed against the party to whom he had engaged
 to deliver the plant. The wording of the rule as it now stands leaves
 this doubtful; indeed it would, by a strict interpretation, exclude him.

The above observations on the new principles adopted in Mr. Ross's
 draft have extended to such length as to preclude any present refer-
 ence to the detail of the rules of process. The first question indeed,
 for Government to decide is, whether to adopt the principles advo-
 cated by Mr. Ross, and made the foundation of his draft; if the

(68.) Indigo determination on this point be affirmative, it will then be time to
 Planters : Mr. examine the rules in detail.
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 26 Oct. 1829. 26th October 1829. (signed) H. T. PRINSEP, Secretary.

Abstract of Mr. Ross's INDIGO REGULATION, Section II., Sections III.
 IV. V. and VI.

REGULATION XXXVIII. and corresponding, rescinded; also Regulation VI. 1823, and Regulation V. 1824.

II. Parts of Regulation XXIII. 1814, and XIX. and other Regulations, so far as inconsistent with this Regulation.

III. Europeans may purchase, rent and occupy land; thereby become amenable to moonsiffs and the civil courts.

IV. Occupant ryots may, so long as occupant, cultivate any article they please, and may engage to deliver plant to whomsoever they please. Planters have no right, except as derived under special engagement voluntarily entered into by *owners* or *occupants*.

V. First.—Indigo planters advancing for plant on defined land, to have a lien or interest in the produce of that land, provided their engagement be uniform, and recorded and witnessed as prescribed; also that particulars be specified as laid down, and the deed be registered with the moonsiff, and advertised in the village three months before commencing cultivation.

Second.—Particulars: 1st. Name of village; and, 2d. Boundaries of the land, and its name, if any. 3d. Rate or price per bundle of plant, with dimensions of the bundle, and amount of advances. 4th. Date for commencement of cultivation, and date for completion. 5th. Penalty of non-performance.

Third.—Moonsiff to register by entering a copy in a book, and by sticking up the substance in his cutcherry, and a bamboo on the field, also on the ryot's door.

Fourth.—Original to be returned after registry and advertisement, with certificate under seal, and moonsiff to forward copy to the judge of the zillah.

Fifth.—Fee of — rupees leviable as condition of registering each deed.

Sixth.—Registers to be inspected for fee of eight annas.

VI. First.—Moonsiff to receive and determine objections to registry. Registering contractor to be summoned to reply to objections within 15 days, by notice in usual form.

Second.—Evidence to be entered on by moonsiff; and if objections be established, he may annul the contract, and award compensation to objector, and *vice versa*, costs and compensation against him if not proved.

Third.—But no objection admissible on ground of non-occupancy by contracting ryot, or non-competency to contract, if occupant, without consent of zemindar, unless it be established, by original accounts of the village, with gomashtha's or putwarry's and mundul's evidence, and occupants, of adjoining lands, that the objector himself cultivated in the preceding year, and was occupant at the date of contract, or unless, in the second case, the objector is the zemindar or rent-receiver, and is entitled to prescribe cultivation.

Further, no prior deed to be ground for annulling a registered deed, unless the same parcel of land be specified and defined therein.

VII. On a ryot under registered engagements refusing to cultivate indigo, or refusing to deliver plant, the planter to have the option of taking usufruct for the year, subject to the conditions of the following section, or of prosecuting for the penalty of the contract.

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VIII. First.—If taking usufruct, planter to give written notice of intention ten days before the day fixed for commencing cultivation; copy to be affixed to ryot's door. If not commenced and completed by the date fixed in the contract, the planter may seize and cultivate with his own ploughs and people. If the ryot have cultivated, similar written notice to be given to cut and deliver; failing which, the planter may; provided, however, that if so taking, the planter shall be liable to the rent for the year, and other conditions of ryot's contract.

Second.—Darogahs, after inspecting planter's registered deed, to support his assumption of usufruct or crops as above, and to prevent any ploughing or reaping by planters, except under process as above, and with registered contracts.

Third.—Ryots aggrieved by abuse of above powers to sue planters before the moonsiff; if gross annual produce of the land seized or reaped does not exceed 100 rupees, summons to be served with notice of suit as in section 6, requiring answer in 15 days from last day of the last month of the indigo season, if issued during the season, or 15 days from date of summons at other periods. If wrong is proved, moonsiff is to decree, besides full costs, damages equal to value of the most valuable product the land of the village is estimated to yield, and a further sum equal to the penalty of the contract leviable on the ryot for failure; if the plaint be dismissed, plaintiff to be amerced, besides costs for compensation to planter.

IX. First.—If the planter do not seize land or crop, or be unable from non-specification in the deed, he may sue before the moonsiff for the penalty of the contract, at any time within three months from date of default if not exceeding 100 rupees, and three years if above. Summons of notice to answer 15 days after close of season, &c. as in section 8, to issue, and moonsiff to decree penalty with costs, commutable to imprisonment in dewanny gaol.

Proviso, that if inundation or calamity of season be established, and the deed do not specifically throw this on the ryot, no penalty will be incurred.

Second.—If a contracting ryot have been induced by a stranger to evade or refuse performance, the party imposed may prosecute the stranger in the moonsiff's court, and recover the same penalties as against the ryot, on proof that defendant received any part of the produce of the land.

X. First.—Appeal to lie from moonsiffs to zillah judge, if lodged within three months, and the judge's decree to be final, unless appeal be permitted by Sudder Dewanny Adawlut to itself.

Second.—Moonsiff's and judge's decrees may be affirmed, without calling for answer to the vajooahat, if the grounds appear insufficient, but not altered without argument and hearing.

XI. Stamps and priority to be regulated as for summary suits, both in original and appeals, under this Regulation; but judgments to have effect as in regular suits, and not to be levied a second time.

XII. First.—To enforce decrees, petition to be lodged with moonsiff, for arrest or attachment, and sale of property, with specification annexed. Moonsiff to serve a written demand on defendant for pay-

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ment in 15 days; this to be affixed to the house, failing service on the person.

Second.—Failing payment in 15 days, case to be reported to the zillah judge.

Third.—Who will order property to be attached, and advertised for sale under Regulation VII. 1825. Failing property, the person to be arrested and sent to gaol for the period allotted in commutation.

Fourth.—In case of appeal from moonsiff, the judge may stay execution if attachment of sufficient property have been made, applicant giving security.

Fifth.—Application to enforce decrees must be presented in three months if not exceeding 100 rupees, and one year if exceeding; failing application in time, decree-holders to forfeit right to demand execution.

XIII. No objection to indigo deeds on account of stamp not being proper, if on stamp as per scale for bonds.

XIV. Cutting and taking plant by force by other than a registered contractor, damaging crops by cattle, declared criminal and cognizable by magistrates; penalty, imprisonment with labour for one year; commitment for trial by commissioner of circuit, in case of wounding or affray.

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(69.)—Mr. *Shakespeare's* NOTES, dated 1st January 1830.

Mr. Ross in his Minute argues, that no protection being afforded by the laws, either to the cultivator or manufacturer of indigo, they are left to follow the course which they each conceive to be most conducive to their own interests and gain.

The cultivator endeavours to evade the performance of his contract when any advantage can be gained by so doing; while the manufacturer, on the other hand, left to his own means for the protection of his rights, is prepared to support or defend them by force.

Mr. Ross proposes to remedy these evils and afford legal protection to both parties, "by raising the qualification and powers of the courts of the moonsiffs;"—"The only tribunals so situated as to be accessible to both parties, and capable of administering justice equally to both."

"On them only," Mr. Ross adds, "can poor suitors, as well as rich, personally attend the investigation of their suits; an advantage essential in trials in the first instance to the attainment of justice, and which all courts of original jurisdiction should be capable of affording."

The establishment, however, of an efficient system of local judicature, would not of itself, in Mr. Ross's opinion, be sufficient to relieve the indigo planters from the difficulties they have to contend against: First, when the ryot, having received advances, will not sow or cultivate his land; Secondly, when he refuses to deliver the produce of the land to the manufacturer who advanced his money for it.

After pointing out the insufficiency of the existing law to afford redress in either of the above cases (for the first of which, indeed, the law does not profess to afford any), Mr. Ross suggests "the removal of the prohibition against Europeans holding lands, and the empowering indigo manufacturers to attach and to take the usufruct of land, to the produce of which they have acquired a right by contract with the occupant, immediately upon the latter refusing to plough or reap, or to do any acts necessary to enable him to fulfil the conditions of his contract."

As the Regulation framed by Mr. Ross is intended to give effect to the measures above suggested, I shall proceed to examine the several provisions of it in detail; merely noticing in this place, that Mr. Ross lays great stress at the conclusion of his Minute, on the necessity of raising the qualifications of the local courts of judicature, without which no amendment of the laws with a view to correct the evils complained of will be productive of advantage.

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On the preamble I remark, that no mention is made of one of the principal objects of the Regulation, viz. empowering the manufacturer to attach and cultivate the land, in the event of the ryot's neglecting or refusing to do so.

II. The clauses of this section go to rescind the Regulations which prohibit Europeans from holding lands; also the Regulations relating to the cultivation of indigo, and to annul all existing rules which might interfere with the exercise of the powers proposed to be conferred on moonsiffs, all which must depend on the proposed Regulation standing or not in its present shape.

III. I conceive that Government will consider the facilities now afforded to Europeans to hold lands to be sufficient, and that they are not prepared to adopt Mr. Ross's suggestion for removing *in toto* the prohibitory laws made in that respect.

The rule in clause 2, section 13, Regulation XXIII. 1814, which restricts the moonsiff from hearing suits in which Europeans, &c. are parties, should be specifically rescinded.

IV. As this Regulation requires much pruning, I would leave out the whole of this section, declaratory of a ryot's right to do what he pleases with his own land, and of a manufacturer not being entitled to the produce of lands which he may not have contracted for, or which may not have been legally assigned to him; all of which appears rather superfluous.

If the sentiments expressed in this section are intended, as Mr. Ross's note to it imports, to teach the ryots proper ideas of independence, there is too much reason to think that they would have the very opposite effect to promoting good-will between the planters and ryots. Whatever the Regulation might proclaim, no planter, I suspect, if he could possibly prevent it, would allow a ryot who had formerly cultivated lands contiguous to, and for the benefit of his factory, to carry the produce to another.

The ryot is unquestionably at liberty to do what he chooses with the produce of his own land, but I doubt much whether the happiness of the ryot (certainly not the prosperity of indigo making) would be promoted by promulgating the rule of independence proposed by Mr. Ross. Rivalry amongst Indigo establishments requires no additional excitement; wherever it has been carried to any great extent, the effects have proved alike destructive to the morals of the people, the tranquillity of the district, and the pecuniary interest of the parties concerned.

V. First.—I see no objection to this clause, which is an improvement upon section 2, Regulation VI. 1823, excepting as to the manner of advertising the particulars of contracts entered into the village three months before the cultivation commences. Advertising many thousand contracts is a serious task; and not to be able to engage for lands at any time antecedent to cultivation seems a hard and unnecessary restriction.

Second.—The 4th item of the deed of contract had better be omit-

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ted, as a fruitful source of dispute. The commencement of cultivation must depend on rain; how then can it be fixed beforehand, or its completion calculated?

I would recommend that the deed should contain clauses empowering the planter to sow, cultivate and cut the crop, if the ryot neglect or refuse to do so at the proper season. This would at all events make the ryot aware of the consequences of his idleness or dishonesty.

Third, Fourth, Fifth and Sixth.—The machinery of this Regulation is too minute and complicated to work well. After the deed is registered (that is, a copy entered in a book), an advertisement containing the substance of it is to be stuck up in the village, and on a bamboo to be erected on the spot, and on the door of the contracting ryot (which implies that he had not attended the registry.)

Here is an original deed, a copy of it, and three abstracts, and three processes for notification, besides a second copy of the deed to be transmitted to the judge. No planter nor ryot (on whom a large share of it would fall) could possibly bear the expense which in many thousand beegahs of cultivation would amount to many thousand rupees.

I quite agree with Mr. Ross that the moonsiffs might be made extremely useful in the registry of the deeds. But it would not, I think, be too much to expect, that the ryot and the factory gomashita should attend before the moonsiff in open court for the registry; and I should hope that the publicity so given would be sufficient to prevent frequent frauds, without the precaution of notifications and bamboo marks.

My idea is, that the registry book should be signed and paged by the judge, or his assistant, and that the entries should be made subject to the same forms as are prescribed for the registry of deeds at the zillah stations by registrars.

As to the fees for registry, I should say they ought not to exceed four annas for each deed, and the same fee for consulting the register.

VI. First, Second, and Third.—This rule for inquiring into and deciding on objections made to a registered contract seems good, and may stand equally well, although the advertisement before objected to should not be published. But I would not attempt to lay down any rules for the moonsiff's guidance in the decision of particular cases, as in the third clause. It would be utterly impracticable to prescribe rules to meet every case that might come before them; and if thought worthy to be trusted, I should prefer leaving them to the exercise of their own judgment and discretion.

In the note to the last clause, Mr. Ross seems to contemplate the appointment to the office of moonsiff of a more respectable and better qualified class of natives than those now employed. I confess I am at a loss where to look for such a number of men as would be required to fill the places of the present moonsiffs; the most that could be done would be for the zillah judge to select the best men to fill the office in parts of his district, where the powers conferred by the Regulation are most likely to be called into play.

VII. This is an important section, empowering the planter to take possession and cultivate the lands during the current year, for the produce of which he may have advanced, should the ryot himself refuse to cultivate; and authorizing him also to take the plant, should the ryot refuse to deliver it.

The rule very properly applies only to lands for which the contract has been registered, and has not been subsequently annulled.

The two things might, I think, be more distinctly defined. First, the mode of procedure to be adopted by the planter in case of the ryot's refusal to sow and cultivate. Secondly, the process by which the former should attach the crop, in the event of the latter refusing to deliver the produce.

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VIII. First.—The rules in these two cases, applying as they do to such very different acts and circumstances, appear to me to be inconveniently mixed up in the next section and clause.

Moreover, they should expressly refer to cases in which the planter "shall have just reason to believe that an individual under engagement with him is evading, or about to evade, the execution of his contract," (as in section 3, Regulation VI. 1823.)

As the rule stands in clause 1, section 8, it would seem that in every case of cutting the plant a ryot must be served with a written notice to cut, which would be very inconvenient. I believe the rules proposed by Mr. Ross are no more than are already acted upon by planters when ryots refuse to cultivate or to deliver the produce of their lands; and I see no just reason why the practice should not be sanctioned by law; more especially if, as I have suggested, conditions to the effect authorized be entered in the contract.

If it is objected that the power is open to abuse, I would answer that it would be much less so if exercised under prescribed rules, particularly if it is restricted to lands engaged for under written and registered contracts. If not abused, there can, I imagine, be no question as to the justness of the abstract principle on which the power is granted, viz. that the planter is entitled to the produce of the land for which he has advanced his money.

I agree with Mr. Ross in the fairness of the rule at the conclusion of clause 2, which declares that if the planter takes the crop, he takes it in satisfaction of all the conditions of the contract, and moreover that he must defray the rent of the land to the person entitled to it.

Second.—This clause provides for the support of the police officers, when the planters may take possession of land or plant under registered deeds.

Third.—I see no necessity for the distinction here made in the amount of claim of a ryot against a planter, and in the period of limitation in bringing it forward: would it not be better simply to rescind the rule which prohibits moonsiffs from trying suits in which an European is a party, and to say that in all transactions regarding the cultivation of indigo, whether the demand be for the recovery of advances or the penalties specified in contracts, or for damages sustained by a ryot by the exercise of the powers vested in planters under any of the provisions of this Regulation, it shall be competent to the moonsiff to receive, hear and decide the case, subject to the rules prescribed for his guidance in other cases?

It is already contemplated to extend the powers of moonsiffs to the trial of suits in which the amount may not exceed 300 rupees, which will cover nine out of ten of the suits brought forward either by planters or ryots.

I am not however aware of any objection to requiring that a claim under 100 rupees should be preferred within three months; but I cannot help thinking that the whole of this clause is unnecessarily complex, especially in the adjustment of the penalty recoverable by the ryot, viz. "a sum of money equal to the value which the land specified, if cultivated with the most valuable product of the village in which

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it is situated, may be estimated to be capable of yielding in a favourable year, and a further sum equal to the full amount of the penalty to which the complaint, under the deed of contract executed by him, would have been liable had he refused to perform its conditions."

Let the ryot cultivate and state his own damage, and the award be left to the moonsiff, if within his competency.

IX. First.—In like manner, these detailed rules of proceeding on the complaint of a planter to recover the penalty of an unperformed contract, are to my apprehension equally superfluous.

The power given to the moonsiff in the concluding part of this clause to sentence a ryot, for breach of his engagement, "to be imprisoned in the dewanny gaol of the zillah for such limited time as may be deemed an adequate punishment for his dishonesty," in addition to the penalty and costs of suit, does appear to me a very extraordinary power given to a moonsiff.

Second.—By this clause persons not a party to the contract between a ryot and planter, who shall induce the former to evade the performance of his contract, and shall receive any part of the produce contracted for, may be sued for the penalty specified in the contracts.

I think this will be a salutary check to the practice which it is intended to guard against.

X. First.—Provides for an appeal from the decision of the moonsiff to the zillah judge, and a special appeal to the Sudder Dewanny Adawlut.

Second.—Allows either of the appeal courts to affirm the decision of the courts below, without calling on the respondent to answer, unless there appear grounds to reverse the decision of the court below, in which case notice shall be given to the respondent, who shall be allowed to file his answer.

I must say, I do not see any special grounds for taking indigo suits decided by a moonsiff, out of the established routine of appeals. It will always be optional to the judge to reserve cases of more than ordinary importance for his own hearing, and that mode of proceeding appears to me preferable to the one suggested.

XI. I object also to this section giving a preference to indigo suits over others, in their turn of hearing, and in amount of the stamp paper and fees chargeable to such suits. The planters ought to be satisfied with the facilities afforded to them by the Regulation, in enforcing their contracts and securing the produce to which they are entitled under them. In granting these facilities and allowing access to the local courts to both parties, the law will have done all that can reasonably be expected.

XII. First to Fifth.—I concur with Mr. Ross, that moonsiffs should be allowed to execute their own decrees not appealed against, not only in indigo, but in all suits; but there seems no necessity for the detailed rules proposed in these clauses. It will be sufficient to declare them competent to do so without reference to the judge, to whom however a report should be made of the execution of the process, and to whom of course every defaulter would be sent for confinement in the zillah gaol under the general Regulations.

XIII. This rule regarding the stamp on which a deed of contract for the cultivation and delivery of indigo should be written, corresponds with that prescribed in section 7, Regulation VI. 1823.

XIV. I believe this rule, for declaring the cutting and taking away by force, &c., or (wilfully should be inserted) damaging indigo plant,

punishable by the criminal courts, will have a good effect in restraining such practices.

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General Re-
marks.

Upon the whole, it will be gathered from the foregoing remarks, that some of the provisions and some of the details into which Mr. Ross has entered in the draft prepared by him, may, in my humble opinion, be dispensed with; but that the plan of requiring deeds to be registered by the moonsiff, and the rules proposed for authorizing the planter to sow and cultivate and appropriate the crop of a recusant ryot, are necessary to the support and maintenance of the just rights of the parties concerned.

A very short time will suffice to show the emoluments derived by moonsiffs from the registry of contracts. In many jurisdictions it will perhaps be something considerable, and will enable the judge to select from the officers of his district, or elsewhere, persons most competent to discharge the heavy additional duties which the registry and cognizance of suits relating to indigo concerns, will involve.

Integrity and impartiality, and firmness to decide in favour of the weak against the strong, when justice demands it, are the qualifications most needed for the office; and if it is liberally paid, it is not, I hope, too much to expect that they may be found.

1st January 1830.

(signed) H. SHAKESPEAR.

(70.)—Mr. Shakespeare's ADDITIONAL NOTES, dated 24th April 1830.

(70.) Indigo
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As the Governor-general in Council does not appear to approve of the provisions suggested either by Mr. Ross or myself, for authorizing indigo planters to have possession of lands when the ryot refuses to sow and cultivate, or the rules proposed for establishing registry offices under the moonsiffs, and allowing them to try suits between planters and cultivators; I beg leave to submit the following suggestions for the consideration of Government, by which some of the grievances complained of may be remedied to a certain extent.

In section 2, Regulation VI. 1823, it is stated that a person making advances for the cultivation of indigo, shall be considered to have a lien and interest in the indigo plant produced, and shall be entitled to avail himself of the process prescribed in the two following sections for the protection of his interests.

The provisions of those sections, however, proceed on the assumption that the plant has actually been produced on the land for the cultivation of which the advances were made. They provide no means to compel the ryot to cultivate, nor to punish the first and most important breach of his engagement, on which the whole interest of the person advancing depends, and for the protection of which the Regulation professes to have been enacted.

The only remedy afforded by the Regulation in case the ryot fails to cultivate, is to be found in section 5, and consists in a summary process for the recovery of the advance, with interest, or in a regular suit for the enforcement of the penalty specified in the agreement. But the objections taken to those rules, on the manifest inutility of suing paupers either in one way or the other, are so unanswerable, that the argument does not require to be enlarged upon.

Is there no remedy then for a person who advances his money under specific contracts? or can it be just, that the receiver should take the money on false pretences, without the remotest intention of

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fulfilling his engagements, while he escapes punishment, and leaves the advancer to sue him in the civil court?

Surely this is contrary to the commonest principles of equity and good faith. It is acknowledged to be so in contracts for work, section 5, Regulation VII. 1819; why not in contracts for ploughing and sowing, and delivering of indigo plant.

The following rule is proposed on this part of the subject: "In addition to the rules provided in Regulation VI. 1823, it is further declared, that in cases in which a ryot who shall have received advances, and entered into a written agreement for the cultivation and delivery of indigo plant in the manner indicated in the Regulation, shall wilfully neglect or refuse to sow or cultivate the ground specified, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate or joint magistrate, shall be liable to a sentence of imprisonment not exceeding one month; the magistrate or joint magistrate may likewise require the person so convicted to sow or cultivate the ground specified, if it shall appear just and proper to require the same; and any subsequent conviction of wilful neglect or refusal to comply with such requisition, shall be punishable by a further sentence of imprisonment not exceeding two months."*

A rule of this nature would meet the complaints which have been made of ryots ploughing up seed already sown, or sowing the ground with rice after it had been sown by them with indigo.

In short, next to allowing the planters to take possession of the ground during a season, it seems to be the only remedy which can be given to the planter against a fraudulent ryot.

The next point to be considered, is the best means of preventing the interference of a third party between the planter and the ryot who has taken his advances.

It is stated in the letter from Messrs. Alexander & Co. to Government, with which this discussion commenced, that, "If Government would be pleased to consider the contracts of the indigo planter as forming the good-will of concerns, and introduce a rule to punish the party interfering with the contracts during their existence, by summary process, instead of the ryots, or interfering after notice having been given that previous contracts exist, an immediate stop would be put to the present unfair competition, and an infinity of trouble and labour saved to the officers of Government."

The following clause is proposed to remedy this grievance: "In addition to the rules prescribed in clause 3, section 5, Regulation VI. 1823, it is hereby provided, that in cases in which a ryot who has contracted for the cultivation of indigo plant on a defined parcel of land, shall have been induced by a person not a party to such contract, to evade in any manner whatsoever the performance of its conditions, it shall be competent to the party injured thereby to prosecute the defaulting ryot, and such person for his undue interference; on proof of which to the satisfaction of the court trying the case, the said person and the ryot shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit."†

This is merely an extension of the rule referred to in Regulation VI., which provides only for cases in which the contracting ryots may

* Suggested by some of the Judges of the Sudder Dewanny Adawlut. Vide Resolution of Govt.

† Suggested by Mr. Rattray.—Ed.

have sold *and delivered the produce* of the land contracted for to a third party, whereas the objection is to restrain third parties from *illegally interfering at all* during any stage of existing contracts. Or the amendment may run thus: "The rules contained in clause 3, section 5, Regulation VI. 1823, are hereby declared to extend to all cases in which it shall be established that a third party has knowingly and wilfully interfered to induce a ryot to evade in any manner whatsoever the performance of his contract for the cultivation and delivery of indigo plant."

(73.) Indigo
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Notes;
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The process by which pecuniary penalties are liable to be adjudged, cannot, as desired by Messrs. Alexander & Co., be made summary consistently with the general Regulations.

The foregoing remarks are confined to the two points specially referred for consideration to the sudder court. If I am not misinformed, the remedies suggested will (though not to the full extent of their expectations) be satisfactory to the parties who have applied to Government for redress; there is nothing in them contrary to the spirit of our Regulations; and when it is considered what vast interests are at stake, the immense population supported by the advances, the assistance those advances afford in the realization of the public revenue, and the value of the trade, it may reasonably be expected that the Government will not withhold from those engaged in it such aid as can be properly and legally granted to them, without endangering the rights of others.

It has occurred to me, on reading some of the reports lately received from the local authorities, on the subject of indigo cultivation, that the ryots ought to possess some mode of extricating themselves from the factory books, on the expiration of their contracts, when no longer desirous of cultivating their land with indigo.

It is stated that when a ryot once takes advances, a planter will not allow him to emancipate himself, and that he is reluctantly compelled to continue the cultivation.

The following remedy in substance is suggested by Mr. Walters, the magistrate of Dacca, and seems open to no objection, unless it is the trouble that it may occasion to the European local officers, already sufficiently burthened with business: "Any person who may have received advances under written agreement for the cultivation of indigo, and may be desirous, on the expiration of the period of his contract, to settle his accounts with the person or factory from whom or from which he may have received the said advances, shall be at liberty, in the event of the proprietor of the factory, or the person acting in his behalf, refusing to settle the same, to apply to the zillah judge, who, after a summary inquiry into the merits of the case, shall receive in deposit the amount of the balance which may appear to be due from the ryot aforesaid, and shall grant him a release from his engagement, paying over the amount of the balance to the proprietor or the person acting in his behalf." Clause 2: "Should the proprietor or person aforesaid, however, refuse to receive the balance awarded to him by the summary process above provided, the judge shall return the amount to the plaintiff, leaving the defendant to seek his remedy by a regular suit."

The only remaining point which I shall notice is the severe damage suffered by both the planter and the ryot by cattle trespassing on indigo fields; for the prevention of which I would suggest the following clause:

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Planters: Mr.
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Additional
Notes:
24 April 1830.

"Persons wilfully damaging or causing to be damaged indigo plant, by allowing cattle to trespass thereon, or by any other means, shall, on the complaint of the ryot to whom the crop may belong, or of the manufacturer by whom advances may have been made for the cultivation and delivery of the said plant, be liable, on proof of the offence, to such punishment by fine and imprisonment, as the magistrate is competent to inflict under section 19, Regulation IX. 1807, due regard being had to the nature of the case, and the circumstances in life of the offender."^{*}

Should the Governor-general in Council approve of all or any of these suggestions, a very short preamble would suffice for their introduction in the shape of a Regulation.

(signed) H. SHAKESPEAR,
Secretary to the Government.

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ment.

(71.)—RESOLUTIONS of the Government.

Read a Memorial from certain Indigo Planters in Zillah Jessore, dated the 16th of March 1829, and its Enclosures:

Read Letter from Messrs. Alexander & Co. dated the 29th April 1829:

Read Letter written to the Registrar of the Nizamut Adawlut, by order of Government, 5th May, 1829:

Read Petition from Indigo Planters in Dacca Jelalpore, dated the 11th May 1829:

Read a Letter written to the Registrar of the Nizamut Adawlut, on the 29th May 1829:

Read Letter from the officiating Magistrate of Jessore, dated the 29th May 1829, and its Enclosure:

Read Letter written to the Registrar Nizamut Adawlut, on the 9th June 1829:

Read Letter from the Magistrate of the city of Benares, dated the 8th August 1829, and its Enclosures:

Read Letter written to the Registrar Sudder Dewanny and Nizamut Adawlut, on the 25th of August 1829:

Read Extract from the Territorial Department, dated the 1st of September 1829; containing a Letter from Indigo Planters in Jessore:

Read Letter written to the Registrar Sudder Dewanny and Nizamut Adawlut, on the 5th September 1829:

Read two Letters from the Magistrate of Dacca Jelalpore, dated the 5th and 11th May 1829:

Read Letter from the Magistrate of the City of Dacca, dated the 7th May 1829:

Read three Letters from the Commissioner of Circuit of the 15th or Dacca Division, dated the 7th and 16th May, and 25th November 1829, and Enclosures:

Read a Letter from Registrar Sudder Dewanny Adawlut, dated 9th October 1829, with Minutes and Draft of Regulation:

Read Notes by Mr. H. T. Prinsep, dated the 29th October 1829, and Abstract alluded to therein:

Read two Letters by the Secretary, dated the 1st January and 24th April 1830:

^{*} In substance suggested by Mr. Ross. Vide resolution of Government and Mr. Ross's proposed Regulation, Section XIV.—*Ed.*

RESOLUTION :

It is sufficiently manifest in the foregoing papers, and from the information obtained from other sources in the course of the inquiries lately instituted on the subject of indigo cultivation, that most, if not all of the evils complained of by the planters, are inherent in the system by which large sums of money are advanced to an indigent population, without security to the manufacturer, or adequate remuneration to the cultivator to ensure the cheerful and honest performance of his contract. Hence he endeavours to evade it when any advantage can be gained by so doing, while the manufacturer, on the other hand, knowing the futility of instituting legal proceedings against a pauper, seeks to support his claims by unauthorized and violent means.

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ment.

The most advantageous change for both parties that could be introduced in indigo transactions would doubtless be the abolition of the system of advances; but the cultivating classes are, generally speaking, so poor, and the custom is so deeply rooted in the habits of the people, that there is little probability of that change being effected. The present state of the market may, however, of itself have a beneficial tendency in checking the eager competition which prevailed in the manufacturing districts in 1823, when it was last deemed necessary to legislate upon this subject. The planters will probably bring their cultivation within narrower limits; there will no longer be the same inducement to make indiscriminate advances; and it may be hoped, that by confining their dealings to the most respectable class of ryots, and admitting them to more liberal terms of contract, the difficulties which the manufacturers have complained of will, in a great degree, be obviated.

His Lordship in Council is encouraged in these expectations by the favourable testimony almost universally borne by the local authorities to the character of the present European planters, and their treatment of the natives around them.

The report of the Sudder Dewanny and Nizamut Adawlut, and the provisions suggested by Mr. Ross for the improvement of the laws relative to transactions between the planters and persons cultivating indigo under engagements, have been deliberately considered.

There are several of Mr. Ross's suggestions which appear judicious, and may at some future period be adopted, whenever it may have become practicable to raise the character and qualifications of the native local officer, both civil and police. His Lordship in Council apprehends that it would not be safe to entrust the present class of officers with the arbitrament of disputes between European planters and the native cultivators.

Moreover, the Government is not prepared to remove, to the extent recommended by Mr. Ross, the prohibition against Europeans holding lands. They have, in fact, been conditionally relaxed of late by the Resolutions passed in the Territorial Department on the 17th February 1829; and the existing rules will, it is hoped, afford the facilities to the planters which are contemplated in the measure suggested by Mr. Ross.

But while the Governor-general in Council is adverse to the provisions above noticed of Mr. Ross's draft, and to the permission proposed to be given to the manufacturer to take possession of a contracting ryot's lands, in the event of his refusing to sow or cultivate, or deliver the produce, he is sensible of the hardship to which the manufacturer is exposed by acts so destructive to his prospects; and he deems it just that the manufacturer should be protected against

(71.) Indigo Planters: Resolutions of the Bengal Government. them so far as may be consistent with the rights of others, and with the principles of Regulation VI. 1823, which recognises the lien and interest of the planter in the produce of the lands for the cultivation of which his money had been advanced.

The only remedy afforded by that Regulation, in case the contracting ryot refuses to cultivate, is contained in section 5, and consists in a summary process for the recovery of the advance, with interest, or in a regular suit for the enforcement of the penalty specified in the agreement.

The inadequacy, however, of these remedies is sufficiently proved by the documents under consideration; and his Lordship in Council concurs in the opinions expressed by some of the judges of the Sudder Dewanny Adawlut, that the principles of section 5, Regulation VII. 1819, might with propriety and good effect be made applicable to such cases.

Another grievance complained of is the undue interference of third parties between the planter and cultivator, in the performance of the contract entered into by the latter. This evil is only partially provided against in the third clause of section 5, Regulation VI. 1823, when the contracting ryot shall have sold and delivered the produce of the land contracted for to a third party; and it seems equally just to prevent as much as possible such interference during any stage of existing contracts between the planter and the ryot who has received advances from him.

In addition to the defects in the present system adverted to in the foregoing remarks, it has been stated by some of the local authorities in their reports on the subject of indigo cultivation, that ryots who have once taken advances from an indigo factory are unable at the expiration of their contracts to emancipate themselves from their connexion with the factory, and are reluctantly compelled to continue the cultivation of their lands with indigo. This is a very serious grievance, and calls for the intervention of the Legislature.

It appears also desirable to adopt the rule suggested by Mr. Ross for the prevention of trespass on indigo fields, which is represented to be the source of much injury and ill-will between the planters and the people.

With these sentiments and views, the Governor-general in Council is pleased to pass the following Regulation, which is directed to be printed and published in the manner prescribed by Regulation XLI. 1793, to stand as Regulation V. of 1830.

(72.)
Regulation V.
1830.

(72.)—A. D. 1830.—REGULATION V.

A REGULATION for amending the provisions of Regulation VI. 1823, and for providing more effectually for the enforcing the execution of Contracts relating to the cultivation and delivery of Indigo Plant; passed by the Governor-general in Council on the 9th June 1830, corresponding with the 28th Jeyte 1237, Bengal era; the 3d Assar 1237, Fushy; the 29th Jeyte 1237, Willaity; the 3d Assar 1887, Sumbut; and the 17th Zehij 1245, Higerree.

Preamble.

WHEREAS the rules contained in Regulation VI. 1823, (extended to the provinces of Orissa, Behar and Benâres, and to the Ceded and Conquered Provinces by Regulation V. 1824,) for enforcing the execution of contracts relating to the cultivation and delivery of indigo

plant, have been found in a great measure ineffectual: And whereas it is deemed just and proper to extend the penalties prescribed by section 5, Regulation VII. 1819, to contracts for the cultivation of indigo plant, and to provide for the punishment of persons convicted of damaging indigo crops: And whereas it is desirable in certain cases to afford to persons who may be unwilling to renew their contracts for the cultivation of indigo, the means of obtaining by summary process a release from their engagements; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

(72.)
Regulation V.
1830.

II. In addition to the rule prescribed in clause 3, section 5, Regulation VI. 1823, it is hereby declared, that in cases in which a ryot who shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo plant on a specified portion of land, and to deliver the produce of such to one individual, shall have been instigated and induced by another person to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person for his undue interference, as well as the defaulting ryot; on proof of which to the satisfaction of the court trying the case, the said person and the ryot shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit.

Persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the penalty specified in such engagements.

III. It is hereby further provided, that all persons who may have received advances, and have entered into written agreements for the cultivation of indigo plant, in the manner indicated in Regulation VI. 1823, and who without good and sufficient cause shall wilfully neglect or refuse to sow or cultivate the ground specified in such agreement, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate or joint magistrate shall be liable to a sentence of imprisonment not exceeding one month. The magistrate or joint magistrate may likewise require the person so convicted to sow or cultivate the ground specified, if it shall appear just and proper to require the same; and any subsequent conviction of wilful neglect or refusal to comply with such requisition shall be punishable with a further sentence of imprisonment not exceeding two months.

Persons contracting for the cultivation of indigo plant who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and be liable to punishment.

IV. Persons wilfully damaging or causing to be damaged indigo plant, by allowing cattle to trespass therein, or by any other means, shall, on the complaint of the ryot to whom the crop may belong, or by the manufacturer by whom advances may have been made for the cultivation and delivery of the said plant, be liable, on proof of the offence, to such punishment by fine and imprisonment as the magistrate is competent to inflict under section 10, Regulation IX. 1807; due regard being had to the nature of the case, and the circumstances in life of the offender.

Persons damaging indigo plant, how to be proceeded against and punished.

V. First.—Any person who, having received advances under a written agreement for the cultivation of indigo, shall be desirous on the expiration of the period of his contract to settle his account, shall be at liberty, in the event of the proprietor of the factory or the person acting in his behalf refusing to settle the same, to present a petition to the zillah court; and the judge, after a summary inquiry in the presence of the parties or their authorized agents into the merits of the case, shall, on proof of the expiration of the contract, if there be no balance due from the petitioner, or if the petitioner shall deposit in court the amount of any balance that may be adjudged to be due from him, grant the said petitioner a release from his en-

Persons wishing to be released from their engagements, to petition the judge in certain cases.

The judge to hold a summary inquiry.

If no balance be due from the petitioner, or the balance be

deposited in court, the judge to grant a release, and pay the balance to the proprietor of the factory. The judge how to proceed if the proprietor object to receive the balance.

gagement, and shall pay over the amount of any balance that may be deposited by him to the proprietor, or to the person acting in his behalf.

Second.—If the proprietor or person aforesaid shall refuse to receive the balance awarded to him by the summary process above provided, the judge shall return the amount to the petitioner, leaving the defendant to seek his remedy by a regular suit.

ORDERED, That a copy of the foregoing Resolution be sent for information to the Court of Sudder Dewanny Adawlut, in reply to their Registrar's letter of the 9th October last.

(74.) Indigo Planters. Para. 5. to 12, letter, dated 8 Sept. 1829; whole letter, dated 1 June 1830; para. 8 to 12, letter dated 9 Nov. 1830.—Indigo Planters.

(74.)—LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Judicial Department); dated 10 April 1832.

1. WE proceed to reply to the paragraphs of your letters noticed in the margin which relate to indigo planters.

2. The two first of these letters are in answer to our orders of the 6th August 1828, requiring you to furnish us with some information respecting the indigo planters, and the last refers to memorials presented to you on their behalf, and the consequent enactment of Regulation V. of 1830.

3. You say it will afford us satisfaction to learn from the reports of the magistrates and commissioners that the local officers generally entertain a very favourable opinion of the character of the European planters, and that they are represented as kind in their treatment of the natives. Such undoubtedly is the opinion expressed of them by most of the magistrates and commissioners in the papers you have transmitted to us. Yet, although we are not disinclined to give credit to those favourable reports of the planters, it is obvious that such accounts must be received with some allowance for the delicacy of the inquiry, and for the disposition which men naturally feel to speak favourably to those with whom they are in habits of familiarity and of social intercourse. "The habits of private intercourse," says the commissioner for the fifth division, "existing between the planter and the public officers is a point of considerable moment, but it is a delicate matter to interfere with. I have known the appearance of intimacy deter the natives from bringing forward their complaints, and I incline to agree with them (meaning no doubt the natives with whom he had conversed) that the idea of throwing aside our habitual private feelings in public business is, with most of us, more specious than real." This consideration suggests the propriety of separating, as far as may be possible, the opinions of the officers from the facts to which they refer.

4. We do not, however, mean to question that among the indigo planters there are many peaceable, good, and highly respectable persons, who obey the laws, are just in their dealings, and kind to the natives; nor can we doubt that the disappointments and the losses to which they are subject from the frauds and the violence of neighbouring planters, and others who have an interest opposed to theirs, are considerable, while many contracts entered into fairly on their part may have been broken most dishonestly by ryots.

5. One of the magistrates speaks of indigo planters who had been 20 years in a district without a complaint against them; while, on the

other hand, we hear of planters who cannot hold a factory a few months without numerous complaints being made against them or their servants. There is too much reason to believe that the ryots are to a great extent oppressed and defrauded, if not by indigo planters themselves, by agents employed by them, acting in their names and for their advantage, while breaches of the peace, attended with violence, (often with wounding, and sometimes even with murder,) are committed, the chief actors in which are hired armed men, engaged by the planters for the express purpose of enforcing their claims in defiance of the law. These facts are affirmed even by those who have borne strong testimony to the personal good character of the planter.

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6. It was represented to your Government by many of the planters, and by the house of Messrs. Alexander & Co., that under the existing Regulations relative to the cultivation of indigo, and the contracts between planter and ryot, a sufficient protection was not afforded to individuals engaged in the business, and they prayed for some legislative interference in their behalf.

7. The memorialists complained that the judicial authorities had put a different construction on the Regulation from that which had been generally acted upon both by ryots and planters; that those parties had understood that the Regulation gave the planter a lien on the land for which he had contracted, and imposed on the ryot the obligation of cultivating that land according to the terms of the agreement, but that the Sudder Court had decided that the Regulation conferred no such lien until the land had been sown; and left the planter, in case of non-cultivation, to his choice of a *summary suit*, to recover the *advance with interest*, or of a regular action for the penalties stipulated in the contract.

8. The objectionable part of the Regulation as construed by the Sudder Court, was, according to the planters, that it afforded them no means of enforcing specific performance of the contract entered into by the ryot; that (except through the medium of a regular suit, which was almost out of the question) the Regulation professed to afford no assistance to the planter except in recovering his *advance* with interest, without any compensation for expense of establishment, or for loss on contracts which he might have made to deliver the dye; and that the poverty of the ryot, and the expense and delay attendant even on a summary suit, rendered the recovery even of the advance impossible. We fear that there is too much truth in these allegations.

9. The remedies which the planters proposed for the evil complained of were, that the ryot should be compelled to execute his engagement, not by the civil court, but by the aid of the police; that he should be punished criminally for his default; and that if he failed to sow the ground which he had contracted to cultivate for the produce of indigo, the party with whom he had engaged should be permitted to take possession and cultivate it himself. It will be seen that the former part of this application has been complied with, but not the latter.

10. It seems to be the general practice of the planters to advance money to ryots to cultivate indigo on lands, the boundaries of which are specified in the engagements. The ryot engages to deliver the plant at the factories at a fixed rate; and the planter considers that he has a right to such lands for the term specified in the engagement. The mode in which these contracts are made is thus described by Mr. G. Smith, assistant magistrate of Jessore, who appears to have had experience in some of the districts where indigo is chiefly culti-

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vated. "They are generally entered into by the gomastah of the factory without any interference on the part of the proprietor, who, provided he has cabooliats for the produce of a certain quantity of land, does not stop to inquire how they were obtained. They are generally, if not always, witnessed by the inferior servants of the factory, who are in most cases dependants of the gomastah, and who, so long as they are allowed to participate in a small degree in the harvest which the gomastah makes by appropriating a share of the advances to himself, are not particular as to whether the agreements they witness are *bona fide* the voluntary contracts of the ryot, or extorted by or forged by the gomastah.

"The ryot, on the contrary, availing himself of the suspicion which is generally attached to documents of this nature, and thus attested, frequently takes advances from two or more manufacturers, and gives agreements to both for the produce of the same piece of ground. The omiah of the factory last contracting, of course take care that their agreement shall be antedated, in order that the preference may be given to them when the different parties come to issue about the cutting of the plant.

"The effect of this mutual want of faith is, that it constantly causes serious affrays, filling the court with causes and the jail with prisoners.

"It appeared from the jail darogah's report, that on the 15th May there were 142 persons in jail in indigo cases; but at the season for cutting the plant the number is considerably greater."

11. A copy of a contract in Tirhoot has been given by the magistrate of that district. In other places the engagements may be differently framed.

12. The corrupt and fraudulent proceedings of the gomastahs and other principal native agents at the factories are acknowledged by the planters themselves, who describe them as extorting from the ryots, and cheating them as well as the planters.

13. Mr. Turnbull, one of the judges of the Sudder Dewanny Adawlut, says, "The contract formed with the ryot is sometimes not in writing, is frequently insufficiently defined, and is generally extremely unfavourable to the ryot, rendering him, in fact, a slave to the establishment with which he has once engaged, and thereby preventing an open and fair competition to all, which would afford the only true and effectual remedy. Too much also, it is said, is entrusted to dewans, naibs, gomastahs, and numerous others employed by the planter, who, I fear, looks but little beyond the quantity of the land procured for him, and does not pay sufficient attention to the means by which it has been obtained. In such a state of things (says Mr. Turnbull,) it cannot be much matter of surprise that the ryot, who is acknowledged to be in poverty, and has perhaps been labouring in vain for years to work off his old balances, as it is called, should readily yield to the temptation of an offer of money from a rival factory to pay off his old score, and thereby liberate himself from thralldom, as well as engage on more favourable terms." The contracts are said to be generally for two and three to eight and ten rupees advanced on each, and some of the factories have thousands of such engagements.

14. The greatest evil of which the ryots complain (says Mr. Walters,) "is the almost utter impracticability of being able to free themselves should they once have the misfortune to receive indigo advances, either by their own free will or compulsion."

15. The Commissioner of revenue and circuit, in his report, after

an inquiry into the disturbances connected with indigo concerns in a neighbouring district, says, "I examined the accounts of the ryots, and though some of the items placed at their debit appeared to me not strictly just, yet on inquiry I found the same custom prevailed throughout the district."

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16. It is further said by Mr. Walters, that if a ryot should possess the means of paying off his balances, and desire to emancipate himself from indigo cultivation, there is at present no legal process by which he can compel the planter to settle his account and give him his discharge. "The planter will not receive the money, and the ryot generally finds himself reluctantly compelled to continue the cultivation."

"Other grievances" (says Mr. Walters) "complained of by the ryots are their being forced by threats and ill-usage to enter into indigo engagements; their having other or more lands than those contracted for taken from them by the indigo servants, and being thus unable to raise other crops intended for the support of their families; their having entered into engagements, perhaps voluntarily, with one factory, and being obliged to execute engagements with another for the same lands, or although they have no concern with any factory, still having their lands forcibly sown without any pretence or colour of right. These are evils all of too common occurrence, and which it is not in the power of any magistrate to prevent. They are to be attributed more to the factory servants than to the planters themselves, though the latter do not perhaps trouble themselves much to ascertain how things are carried on, so long as a certain quantity of land is sown, and a certain produce is to be expected."

"As magistrate of Nuddeah," (says Mr. Turnbull) "I had some opportunity of witnessing the scenes of contention and strife ensuing from the various and conflicting interests to which that competition gave rise. The disorders which then prevailed in that and the neighbouring indigo districts have, I believe, nothing abated to the present day, and they are certainly such as to call for the serious interposition of Government. From the moment of ploughing the land and sowing the seed to the season of reaping the crop, the whole district is thrown into a state of ferment. The most daring breaches of the peace are committed in the face of our police officers, and even of the magistrate himself. In utter defiance of all law and authority, large bodies of armed men are avowedly entertained for the express purpose of taking or retaining forcible possession of lands or crops. Violent affrays, or rather regular pitched battles ensue, attended with bloodshed and homicide. Our police establishments are corrupted, and the darogahs are said notoriously to be in the pay of the planters, European or native, to secure their good offices. Private assassinations occasionally occur, and forgery and perjury have their full sway; in short, every species of crime is committed, and in the list I should not omit false charges of murder, arson, &c., which are very common, and are the most harassing of all to the accused, as well as to the magistrate."

17. This statement is confirmed by Mr. Walters, who says, "I will not here put on record acts which have come to my knowledge of open daring violence directed to the destruction of rival factories, but will ask where is the instance in this part of the country of the native zemindar, who, unaided by European partners or influence, has erected indigo factories, and successfully carried on the speculation

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without being in the end either entirely ruined or obliged to admit his more powerful neighbour to a share in his concern, or being himself perhaps cast into jail for standing up in defence of his own rights?"

18. The practice of indigo planters maintaining large bodies of armed men is noticed by other judges of the Sadder Dewanny Adawlut as well as by Mr. Turnbull. Mr. Ross says they are kept to enforce the ryots' contracts, and Mr. Sealy speaks of "the number of affrays that now annually take place for indigo lands, which are invariably attended with severe wounding, and frequently with loss of life, in consequence of the planters entertaining bodies of fighting men for the express purpose of fighting their battles on those occasions."

19. Mr. Walters refers to the custom of entertaining, at European and native indigo factories, a number of persons of various descriptions; sometimes proclaimed offenders, escaped convicts, or persons discharged from jails. "These people" (he says) "find a secure asylum in indigo factories, from whence they issue under cover of the night, and are guilty of heinous offences. Decoities, thefts, and even murders have been brought home to such factory retainers." The police officers, he says, are afraid to enter an indigo factory, the planters in general not being ready to assist the police, especially when suspicion falls on their own servants. It appears from a statement accompanying Mr. Walters' report that one of the indigo planters in his district has in service 240 persons under the denomination of ameens and clossees.

20. The affrays on which the planters engage, and their open violation of the laws are freely admitted by the planters themselves. Addressing the Governor-general in Council, "your memorialists" (they say) "are far from wishing to conceal from your Lordship that disputes in regard to these lands, and the rights possessed over them by the planters, have frequently arisen both between neighbouring planters and between the planter and zemindar, talookdar and other natives having, or pretending to have, a right in the land, and are willing to admit that occasional instances have occurred of violence and oppression on the part of the planter, which they are far from justifying." In another place they refer to the sources, under the existing system, from which originate "too many of the scenes of violence, and even bloodshed, with which your Lordship in Council cannot be unacquainted;" and speaking of the good effects which they think would follow from the adoption of their suggestions, they say, "many of the evils now so prevalent will speedily disappear, and the peace of the indigo districts be at once restored and preserved with comparative facility, where hitherto lawless violence and force have too frequently prevailed, as your memorialists would earnestly press on your Lordship's attention, because force and violence alone have been found able to protect private property from spoliation and ruin." Nor is this violence confined to the native agents of the planter; the notorious corruption of these persons having been noticed, the memorialists add, that the planter is "too often compelled to overlook, or sanction proceedings necessary to the protection of his property, but which unavoidably lead to broils and quarrels."

21. Mr. Prinsep, the secretary in the General department, to whom some of the papers connected with this subject were referred, made the following remarks: "It is where, in the eagerness to extend cultivation, the manufacturer presses money upon a half-unwilling ryot, or on one of several joint ryots, or on ryots who have no right to

change their cultivation without the zemindar's permission, or on ryots not in possession; in all which, and in 500 similar cases that might be cited, the manufacturer has not the land measured out to him and specified, but relies on the ryot's word, as to the possession and as to the land's fitness for the plant, confirmed perhaps by a dishonest gomastah." Mr. Prinsep says, the courts are not strong enough to prevent people from thriving by violence, and the manufacturers trust at present to their luthceals (bludgeon men) to supply the deficiency of their contracts. Mr. Prinsep adds, "the stronger party benefits always by the looseness of an engagement, and while this is the case, that is, while through the inefficiency of the existing law to protect the weaker the manufacturers can bear down the ryots, by hired ruffians, it may be part of their policy to cry out against the system, as compelling them to resort to such means of righting themselves, but Government will not readily be persuaded that they are the oppressed class, who require to have their hands strengthened by further legislative provisions."

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22. Mr. Walters says, that false complaints are made, and witnesses are suborned, but that the planter's name does not appear, though the case is brought forward by his servants, and at his expense, he himself most probably knowing nothing of its truth or falsehood. "Many a planter" (says Mr. Walters) "has confessed to me that he has been an accessory to acts, of which he would have felt himself ashamed in his own country; acts which he was driven to permit, or to lose the capital he had embarked." He remarks, that the European planters holding lands in the name of their servants are subject to no tangible responsibility. They may direct brigands to be entertained, they may plan and order attacks to be made, but if not personally present as principals, it is difficult to bring them to justice. "Instances have occurred" (says Mr. Walters) "in which the mere warning a European planter against being accessory to a breach of the peace, on the information of a police officer that armed men on his part were collected, has called forth a threat of prosecution in the Supreme Court; so that magistrates are really afraid to act against British subjects except on the strongest grounds."

23. We desire to be informed whether you have any reason to believe that the fear of prosecution in the Supreme Court, operates to prevent magistrates from executing their duties in respect to British subjects. At this distance we have not the means of forming a correct judgment on such a point; the importance of it, however, is obvious, and if Mr. Walters' imputation is well founded, an effectual remedy for so intolerable an evil should be sought without delay.

24. The memorialists represented to Government that in consequence of the influence exercised by the zemindars, talookdars, and others, their dependants were often compelled to rise in a body, and arm themselves against the servants of an obnoxious planter, who were thus prevented from ploughing, sowing, or otherwise working the land. After describing the pernicious influence of the monibe (meaning no doubt the zemindar) over the ryots, they say, his object is to extort bribes from the planter; "where this bribe is refused," (they add), "and the interference of the monibe prevents the sowing of the lands, the planter is then reduced to the necessity of taking forcible possession with his own people, or contemplating the loss of his advances, and his time, the blighting of the hopes of profit he indulged, and perhaps the prospect of utter ruin. When he is driven

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to the former course (and your memorialists feel assured it will excite no surprise if he should sometimes betake himself to it) and is resisted, as frequently happens, your Lordship in Council will be at no loss to discover the cause of scenes of occasional violence and disturbance, which the Regulation now solicited would, in the humble opinion of your memorialists, so effectually prevent."

25. The planters complain of the native zemindars, talookdars and others, as ever ready to prompt their ryots to a breach of contract, and they declare to the Government that they consider legislative interference necessary for the protection of their interests against the machinations of those persons, and even for the prevention of their utter ruin. In the representation of Messrs. Alexander & Co. it is stated that a native, interfering with an indigo planter in Dacca Jelal-pore, had persuaded the ryots not to sow their lands, that the factories were shut up, and that the expense and trouble of instituting a suit against every individual contractor, with the certainty that nothing could be recovered from a population so wretchedly poor as the ryots of Bengal, made it a hopeless case for the indigo planter to seek redress by suits against them in the court. This unfair competition is represented as the cause of those disputes from which affrays, breach of the peace, and often murder arise; and it is proposed that the party interfering with contracts, instead of the miserable ryots, should be punished by summary process.

26. In one of the memorials from Jessore it is proposed that the police officers should be required to give immediate assistance in arresting a servant or labourer refusing to work under his contract; that it shall be declared criminal in zemindars, talookdars, or others to shield or protect him, and that for so doing they shall be punishable by fine and imprisonment. It is further proposed, that lands which can be proved to have belonged to a factory for a number of years, the planters shall not be dispossessed of "by virtue of any species of tenure whatever;" this the memorialists call "an equalization of rights." They object to the consent of the zemindar being required for a lease from the ryot to the planter, and they propose that the planter should satisfy himself of the ryot's right to grant such lease, other parties having, or pretending to have, an interest, being left to make good their claims by ordinary process in the zillah courts. Thus, say the memorialists, the zemindars would have "all the protection to which in fairness and justice they are entitled."

27. These propositions seem very extraordinary from persons who admit that farms are extensively held by the European planters, in the name, and through the agency of natives, generally their principal factory servants or gomastahs, a set of men whose fraud and oppression they acknowledge to be notorious, although they often overlook or sanction their proceedings; who declare they conscientiously believe that almost all the grievances of which they complain, and almost all the disorders which have so long prevailed in the indigo districts, have arisen out of the defective state of the law and the notorious corruption of its subordinate agents; who avow that the planters bribe the omlah of the courts, as the only means of securing a fair representation of their cases, and that force and violence alone can protect their private property from spoliation and ruin.

28. Mr. Walters says that the European planter, if zemindars refuse to accede to his offer, frequently obtains a pottah or ijarah for their lands from some claimant or sharer, real or fictitious, not in possession

or perhaps from some unauthorised gomastah, and on that plea, if he cannot succeed in turning them out, at least deprives them of their rent. The planter on such occasions takes on himself all the expense of the litigation to which his ally may be exposed, and the zemindar finds himself involved in a law-suit, or is perhaps driven to commit a breach of the peace, or to look for a protector in some more powerful indigo planter; at all events the peace of the district is most generally broken, and serious consequences not unfrequently occur. "This," says Mr. Walters, "is a common practice."

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29. The extent to which these disturbances go may be well understood from the Report of the Commissioner who inquired into the troubles in Dacca Jelalpore in 1829, occasioned by disputes between a European indigo planter and a native zemindar. The European collected 500 men to sow his indigo seed, and the villagers had 1,000 to oppose him. Whenever the police officers appeared the people assembled in bodies of 2,000 or 3,000; they were summoned together by regular signal guns. On one occasion the police officers, who were attacked by a body of 2,000 men, were beaten and taken prisoners, and the magistrate thought it necessary to apply for a military force to assist him.

30. Mr. Ross very justly remarked, that to refer a ryot who had to support himself and family by his labour to a tribunal at a distance from the place of his abode for redress when an act of injustice had been done him, was in effect to deny him redress. The zillah courts, from their distance, and their being so few in number, were inaccessible to the ryots, and from their accumulation of business, of little avail to the manufacturer. The want of provision for administering the law was, in Mr. Ross's opinion, sufficient in itself to account for the disorder prevailing in the indigo districts; and although Mr. Ross proposed some alterations in the law, he insisted on the necessity of having adequate local courts of judicature, without which no amendment of the law would be of any advantage. In Mr. Turnbull's Minute we find the following passage: "Let us consider the vast interests that are involved in the matter under discussion, not merely in the lacs of rupees that are annually at stake, but as variously affecting the greater part of a large and populous district, and consider at the same moment the means we at present possess of affording prompt and effectual redress in the countless disputes which cannot but arise from such a state of things. A single factory may have formed upwards of 1,000 contracts. The parties may be distant from the only courts now open to them from 50 to 100 miles. Those courts are already overwhelmed. The matters in dispute press for decision, and cannot wait the ordinary course, for delay would render the decision nugatory, and worse, as the parties would have been needlessly subjected to annoyance and expense. What then is the remedy? I confess I am at a loss to propose any other than the appointment of a respectable sudder ameen in each tannah division, with a salary or authorized emoluments such as would incite him to a faithful and honest discharge of the important trusts which must necessarily be confided to him." The appointment of local sudder ameens was also recommended by Mr. Prinsep.

31. These suggestions, however, you did not think proper to adopt, for you were of opinion that native local officers were not yet fit to be trusted with the arbitrament of disputes between European planters and the native cultivators; neither did you approve of the plan of

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establishing a registry for contracts between the ryots and planters, which had been strongly recommended by some of the public officers, and objected to by others.

32. In Regulation VI. of 1823, it was stated that the delay and difficulty of obtaining redress by a regular action in the civil courts, in regard to the enforcement of engagements made by indigo planters with ryots, had not unfrequently led to acts of violence, and even to serious affrays, and the main object of that Regulation was to authorize the institution of summary suits to enforce such engagements. Now it is said that the rules adopted have been found, in a great measure, ineffectual; and Regulation V. of 1830 has been enacted "for amending the provisions of the former Regulation, and for providing more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant."

33. It is first provided, that he who instigates or induces a ryot to evade the performance of his contract with the planters, shall be held, jointly with the ryot, answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit. But no provision is made for inflicting penalties, costs and expenses on him who instigates or induces the planter to evade the performance of his contract with the ryot, notwithstanding it may so happen (in the case, for instance, of a disputed right of occupancy) that the ryot is properly and legally advised, that the party interfering has a perfect right to interfere, and that on the planter's side there is nothing but injustice. Although it may be true that the planter is much less likely than the ryot to attempt to evade the contract, it would still have been right to apply the clause to both.

34. By the next provision of the Regulation, a ryot who has entered into a contract under certain specific penalties to sow and cultivate for an indigo planter, is made liable for a breach of his part of the engagement, not only to the payment of the prescribed penalty, but also to punishment as a criminal. He may, in the first instance, be imprisoned by the magistrate for a month. The magistrate or joint magistrate may also require him to sow or cultivate, and any subsequent convictions of wilful neglect or refusal to comply with such requisition are punishable by a further imprisonment not exceeding two months. This is the case of a contract for the mutual benefit of two parties, voluntarily entered into with a specific penalty to which both have agreed. We are not aware of any principle on which in such a case the law, instead of recognising the terms of the agreement and the equality of the parties, should make a distinction between them. If for non-performance of an engagement one party should be punishable by imprisonment for one, two or three months, or perhaps (under repeated convictions) for a longer time, it is not very obvious why the other party, however fraudulently or unjustly he may have acted, should go free; nor do we perceive why such a rule, if in itself just, should be confined to indigo or any particular species of cultivation. We feel also a strong objection to this clause, because it attaches punishment on those who appear by the statements scarcely to be free agents. The ryot, from poverty, abjectness of spirit, intimidation, or bribery, is the victim of others far more guilty than himself. It may not be easy to visit those persons with a corresponding infliction, but it is hard that he alone should be singled out for punishment.

35. By another provision, persons wilfully damaging, or causing to

be damaged, indigo plant, "by allowing cattle to trespass thereon, or by any other means," are punishable to the extent of a fine of 200 rupees, or one year's imprisonment. We cannot help fearing that the infliction of penalties of such severity, when considered with reference to the means of the parties on whom alone they are likely to be imposed, may be productive of much oppression and injustice.

36. It appears by the preamble of the Regulation, that ryots who may be unwilling to renew their contracts with indigo planters require the assistance of the courts to obtain a release from their engagements. What the consequence would be to a ryot, the period of whose contract was expired, if he refuses to renew his engagements, is not stated; but some protection, it seems, was thought necessary. For this purpose he may apply to the judge, who will settle the account by a summary process. But after all, if the planter does not agree to the judge's decision, no release can be given to the ryot, and the parties are referred to the civil court, that place of delay and difficulty, where attempts to obtain redress are so ineffectual. For the possible case of a balance being due from the indigo planter to the ryot on a settlement of accounts no provision is made.

37. It seems to us that the effect of this Regulation is to give advantages to the indigo planters, in their dealings with the ryots, by dispensing in their favour with the ordinary course of the law, to which all other persons in the state are subject. We are not insensible to the difficulties of this subject. The planter who has already sunk a large capital in his works, and who is obliged to maintain an establishment of servants at a considerable expense, must be ruined if those with whom he contracts fail in the performance of their engagements; while the ryots having, as is customary, received advances of money from the planter, have nothing to lose but that on which, we fear, in such transactions, they set no great value—character; but on the contrary, enjoy a present advantage by selling the plant to some other person than him for whom it was originally intended. We cannot, however, sanction any legislative measure which appears, like Regulation V. of 1830, not to extend equal protection to all. It seems to us that the subject ought to have been more thoroughly sifted before you enacted this Regulation. An inquiry should have been made by one or more commissioners, specially appointed for the purpose of investigating and reporting upon the matter, examining all parties interested, and all who were cognizant of facts, or likely to offer useful suggestions, and carefully distinguishing facts from inferences, and accurately tracing the authority of every statement.

38. It is further obvious that the same rules cannot, as a matter of course, be assumed as applicable alike to persons standing in positions so different from each other as those of Behar and Bengal, and again, as any of these from the inhabitants of the Western Provinces.

39. The detail into which we have entered, though embracing many important particulars, and especially the opinions of many gentlemen, to whose sentiments much weight must be attached, leaves, it is obvious, many points unexplained, which it is very desirable to have fully developed, with a view to a clear comprehension of the actual and relative condition of the parties interested.

40. We should wish you therefore to consider the means by which the circumstances of this important branch of trade, in so far as they are likely to bear upon judicial or territorial arrangements, may be

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thoroughly investigated and reported upon, the different parts of the country in which different plans of management are understood to be followed, being distinctly considered; all classes of persons interested having a full opportunity of stating what they may desire to urge, and the matters reported being given with a specific reference to the documentary, or oral evidence on which they rest.

41. Without, however, deciding how far the views and statements given in the papers now under consideration are to be admitted or disputed, we can have no hesitation in concluding that they do not afford sufficient grounds for enforcing the engagements of the indigo ryot, by a special penal Regulation. So far from it indeed, the facts before us suggest strong doubts of the policy and justice of the measure.

42. We therefore direct that you rescind the second and third clauses of Regulation V. of 1830, and that you will revise the other clauses with reference to the remarks which we have made on them in a preceding part of this letter.*

43. We cannot conclude without impressing on you the expediency of applying some remedy to the evils disclosed in the reports to which we have referred.

44. In this despatch we have dwelt mainly on the dark side of the case, because it is from such an exhibition that the necessity of some immediate interposition on the part of Government becomes apparent. We feel that the prevalence of such flagrant misdoings in any part of the country is a reproach to our administration. We doubt not that you have seriously considered the means by which they can be finally suppressed.

45. On our part, our best attention is given to the various suggestions of the gentlemen whose opinions you have transmitted to us. One great desideratum, unquestionably, is a facility of access to courts of justice. When we advert to the power now exercised by the sudder ameens, and the general high character of that class of persons, we cannot but feel surprise that you should have hesitated to entrust them with the authority which was suggested.

46. It is much to be lamented that it is so common for Europeans to hold land in other names than their own. The planters allege that this practice is in some measure owing to the forms and restrictions enjoined by your Resolution of May 1824 on Europeans desirous to take leases of land. If this should appear to you to be the case, we authorize you to relax, though with proper caution, such of the securities prescribed in that Resolution as in your opinion may be safely dispensed with.

47. We desire you will take into consideration the expediency of establishing a complete registry of all lands held by Europeans in each district, either in their own names, or in the names of others, and of taking the necessary steps to prevent, as far as may be practicable, their occupying any unregistered lands.

48. We have only to add, that all Europeans who are permitted to

* The judicial authorities were in consequence, it is presumed, of these orders, called upon by a circular, dated 21 December 1832, issued by the Sudder Dewanny Adawlut at the desire of Government, for their opinions as to the practical effects produced by Regulation V. 1830, especially of the 2d & 3d Sections, and they were further desired to request the indigo planters residing in the several districts to favour them with their opinions on the same subject. The return of course has been made, but the clauses alluded to in the court's letters still stand unrescinded.—ED.

remain in the interior must be taught, practically, that obedience to the laws is an indispensable condition of their licence to reside there.

We are, your affectionate friends,

(signed)	R. CAMPBELL,	H. S. CLARKE,
	J. G. RAVENSHAW,	G. LYALL,
	W. WIGRAM,	HY. SHANK,
	H. LINDSAY,	J. FORBES,
	J. MORRIS,	J. STUART,
	W. YOUNG,	N. B. EDMONSTONE,
	H. ALEXANDER,	J. R. CARNAC,
	J. LOCH,	HY. ST. G. TUCKER.

London, 10th April 1832.

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76.—REMARKS by *Rammohun Roy*, on SETTLEMENT in India
by EUROPEANS; dated 14th July 1832.

(76.) Remarks
by Rammohun
Roy;
14 July 1832.

Much has been said and written by persons in the employ of the Honourable East India Company and others on the subject of the settlement of Europeans in India, and many various opinions have been expressed as to the advantages and disadvantages which might attend such a political measure. I shall here briefly and candidly state the principal effects which, in my humble opinion, may be expected to result from this measure.

2. I notice, first, some of the advantages that might be derived from such a change.

Advantages.

First.—European settlers in India will introduce the knowledge they possess of superior modes of cultivating the soil and improving its products (in the article of sugar, for example,) as has already happened with respect to indigo, and improvements in the mechanical arts, and in the agricultural and commercial systems generally, by which the natives would of course benefit.

Secondly.—By a free and extensive communication with the various classes of the native inhabitants the European settlers would gradually deliver their minds from the superstitions and prejudices, which have subjected the great body of the Indian people to social and domestic inconvenience, and disqualified them from useful exertions.

Thirdly.—The European settlers being more on a par with the rulers of the country, and aware of the rights belonging to the subjects of a liberal Government, and the proper mode of administering justice, would obtain from the local Governments, or from the Legislature in England, the introduction of many necessary improvements in the laws and judicial system; the benefit of which would of course extend to the inhabitants generally, whose condition would thus be raised.

Fourthly.—The presence, countenance and support of the European settlers would not only afford to the natives protection against impositions and oppression of their landlords and other superiors, but also against any abuse of power on the part of those in authority.

Fifthly.—The European settlers, from motives of benevolence, public spirit and fellow-feeling towards their native neighbours, would establish schools and other seminaries of education for the cultivation of the

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English language throughout the country, and for the diffusion of a knowledge of European arts and sciences; whereas at present the bulk of the natives (those residing at the Presidencies and some large towns excepted) have no more opportunities of acquiring this means of national improvement than if the country had never had any intercourse or connexion whatever with Europe.

Sixthly.—As the intercourse between the settlers and their friends and connexions in Europe would greatly multiply the channels of communication with this country, the public and the Government here would become much more correctly informed, and consequently much better qualified to legislate on Indian matters than at present, when, for any authentic information, the country is at the mercy of the representations of comparatively a few individuals, and those chiefly the parties who have the management of public affairs in their hands, and who can hardly fail therefore to regard the result of their own labours with a favourable eye.

Seventhly.—In the event of an invasion from any quarter, east or west, the Government would be better able to resist it, if, in addition to the native population, it were supported by a large body of European inhabitants, closely connected by national sympathies with the ruling power, and dependent on its stability for the continued enjoyment of their civil and political rights.

Eighthly.—The same cause would operate to continue the connexion between Great Britain and India on a solid and permanent footing; provided only the latter country be governed in a liberal manner, by means of Parliamentary superintendence, and such other legislative checks in this country as may be devised and established. India may thus, for an unlimited period, enjoy union with England, and the advantage of her enlightened Government; and in return contribute to support the greatness of this country.

Ninthly.—If, however, events should occur to affect a separation between the two countries, then still the existence of a large body of respectable settlers (consisting of Europeans and their descendants, professing Christianity, and speaking the English language in common with the bulk of the people, as well as possessed of superior knowledge, scientific, mechanical, and political) would bring that vast empire in the East to a level with other large Christian countries in Europe, and by means of its immense riches and extensive population, and by the help which may be reasonably expected from Europe, they (the settlers and their descendants) may succeed sooner or later in enlightening and civilizing the surrounding nations of Asia.

3. I now proceed to state some of the principal disadvantages which may be apprehended, with the remedies which I think calculated to prevent them, or at any rate their frequent occurrence.

Disadvantages.

First.—The European settlers being a distinct race, belonging to the class of the rulers of the country, may be apt to assume an ascendancy over the aboriginal inhabitants, and aim at enjoying exclusive rights and privileges, to the depression of the larger, but less favoured class; and the former being also of another religion, may be disposed to wound the feelings of the natives, and subject them to humiliations on account of their being of a different creed, colour and habits.

As a remedy or preventive of such a result, I would suggest, 1st. That as the higher and better educated classes of Europeans are known from experience to be less disposed to annoy and insult the natives

than persons of a lower class, the European settlers, for the first twenty years at least, should be from among educated persons of character and capital, since such persons are very seldom, if ever, found guilty of intruding upon the religious or national prejudices of persons of uncultivated minds; 2dly. The enactment of equal laws, placing all classes on the same footing as to civil rights, and the establishment of trial by jury (the jury being composed impartially of both classes), would be felt as a strong check on any turbulent or overbearing characters amongst Europeans.

The second probable disadvantage is as follows: the Europeans possess an undue advantage over the natives, from having readier access to persons in authority, these being their own countrymen, as proved by long experience in numerous instances; therefore, a large increase of such a privileged population must subject the natives to many sacrifices from this very circumstance.

I would therefore propose as a remedy, that in addition to the native vakeels, European pleaders should be appointed in the country courts in the same manner as they are in the King's courts at the Presidencies, where the evil referred to is consequently not felt, because the counsel and attornies for both parties, whether for a native or a European, have the same access to the judge, and are in all respects on an equal footing in pleading or defending the cause of their clients.

The third disadvantage in contemplation is, that at present the natives of the interior of India have little or no opportunity of seeing any Europeans except persons of rank holding public offices in the country, and officers and troops stationed in or passing through it under the restraint of military discipline, and consequently those natives entertain a notion of European superiority, and feel less reluctance in submission; but should Europeans of all ranks and classes be allowed to settle in the country, the natives who come in contact with them will materially alter the estimate now formed of the European character, and frequent collisions of interests and conflicting prejudices may gradually lead to a struggle between the foreign and native race till either one or the other obtain a complete ascendancy, and render the situation of their opponents so uncomfortable that no government could mediate between them with effect, or ensure the public peace and tranquillity of the country. Though this may not happen in the interior of Bengal, yet it must be kept in mind, that no inference drawn from the conduct of the Bengalese (whose submissive disposition and want of energy are notorious) can be applied with justice to the natives of the Upper Provinces, whose temper of mind is directly the reverse. Among this spirited race the jarrings above alluded to must be expected, if they be subjected to insult and intrusion—a state of things which would ultimately weaken, if not entirely undermine, the British power in India, or at least occasion much bloodshed from time to time to keep the natives in subordination.

The remedy already pointed out (para. 3d, art. 1st. remedy 1st.) will, however, also apply to this case, that is, the restriction of the European settlers to the respectable and intelligent class already described, who in general may be expected not only to raise the European character still higher, but also to emancipate their native neighbours from the long standing bondage of ignorance and superstition, and thereby secure their affection, and attach them to the government under which they may enjoy the liberty and privileges so dear to persons of enlightened minds.

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by Rammohun
Roy;
14 July 1832.

(76.) Remarks
by Rammohun
Roy;
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Some apprehend, as *the fourth probable danger*, that if the population of India were raised in wealth, intelligence, and public spirit, by the accession and by the example of numerous respectable European settlers, the mixed community so formed would revolt (as the United States of America formerly did) against the power of Great Britain, and would ultimately establish independence. In reference to this, however, it must be observed that the Americans were driven to rebellion by misgovernment, otherwise they would not have revolted and separated themselves from England. Canada is a standing proof that an anxiety to effect a separation from the mother country is not the natural wish of a people, even tolerably well ruled. The mixed community of India, in like manner, so long as they are treated liberally, and governed in an enlightened manner, will feel no disposition to cut off its connexion with England, which may be preserved with so much mutual benefit to both countries. Yet, as before observed, if events should occur to effect a separation, (which may arise from many accidental causes, about which it is vain to speculate or make predictions), still a friendly and highly advantageous commercial intercourse may be kept up between two free and Christian countries, united as they will then be by resemblance of language, religion, and manners.

The fifth obstacle in the way of settlement in India by Europeans is, that the climate in many parts of India may be found destructive, or at least very pernicious to European constitutions, which might oblige European families who may be in possession of the means to retire to Europe to dispose of their property to disadvantage, or leave it to ruin, and that they would impoverish themselves instead of enriching India. As a remedy I would suggest that many cool and healthy spots could be selected and fixed upon as the head-quarters of the settlers, (where they and their respective families might reside and superintend the affairs of their estates in the favourable season, and occasionally visit them during the hot months, if their presence be absolutely required on their estates), such as the Suppatoe, the Nielgherry Hills, and other similar places, which are by no means pernicious to European constitutions. At all events, it will be borne in mind that the emigration of the settlers to India is not compulsory, but entirely optional with themselves.

To these might be added some minor disadvantages, though not so important. These (as well as the above circumstances) deserve fair consideration and impartial reflection. At all events, no one will, I trust, oppose me when I say, that the settlement in India by Europeans, should at least be undertaken experimentally, so that its effects may be ascertained by actual observation on a moderate scale. If the result be such as to satisfy all parties, whether friendly or opposed to it, the measure may then be carried on to a greater extent, till at last it may seem safe and expedient to throw the country open to persons of all classes.

On mature consideration, therefore, I think I may safely recommend that educated persons of character and capital should now be permitted and encouraged to settle in India, without any restriction of locality or any liability to banishment, at the discretion of the government; and the result of this experiment may serve as a guide in any future legislation on this subject.

London, July 14th 1832.

(signed) RAMMOHUN ROY.

(77.)—CONDUCT OF EUROPEANS IN INDIA.

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THE following Paper having been drawn up by a person in the temporary employ of the Board of Control, after examination of the voluminous documents which had been laid before the Committee, relative to the conduct of Europeans in India, and having been submitted to the Committee, they have thought proper to include it in the Appendix, without however holding themselves at all responsible for any views which it may be found to contain.

THE purpose of the present Report is, to pass in review the various considerations which bear upon the question, whether the restrictions imposed on the settlement of Europeans in India should be *relaxed*, or any alteration made in the regulations to which Europeans are subject while residing in that country.

They who entertain opinions favourable to the continuance of restrictions on emigration to and residence in India, maintain that the evils which the misconduct of the European settlers creates greatly exceed the advantages which result from their residence, and that any considerable increase of their numbers would augment, in an increased ratio, the evils already produced, and lead to others of still greater magnitude.

By those who take the opposite view of this question, it is on the contrary alleged, that the settlement of Europeans in India has been productive of a large balance of advantages to that country, to England, and to the consumers of Indian productions; that the advantages have been rendered less, and the disadvantages increased, by the restrictions in question; and that the removal of these restrictions would be followed by an increase of the advantages in a much greater ratio than the increase of immigration by which it would be accompanied.

It has been thought convenient to treat the subject in the following order:—

I. To give an abstract of the Laws and Regulations which enforce restrictions, either on the settlement of Europeans in India, or on their proceedings while residing there.

II. To examine all the evidence that has been obtained respecting the effects which have resulted from past emigration, with the particular causes to which those effects have been attributed; and,

III. To consider the prospects which the removal of some or all the restrictions in question would afford, were the best practicable alterations which have been suggested, or which suggest themselves, made in the Laws and Regulations relating to European settlers.

I. ABSTRACT OF THE LAWS AND REGULATIONS RELATING TO EUROPEAN SETTLERS IN INDIA.

By 53 Geo. 3, c. 155, it is provided, that a licence or certificate from the Directors of the East India Company should be requisite to entitle any person to proceed to the East Indies. But if the Directors do not "think fit to comply" with any application made to them for such licence or certificate, they are bound to transmit the application, within one month from the receipt thereof, to the Board of Commissioners for the Affairs of India; who, if they see no suffi-

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ent objection thereto, may instruct the Directors to furnish the applicant with a certificate, permitting him to proceed to India, and entitling him, "so long as he shall properly conduct" himself, to the countenance and protection of the Company in India.

The Governor-general, or Governor of any presidency, may, "for extraordinary reasons to be entered upon the Minutes of Council," authorize the residence of any subject of His Majesty in any place under the government of such presidency, until the pleasure of the Directors shall be known in that behalf.

Section 36 provides, that if any person shall at any time so conduct himself, as in the judgment of the Governor-general, or Governor of the presidency in which such person shall be found, to have forfeited his claim to the countenance and protection of the Government, the Governor-general may declare his certificate or licence void, after which such person shall be deemed to be a person residing in India without licence or authority, "and may be sent forthwith to the United Kingdom."

But no such person is subject to any prosecution for residing in India without licence until two months after notice shall have been given to him, either personally or by publication in the Gazette, of the order by which his licence shall have been declared void.

By section 101, residence in India without licence or authority is made punishable, for the first offence, by a fine not exceeding 2,000 rupees, with imprisonment for a term not exceeding two months, unless the fine shall be sooner paid; and for the second offence, by a fine not exceeding 4,000 rupees, with four months' imprisonment, unless it be sooner paid. The offence is also punishable as a misdemeanor under previous statutes.

Sect. 103.

The licence or certificate obtained from the Directors under the provisions of this statute, merely authorizes the person to whom it is granted to reside at one of the principal settlements in India. To empower him to reside at any place distant more than ten miles from the presidency to which his license from the Directors relates, he must obtain permission from the government of that presidency, specifying the particular district in which he is permitted to reside.

This permission may either be granted for a limited time, or during the pleasure of the Government.

The Directors of the East India Company, strongly impressed with the idea that the residence of Europeans in India would be followed by very mischievous consequences, if very effectual precautions were not taken to exclude improper persons, have governed themselves by the following Rules in the increase of the power conferred on them by the Legislature :—

" Missionaries, or Schoolmasters.

Letter from the
Chairs to Mr.
Canning, of 27
February 1818.

"The Court have invariably, except in two or three instances, permitted applicants of this description to proceed to India, after being satisfied of the respectability of their character by the production of proper testimonials from persons of repute, or from the societies with which they were more immediately connected.

" Barristers, Attorneys, or Clerks to Attorneys.

"The Court have been influenced, in granting or refusing applications from persons in the profession of the law, by the representations of His Majesty's Courts of Justice in India, through the

channel of the local Governments, as to the sufficiency, or otherwise, of the practitioners, in point of number, about the time when such applications were received. With respect to attorneys' clerks, we have no such guide; but it is well known to persons acquainted with India, that few Europeans of this description are requisite, as native copying and engrossing clerks are to be procured on moderate terms.

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" Partners, or Assistants in Mercantile Houses already established.

"The Court have always been desirous of enabling every established house of business in India to provide for casualties, and to obtain such additional assistance as they might require in consequence of the opening of the trade. Accordingly, when applicants of this class have been found, on inquiry, to be individually respectable, and when it has appeared that they were invited to join persons of good character in India as partners, or with a reasonable expectation of becoming partners, the Court have acceded to their applications. Clerks, perfectly competent to the subordinate details of a counting-house, are to be found in abundance among the half-caste and the native Portuguese, as well as among the Hindoos; and the introduction of a considerable number of European clerks would clash with the employment of people of this description, particularly of the half-caste, whom it is good policy to engage in peaceable occupations.

" Shipwrights, Couchmakers and other Mechanics.

"Licences have been granted, in a variety of instances, to persons of this class: but the Court are desirous of limiting the number to what may be sufficient for the instruction and improvement of the natives in the useful arts. The latter are known to be great adepts in imitation; and their frugal habits render it impossible for Europeans to rival them in pursuits where success depends chiefly on the cheapness of manual labour.

" Agents to manage the Sale of the Carques of licensed Ships, and to procure Investments in return.

"When applications have been made by parties actually concerned in any ship or ships, licensed under the Act of the 53 Geo. 3, for permission for some person, named by them, to proceed to India, and there to remain during such limited periods as their interests might require, it has been the general practice of the Court to comply with those applications.

" Temporary Residents, to settle Private Affairs.

"In cases of this sort, the Court have required the applicants to explain the affairs upon which they desired to proceed; and when the Court have been satisfied that they were of a nature to require the presence of the applicants in India, leave has been given to them to proceed thither, and to remain as long as appeared to be necessary, under the circumstances of each case.

" Commercial Speculators, whether in the character of Principals, or Factors or Agents for Persons in Europe, and Candidates for Employment in any line in which it may be found.

"The Court have always looked with considerable jealousy to applications from this description of persons; because a general compliance with them would afford a wide opening for the indiscriminate resort of Europeans to India, contrary to principles upon which the

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administration of that country has hitherto been conducted, and to which we shall take the liberty of particularly soliciting your attention in the sequel of this letter. To show, however, the spirit by which they have been actuated on these occasions, we take the liberty of mentioning, that the authority vested in the Court, by the Act of 33 Geo. 3, to license the residence of persons at the several settlements in India, under free merchants' indentures, has, since the last renewal of the Company's Charter, been limited in its exercise to the nomination of eight free merchants annually. This arrangement was made in concurrence with the late President of the Board, expressly for the purpose of extending the opening for compliance with applications which might be preferred, upon reasonable grounds, by persons desirous of proceeding to India under the Act of 53 Geo. 3, cap. 135, sect. 33, and will, we doubt not, be considered as indicative of the Court's disposition (at the expense of all minor considerations) to carry into full effect the provisions contained in that section of the Act.

" Applications of Ladies.

"It has been the practice of the Court, before complying with applications from ladies, in the first place to ascertain that the applicants are persons of fair reputation; and, next, that they have received invitations to proceed to India, from friends or relations residing in that country,

" Applications of Menial Servants.

"The Court have always had strong objections to European menial servants, of either sex, going to India. They are generally found themselves to require the service of natives, over whom they are prone to tyrannize; whilst, in point of usefulness, they rank far below the native servants."

While residing in the interior of India, the Courts to which Europeans are subject, are as follow:—

By section 107, British subjects residing in, carrying on trade, or being in the occupation or possession of immovable property in any part of the British territories in India, at a distance of more than ten miles from the presidencies, are "subject to the jurisdiction of all courts" within the district in which they shall so reside, carry on trade, or possess or occupy immovable property, "*in all actions and proceedings of a civil nature, and in all matters of revenue, in the like manner as natives of India.*" But all persons having causes of action against a British subject, may, at their election, either sue in the provincial courts or in the Supreme Court at the Presidency.

Some difference of opinion has existed among the various law authorities to whom the question has been submitted, respecting the applicability of this clause to suits arising in the interior of India, in which both parties are British subjects. But the opinion which has been acted upon is, that the Company's Courts have no jurisdiction over such actions, but that they must be brought in the Supreme Court at the Presidency.

Section 105 subjects British subjects residing out of the towns of Calcutta, Madras and Bombay, to the jurisdiction of the Company's criminal courts in the provinces, in all cases not being felony, and empowers the courts to inflict "a suitable punishment by fine not exceeding 500 *rupees*," and to imprison the offender, if the fine be not paid, for a term not exceeding *two months*.

In cases which call for greater punishment than the Company's Courts are thus empowered to inflict, Europeans are subject exclusively to the jurisdiction of the King's Court at the Presidency. (77.) Conduct of Europeans in India.

The foregoing are all the provisions which the Legislature has seen fit to make with relation to the residence of Europeans in India; those which follow emanate from the Governor-general in Council.

By a Regulation of the Bengal Government, in 1793, it was provided, that "No European, of whatever nation or description, shall purchase, rent or occupy, directly or indirectly, any land out of the limits of the town of Calcutta, without the sanction of the Governor-general in Council;" nor should those who might make loans to natives "on the security or mortgage of their lands or leases, be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them in security for the loan." By Regulation V. of 1794, Europeans were permitted to hold land in Benares to the extent of 50 begahs each, for buildings. Bengal Reg. 1793; 38, Sec. 3.

Until 1824 the Bengal Government appears to have scrupulously avoided granting permission to Europeans to hold land. The exceptions made by the Government were very few in number, and always founded on a consideration of the peculiar circumstances of each individual case. The indigo planters had "often fruitlessly prayed for this indulgence." Mr. Trower's Min. 25 March 1825. Lords' Rept. 1830, on India, App. A. 5. No. 2.

In 1824 the Government of Bengal, being desirous of encouraging the cultivation of coffee, which could not be undertaken by Europeans without permission to hold land, established the following Regulations:—

"Europeans of respectability, being persons, of course, duly licensed as to residence, shall be authorized to take leases of land *for the cultivation of coffee*, under the following conditions and restrictions: Res. Bengal, 7 May 1821.

"7. Persons desirous of establishing coffee plantations, shall, in the first instance, apply for the permission of Government to do so, stating the district in which they propose to have the establishment, and the quantity of land they wish to include in their plantations, and each of them. Such applications to be submitted through the secretary to Government in the Territorial department.

"8. When permission is granted, the parties shall submit to the collector of the district a detailed statement of the lands which they desire to occupy, and of the terms which they may have settled with the owners and occupants, including every one whom they may know to possess an interest in the lands; this statement shall be in English, Persian and Bengalee, if in Bengal; and in English, Persian and Hindoostanee, if in Behar or in the Western Provinces; and in English, Persian and Orysa, if in Cuttack.

"9. The collector shall cause to be published, on the land desired to be taken, or in the nearest hant or village, and shall likewise stick up in his cutcherry, an ishtahar, notifying the contents of the application, and requiring all persons who may desire to submit any representation in the matter, to come forward in person or by vakeel, within the period of one month.

"10. Any representations which may be made to the collector in consequence of such notice will be duly investigated by him, and the result recorded in a regular proceeding.

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" 11. If the result of such investigation shall appear to him to render objectionable the establishment of the proposed coffee plantation, the collector shall report the circumstances to the Board of Revenue, and be guided by their instructions as to his further proceedings.

" 12. At the end of the period fixed in the ishtahar, if there shall not appear to be any objection to a compliance with the application of the party, the collector shall either proceed himself to the spot, or shall depute the pergunnah canongoe, or other ameen, to measure and mark off the land proposed to be appropriated as a coffee plantation, and to take from the several parties interested therein the necessary deeds in favour of the planter, and from the planter the requisite engagements in favour of the parties.

" 13. When the whole is concluded, the collector shall submit his proceedings to the Board of Revenue, who, if satisfied that all claims have been duly attended to and properly adjusted, will finally confirm the arrangement.

" 14. Persons licensed as above to hold lands, will, of course, be chargeable with all expenses attending the measurement and demarcation of the same, and the other necessary investigations.

" 15. Lands occupied by khoodkasht ryots, or other cultivators enjoying an hereditary right of occupancy, must not, of course, be transferred without the consent of those persons.

" 16. Where the rents may be receivable by a talookdar or other middleman coming between the ryots and the zemindar or sudder malgoozar, the right of the latter to object to the arrangement will depend on the nature of the intermediate tenure; but, in general, it is the desire of Government that no lands should be taken by Europeans unless all parties possessing an interest in the soil or in the rents shall consent to the engagement.

" 17. Europeans permitted to hold lands as above must bind themselves to submit to the award of the collector of the district, subject only to appeal to the Board of Revenue, in all matters relating to any rent or other consideration demanded from them, on account of the land occupied by them, as well as in all disputes touching the possession of the lands, or any wells, watercourses, tanks, reservoirs, or the like.

" 18. The coffee plantation shall be liable to sale by the collector, in satisfaction of any award passed by him, if not otherwise satisfied, within such time as may be appointed by the Board of Revenue, to whom in all cases requiring a recourse to sale, a reference shall be made.

" 19. If any European, licensed to occupy land for a coffee plantation, shall violate the engagement into which he may enter, or shall usurp or violently disturb the possessions of his neighbours, or shall be otherwise guilty of any act in breach of the peace, the Governor-general in Council reserves to himself the power of cancelling the licence, and of directing the interest possessed by the offender in the plantation to be sold.

" 20. The Board of Revenue will be authorized to take such further security as they may deem necessary; but, in general, his Lordship in Council would presume that the plantation itself will afford sufficient security. Parties who may suffer in consequence of the annulment of a planter's licence, will also have their remedy in a suit in court.

" 21. It will frequently, his Lordship in Council presumes, be necessary to include in the planter's possession, a certain quantity of land on which coffee cannot be grown, besides tanks and the like; and the plant requires the shelter of other shrubs or trees, which may at the

same time be otherwise turned to profit. A certain latitude is therefore necessary, but the Board will see that it is not abused.

"22. It will, of course, be the business of the collector to see that an adequate rent is paid for all malgoozaree lands included in a coffee plantation; and the tenure will be secured from the operation of a public sale for arrears of revenue, under the provisions of sect. 31, Reg. II. of 1822.

"23. When a lease may be taken from a subordinate talookdar, the planter must take the precaution of making the superior holder or holders parties to his engagement, that he may be secure from the consequences of default on the part of the lessor."

On 17th February 1828, the Governor-general in Council resolved to extend the permission to hold land, granted by the Resolution of 7th May 1824, for coffee plantations to all cases in which Europeans might desire to occupy land for the plantation of indigo, or for the growth of any other agricultural produce.

At the same time he rescinded the 19th, 20th and 21st sections of the Resolutions in question.

The Directors have objected to the rescission of these articles, and directed "that all the rules laid down, and all the securities provided by the Resolution of Government, dated 7th May 1824, shall be strictly observed in the case of every permission granted to an European to hold land on lease for the purpose of cultivation.

"Under these securities we do not object to your granting permission to Europeans to hold lands on lease in their own names, for the cultivation of indigo and other agricultural products.

"The length of the leases must, in all cases, be regulated with reference to the nature of the cultivation, and must not be greater than may be necessary to afford the undertaker the prospect of a fair remuneration for the capital he may expend. The leases must not, in any case, exceed the duration of 21 years, without a previous reference to us, and our express approbation.

"It is not less important, in the transfer of leases, than in that of the original grant, that Government should be satisfied in regard to the respectability and good character of the individuals who are to hold them, and therefore the permission of Government must be rendered necessary to every transfer of a lease held by an European."

The Regulations, therefore, which now regulate the permission granted to Europeans to hold land, are those of 7th May 1824, extended in their application to indigo and all other agricultural produce.

But few persons have availed themselves of the permission conceded by these Regulations. In two years, from May 1824 to June 1826, 11,000 begahs only were applied for, to grow coffee. And the applications for land have been equally inconsiderable, since the permission to hold land has been extended to the planters of indigo, and to the growers of all other species of agricultural produce. During almost the whole of the year 1829, the important liabilities imposed upon the holders of land by the 19th, 20th and 21st sections of the Regulations now in force, did not attach to the persons obtaining land; yet we are informed by the Government of Bengal, that the applications for permission to hold land were, even during that period, "altogether inconsiderable*."

* It appears from a Minute of Governor-general, which accompanies the Revenue Letter of 1 January 1830, that only six applications were made, of which five were admitted. The whole extent of land comprised in three of the five applications was 15,000 begahs.

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Petition from
Indigo Planters
of Jessore.

MS. Return to
Orders of
Comm. iv. 120,
127. Mr. Cheap,
Judge of My-
mensing, Re-
turn to Cir-
cular, v. 44.

Mr. Taylor,
Magistrate of
Mirzapore, Re-
turn to Circular
MS. ii. 311.

Mr. Cheap,
Magistrate of
Mymensing,
MS. v. 45.

Petition from
Merchants of
Calcutta to Go-
vernor-general.
—Asiatic Mag.
July 1829, p. 86.

Accounts and
Papers, No. 51,
Select Commit-
tee on East In-
dia Company,
1831.

The indigo planters allege, as the cause of their not applying for permission to hold land under the Regulations, that the restrictions with which they are encumbered render "the obtaining of a lease, if not impracticable, so tedious, troublesome and expensive, as to deter many from seeking it, and induce them rather to submit to the present system, objectionable as it is."

Most of the magistrates, commissioners of circuit, and other servants of the Company in India, seem tacitly to assume that this allegation is correct; and Mr. Taylor, the magistrate of Mirzapore, expressly states that "the Regulations lately enacted for permission to hold lands are of no avail; they are encumbered with such restrictions as to render them nugatory."

There is, however, one exception to this general agreement in opinion. Mr. Cheap, the judge of Mymensing, considers that "the forms to be observed (where so many interests are concerned) are in themselves far from protracting the object contemplated and sought, to an indefinite period; and my scepticism on this point," he adds, "is such, that, were the facilities ever so great, still the boon would not be received as one, or the planters avail themselves of it."

Mr. Cheap gives several reasons for his opinion, which in fact amount to this: that the planters, notwithstanding their assertions to the contrary, prefer the risk and loss attendant on holding land in the name of an Indian servant, with the consequent irresponsibility of the planter for all acts connected with the land, to the security which they would enjoy if the land were held in their own names, coupled with the responsibility which they would then incur.

The majority of opinions are, as has been already said, strongly against Mr. Cheap's view of this matter. And it is difficult to believe that the loss which the planters must sustain from the misconduct of their servants, in whose names they hold land, can be overbalanced by any advantage derived from the acts of oppression which they are thus enabled to permit those servants to commit.

The merchants of Calcutta estimate "the losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances to perform their contracts, and from the litigation and affrays they are liable to be involved in by the relation in which the existing Regulations compel them to stand to such persons, at not less than 25 per cent. on the total outlay."

II. EFFECTS WHICH HAVE RESULTED FROM THE SETTLEMENT OF EUROPEANS IN INDIA, UNDER THE RESTRICTIONS AND OTHER PECULIARITIES OF THE LAW RELATING TO EUROPEANS, DESCRIBED IN THE PRECEDING SECTION.

THE persons who have settled in India, unconnected with the service either of the Company or of the King, are of two classes:

1. Those who inhabit the principal towns, in the capacity of merchants, tradesmen or artisans; and,

2. Those dwelling in the interior, who are almost exclusively engaged either as principals or assistants in the production of indigo.

The total number is very small. A statement furnished to the Committee on Indian affairs in 1831, by the East India Company, estimates the number of Europeans resident at the several presidencies in India, in 1828, as follows:

Bengal - - - - -	1,595
Fort St. George - - - - -	116
Bombay - - - - -	236
Other parts - - - - -	19
	1,966

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Of these 1,966 persons, a large majority are engaged in trade in the principal towns. It appears, from certain returns obtained by the Governor-general, from the magistrates and joint magistrates of the provinces subject to the presidency of Bengal, that the Europeans engaged in the indigo factories, whether as principals or as assistants, do not amount to one-third of the number mentioned above as resident in Bengal.

Against those resident in the towns, that is, against two-thirds of the whole number, scarcely a word of complaint is to be met with. Natives and Europeans concur in agreeing that nothing but benefit has resulted to India from their presence.

Their capital has furnished employment for the working classes and enriched the country. New trades and manufactures, and knowledge of various sorts, have been communicated by their means to the natives, and their conduct appears to have been perfectly unexceptionable.

The inhabitants of the towns in which Europeans chiefly reside, appear to have derived great benefit from the intercourse which has taken place. Their progress in knowledge, social, moral and political, is universally spoken of as very considerable, both by the more enlightened of the natives themselves, and by the European population of Calcutta.

Rammohun Roy, an illustrious native, who is at present in England, expressed this opinion, in a speech delivered at a public meeting of the native inhabitants of Calcutta, in the following manner :

"From personal experience I am impressed with the conviction, that the greater our intercourse with European gentlemen, the greater will be our improvement in literary, social and political affairs; a fact which can easily be proved by comparing the condition of those of my countrymen who have enjoyed this advantage, with that of those who have unfortunately not had that opportunity."

Similar opinions are either expressed or tacitly assumed in every paper which issues from the Indian press, that has any relation to the subject.

Instances may indeed be found, in which native writers charge the European tradesmen with having superseded their native rivals. "The editor of the Chundrika (a paper conducted by a native) instances five cases, that of house-builders, carpenters, goldsmiths, tailors and boatmen, and observes, that the profits accruing to persons in the above occupations have considerably diminished from the present competition of Europeans, and that many natives who formerly followed the same callings had made their fortunes."

The answer to the argument involved in this complaint is so obvious that none could have been thought necessary in this place, if the following had not been found in a Calcutta journal. The writer of it professes to be "an impartial zemindar."

Calcutta journal,
Jan. 1830,
p. 151.

After stating the complaint of the Chundrika, in the language just quoted, the zemindar thus proceeds: "In adducing this instance to

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support the favourite opinion of the editor, he has not considered the real circumstances of the case, but has looked to the mere surface of things. The truth is, that when a large body of Europeans came into Calcutta, and established themselves in different trades, people began to learn their business, and, after acquiring sufficient skill, were employed by these Europeans on advanced wages. Before this, an individual or two, who excelled in their profession, had monopolized the whole business from the absence of suitable competitors, and had thereby made an immense profit. Let us only consider the numbers of house-builders living in each division of Calcutta; how many carpenters', goldsmiths' and tailors' shops have been established, and to what an extent boats have multiplied; and all these people are not in want of business, far from it: when we have occasion to employ any of them, we find them seldom agreeing to any terms which fall short of what they wish to get. The number of workmen in this town is not easily calculated; and even with this increase in their number, the present lowest rate of tailors' wages is from seven to eight rupees, and the highest not less than sixteen rupees a month: fifteen years ago their rate was four rupees, and the highest not more than eight rupees. Formerly carpenters made large pestles and mallets, and at the most were able to earn three or four rupees only; whereas, from the extensive business now carried on by Europeans, some of the carpenters earn forty, others fifty rupees; and the case is the same as to goldsmiths, house-builders, boatmen and others.

"The editor further observes, that 'the establishment of Gibson & Co. as tailors, of Holt & Co. as carpenters, and of Hamilton & Co. as jewellers, has impoverished the natives who were engaged in those occupations.'—I beg of the editor to go a little about the shops of those gentlemen, and see how many hundreds of natives are employed by them at fair remunerations. Such a large portion of the community were never so well supported, even in the times of the greatest princes, nor have we heard of an instance. The fact is, that formerly, the whole business having been engrossed by one or two persons, they made the greatest profit. At present, the trades being left free to general competition, there is a numerous body of competitors, and each of them cannot of course be expected to make the same degree of profit as was done before. All of them, however, find employment, owing to the extensive business of Europeans, and, on the whole, they earn more now. Their earnings are comparatively greater now than before. We hence conclude, that no one will, after ascertaining the general opinion on the subject, and making proper inquiries into the matter, be disposed to enter into such a perverse dispute about the benefits which will arise from the free settlement of Europeans in this country."

The doubt that exists respecting the benefit which Europeans have conferred on India turns entirely on the conduct of those who reside in the interior, the indigo planters. The present inquiry, therefore, relates almost wholly to them.

Mr. Rickards'
Evidence be-
fore the Com-
mittee of 1831,
p. 240.

The plant from which indigo is manufactured is indigenous in India, and the dye extracted from it has been used in the East from the earliest ages. But until British skill and capital were applied to its production, the quality of that produced in India appears to have been very inferior to the indigo of other countries, and the quantity exported to foreign markets consequently small. Since the attention of British capitalists has been directed to its culture, the quality of

Bengal indigo has been so much improved, that it now supplies not only almost the whole consumption of England, but a large proportion of that of the whole world. This proportion has been estimated so high as four-fifths. (77.) Conduct of Europeans in India.

During the five years ending 1789, the quantity of indigo imported into Great Britain was as follows:*

From British Possessions in E. Indies.				Total.
1785	-	-	154,921	1,693,509
1786	-	-	253,345	1,978,290
1787	-	-	363,046	1,877,830
1788	-	-	622,691	2,096,611
1789	-	-	371,469	1,966,687

During the five years ending 1830, it was :

1826	-	-	7,652,946	8,085,751
1827	-	-	5,384,998	6,067,747
1828	-	-	9,660,152	9,913,010
1829	-	-	5,965,128	6,748,281
1830	-	-	7,920,172	8,216,440

In the former period no indigo was imported from any foreign possession in India; during the latter, the following quantities were imported from such possessions:

1826	-	-	26,709
1827	-	-	21,520
1828	-	-	24,669
1829	-	-	17,263
1830	-	-	16,685

The merit of having introduced the improvements by which the indigo of Bengal has been enabled to command the extensive sale which it now possesses, is universally attributed to the planters of Great Britain.

It appears, indeed, that even now, when the improved methods of manufacture introduced by them have been adopted by the natives, the indigo manufactured by the latter is generally decidedly inferior to that produced by the factories conducted by Europeans. The inferiority has been estimated at 15 per cent., while the indigo manufactured by the old native process is said to be wholly unfit for foreign markets. Mr. Rickards' Ev. Com. 1831, p. 240.

The advantages resulting directly from the employment of British capital in the cultivation of indigo, have, therefore, two sources:—1. The quantity of capital employed by the planters; and, 2. The improvement made in the quality of the commodity produced, and the field consequently opened for the employment of British capital in India.

The source of almost all the advantage which the *natives* of India derive from the cultivation of indigo by European planters, is the amount of capital employed in it. The benefits which result from the improvement of quality, or from any saving of labour in the production of the indigo, are wholly reaped either by the consumer or the planter. If the competition between the planters has been sufficient to reduce the price of indigo to the point at which it yields no more than the rate of profit ordinarily obtained from capital in India, the whole advantage of the improvement is obtained by the consumer.

* A detailed Statement of the quantity imported from 1785 to 1830 will be found in the Appendix.—Ed.

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See Mr. Brack-
en's Ev. Com.
H. C. 1831,
who considers
that about one-
fifth part of all
the Indigo ex-
ported from
Calcutta is ma-
nufactured by
Native Plan-
ters.*

If the competition have not attained this point, extraordinary profits are reaped by the planter, which are either consumed by him, remitted to his principals in England, or go to increase his capital. The natives of India share in this advantage, as consumers or planters, but only to a very limited extent. The quantity which they consume is not great, and the native planters form but a small proportion to the whole number engaged in the trade. As consumers, the people of England share in two ways: in the diminished price or improved quality of the articles which they wear; and, secondly, in the encouragement afforded by diminished price and superior quality to the more extended consumption of the staple manufactures in which indigo is employed. As capitalists, they are benefited by being enabled to employ a considerable amount of capital at the high rate of profit current in India, instead of employing it at a lower rate at home or elsewhere.

That these advantages result to England, to the planters, and to the consumers at large, is denied by no one: No materials, however, exist for forming any estimate of their amount.

"Free Trade,"
Sec. p. 22.

The planters claim the merit of much greater services to their country. They point to the total value of the indigo produced, and assert that "a property worth 3,000,000*l.* per annum" has been "*created* solely by the skill, capital and enterprise of British-born subjects living in India on mere sufferance." To which they add "the benefit conferred by the manufacture of Indian indigo on the manufactures and commerce of this country amounts to this, that it is the principal, and nearly the only means to be depended upon, which the monopoly principle leaves open, to enable India to pay for the manufactures of this country, and that it does so to the yearly value of three millions sterling." This language is in a high degree inaccurate, and calculated to mislead. The planter is not entitled to credit for creating the value of the indigo he produces, in any other sense than that in which every manufacturer at home is entitled to similar credit in relation to the product of his capital. The indigo is not produced from nothing; it does not add by the whole amount of its value to the wealth of the world. The capital which has produced it, would have produced something if it had not been employed in the manufacture of indigo; and the only value "*created* by the skill, capital and enterprise" of the indigo planter, which would not have been created if the capital had remained in Europe, is the difference in profit which the planter himself has reaped. For opening the way to this gain, he is entitled to credit, but not for creating a property equal to 3,000,000*l.* per annum. Neither is the demand for British manufactures increased by that amount, in consequence of the extended cultivation of indigo with English capital; and this for several reasons.

In the first place, supposing it even to be granted that British capital could not have found any other employment in India, and that indigo for exportation could not have been produced without its aid, it by no means follows as a necessary consequence, that the demand for British manufactures has been increased by the whole amount of the value of the indigo produced through its means. The improvement of indigo may have prevented other commodities from being exported: this, indeed, is the only necessary effect of simply adding a new article to the kinds previously exported. The commodities which would

* If he had said barely one-eighth at any time or generally one-tenth he would have been nearer the mark.—ED.

otherwise have been paid for with the old articles of export, are then paid for with the new. But unless some peculiarity of the latter prevents the free competition of capitalists in the producing country, and keeps it at a monopoly price in the exporting market, no encouragement is given to the consumption of imported commodities; they cannot be obtained for less labour. The indigo which represents a day's labour, exchanges for no more than the product of a day's labour in the article which would otherwise have been exported; but at that price the new article is preferred by the importing nation to the old. The consumers obtain the whole advantage of the improvement. Even if the new export bear a monopoly price, no facility is thereby afforded to the consumers in general, of obtaining foreign commodities. The monopoly profit goes into the pocket of the capitalist, and the increase of demand, which takes place for foreign manufactures, is measured by the extra quantity of them which he (the capitalist) may consume.

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If, as in the case in question, the article is one for which there is a more extensive foreign demand at remunerating prices than for those previously exported, it will besides superseding the export of those commodities, invite an increased import of foreign goods.

This the extension of the indigo trade has doubtless effected in some measure, but not nearly to the amount of 3,000,000 £, as the following statement clearly proves:

In the six years ending 1796, the exports from Great Britain to India and China amounted on an average to 2,520,871 £. At that time the Bengal indigo trade was in its infancy, the quantity of indigo imported into Great Britain from India annually being only 1,690,000 lbs.

For the six years ending 1814, the annual average import of indigo from India was 4,550,000 lbs.; while the export of British goods to that country, so far from having been increased in proportion to the value of the additional quantity of indigo imported, had decreased to 1,740,137 £.

It is clear, therefore, that the indigo planters have not added 3,000,000 £ to the Indian demand for British manufactures.

It must further be considered, that that which has been added is not so much clear addition to the total aggregate of demand. The capital employed by the British planters in India would have occasioned a demand for our manufactures, and moreover maintained our labourers also, if it had been employed in England.

That the cultivation of indigo in India is beneficial to England, and to the consumers of the article, is never denied, though differences of opinion may exist respecting the nature and extent of the benefits which it confers.

The point upon which the whole question of settlement or colonization turns, is the effects on India, on the prosperity and happiness of the native inhabitants, and on the stability of our Eastern Empire. Now all the advantages which flow to the natives of that country from the cultivation of indigo by European planters, have their source

(77.) Conduct in the amount of foreign capital employed,* which creates a demand,
of Europeans in India.

1. For their labour, and
2. For their land.

The materials at hand for estimating the amount of capital engaged in the indigo manufacture of Bengal, or the quantity of land or labour employed by that capital, are very imperfect, perhaps necessarily so. The only estimates obtained are derived from the planters themselves; none other have been met with in any of the papers submitted, nor have any means been discovered of verifying or correcting those thus obtained.

2,000,000*l.* is the amount stated by the planters of Jessore as the annual expenditure of the indigo factories. Another estimate, published by the planters, is somewhat lower. It assumes, "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 3*s.* 8½*d.* per *lb.*, equal to 1,680,000*l.*; selling in Calcutta at 5*s.* 4*d.* per *lb.*, or 2,400,000*l.*; producing a net profit of 720,000*l.* to the planter, and re-selling in Europe at 8*s.* per *lb.* including expenses, which is equal to 3,600,000*l.*"

MS. Return, vol. iv. p. 10. Petition of Planters of Jessore to the Vice-President of Bengal in Council, 16 March 1829. Letters from British Settlers in the interior of India, with notes by J. Crawford. p. 93.

The addition of so large a capital as that undoubtedly engaged in the indigo manufacture, to the native capital of the country, supposing it really to be an addition to all that would otherwise have existed in the country, must obviously have conferred on India benefits of great magnitude.

Of the demand for labour created by such an amount of capital, the following considerations will suggest an approximate conception:

In consequence of the low price which the provisions and other articles consumed by the ryot bear in India, the quantity of capital represented by a given number of pounds sterling is much larger there than in England.

The same sum of money would furnish a much larger number of men with food and clothing, on a given scale, in the former than in the latter country. But the customs of the country, the abstemiousness of the people, and the warmth of the climate, render a much smaller quantity of food, clothing and shelter requisite to maintain a given degree of comfort in India, than would be necessary to produce an equal effect in England. A given quantity of money would therefore properly support a much greater number of people; but supported as the labourers of India in fact are, the difference is greatly augmented.

A large number of witnesses examined before a committee of the whole House on Indian affairs in 1813, agreed in stating the ordinary wages of labour in India to be from 3*s.* to 5*s.* or 6*s.* per month. Since that period the advance which has taken place seems not to be very considerable; 5*s.* to 8*s.* per month are mentioned in several of the letters from planters before quoted, as the wages now usually given in the districts where indigo is grown. Whether an equal rise of wages has taken place in other districts does not appear.

Attempts have been made by the Governor-general to obtain an accurate account of the number of natives in the immediate employ

Circular Letter, 29 December, MS. vol. ii. pp. 115, 116.

* If the cultivation of Indigo has caused capital to be retained in India, which would otherwise have been remitted to England, that capital must be looked upon in the same light as capital actually exported from England.

of the factories. With this view the magistrates and joint magistrates of the provinces subject to the presidency of Bengal were instructed to fill up, with the assistance of the planters in their respective districts, a statement of the native establishment employed at each factory, distinguishing that part which was permanent, "or kept up all the year round, from the servants, &c. entertained during the growing and manufacturing season."

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But the labourers in the immediate employ of the factories form but a small part of those maintained by the capital of the planters. They do not even include those employed in the cultivation of the plant itself, when it is grown by the ryots for the factories, which two-thirds of the whole quantity produced is. Neither do they include any of the numerous classes maintained indirectly by the factories. Further than this, the information required has not been understood in the same sense by all the parties who have made returns; some have included the common labourers, or coolies, others have omitted them. These returns, therefore, afford but little assistance to the inquirer.*

The increased demand for labour may have benefited the native population of India in either of two ways, or, to a certain extent, in both. It may have found employment for the number of persons whom it employs, in addition to the population which would otherwise have been employed by the native capital of the country: or it may not have found employment for a greater number, but drawn its supplies from other occupations, by the allurements of higher wages, and thus improved the condition of the labourer. If the population of the country has kept pace with the growth of demand for their labour, the former has been the consequence; the aggregate production of the country must have acquired a proportionate increase; the demand for land in that case has been increased by means of British capital, to the extent, not only of the quantity required for the cultivation of indigo, but also of that required to supply, either directly or indirectly, the wants of those employed by the factories, and of the families dependent on them. New land has been brought into cultivation to meet this demand, or old more carefully tilled. Rents have risen, and the revenue derived by Government from land has been increased, if proportional, and paid with more facility, if fixed. These are the necessary consequences of an increase of capital, accompanied by a proportionate increase of population.

If, on the other hand, the supply of labour, the number of labourers, have not increased at all, or not in proportion to the augmentation of capital, the advantages above described have resulted in a degree proportionally diminished; but the condition of the people must have been improved, they must be better fed and better clothed.

In either case, besides the demand for labour and land, arising directly out of the capital employed in the cultivation and manufacture of indigo, the country would also be indebted to it for the demand created by accumulation from the wages paid by the planter, or from the rent brought into existence through his means, and by the impulse thus afforded to the general prosperity of the country.

The advantages just enumerated are those which a country derives

* The misconception was on the part of the planters themselves, the local authorities had nothing to do with supplying the detail, and in some cases no reply was given to the applications made by the latter for information. The statement in the Appendix will show what was obtained.—Ed.

(77.) Conduct of Europeans in India. from the influx of foreign capital; they are those which India must have reaped from British capital, unless an equal quantity of native capital has been prevented by the operations of the indigo factories, from being accumulated.

They who believe that the oppressive conduct of the planters of indigo, works mischief which more than counterbalances the benefits that the natives derive from their presence, must suppose, either that the capital employed by the indigo planters is not an addition to the capital of India, or that the uncertainty, vexation and suffering which they spread among the natives, beyond what the native zemindars would have occasioned, are more than equivalent to the benefits conferred by the addition.

If the capital of the planters is not an addition to the capital of India, it must either have been itself wrested from the natives by the planters, or the conduct of the latter must have prevented the accumulation of an equal quantity of native capital.

Before any inquiry is instituted into the extent of the benefits which the capital employed by the planters has conferred on India, it is therefore necessary to inquire into the conduct of the planters, with a view to discover what ground exists for assenting to either of these propositions.

The proposed inquiry will show what the evils inflicted on the natives by the planters are, and furnish some materials for a comparison between them and those which would probably have been suffered at the hands of the native zemindars.

From this an opinion may be formed, with more or less confidence, respecting the side to which the balance of consequences to India inclines.

A further question remains to be considered with relation to England; viz. whether the conduct of the indigo planters has disgusted the natives, rendered them discontented with British dominion, and thus shaken the stability of the power which England possesses in the East.

Conduct of Indigo Planters.

With a view to obtain information on this topic, the Governor-general in Council issued two circulars, one on the 24th of March 1829, and the other 29th December 1829, to the magistrates and joint magistrates of the provinces subject to the presidency of Bengal. The latter of these letters was substituted for the former, because it was found, after returns had been received from several of the magistrates, that the details obtained were little calculated to effect the purpose in view.

MS. Return,
vol. ii. p. 112.

The functionaries in question were, by these circulars, directed to state, "whether it is necessary, for the effectual subjection of the indigo planters and servants to the control of the law, that any further legislative provisions should be made in addition to those which already exist."

They were also requested to report their opinion "on the general character of the European indigo planters residing within their jurisdiction; in regard to their transactions with, and treatment of, the natives around them. You have doubtless, it was added, "many opportunities of learning the estimation in which they are held; and it will be satisfactory to Government to be informed of your sentiments on the general question."

They were further instructed to fill up the following form:

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1.	2.	3.	4.	5.	6.	7.	8.	9.
Name of Factory.	European Superintendent, with Names at length.	Permanent, kept up all the Year round. Servants, &c. entertained, during the growing and manufacturing Season.	Amount of ordinary Advances.	Begahs in Cultivation.	Produce Average.	Number of Asames receiv- ing Advances.	Number of Civil Suits lodged in five Years, for and against.	Number of Criminal Prose- cutions, for and against.

And informed, "should you not be able to fill up the columns from the materials now in your possession, there can be no reason why the manufacturers should not be furnished with a copy of the form, and requested to fill up the items wanting."

In reply to this circular, much highly useful information was obtained beyond what falls within the strict limits of the questions.*

Several of the gentlemen addressed went at great length into the consideration of the causes and character of the disputes which occur in the indigo districts, the disturbances to which they lead, and the various preventions of these evils which suggest themselves. These opinions, coupled with returns of the number of suits, and summary descriptions of their nature, furnish a very complete view of the conduct of the planters, and of its causes. The evidence is, however, defective in instituting no regular comparison between the conduct of the planters and that exhibited by the zemindars where there are no planters, and where, therefore, there is no pretext for saying that they are driven to acts of violence and fraud by the misbehaviour of their European neighbours.

A large majority of the opinions, too, respecting "the conduct of the planters in regard to their transactions with, and treatment of, the natives," are general and vague; and many of them seem to have reference rather to their *personal* conduct and demeanour, than to the conduct of the native servants, by whom their affairs are managed.

The cultivation of indigo appears to be conducted in four different ways:—the first is called "tua dadun," in which the planter advances a certain sum per begah to the ryot, who merely ploughs the land, and sows it with seed provided by the planter, the latter cutting the plant and carrying it to the vats, the profit or loss being his own.

MS. Return,
iii. p. 187-189.
Mr. Walters,
Mag. City
Dacca.

The second mode of cultivation is called "bundle dadun." In this, the planter advances to the ryot a certain sum per begah, for which he agrees to bear all the expenses of cultivation, and to deliver the plant at a certain number of bundles of a given circumference per rupee. Sometimes, but rarely, the advance is made to the zemindars, who make their own terms with the tenantry.

MS. Return,
ii. p. 175.

The third mode is the "neezchar," or home cultivation, the land being drained and cultivated by the planter, at his own expense and

* A Statement containing a numerical abstract of the returns and the substance of the opinions given will be found in the appendix.—*Ed.*

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MS. Ret. ii.
154.

MS. iv. 223.
Sudder Dewan-
ny Adawlut to
Government of
Bengal.

Petition of
Merchants of
Calcutta to
Lord W. Ben-
tineck, Asiatic
Mag. July 1829.

MS. Ret. vol.
iv. p. 1, 2.
Memorial from
Indigo Planters
of Jessore.

Petition of In-
digo Planters
at Dacca Jelal-
pore. Id. 42, 43.
See form of

Contract used
in Tirhoot, MS.
Ret. vol. ii. 397.

MS. Ret. vol. v.
57. Mr. Cheap,
Mag. Mymen-
sing.

MS. Ret. vol.
iii. 190. Mr.
Walters, Mag.
Dacca.

Letter from
Bengal.

risk, by means of hired labour. The land employed in this way is holden by the planter in the name of some native servant, to evade the Regulations which prohibit Europeans from holding lands.

The fourth mode is rarely adopted; it is that of buying the plant of those who grow it, without receiving advances.

"A great portion of the lands under indigo cultivation is held virtually by Europeans. The tenures are registered either in fictitious names, or in the name of some native dependant of the factory."

The merchants of Calcutta estimate the proportion of indigo plants, grown by the planters themselves, at one-third of the total produce.

Of the remaining two-thirds, almost the whole is cultivated on the system above described, under the name of "bundle dadun."

The ryot by whom land is cultivated on these terms enters into a contract, on stamped paper, binding himself to cultivate indigo on certain land, the boundaries of which are specified in the contract, and to deliver the plant at the factory at a certain fixed price. The contract is conditioned for the payment of a heavy penalty in case of breach.

Most of the disputes by which the indigo districts are so constantly disturbed, arise out of the "bundle dadun" mode of cultivation, which seems to be considered the most disadvantageous to the native: indeed it is stated by one of the magistrates, who has gone most into detail on this topic, that "except by compulsion or from dire necessity, advances of this nature are rarely received by the ryot."

The same authority states, "that the home is by far the least objectionable mode of cultivation, and provided the farms are fairly obtained from the rightful owner, and the boundaries well defined, seldom leads to any complaint, or breach of the peace."

The subjects of the disputes which disturb the indigo districts are:

1. The neglect or refusal of the ryot to plough the land for which he has received an advance, to sow it with indigo seed, or to cut the crop when fit to be gathered. •

2. The receipt, by the ryot, of advances from two or more planters for the same crop.

3. Questions respecting titles to land, or the boundaries of estates; and,

4. The destruction of the growing indigo by cattle or otherwise.

All these are exceedingly fertile sources of dispute. The breaches of contract produce the greatest number of questions, but those which arise out of the other causes are also very numerous. In the provinces to which the permanent settlement extends, the titles of the zemindars are clearly established, and the boundaries of their estates, or zemindari, defined perhaps with sufficient accuracy; but the rights derived by the ryots who inhabit these zemindari, from local custom, and confirmed to them by the Regulations which established the permanent settlement, differ in almost every village.

And it is a matter of general complaint, that "the great pressure upon our tribunals arises from the mass of litigation connected with the rights, tenures and interests of the proprietors and occupiers of lands, and to the want of accurate definition of the rights and interests intended to be conveyed under the permanent settlement."

In the Ceded and Conquered Provinces, the uncertainty which exists in this respect is still greater. Many large tracts of the finest soil are described by some of the planters as lying waste, "in conse-

quence of the feuds of different claimants," whose allays, "to obtain possession, supply the provincial gaols with more than two-thirds of their prisoners," (77.) Conduct of Europeans in India.

The proprietary rights of those villages which are under culture, are stated to be scarcely better ascertained, and the planters complain that it is impossible to ascertain who is the legal owner of any land which they may wish to rent.

The disputes respecting titles are rendered more numerous than they would otherwise be, in those districts in which *indigo* is grown on land *not* subject to annual inundation, by the necessity which the planters lie under, in that case, of obtaining a constant change of land.

In other districts, "*indigo* is grown chiefly on *churr* lands, within the limits of the annual inundation;" and as the rivers change their courses yearly, innumerable disputes arise respecting the titles to the land left by the rivers when they subside. MS. Ret. vol. iii. 211. Mr. Walters, Mag. Dacca.

In consequence of these several causes the planter frequently finds, after he has made his advances, or cultivated the land, perhaps even not until the crop has arrived at maturity, that the title of the person with whom he contracted is disputed.

In some districts "the chief cause of contention between the *indigo* planter and the villagers arises from the frequent trespasses committed by cattle on the *indigo* fields, and I believe those acts to be more frequently intentional on the part of the herdsmen, than accidental. The loss which the manufacturer is subjected to by the invasion, upon the plant, of a herd of cattle (whether such trespass be intentional or otherwise), must obviously prove a source of great annoyance." MS. Ret. ii. 141. Mr. Lowther, Mag. Bolundshuher.

The magistrate of Mymensing, one of the districts in which most acts of violence occur, says, "It is incalculable the number of disputes and complaints to which these trespasses give rise, and no inconsiderable time is occupied in investigating the latter." MS. Ret. v. Mr. Cheap, Mag. Mymensing.

The great cause of these trespasses is, the want of hedges and inclosures. "In India hardly a fence of any sort of strength is to be seen, with the exception of those round mulberry fields, and patches of ground adjoining dwelling-houses." Ibid.

The planters complain vehemently of the serious evils "to which their lands are subjected by herds of cattle being turned loose upon them, generally during the night. Whole fields of promising plants are thus suddenly eaten up and destroyed, and when resistance is made by factory servants, the villagers frequently oppose, and serious conflicts ensue. The records of the *zillah* courts will, your Memorialists believe, show that from this cause innumerable quarrels and disputes arise between the planters and *royts*." MS. Ret. iv. 118. Memorial of Planters of Jessore to Governor-General in Council.

Whatever be the ground of any dispute which arises between an *indigo* planter and natives, or between two planters, force appears to be appealed to, in most instances, for its decision.

The explanation of this fact is not to be found in any particular turbulence of character, either on the part of the planters or of the natives, but in the *impotence* of the law to protect either to which many causes contribute. MS. Ret. II. p. 144. Mr. Lowther, Mag. Bolundshuher. 158. Mansell, — Agra. 271. Ainslie, — Hameerpoore. 387. Campbell, — Tirhoot. III. p. 28 to 42 — Smith, — Rungpoor. 139 — — Millet, — Beerbhoom. IV. 264, 213, 215. — Tucker, Commr. Dacca. 111. 325 to 327 — Pringle, Mag. Jessore. IV. 114. Memorial Planters of Jessore.

The Planters of Jessore state, "that lawless violence and force have too 213, 251. Mr. Ross's Minute, Jud. 5th May 1829. IV. 69, & 1. 92 Mag. Benares. IV. 114. Memorial of Planters of Jessore to Governor-general.

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frequently prevailed (in the indigo districts), and prevailed, as your Memorialists would earnestly press on your Lordship's attention, because force and violence alone have been found able to protect private property from spoliation and ruin."

Defects in the law itself are complained of, as are also faults in the mode of procedure, and corruption among the police and native officers of the courts; but the principal cause appears to be the want of a sufficient number of judges.

1. Defects in the law itself.

The only remedy which the law, until altered in 1829, professed to provide for the infraction of indigo contracts, or for acts of trespass, committed either by the natives or planters, and the only means of determining any questions respecting the title to land, was a regular action in the zillah court, except in the following cases:

1. Disputes between British subjects can be decided by action in the Supreme Court at the Presidency only. The zillah court has no jurisdiction over such suits.

Reg. VI. of
1823.

2. If any person shall have given advances to a ryot, or other cultivator of the soil, under a written engagement, stipulating for the cultivation of indigo plant on a portion of land of certain defined limits, and for the delivery of the produce to himself, or at a specified factory or place, such person shall be considered to have a lien or interest in the indigo plant produced on such land, and shall be entitled to avail himself of the process hereinafter provided for the protection of his interests, and for the due execution of the conditions of the contract.

3. First.—if any person who may have made advances on conditions of the nature above described, shall have just reason to believe that an individual under engagement with him is evading, or is about to evade, the execution of his contract, by making away with and disposing of the produce otherwise than is stipulated; or that he has engaged secretly or openly to supply the same to another; it shall be competent to such person to present a petition of complaint to the zillah or city judge, or to a registrar exercising the powers of joint magistrate, within whose local jurisdiction the land stipulated to be cultivated with the indigo plant may be situated; filing with the same the original deed of engagement by which the produce may be assigned and engaged to be delivered to himself or at his factory, and certifying in his petition that such deed was voluntarily and *bonâ fide* executed by the individual complained against.

Second.—On such petition and original deed of engagement being filed, a summons, or tulub chithee shall be immediately issued through the nazir in the usual form, requiring the individual named in the petition to attend and answer to the complaint, either in person or by an authorized agent, within such specified period as may in each instance appear reasonable, and which period shall in no case exceed 20 days.

Third.—The officer entrusted with the execution of the process shall also be entrusted to affix a copy of the summons in the village cutcherry, or other place of public resort, and to erect a bamboo on the specific parcel of ground on account of which the claim may have been preferred, and which it shall be the duty of the plaintiff or his agent to point out. By these means sufficient public notice of the claim will be given, to enable persons desirous of contesting the plaintiff's right, or of establishing a prior right to the produce of the

land, to appear, either in person or by an authorized agent, before the court for that purpose; and the failure so to attend, before the summary decision be passed, will be held to bar the claim of any third party, founded on any contract for the produce of the land in a question, unless it be established by a regular suit.

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Fourth.—If the officer serving the process shall not be able to execute it on the person of the defendant, he shall nevertheless publish the claim in the manner above directed; and if the defendant shall not appear to answer to the complaint within the period specified in the summons, and no other claim be preferred in bar of that of the plaintiff, the judge or other officer shall, after taking evidence to establish the deed and other allegations of the plaintiff, proceed to the adjudication of the claim, in the same manner as if the defendant had personally appeared.

Fifth.—If the defendant, or his authorized agent, should attend within the period specified, and should deny the execution of the deed of engagement filed by the complainant, proof of the same shall be taken, and if its voluntary execution be established to the satisfaction of the court or other tribunal trying the case, and no preferable claim be established by a third party, a summary award shall be made, adjudging to the plaintiff the right of receiving the crop, according to the terms of the agreement. The same principle shall be applied, if the engagement be admitted, and no satisfactory reason be shown why the defendant should not be held to the performance of his contract.

The cases specified in these Regulations are the only ones in which a summary suit was, till lately, sanctioned by the law. It appears, however, to have been the general practice of the magistrates, without the authority of any law, to impose a fixed fine per head upon cattle found trespassing, instead of leaving the occupier of the land to his action for damages. The fine "generally" adopted was one of four "annas" for each animal.

MS. Ret. vol v. p. 37. Mr. Cheap, Mag. Mymensing.—Ib. 136. Memorial of Planters of Jessore. MS. Ret. iv. 118. Ib. 119.

In all the cases, however, in which it has been intended to provide peculiar facilities for the protection of rights, the summary remedy afforded, appears to be very insufficient.

The planters assure the Governor-general in Council "that the innumerable quarrels and disputes which arise (from trespasses on the indigo-fields) "between the planters and ryots, cannot, under the present state of the law, be expected to cease; the fine of four annas per head for cattle thus found trespassing affording no adequate compensation to the planter, considering the difficulty of prosecuting the offending parties to conviction. When your memorialists state, that a herd of 100 cattle will, in the course of a few hours, destroy plants capable, if preserved, of producing indigo worth many thousand rupees, your Lordship will at once see and acknowledge that fines, to the extent of 25 rupees, can be no compensation for the enormous loss sustained, even were the facilities of punishing the offenders all that could be desired."

The lien given to the planter on growing indigo, and the summary suit for non-cultivation, which is provided for him by the Regulations of 1823, are equally insufficient to effect their purpose.

The planter has no lien, and "the magistrate cannot interpose his authority till the crop is on the ground, when, if a dispute arise who is to have it, the magistrate, on a summary inquiry, may give it to that party establishing the best claim to it. But this is of very little

MS. Ret. iv. 212. Mr. Tucker, Commr. Dacca.

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Mr. Ross, Ju-
dicial Minute,
MS. Ret. iv.

Let. Sec. of
Gov. Bengal to
Register of
Sudder Dewan-
ny Adawlut;
MS. Ret. iv.
40.

See also,
II. 388. Mr.
Campbell,
Mag. Tirhoot.
III. 114. Mr.
Shaw, Mag.
Naddeah.

Mr. Ross, Ju-
dicial Minute,
MS. Ret. iv.
240.

Mr. Rattray's
Judicial Mi-
nute, MS. iv.
260.

II. 388. Mr.
Campbell,
Mag. Tirhoot.
III. 207. Mr.
Walters, Mag.
Dacca City.
III. 313. Mr.
Barwell,

24 Pergunnahs. III. 48. Mr. Mills, Mag. Pabna. See also Mr. Ross's
Minute, iv. 250. Mr. Turnbull's Minute, iv. 287.

Queries from
the Court of
Directors, with
replies from
some of their
Officers in Eng.

use. The cases of disputed titles to crops on the *ground* are of rare occurrence," compared with those of refusal or neglect to cultivate. "The only remedy afforded by the Regulation, in case the ryot fails to cultivate, consists in a summary process for the recovery of the advance, with interest; or in a regular suit for the enforcement of the penalty specified in the agreement," provided it does not exceed treble the amount of the advance, unless fraud be proved.

But "the return of the advances, with interest, even supposing that the award could immediately be realized, would prove a very trifling compensation for the injury sustained by the loss of the expected produce of the season; more especially when, by a general combination amongst the ryots, a factory may be altogether disappointed of the produce on which it depended." The vats and building necessary for the manufacture have been erected; a considerable establishment kept up all the year, and advances made, perhaps not merely for indigo, but for the labour which the planter had calculated on requiring during the growing and manufacturing season. The ryot, under the Regulations, may retain the advance until the season for sowing; and if he then repays it, with interest, he has done all that can be required of him, except through the medium of a regular action. The period for obtaining other land has elapsed, the season for sowing being very short; and the planter is left without plants to employ his factory, or compensation for his great outlay.

"Although, however, the Regulation referred to is defective, I apprehend," says Mr. Ross "that the continuance of the evils complained of is not so much attributable to its defects as to the inefficiency of the tribunals authorized to carry its provisions into execution; and that, were it amended, it would still be as inoperative as it has hitherto been, if left to be enforced by the same tribunals.

"It must be kept in mind that the courts at the sudder stations of the several zillahs are the only tribunals authorized to take cognizance of disputes arising between European indigo manufacturers and the ryots who contract to supply them with indigo plant; and that these courts are, from their situation and the great extent of the country over which they have jurisdiction, inaccessible to the majority of the ryots; and, from accumulation of business distracting and retarding their proceedings, of little avail to the manufacturers. There is, in reality, no provision made for administering any law to these two classes; and that fact alone is sufficient to account for the disorder that prevails in the indigo districts." This opinion of Mr. Ross is fully borne out by other opinions.

The Regulations in question are allowed on all hands to have failed of their object. In some districts they have never been acted upon, even in one instance; of this the great indigo district of Tirhoot is believed by its magistrate to be an example; that of Dacca is mentioned as another; and the principal cause of their failure appears to be justly referable to "the circumstance of the judges not being able to give that immediate attention to the suits instituted, on which the efficacy of the Regulation depends."

The population of each judicial district has been computed, by various officers of the East India Company, in answer to queries from the Court of Directors, at from 600,000 or 700,000 to 1,000,000, or 1,200,000. The area of each district varies from 350 to 22,000 square

miles. Parties may, therefore, be "distant from the only courts open to them from 50 to 100 miles*."

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land, in 1813.
Mr. Turnbull's
Minute. MS.
Ret. iv. 288.

From the great magnitude of the districts, the courts are, with few exceptions, always overburthened with business; the delay attendant on a regular suit is very considerable, and much time is necessarily consumed in obtaining even a summary decision.

The complaints of the planters, in relation to the judicial establishments of the country, are not confined to the number of judges. The proceedings are all conducted by writings in the Persian language, of which both the planter and his opponent are, in most cases, completely ignorant, and the judge himself has at best but an imperfect knowledge. It is also complained that the judges are too often young and inexperienced men, who have possessed no opportunities of acquiring knowledge of the several systems of law which they have to administer, or of the habits, manners, or transactions of the persons subject to their jurisdiction; and who therefore rely, in a great measure, on the native officers appointed to assist them. These officers are said to be very generally accessible to bribes; their corruption appears to be matter of general notoriety; and the planters declare that such is the extent of corruption, that no prudent man ever ventures to institute proceedings without bribing all the subordinate native officers concerned. At every stage of the proceedings fresh presents are required; and the circumstances of the case are ultimately presented to the judges in a point of view determined rather by the comparative amount of the bribes than by any fair consideration of the merits of the case.

Petition of
Planters of
Jessore, MS.
Ret. iv. iii. 130.

Venality appears to pervade all ranks of the native officers, beginning with the lowest, and ascending through all the grades to the highest. All appear to be frequently leagued together; the constables at the outer stations paying for the countenance of their superiors, and advancing their interests by promoting litigation.

The class whose corruption is most complained of is the *Police*. Many of the planters assert that the extortion committed by these men is so gross and notorious, that when a superintendant enters a village to investigate a murder, a robbery or a homicide, a large number of the ryots run away till the inquiry is over, not because they are guilty, but to avoid being arrested under pretence of suspicion, and made to pay a rupee or two each for their release.

Another evil loudly complained of is the great prevalence of perjury. One planter, whose statement is quoted by Mr. Rattray, (one of the judges of the Sudder Dewanny Adawlut) as a "fair exhibition of facts without any exaggeration," expresses his opinion of the facility with which false witnesses may be hired by the following passage, which is fully corroborated by other accounts. "The ryot can prove himself insolvent, in the event of being cast, by the aid of a few oaths, which he can procure as cheap as eggs."

Mr. Rattray's
Minute, MS.
Ret. iv. 262.

The expense, inconvenience, delay and uncertainty produced by these various causes acting in combination, exclude the poor natives almost entirely from the courts, and leave no possibility of redress

* This paragraph was written before the returns of the area and population of British India were printed. The minimum and maximum of extent of the districts have been supplied from those returns. The average area of a zillah, under the Bengal presidency, is more than 4,000 square miles; and the average population, in 1822, was more than 1,300,000; the population of some districts exceeding 2,000,000.*

* The return alluded to in this Note will be found in the Appendix.—Ed.

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in most of the cases which occur, even to the planter. The distance of the court, and the performance of the various steps prescribed by the Regulations, would alone, without the aid of any other causes of expense and uncertainty, be sufficient to deprive the remedies offered to the planter of all efficacy.

The truth of this proposition will be sufficiently evident, when it is considered that the contracts entered into by the planters with the ryots are generally for small patches of land of from two to five begahs each; that the advance usually made to the ryots is two rupees per begah, and that the contracts entered into annually by a single factory often amount to several thousands. The expense of sending to the court would alone often greatly exceed the amount of the advances, or the value of the indigo which the offending ryot had contracted to grow. The outlay required for the purpose, when a large number should fail, would be ruinous to the planter; and the decision, after all, would frequently come too late, even if no unnecessary delay should interpose itself between the commencement and the termination of the suit. For the intention of the ryot not to deliver the indigo plant to the planter entitled to it rarely becomes known until the crop is fit to be cut, when a very little delay would leave it valueless.

MS. Ret. iii. p.
35. Mr. Smith,
Mag. Rungpore

- MSS. Ret. ii. 388. Mr. Campbell, Mag. Tirhoot.
iii. 35. Mr. Smith, Mag. Rungpore.
iv. 262. Mr. Rattray's Minute.
— 465. Resolution, Bengal Government.
— 7. Petition of Planters of Jessore.
— 17. Letter from Messrs. Alexander to Mr. Shakespear.
— 47. Petition, Planters of Dacca Jelalpore.

The suit for the recovery of the advance, besides affording no sufficient compensation to the planter, is rendered completely nugatory by the poverty of the ryots. The planter finds, on obtaining a verdict, that the defendant possesses no means either of satisfying his claim or paying the costs which have been incurred. Or if less poor, he has frequently left the village, made over his property to another, or is ready to bring false witnesses to prove that he is insolvent.

When proceedings are instituted against ryots for breaches of their contract, the object which the planters have in view is not to obtain compensation, but to inflict punishment on the defaulter, in the hope of deterring others from similar conduct.

Reg. v. 1830,
S. iii. MS. Re-
turn iv.

By late Regulations the law relating to indigo contracts has been improved by the addition of the following, among other provisions:

The *wilful refusal* or neglect, without good and sufficient cause, to cultivate land on which advances have been made for the growth of indigo, is constituted a misdemeanour, punishable with one month's imprisonment. On conviction, the judge may also order the specific performance of the contract under the penalty of imprisonment for two months. Damaging indigo plant is also made punishable by fine and imprisonment.

- MS. Ret. ii. 252. Mr. Melville, Mag. Bareilly.
iii. 293. Mr. M'Farlan, Mag. Jessore.
— 323. Mr. Pringle, ditto.
— 313. Mr. Barwell, Commis. Allypore.
iv. 240. 256. 291. 316. Mr. Ross's Minute and Draft proposed Regulations.

But little can reasonably be expected from amending the provisions of the law itself. The principal defect, as many of the judicial authorities whose opinions are referred to in the margin have strongly stated, is in the tribunals. The magistrate of Jessore expresses himself in the following manner: "The grand objects for the Government to aim at do not consist in the making new laws for the management of their concerns, but in providing for them a speedy and sure application of the laws as they stand."

Complaints have already reached England of the inefficiency of the

new Regulations, in consequence of the delay attending the proceedings requisite to enforce them.

The impotence of the law compels those who possess just claims to have recourse to violence for their maintenance or enforcement, and encourages fraud and oppression on the part of all persons who have either in their power.

Of this encouragement the ryots, the zemindars and the planters seem all to have largely availed themselves. The disputes however which arise out of these causes are much more numerous, and tend to more important consequences in some districts than in others.

Wherever the planters are few in number and widely spread, the questions which arise between them and the natives appear to be neither numerous nor productive of much violence. The planter makes his contracts with the more substantial ryot only, and finds plenty of land which it is equally beneficial to him and to the natives to have cultivated with indigo, since much of it is frequently unfit for most or all other purposes.

In some of the districts in which indigo factories are numerous, and situated near to each other, the disputes arising out of the cultivation of indigo are few, and rarely followed by any very gross acts of violence. Of these the district of Tirhoot is always pointed out as a signal example; Sarun and Allyghur are also mentioned with distinguished praise. But most of the districts where the number of planters is considerable, exhibit constant scenes of fraud and oppression, terminating frequently in the most serious affrays. Dacca Jelalpoore is, perhaps, the most unfavourable specimen of this class. The cause of the difference between the effects produced in Tirhoot, and those which are exhibited by Dacca and most of the other populous indigo districts, is nowhere stated.

Where the indigo factories of a district become so numerous as to give rise to competition among them for the land in their neighbourhood, the planter becomes less scrupulous in selecting the ryots with whom he contracts, and scrutinizes less carefully the titles of the land offered to him for cultivation; he requires more land than the ryots are desirous either of leasing to him, or of cultivating with indigo; and consequently avails himself of every favourable opportunity of obtaining leases or contracts. He makes advances to all who apply, takes advantage of their distress or weakness to tempt the ryots to sign contracts, and accepts leases from any persons who possess even the colour of a title. When these sources fail, he is tempted to have recourse to compulsion.

The disputes between the planters and the ryots, and those between the different factories, then become frequent, and lead to consequences of increased importance.

The ryot receives advances for the cultivation of indigo, and either neglects to plough his land, or, when he has ploughed it, refuses to sow it at the proper season with indigo; and perhaps sows instead rice, barley, sugar, or some other crop for his own use.

Sometimes the seed received from the planter is parched before it is sown, to destroy its germinative power, and after sufficient time has been allowed to elapse for the growth of good seed, the land is re-sown by the ryot with some other crop, and the failure of the indigo is attributed to the badness of the seed furnished by the planter. At other times the indigo seed is ploughed up by the ryot, or the seed of other crops sown with or upon it.

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MS. Ret. ii. p.
387. Mr. Campbell,
Mag. Tir-
hoot.

Mr. Sealy's
Minute, iv. 257.
iv. 46; Petition
of Planters of
Dacca Jelal-
poore.
Mr. Prinsep.

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MS. Ret. iii. p.
32. — ii. p.
363.

IV. 8 106. 109.

Petition of
Planters of
Jessore.

IV. 46. Petition
of Planters of
Dacca Jelal-
pore.

III. 295. Mr.
McFarlan, Mag.
Jessore.

MS. Ret. ii.

440. Mr. Wells,
Mag. Monghir

MS. Ret. iv.

115. Petition of
Planters of
Jessore.

MS. Ret. iv.

142. 171. 175.

Mr. Rattray's
Minute, iv.

Advances are received in respect of land to which the ryot has no title, or of which he is but a joint tenant. Land to which the title is doubtful, is frequently offered to the planter with a view of interesting him in supporting the claim of the party from whom he obtained the land. And advances are constantly received from two planters for the same crop: in which case, when the indigo is fit to be cut, a dispute arises between them respecting their respective right to the crop.

The zemindars, and sometimes the native officers of the courts, with a view to extract bribes from the planter, employ their influence with the ryots, to induce them to combine and refuse to cultivate the land for which they have received advances. For this purpose, bonds not to cultivate indigo are frequently taken by the zemindar from the ryots. In other cases they erect factories and compel the ryots to receive advances from them, though already under agreement to cultivate the same land for other planters. Here, as before, the object in view frequently is to obtain money from the planters, and not to manufacture indigo.

Sometimes they lease villages to the factories, and refuse, after they have received the advance agreed upon, to deliver them up. In other cases, though they deliver them up the villages, they instigate the ryots to stop the planter's ploughs when he proceeds to till the land, and sometimes they collect large bodies of men together, to prevent the planter from cultivating even that land which he has obtained from other parties.

In one case a zemindar and a planter seem to have raised a combination of 7,000 men, who agreed not to sow indigo themselves, and to prevent other ryots from sowing it, for a certain British factory.

When the season arrives for ploughing the land, the ryots who have agreed to cultivate indigo for the factory neglect to plough, or the planter finds a body of men assembled to prevent him from ploughing that of which he has obtained leave for home cultivation. Sometimes the land, instead of being retained for indigo, is sown with rice or other crops for the ryot's own use; still more frequently the land is properly prepared by the ryots, but when the rains commence and the seed should be sown, some or all of the ryots refuse or neglect to sow. "The sowing of indigo admits of no delay; when the land is prepared for the reception of the seed, no time must be lost. Delay, that in all cases is dangerous, in this is ruinous; either the lands must be sown at once, or not at all." The planter has made advances, not only to the owners or occupiers of the land, but frequently to the labourers whom he had expected to employ during the season of manufacture. His factory, with its establishment, have been kept up at great expense; the law does not even profess to afford him assistance, except to recover his advances, and even these he can never hope to obtain, in consequence of the poverty of the ryots. During the delay necessary to procure the assistance of the Court, the season would pass away, and leave the planter perhaps wholly ruined.

Finding the law incapable of affording him redress, he takes the matter into his own hands and proceeds to plough the land, or sow it, by means of his own people, overturning and destroying the rice or other crop which the ryots may have sown in the stead of indigo. If large bodies assemble to impede the proceeding, an affray ensues, in which lives are not unfrequently lost.

When the land is sown, the ryot sometimes ploughs it up again, and sows it with other crops. At other times herds of cattle are

driven amongst the growing indigo, to consume or destroy the plant; then again the planter finds himself obliged to look to his own resources for protection. (77.) Conduct of Europeans in India.

In the same manner, when the indigo has arrived at maturity, the ryot refuses to cut it, or the crop is claimed by another planter, from whom also advances upon it have been received. The indigo must be gathered immediately, or it will be spoiled. In the first case, the planter cuts the indigo by means of the factory servants; in the second, the two planters assemble large bodies of men, each bringing into the field as many as he can collect together, and the strongest party cuts and carries the crop, perhaps after a violent affray.

When the planters are the aggressors, the natives are compelled, by a necessity equally pressing, to appeal to force; and that the planters are the aggressors in a large number of instances, is fully established.

The same impotence of the law, which invites the native to injure the planters, holds out at least equal encouragement to the planter to oppress the natives, particularly the ryots, to whom the expenses of a suit amount in most cases to a denial of justice.

The conduct of the planters, as has been already stated, appears to be very different in various districts. In those where there are but few planters, acts of violence appear to be very rare. The planters, probably, do little worse than take advantage occasionally of the distress or necessity of the ryot, to induce him to take advances on somewhat unfavourable terms. In some districts, where factories are numerous, instances of oppressive conduct on the part of the planters and their servants are rare. Of Allyghur, the Commissioner of the Moradabad division says, "So far as my experience goes, and it is founded on a residence of six years, in a district (Allyghur) filled with indigo planters, I have found the lower classes of the natives better clothed, richer and more industrious in the neighbourhood of the factories than those at a distance; and at the same time I cannot bring to my recollection a single instance of a native having suffered cruelty or oppression from an indigo planter or his servants." MS. Ret. iv. 313; Mr. Boldero.

In other populous indigo districts, the acts of misconduct committed by the planters, though not so rare as they are described to be in Allyghur, are still not very numerous; while, in a few of the most populous districts, no act seems to be avoided which can in any way forward the interests of the planters. Dacca Jelalpore may be cited as the most striking example of this state of things. The summary of suits brought against the indigo factories exhibits, in the case of most districts, few instances of oppression of an aggravated nature committed by the planters, and all the acts of that nature are confined to a few individuals. In Dacca Jelalpore, on the contrary, and in some other districts, the summary exhibits charges of every degree of violence against almost all the planters. The following description of the acts committed by the planters applies, therefore, with different degrees of force, to different districts.

In their eagerness to obtain indigo, the planters probably take advantage of the cupidity, distress, or timidity of the ryots, to a greater or smaller extent, in all or most of the districts, to induce them to enter into disadvantageous contracts. M. Monckton, Commr. Bareilly, ii. 255. Mr. Barwell, Commr. 24 Pergunahs, iii. 320. Mr. Walters, Mag. Dacca, iii. 223. Mr. Walters,

Pounding their cattle on a charge of straying among the indigo appears to be a method very frequently had recourse to for this purpose.

When this is insufficient, compulsion, more or less violent, is em-

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Mag. of Dacca,
iii. 226. Mr.
Barwell, Com-
mr. 24 Pergun-
nahs, iii. 321.
Mr. Walters,
iii. 227. Mr.
Cardew, Mag.
Dacca Jelal-
pore, ii. 33, 42;
iii. 177.

Mr. —, Joint
Mag. Pubnah,
iii. 51.

ii. p. 61.

See Report
from Mag. of
Dacca, ii., for
many instances.
Mr. —, Joint
Mag. Pubnah,
iii. 51.

Mr. Smith,
Mag. of Jes-
sore, iv. 61.

Mr. Cardew,
Mag. of Dacca
Jelalpore, ii. 65.

Mr. Walters,
iii. 228. iii. 51.

Mr. Cheap,
Mag. Mymen-
sing, v. 17.

Mr. Ainslie, ii.
270.

MS. Ret. ii.
224, Commis-
sioner of Far-
ruckabad.

Vol. ii. 309.

Mr. Walters,
iii. p. 225.

Mr. Tucker,
Commr. Dacca,
iii. 264.

Mr. Hamilton,
Mag. of Be-
nares, iv. 67.
Mr. Cardew,
Mag. of Dacca
Jelalpore, iii.
176.

ployed; the ryot is seized, and confined or beaten. Instances of misconduct to this extent appear to be more or less plentifully spread over most of the indigo districts; but in some of the worst the misconduct goes much farther. Every means which can be contrived of attaining the end in view, appears to be put in requisition; they are scourged and confined until they consent to enter into contracts; money is thrown into the houses of the ryots, as advances; their bullocks are impounded, their houses burned, or otherwise destroyed. Instances of arson frequently occur in the summary of the criminal suits connected with the indigo factories of Dacca Jelalpore, and one or two other districts. When contracts cannot be obtained by any of these means, or it is found more convenient to forge them, or to cultivate the ryot's land by force, forgery is had recourse to; or, more frequently, the land is seized and cultivated by the planter's servants, either under the pretence afforded by a lease from some ryot out of possession, who has a real or pretended claim to the land, or without any colour of right. The ryot's paddy, sugar, or other crop, if any happens to be growing, is ploughed up, and the land forcibly sown with indigo. Not unfrequently the planter prefers some other land belonging to the ryot to that which he intended to lease, and avails himself of some indistinctness in the pottah, to seize the field which he thus prefers.

When the factories are numerous, the ryots are frequently compelled to enter into engagements with one factory, after having contracted with another for the same land. Sometimes a planter obtains the lease of a village from the zemindar, and compels the ryot to cultivate indigo, without consideration of the rights which custom confers upon them. Occasionally this appears to be done in ignorance of the nature or existence of their rights. Sometimes, in these cases, the indigo lands are said to be thrown out of the rent-roll, and the whole burthen of the revenue cast on the other lands.

When a zemindar quarrels with his tenants, he sometimes alleges that their rents are in arrear, seizes their land, and grants it to the factory for the growth of indigo. The tenants sometimes act in a similar manner when they quarrel with the zemindars.

But of all the various grievances of which the ryots have to complain, that which they are said to consider the greatest, is the impossibility, almost complete, of freeing themselves from their connexion with the factories, when once they have received an advance for the growth of indigo. The advance which they are compelled, or induced to take, is frequently one which they can never repay; and when even they do possess the means of paying off all debts due to the factory, and desire to relinquish the cultivation of indigo, the planter frequently refuses to settle their accounts, and compels them to continue to grow indigo.

If, from this or any other cause, a ryot refuse to cultivate his land for the factory, the planter cultivates it with the factory servants, and charges the expense to the ryot's account, and otherwise contrives to bring him into debt to an amount which renders him little better than a bond slave to the factory.

The acts of which the zemindars complain are, that the planters, in their eagerness to obtain lands, accept pottahs or leases, without scrutinizing with sufficient care the title of the grantor, trusting to their armed men to remedy any defects in the contract. That they take pottahs which do not specify the quantity or boundaries of the

land conveyed to them, and thus obtain an excuse for seizing on any neighbouring landlord's property which suits them best. That it is, at least in some districts, "a common practice," when a zemindar refuses to accede to the offer of a planter who wishes to obtain a pottah, for the planter to obtain a pottah from some sharer or claimant, real or fictitious, who is in most cases not in possession, or from some unauthorized gomastah, upon the authority of which he either seizes the land, or causes a suit to be instituted, which suspends the payment of the zemindar's rent. That they occasionally find difficulty in obtaining their rent from the planters; and that the latter employ every exertion, frequently to the extent of committing acts of open and daring violence, to prevent the zemindars from establishing factories, and, when established, to ruin the owners.

In the two or three districts in which the oppressive acts of the planters are most common, and in which alone those of the most aggravated kinds occur at all frequently, the planters maintain bodies of men, frequently 100 or 200 or more in number, to protect them from aggression, and to enable them to conduct their affairs in the manner which has been described. These men are frequently strangers to the neighbourhood, of the worst possible character; sometimes convicted criminals, who do not confine themselves to the exercise of the degree of force required for the purpose of the planter, but sally forth under cover of the night, and commit heinous offences, dacoities, thefts, and even murders.

243. Mr. Sealey's Minute, iv. 258. Mr. Turnbull's Minute, &c. iv. 276. iii. 230, Mr. Walters.

Among the cases which appear in the Report from Dacca Jelalpore and Dacca City, there are many charges against servants of the factories, which would appear from their nature to be referable to this source, such as robberies, "snatching money," and similar offences. The practice, however, of employing armed men to any considerable extent is said to have greatly diminished, and to be now nearly obsolete, except in one or two districts, where, as the returns testify, it is still almost universal.

Organized gangs of brigands, denominated Lateeals, consisting of from 100 to 200 men, under regular sirdars, who live by hiring themselves to fight the battles of indigo planters, it is to be hoped, are not now so commonly had recourse to as formerly in this part of Bengal. A few instances, however, are to be met with among the suits instituted during the last five years in the various indigo districts.

Many instances occur, in the few districts which are in the worst state, of false complaints made by the factory servants against ryots; and the subornation of false testimony on behalf of the factories is alleged, with great appearance of probability to be frequently practised.

The police are frequently in the pay of the planters.

The planters allege, in mitigation of the offences committed on behalf of the factories, that they are for the most part committed by their servants, without their knowledge.

They also complain that the incapability of holding land in their own names places them completely in the power of the gomastah, in whose name the lands leased by them are held, and obliges them to connive at his misconduct.

For both these assertions there appears to be sufficient foundation in part, at least to a great extent.

Several of the magistrates consider that the oppressive acts which

iii. 194, 228. Mr. Cardew, Mag. Dacca Jelalpore, iii. 178. Mr. Smith, Mag. Jessore, iv. 67. Petition of Planters of Jessore, iv. 129. Commissioner of Bauleah, iii. p. 109.

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Mr. Smith, Mag. of Jessore, iv. 50.

Mr. Blackburn, Mag. of Jessore, ii. 330.

Mr. Walters, Mag. of Dacca, iii. 216.

Mr. Walters, Mag. of Dacca, iii. 215.

Mr. Champ, Mag. of Myensing, v. 17.

Mr. Walters, M. of Dacca, iii.

Mr. Hamilton, Mag. of Benares, ii. 293.

Mr. Walters, Mag. of Dacca, iii. 213.

Mr. Walters, iii. 230.

Mr. Cardew, Mag. of Dacca Jelalpore, ii. 31. 35, 40, 44, 58, 62, 68.

Mr. Ross's Minute, iv.

Mr. —, Mag. of Pubnah, iii. 51.

Rev. Letter from Bengal, 1 Jan. 1830.

Mr. Walters, Mag. of Dacca City, iii. 231.

Mr. Turnbull's Minute, iv. 282. See ii. p. 45.

— iv. p. 175. Dacca Jelalpore.

— v. 17, Myensing.

Mr. Walters, iii. 235.

Mr. Hamilton, Mag. Benares, iv. 65.

Mr. Walters, iii. 251; Petition of Planters of Jessore, iv. 129.

Mr. Walters, iii. 251; Petition of Planters of Jessore, iv. 129.

Mr. Walters, iii. 251; Petition of Planters of Jessore, iv. 129.

Mr. Walters, iii. 251; Petition of Planters of Jessore, iv. 129.

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are committed are rather attributable to the servants of the factories, than to the planters themselves; and that where the latter do countenance the oppression, they are more frequently the tools of wily gomastahs, or other natives, than intentional oppressors.

The influence which the gomastah acquires over the planter by means of the leases held in his name, is forcibly stated in the following extract from the Returns of Mr. Walters, the magistrate of Dacca City, to the Governor-general's Circular of 29th December 1829.

MS. Ret. iii.
253.

"So long as he (the planter) is debarred from a straightforward course, by openly leasing lands in his own name, and on his own responsibility; so long as he continues subjected to the control of a wily gomastah, whom he cannot shake off, whatever may be his conduct and character, without destroying his own fair prospects, by losing the lands leased in his name, so long he will be obliged to submit to be an unwilling accessory to all the chicanery and oppression which the crooked policy of his servants may suggest. Many a planter has confessed to me that he has been an accessory to acts which he would have been ashamed of in his own country; acts which he was driven to permit, or to lose the capital he had embarked; and which he invariably attributed to a necessity arising out of the anomalous situation in which he found himself. The nominal holder, perhaps, of 50,000 begahs of land, at a cost of three lacs of rupees, a European planter, finds himself the real proprietor of a few pukka vats and drying-houses only, over which alone he has any real control."

At the same time, it appears to be placed beyond doubt, by the facts and opinions adduced, that the planters shield themselves under their alleged dependence on the gomastahs, and ignorance of what is done by their servants, to permit acts to be committed on behalf of the factory, which could not be ventured upon if the planters were themselves responsible.

Mr. Hamilton,
Mag. Benares,
iv. 67.

Mr. Smith,
Mag. Jessore,
iv. 57.

Mr. Walters,
iii. 228.

Mr. Shaw,
Mag. Nuddeah,
iii. 139.

Many of the magistrates complain that the planters are too careless what their servants do; that provided a certain quantity of indigo be obtained, the planter cares little about the means which are adopted to effect its cultivation. The whole matter is left to the native servants of the factory, and the proprietor avoids specific knowledge of the acts which he cannot but be aware will be committed.

Several of the magistrates attribute a large proportion of the disputes which occur between the factories and the ryots, to the want of care manifested by the planters in superintending the conduct of their servants.

Had this carelessness no other motive than the love of ease, the instances which occur of it would be much more rare. The offences with which the factories have been charged in the foregoing description of their conduct, are, for the most part, not such as the servants of a factory have any other interest in committing than to please their masters, by increasing the cultivation of indigo. Had the planters no interest in the performance of the acts in question, the servants would only risk their situations by committing them. Their interest would be to avoid anything of the sort.

Mr. Smith,
Mag. Jessore,
iv. 57.

Petition of Planters of Jessore, iv. 129.

The native servant has an interest in extorting money from all whom he can reach, and, consequently, of adopting any contrivances which seem calculated to assist him in effecting that object; but the offences charged upon the factories in the foregoing statement are not of this nature. The servants of the factories seem generally to compel the ryots to pay them a proportion of the advance received from the

factory, and to extort money from them on many pretences; but the evils which the ryot suffers from this source, form an addition, and one of no small importance, to those already mentioned. (77.) Conduct of Europeans in India.

In concluding this description of the conduct of the various classes connected with the cultivation, and particularly of the planters, it may perhaps not be altogether superfluous to caution the reader against an exaggerated notion of the bad state of the country, which a catalogue, containing no particulars respecting the number of each crime committed, is calculated to produce. Even in the worst districts, though crimes are excessively frequent, a very large majority of the contracts made with the ryots must be free from all taint of injustice, except perhaps some little advantage taken of their poverty or cupidity. And the number of affrays and crimes of any considerable magnitude committed by each of the factories, in the worst districts, would not amount to more than a small number in the year. The conduct of the planter is not marked, at every step, by the crimes we have described, as the catalogue has a tendency to lead the reader to imagine. The crimes, even in the worst cases, form but a small, though far too large, list of exceptions.

Although the conduct of the planters, or of their servants at least, in some of the indigo districts, is undoubtedly oppressive, and evidently divergent from the standard adopted in more civilized countries, it may be questioned how far it is worse than that of the natives of India to each other, particularly of the zemindars towards the ryots.

The papers which have been submitted do not afford materials for any direct comparison between the conduct of the planters and that of the zemindars. A summary of the suits instituted against the former during five years, is given, with many elaborate opinions on their demeanor; but nothing of the sort exists relating to the zemindars.

Few of the magistrates have made any comparison between the two classes, in the opinions which they have given.

The two or three, however, who have done so incidentally, give opinions decidedly favourable to the planters.

Thus, the magistrate of Jessore (Mr. M'Farlan) states, "that the natives of the country are equally violent and rapacious, and I think more so; whilst, at the same time, there is unquestionably a superiority among Europeans, in the qualities of openness, liberality, and adherence to engagements." MS. Ref. vol. iii. 292.

Mr. Smith, the magistrate of Rungpore, concludes a long letter with this: "After what I have ventured to submit above, my opinion regarding the treatment of the natives must be qualified. Illegal acts are committed, but these are not confined to Europeans, notwithstanding the clamour that is raised about indigo planters. The records of the criminal courts prove, that from the same causes the same effects arise amongst the native population; and the obstacles that oppose themselves to the effectual enforcement of civil contracts drive the native merchant, equally with the indigo planters, to seek redress by subjecting his creditors to illegal restraints." Ibid 41.

The opinion that the conduct of the European planters is not worse, or at all events not much worse, than that of the native zemindars, derives considerable support from the answers given by the magistrates and commissioners to the questions asked them, as beforementioned, respecting the "character of the European indigo planters," residing within their respective jurisdictions, "in regard to their transactions with, and treatment of, the natives around them."

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Among the answers received from the magistrates, joint-magistrates, and commissioners of circuit, of all the provinces subject separately to the presidency of Calcutta, amounting to 112, there is not one which gives a decidedly bad character of the planters in general, and only two or three which do not speak of their general conduct with praise.

Most of the opinions charge them with committing *illegal* acts, and many give long catalogues of the crimes and misdemeanors sometimes committed by them and their servants; but, with the few exceptions above-mentioned, they all conclude with praise of their conduct, considered as a whole.

Thus, Mr. Walters, the magistrate of the City of Dacca, who gives a longer list of the classes of crime and misdemeanors committed on behalf of the factories, than any other magistrate, and paints the occasional conduct of the planters and their servants in the most unfavourable colours, expresses his general opinion of them in the following passage:—

MS. Acot. vol.
iii. p. 193.

"I have been led to form, upon the whole, rather a favourable opinion of the general character of European indigo planters, in regard to their transactions with, and treatment of, the natives around them. Among so numerous a class of persons, it is not to be expected that instances of misconduct should not occur, and that the dictates of self-interest should not occasionally urge an individual to overstep the bounds of propriety, and to forget what is due to himself as a British subject and as a Christian. Although, therefore, it cannot be denied, that instances of oppression, and a resort to brutal force, for the accomplishment of their views, have, in some cases, originated with the European planters; they have, in frequent instances of recorded misconduct, been made the tools of interested landholders, or of their own wily gomastahs, who, by exciting them to breaches of the peace, have turned the laws, which they have caused to be violated, into a source of advantage to themselves.

"That some of the planters are held in much estimation by the natives; that they are constantly called upon to arbitrate disputes between relatives or neighbours; that they are the frequent dispensers of medicine to the sick, of advice to those in difficulty, of pecuniary aid to those in need, on the occasion of family events, which would otherwise involve them for life with native money-lenders; and that their never-failing acquiescence in the wants and wishes of their poor neighbours has thus tended, in some measure, to exalt the British name and character, I can vouch from my own knowledge of the fact: nor need I remark how very much the prosperity and happiness of our native subjects would be increased by the residence of European gentlemen among them, were such a description applicable to a large portion."

"The chief evil complained of by indigo planters, and the fertile source indeed of serious breaches of the peace, is the interference of rival factories with each other, and the injury to which planters are constantly exposed, from new factories being erected within the bounds of the old-established concerns in their possession, either by native proprietors or leaseholders, or some European planter."

Dacca is one of the districts in which the cultivation of indigo occasions the most dispute and the greatest number of crimes. Of these crimes, and of the misconduct of the planters in many cases, the magistrate whose opinion has just been stated, gives a very forcible description; yet his opinion of their general conduct is still,

on the whole, favourable; yet it is at least one of the most unfavourable which was given by any of the magistrates or commissioners.

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Unless this, and the other general answers given, refer solely to the personal conduct of the planters, which was obviously not the intention of the question, and which can scarcely be the case, they must mean that, although the conduct of the planters is constantly *illegal*, and frequently violent, criminal, and oppressive, their misconduct is greatly mitigated by the state of the law, and their deportment not worse, but probably better, than that of the natives possessed of similar power—the zemindars and others. The language in question could not be used by persons who considered the conduct of the British planter as much, if at all, more oppressive than that of the wealthy natives.

The object of the question to which these answers were returned, was to learn the character borne by the planters in the various districts; in other words, their reputation. A large proportion, indeed by far the larger proportion, of the persons addressed, misled probably by the ambiguity of the word character, have not said anything of their reputation among the natives, but *characterised* them according to their own notions. They have given the planters the character which they think they deserve, and not collected that which they bear.

The answers that distinctly refer to the opinions of the natives on the subject are but few, which is much to be regretted. These, however, represent the character borne by the planters for kindness, liberality, and fairness, and good faith, in very favourable colours, and state that they are looked up to by the natives with respect and esteem.

The difference between the conduct of the planter and that of the zemindar consists probably in this, that the exactions of the planter are limited to those made for the purposes of his trade, while those of the zemindar have frequently no limit but the capacity of the ryot to gratify his rapacity.

So long as the law remains inefficient, the interest of the planter will frequently lead him to adopt unjustifiable means of obtaining, at the smallest possible cost, all the indigo which he is capable of manufacturing. He will drive hard bargains with the ryots; take advantage of their wants, their weakness, or cupidity; and occasionally, when necessary for his purpose, employ force. But here his oppression ceases.

Mr. Smith,
Mag. of Rung-
pore, iii. p. 34.
Commis. of Ba-
reilly, ii. 255.

He probably never thinks of using fraud or violence except in the way of trade. Provided he obtain a sufficient supply of indigo at a low price, he is satisfied, and thinks not of interfering with the accumulation of the ryots from other sources. Though he seizes the ryot's land, he would never think of taking from him a rupee to which he had not some claim.

On the contrary, his interest combines with his inclination to render him favourable to their progress in wealth, and the improvement of their condition, whenever it is consistent with obtaining the quantity of indigo which he requires; for it is more to his advantage that the ryots who cultivate for him, should possess ploughs and bullocks, to enable them to fulfil their contracts without difficulty, than that they should be sunk in extreme poverty.

Minutes of
Gov.-Gen. at-
tached to Rev.
Letter from
Bengal, 1 Jan.
1830.

The native zemindar too often extends his rapacity to everything which the ryot possesses. He is not always content with squeezing out of his tenant the greatest rent which he can obtain; but if, notwithstanding the amount of the regular extortion, the ryot should find means of accumulating anything, he contrives to obtain it from

Mr. Sisson's
Report on
Rungpore,
April 2, 1815.

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him under some pretence or other. "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 ryot. Whether the occasion be joyful, or whether it be sad, in its effects to the cultivator it is alike mournful and calamitous."

The English planter protects the ryot from the zemindar and village malik; and although his own servants commit great extortions, they are probably little, if any, worse than those of the native wealthy classes. Mr. Barwell, Commissioner of Allypore, speaks of "the extortions which, under sanction of their (the planters') names, are frequently practised by their retainers and dependents, in common with all other native servants, whether public or private, in our employ."

Petition of Planters of Jessore, iv. 116.

Mr. Bied, Comm. Goruckpore, ii. 359.

Mr. Boldero, Comm. Moradabad, ii. 242.

Mr. Walters, Mag. of Dacca, iii. 195.

Mr. Smith Mag. of Jessore, iii. 293.

Petition of Planters of Dacca Jelalpore, iv.

46.

Mr. Walters, Mag. of Dacca, iii. 195.

He assists the ryot with advances to pay his rent, and saves his land and bullocks from being seized for arrears. The terms of repayment in indigo which he exacts are indeed far from favourable to the ryot in many instances; but they appear to be less burthensome than those of the native usurer, to whom the ryot would otherwise be obliged to have recourse, and "involve" himself "for life."

One of the planters states, that the native money-lenders advance the cultivators such monies as they require at $37\frac{1}{2}$ per cent. interest per annum. This advance, given for the peasant and his family, for every bushel of which they receive back a bushel and a half; and for seedcorn they get back two bushels for one, or 100 per cent. interest. Not content with these profits, they are said, by the same person, to cheat the poor people most shamefully; which they can, it is said, 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.

Another planter, whose letter is in the same collection, page 66, says, that whenever the ryot is obliged to borrow of the money-lender, his cattle are mortgaged for the principal, while interest is charged at 50 or 60 per cent.

Mr. Smith,
Mag. of Jessore,
ii. 262.

Although the bargains which the planter drives with the ryot are perhaps nearly, or quite, as hard as those of the zemindar, he behaves towards him with better faith, and pays him more regularly, and is less rigorous in enforcing his claims when a bad season or other calamity falls upon him.

Magistrate of
Dacca, iii. 195.
and 161.

He treats the ryot, too, with less violence and more humanity in matters not immediately connected with business; shows more kindness to him in his distresses; supplies him very commonly with medicine when sick; affords him assistance occasionally when disabled, and sometimes lends him money to buy bullocks, and carry on his agricultural pursuits, or to support his family when in want. In many instances the planters appear to have so much personal influence with the natives, and command their respect to such an extent, that they are constantly referred to, to settle disputes between them.

It would appear, therefore, on the whole, that there is little or no ground for considering the conduct of the planters to be more oppressive than that of the native zemindars; and that the magistrates and commissioners of circuit of the Bengal provinces in general do not believe it to be worse, but rather better.

This conclusion, it is true, is founded to a great extent on inference, (77.) *Conduct of Europeans in India.* in the absence of sufficient direct testimony, and therefore is advanced with some hesitation.

It seems to be tacitly assumed by most persons, that the indigo districts are those in which the greater quantity of disturbance takes place. This, however, would necessarily follow from the increase of the number of transactions, whether the planters acted oppressively or not. Where all disputes are settled by affrays between the parties, whatever increases the number of transactions will increase the number of affrays, although one of the parties may always act fairly.

It is, however, stated by two or three of the magistrates, that, "the natives generally are averse to the extended cultivation of indigo, and more especially to the cultivation of it by Europeans." *Mr. Barwell, Commissioner Allypore, vol. iii. p. 319.*

"The natives with whom I have conversed on the subject, (says Mr. Nisbet, commissioner of Bauleah,) have invariably expressed a strong dislike to indigo factories; and I have always found a prejudice to be entertained by them against Europeans residing in the interior, my endeavours to dispel which have been fruitless."

Other magistrates remark that the natives dislike the cultivation of indigo on any other than the Chur lands, which are unfit for the growth of any other crops. (See v. 56, magistrate of Mymensing, and iii. 283, magistrate of Baraset.)

On the other hand, the magistrate of Jessore cannot think that the natives look on the cultivation of indigo as productive of more harm than good to them, (iii. 291); and instances are adduced by the Governor-general in Council, in their Revenue letter, 1st January 1830, of great eagerness on the part of the ryots to induce planters to settle in their respective neighbourhoods.

On the whole, there seems to be no pretence for maintaining that the conduct of the planters has either prevented the accumulation of native capital to any considerable extent, or that their oppressions have added anything to the evils suffered by the native population, which can be for a moment compared with the advantages which their capital has conferred on the country.

It is even doubtful whether the conduct of the planters has been at all worse than that of the zemindars would have been if the former had not settled in India, and consequently, whether any deduction should be made from the positive advantages on this ground. None of the magistrates or commissioners draw any comparison between the amount of benefits which the natives derive from the employment among them of European capital, and that of the evils by which they are alloyed. Their whole language, however, seems to indicate that this omission arose from a feeling that such a comparison was wholly unnecessary, the side to which the balance inclines appearing to them not to admit of a doubt.

That this is a correct interpretation of their silence on the point, and of the indications which pervade their reports, would appear to be established, or at least rendered highly probable, by the fact that those who reside in the worst indigo districts, and who consequently have had occasion to paint the most unfavourable pictures of the crimes, oppressions and disturbances connected with the indigo factories, those, in short, from whose reports the catalogue of crimes and charges against planters has been compiled, are precisely the persons who seem to be most profoundly penetrated with and convinced of the balance of advantages which the country derives from the culture of indigo, by means of European capital and skill.

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Among the districts most distinguished for misconduct connected with indigo factories, those of Dacca, Dacca Jelalpore, Mymensing, Jessore, with perhaps one or two more, stand pre-eminent. The most formidable list of charges against the planters, to be found in the whole of the reports, is brought by Mr. Walters, the magistrate of Dacca city. His tone, in many places, indicates what is certainly no partiality towards the planters, by whom almost all the labour and trouble of his office are created. Yet after making his charges, he remarks;

Vol. iii. p. 192.

"I do not consider it necessary to descant on the general advantages derived to the country from the introduction of the indigo manufacture on its present extended scale. These are palpable, and an estimate of their value will be best found from the information furnished by the returns called for, as well as from other data doubtless in the possession of the Government. What appears to me to be required is, to point out the existing evils which have grown up with the manufacture, and to suggest rules for their amelioration."

Vol. iii. p. 180.

The magistrate (Mr. Cardew) of Dacca Jelalpore, which appears by the reports and returns to be the district in which more aggravated crime is committed by the planters than in any other, concludes his report thus :

"Upon the whole, I am of opinion that the residence of Europeans in this district has been of the greatest advantage to the inhabitants. The comforts of all classes have been increased from the large capital circulated; the zemindars' rents have been realized with greater facility, and the immense tracts of jungle that overspread the district before the cultivation of indigo was introduced, have totally disappeared."

Vol. iii. pp.
291-293.

Mr. M'Farlan, the magistrate of Jessore, another of the most disturbed districts, says, "I can hardly think that the establishment of European Indigo planters in the interior of the districts is looked upon by the natives as a source of evil rather than of good."

"Rapacious and violent men no doubt there are among them; and the uncertainty of the speculation, which approximates their enterprises to gambling transactions, must have an important influence in fostering such evil propensities. But natives of the country are equally violent and rapacious, and, I think, more so; whilst, at the same time, there is unquestionably a superiority among Europeans in the qualities of openness, liberality, and adherence to engagements."

"If, therefore, the capabilities of the country are to be called out at all, it seems clear they had better be under the management of Europeans than of natives."

The following extract from the report of the magistrate of Mymensing (Mr. Cheap), will, at the same time, show the high opinion entertained by that gentleman of the advantages which India derives from the residence of Europeans, and his freedom from partiality towards the planters:

Vol. v. pp. 58,
59.

"Great benefit has been derived from their (the planters') speculations to the country; but they are apt to entertain a much higher opinion of the benefits conferred on the natives, than those mutually received and conferred. That the capital invested in indigo is immense, it is not necessary to mention; but, generally speaking with the exception of a few ill-finished factories, as far as external appearances go there is little in the way of the useful or ornamental to be seen in those parts of the country principally occupied by indigo planters, and no improvement in the means and implements required

for agriculture; the only counterpoise in the scale being the employment of a considerable number of hands in the manufacture of the raw produce, and the skill acquired by those engaged in the mechanical part of the process: but that greater comforts and conveniences have been dispensed to the ryots and lower orders, from the introduction of this now most valuable staple of the country, admits of doubt, or at any rate is confined to districts which I have never visited." (77.) Conduct of Europeans in India.

No distinct opinion that the balance of effects is disadvantageous to India, has been met within any of the reports. The two following extracts are those which have the strongest tendency to that view. The first is from the report of Mr. Monckton, commissioner of Furruckabad; and the second from that of Mr. Barwell, commissioner of Allypore, who commences his report by a declaration that he has had "very little experience in the administration of the criminal jurisprudence and internal police of the country, and has never resided in districts where the cultivation of indigo was carried on to any extent," until his then recent appointment to the office of commissioner. Vol. iii. p. 312.

Mr. Monckton says:—"There is reason, therefore, to think that the profits of indigo are not, as represented, the clear and honest results of European skill. A portion is drawn from the funds fairly due to the revenue of the State; and a portion is more exceptionably drawn from forcing ryots to grow indigo in a proportion beyond what the Indian cottage-farm can maintain, and to give that indigo, with the perquisites, at terms which do not repay the grower. I fear that there is not a village mortgaged in these parts, to indigo factories or their native agents, which, in the ruined state of the houses, the poverty of the people, their discontent, despair, and, more particularly, loss of their native manner, do not offer proof of the injury done by the indigo trade to the interior of the country. Vol. ii. 25-27.

"The general personal character of the European planter, separated from the advantage taken of revenue laws and landed tenures, is fair. Coolies, day-labourers, carriage and boats, are regularly and fully paid for, but not from any other reason than what actuates the world at large—a feeling that, if not paid, people will not work. Of any great improvement in cultivation, in manufactures, in arts and sciences, being imputable to the indigo planters, I am not apprised."

Mr. Barwell expresses himself in the following words:—"Accustomed as I have been, from my youth upwards, to regard with reverence the sentiments and opinions entertained by the late venerable Warren Hastings (the wisest ruler and the best friend to the interests of his Honorable Employers that British India ever saw) upon this subject, I strongly incline to the latter measure, as affording the best means of securing the stability of our eastern empire, and of promoting the peace and prosperity of its native inhabitants, whose rights, and interests, privileges, customs, and even prejudices, we are bound, by every obligation of good faith, to preserve inviolate and entire. Vol. iii. 16, 17.

"That those rights and interests are interfered with, those prejudices offended, and those customs infringed upon, wherever, as in the Jessore district for instance, Europeans have been permitted to occupy lands for the cultivation of indigo to any considerable extent, no one who has had opportunities of conversing generally with the natives, and of ascertaining their real sentiments, can doubt for an instant."

These opinions, even if intended to signify that their authors considered that the advantages attendant on the residence of Europeans were overbalanced by the disadvantages, do not exhibit any of

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that superior care in the investigation of the subject which could alone entitle two or three opinions to outweigh a much greater number.

On the whole, the view taken by Mr. Bayley, member of the Council of Bengal, of the evidence adduced on this subject, coincides with our own:

Mr. Bayley's
Minute, 31st
December 1829.

"Even with the limited powers now possessed by our local tribunals (says Mr. Bayley) to prevent or punish offences on the part of European British subjects, and with the obvious disadvantages which result from a divided jurisdiction, and from restrictions which go to encourage acts of fraud and violence, I am of opinion that the most solid benefits have resulted, and continue to result, from the residence and employment of European British subjects in the interior of the country, and that the mischiefs and inconveniences have in practice been of much less importance than has been commonly supposed." This view derives some additional confirmation from the speeches of two eminent natives to the inhabitants of Calcutta, Dwarkanauth Tagore and Rammohun Roy. The former said, "With reference to the subject more immediately before the meeting, I beg to state that I have several zemindaries in various districts, and that I have found that the cultivation of indigo, and the residence of Europeans, have considerably benefited the community at large; the zemindars becoming wealthy and prosperous; the ryots materially improved in their condition, and possessing many more comforts than the generality of my countrymen, where indigo cultivation and manufacture are not carried on; the value of land in the vicinity to be considerably enhanced, and cultivation rapidly progressing. I do not make these statements merely from hearsay, but from personal observation and experience, as I have visited the places referred to repeatedly, and in consequence am well acquainted with the character and manners of the indigo planters. There may be a few exceptions, as regards the general conduct of indigo planters, but they are extremely limited, and, comparatively speaking, of the most trifling importance. I may be permitted to mention an instance in support of this statement. Some years ago, when indigo was not so generally manufactured, one of my estates, where there was no cultivation of indigo, did not yield a sufficient income to pay the Government assessment; but within a few years, by the introduction of indigo, there is now not a begah on the estate untilled, and it gives me a handsome profit. Several of my relations and friends, whose affairs I am well acquainted with, have in like manner improved their property, and are receiving a large income from their estates. If such beneficial effects as these I have enumerated, have accrued from the bestowing of European skill on one article of production alone, what further advantages may not be anticipated from the unrestricted application of British skill, capital and industry, to the very many articles which this country is capable of producing, to as great an extent, and of as excellent a quality, as any other in the world, and which of course cannot be expected to be produced without the free intercourse of Europeans."

See also opinion
of Mag. of
Meerut, ii. 128.

Rammohun Roy confirmed this view in the following language:—"From personal experience I am impressed with the conviction, that the greater our intercourse with European gentlemen, the greater will be our improvement in literary, social and political affairs; a fact which can be easily proved, by comparing the condition of those of my countrymen who have enjoyed this advantage, with that of those

who unfortunately have not that opportunity: and a fact which I could, to the best of my belief, declare on solemn oath before any assembly. I fully agree with Dwarkanauth Tagore in the purport of the resolution just read. As to the indigo planters, I beg to observe, that I have travelled through several districts in Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations evidently better clothed and better conditioned than those who lived at a distance from such stations. There may be some partial injury done by the indigo planters; but on the whole, they have performed more good to the generality of the natives of this country than any other class of Europeans, whether in or out of the service."

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The objection which was urged by the witnesses examined before the Select Committee of the whole House on India Affairs in 1813, was not, however, that the advantages which India would derive from the settlement of Europeans in India would be overbalanced by any pecuniary disadvantages; but that Europeans would violate the religious and social prejudices of the native population, oppress and ill-treat the natives, degrade the British character by vice and debauchery, and thus excite and encourage the natives, if not to insurrection, to avail themselves of any occasion which should offer to join any powerful invader or insurgent. These evils, however, were predicted by most of the witnesses, only in case the immigration should consist of the poorer and less educated classes. The settlement which has hitherto taken place has not been drawn from those classes; the case supposed has therefore not occurred.

It may be well, however, to observe here, notwithstanding, that the violation of the prejudices of the natives does not form one of the charges brought against the planters by any of the magistrates, except by Mr. Barwell, in the single paragraph cited a few pages back; that no traces of any such offences appear in the summary of criminal cases which has been returned for the five years ending with 1829, one or two of the cases being all which appear to involve any such offence; that the people are nowhere said to have been rendered discontented with British rule by their conduct, nor does the British character appear to have been lowered by them in the eyes of the natives, in any way calculated to weaken the hold which England has on India; at least, nothing of this nature is anywhere alleged against them in the papers which have been submitted.

Having taken a view of the conduct of the indigo planters, for the purpose of discovering how far it is more injurious and oppressive to the natives of India than that of the zemindars would otherwise have been, and arrived at the conclusion that the evidence does not warrant an opinion that it is much if any degree worse, and consequently that it does not seem necessary to make any deduction on that score from the advantages undoubtedly conferred by the large capital which they employ, and by their superior knowledge and morality; it remains to endeavour to form an estimate of the advantages which the various classes have derived from these sources.

Effect which the Cultivation of Indigo by European Capital has had on the class of Ryots.

This class includes the whole country population of India, with the exception of a very small number of persons, who come under the class of zemindars. The ryots are of two kinds: those who possess

(77.) Conduct of Europeans in India. a *customary* title to hold the lands which they occupy, so long as they pay a certain fixed rent; and those who have no other title to their land than that which they derive from the zemindar whose tenants they are, either on short leases or at will.

When land is held by tenants of the former class, Khood-khasht ryots as they are termed, they are of course the parties that benefit by any increase in value of the land itself, or of the produce which it bears. They are not, however, like the large landholder under similar circumstances, necessarily benefited by any increased value which their land acquires. If they sell or let the land, they obtain a higher price or more rent for it; if they grow a surplus, more manufactures may be obtained in exchange for that surplus; but on so much of their property as they retain to produce their own sustenance, or to grow agricultural produce of one sort to exchange for that of another which is required for their own consumption, they derive no benefit from the increased value of land or of its produce.

As the portions of land held by the ryots are very small, those even of the Khood-khasht class obtain but a small share of advantage from any rise of the value of land, or of agricultural produce; except where, within the bounds of their village, there are portions of land unfit for the growth of ordinary crops, but suited to indigo, or which, having remained from some other cause in an uncultivated state, come into demand in consequence of the rise.

Those of the ryots who are not included in the class just described, and who form the great bulk of the population, derive no benefit from the increased value of land; if land becomes more valuable, the zemindar of course augments the rent. The condition of the ryot is wholly dependent on the wages of labour which he receives, either under that name, or in the price of the indigo or other articles that he produces for sale.

It has been already stated, in the commencement of this report, that the quantity of capital annually expended by the indigo planters is estimated by themselves at from 1,200,000*l.* or 1,600,000*l.* to 2,000,000*l.* sterling; and that the wages of labour in India appear to be from five to eight shillings per month.

No materials have been found for forming an estimate of the proportion which the persons paid at this rate of wages bear to the whole number employed, or of that which the total amount paid to the former class bears to that paid to the latter.

It is obvious, however, that the number of persons maintained by this outlay, either as labourers themselves or as the families of labourers, is very great. It has still, however, to be considered, in which of the two ways possible the additional demand for labour has been supplied, whether by a corresponding increase of the population growing up with the growth of the trade, or by an improvement of the condition of the labourers. Is a number greater, by the amount of the new demand, maintained in the same condition, or the same number, or one which, though increased, is not increased in an equal ratio with employment, in a better condition? Few of the magistrates, or other Indian authorities, have expressed any distinct opinion on this point. There is, however, some difference of sentiment between those who have. That the principal effect has been to maintain an increased population, does not admit of a doubt. The only question is, not whether the whole of the demand created by the indigo trade has gone to improve the condition of the people, but whether any

part of it has; whether the condition of the people has been at all improved in consequence?

Rammohun Roy, an authority of great weight in such matters, considers the condition of the ryots has not been improving in any degree within his recollection; to which he adds, that is of so melancholy a description, "that it always gives him the greatest pain to allude to it."

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Evidence before Committee of 1831.

Evidence before this Committee, A. to G.

This opinion would, however, seem to relate to the mass of ryots, and to exclude some improvement in the condition of those engaged in the cultivation of indigo; for in the speech already quoted, Rammohun Roy stated, "I have travelled through several districts of Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations evidently better clothed and better conditioned than those who lived at a distance from such stations."

Dwarkanauth Tagore, himself possessed of, or connected with several indigo factories, expressed on the same occasion a similar opinion. He stated that in the indigo districts he found the "ryots materially improved in their condition, and possessing many more comforts than the generality of his countrymen, where indigo cultivation and manufacture is not carried on."

Mr. Hamilton, the magistrate of Benares, says, however, "It is argued that the ryots, in those districts where indigo is cultivated, are most substantial. Speaking of those divisions which have come under my observation, I cannot say that I have seen anything that could at all lead me to suppose such the case; but on the contrary, I am inclined to assert, the ryots are far better off in the zemindaries wherein the proprietors will not hear of indigo being grown, and resist every application for pottahs from factories. The rajah of Benares openly declares, that until the introduction of indigo there never was dissension in his jagheers, (the finest cultivated tracts in this neighbourhood); that all the late disputes had their origin in indigo transactions, to which he never willingly consented, but from which he has seriously lost, and must permanently suffer."

Vol. i. p. 93.

This opinion seems, however, to be rather the result of inference than of observation; and the inference, at least if intended to apply to more than some few districts, is obviously founded on an erroneous notion of the facts. The paragraph quoted is followed by this:—"More land is not brought into cultivation by the introduction of indigo; it is not grown on ground that would otherwise be fallow, or on which other produce could not be advantageously raised; neither is the rent paid by planters higher than what could be obtained from other persons. If then the quantity of cultivated land is not increased by the culture of indigo, or a higher rent is not paid for the lands on its account, how then is the ryot to be benefited? He must obtain enough from the planters to cover all expenses, and leave himself a profit to maintain him through the year; and if he only gain this, it matters little whether it be derived from indigo or anything else."

The commissioner of Furruckabad takes a view of this question still more unfavourable to the opinion that the condition of the ryots has been improved. He says, "I fear that there is not a village mortgaged in these parts to indigo factories, or their native agents, which, in the ruined state of the houses, the poverty of the people, their discontent, despair, and more particularly loss of their native manner, do not offer proof of the injury done by the indigo factories to the interior of the country." It must, however, be observed that

Vol. ii. p. 225.

(77.) *Conduct of Europeans in India.* at the time to which this opinion relates the planters in that part of the country were in great distress and failing.

Vol. v. p. 59. The only other opinion which has been met with on this side of the question, is that of the magistrate of Mymensing (Mr. Cheap), who attributes to the "immense" capital invested in indigo, the "employment of a considerable number of hands;" but adds, "that greater comforts and conveniences have been dispensed to the ryots and lower orders, from the introduction of this now most valuable staple of the country, admits of doubt, or at any rate is confined to districts which I have never visited."

On the other side of this question may be ranged the opinions of a larger number, though still but a small proportion, of the magistrates and commissioners. Several of the opinions are, however, expressed so generally, that it is difficult to decide whether those by whom they were given considered the benefit derived to be employment for a greater number only, or an increase of the comforts enjoyed by each.

Mr. Lind, Mag. of Futehpore, ii. 281. ii. 359, 331, 359. The cultivation of indigo, for example, is said to be very beneficial to the "district and native inhabitants." The introduction of so large a capital, "is of considerable advantage both to the people and to the Government." "The great body of the ryots have already benefited by the diffusion of capital, the extension of cultivation, and the enhancement of rents." Even with respect to those opinions which do distinctly assert an improvement of condition, it is in some cases doubtful whether the opinion is founded on inference or observation.

Mr. Morris, Mag. of Behar, ii. 423.

Several of the magistrates seem to feel that the increase of comfort among the working classes is a necessary consequence of any large increase of capital, and to estimate the benefit done to the labouring class by the evil which they would suffer if European capital were now suddenly removed.

Vol. iii. p. 189. "The comforts of all classes have been increased from the large capital circulated," is the statement of Mr. Cardew, magistrate of Dacca Jelalpore; and it is difficult to determine whether the effect is here deduced from observation or inference. The opinions which at the same time assert that the comforts of the working classes are augmented, and leave no doubt that the ground of the assertion is observation, are few.

Vol. ii. 243. The commissioner of Moradabad (Mr. Boldero) says, "So far as my experience goes, and it is founded on a residence of six years in a district filled with indigo planters, I have found the lower classes of the natives better clothed, richer, and more industrious, in the neighbourhood of the factories than those at a distance from them."

Vol. iii. p. 53. Mr. Mills, magistrate of Pubnah, says "Although many planters are undoubtedly oppressive, yet at the same time it must be observed that the condition of the ryots has been greatly improved since their introduction in the mofussil."

Evidence to the same effect was given before the Committee of the House of Lords which sat on the affairs of the East India Company in 1830.

Minutes Lords' Rep. 1830. Mr. Harris, who had been an indigo planter in India, stated that "their (the ryots') better condition in the districts where indigo was chiefly cultivated, enabled them to keep a greater number of bullocks for their ploughs, and the ground was better cultivated as they improved in means."

Minutes of Evidence. The following question was put to, and answer returned by Mr. Davidson, who had also been a planter in India:

"Is the situation of the ryots, who cultivate indigo for the indigo planters, superior to that of other ryots engaged in the cultivation of other articles of agricultural produce?" (77.) Conduct of Europeans in India.

"I do not know that there is any very material difference. I think, in the comparison between those who do cultivate and those who do not, that those who do cultivate indigo are rather best off."*

The planters allege, in the pamphlets and letters which have been published by them in this country, that wages have greatly increased, and that the condition of the ryots has been most materially improved. They state many instances of the rise of wages, that is, of money wages; but say nothing of the rise which must at the same time have taken place in agricultural produce.

In one instance, indeed, it is stated that "Old individuals often speak of rice selling formerly at from 3s. to 4s. per quarter; now it sells at from 10s. to 14s. per quarter." But as nothing is said of the rise which has during the same time taken place in money wages, the rise of price in this case, like the increase of wages in the others, affords no foundation for any conclusion respecting the condition of the ryots. They also assert that much of the labour of Cultivating indigo, the ploughing and the weeding, is performed, at least in some districts, at seasons when the women and children, ploughs and bullocks, would otherwise have no occupation.

The conclusion which seems to result from a consideration of the evidence adduced, and of the various probabilities of the question, is, that the labouring population of India is in a state of great poverty and wretchedness; that their condition as a body has been but little, if at all ameliorated; that the wages of labour are extremely low in all parts of the country; but that those employed by the indigo factories have more constant employment at those wages, and receive their pay more regularly than their fellows in other parts of the country. The factory also affords permanent employment to a number of persons engaged in occupations somewhat superior to that of a common labourer, who naturally increase the apparent wealth and comfort of the district.

But this, it is feared, is the whole improvement which has been made in the condition of the labouring class by the employment of European capital.

Effect which the Settling of Europeans in India has produced on the Interests of the Zemindars.

The capital of the planters creates a demand, in the first place, for the land required to grow their indigo.

The returns made by the magistrates from information furnished to them by the occupiers of each factory, give 1,844,715 begahs, as the quantity of land thus employed.

Besides the land required to bear indigo, the capital of the planters creates a demand for the quantity necessary to produce food and other requisites for the supply of those employed by it, whether directly or indirectly, which includes not only the cultivators of indigo and the labourers in the factories, but the persons engaged in supplying their wants.

To the capital of the planter the landholder is also indebted for the

* This Gentleman (Mr. R. Davidson, now in India) was also examined before the House of Lords: his able and impartial evidence appeared in the Calcutta Papers.

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in India.

Vol. iii. 211,
220. v. 43, 57,
Mr. Cheap, Ma-
gistrate of Mys-
mensing.
April 1831, p.
144.

Vol. iii. 180.

Mag. Dacca
City, iii. 191.

contributions which accumulation from so large a source must have made to the general progress of the country in wealth and population, and consequently to the demand for land.

The demand for land thus created by the culture of indigo has brought into cultivation large quantities which were either covered with jungle, or unfit, from their quality, for the growth of the crops ordinarily grown in India.

The magistrate of Dacca states, "indigo, moreover, is chiefly grown on chur lands, within the limit of annual inundation, and which will frequently yield no other produce."

A writer in the Calcutta Monthly Journal says, "99 out of 100 factories are built in the immediate vicinity of large tracts of particular kinds of land, which, from the nature of their soils and liability to sudden inundations, or the waters passing in too strong a current over them, and other causes, have from time immemorial never been cultivated for 'rice,' the ostensible *primum mobile* of all commotion in Bengal. These tracts are either those in which the soil is too clayey for the imperfect husbandry of the Bengalese, and which would require a northern frost to dissolve and pulverize, or else they are mauts, or dans, or churs, which the inundation assails and runs over in so abrupt and violent a manner that no rice-crop can stand against it. Again, there are tracts where the inundation is too slight for the purpose of raising the aumeen rice, and at the same time too much for the purpose of raising the ouze dan; the first of these crops requiring a friable soil and still inundation, and the latter the same kind of mould and no inundation. To these may be added extensive tracts of sandy soil too poor for rice, but which occasionally afford a crop of indigo. Of these descriptions of lands totally unfit for rice, at least four-fifths of the lands occupied by planters consist."

This statement is probably, however, considerably exaggerated, unless indeed the term "*occupied by planters*" includes that land only which is held by them for the purpose of home cultivation.

The magistrate of Dacca Jelalpoore says, "that the immense tracts of jungle that overspread the district before the cultivation of indigo was introduced, have totally disappeared."

Other magistrates speak of similar results in the districts with which they are respectively acquainted.

And many allege, as proofs of the advantages which indigo planting has rendered to the country, the progress of cultivation and the increase of rent. None of them, however, make any estimate of the amount of increase. The planters give statements of the rise in the value of land in many parts of the country; but care must be taken not to found on these statements conclusions which they are insufficient to support.

The rent usually spoken of in them is the rent of the species of land cultivated with indigo; and where this is of a quality wholly or nearly unfit for the growth of other produce, the rise in its value affords no criterion of the effect on rents in general.

Far too little importance also is attached, in the statements of those who favour the cultivation of indigo, to the causes which have co-operated with it, in the extension of cultivation and the augmentation of rents.

The circumstances of a country must be bad in the extreme, to prevent altogether its population from increasing and extending cultivation over land previously waste. Under the comparatively mild

and secure rule of the East India Company, the country could not have failed to make much progress in these respects, without any assistance from British capital. But in addition to the causes which operate permanently, the extension of cultivation has been greatly encouraged by the fixed settlement of the land-tax under Lord Cornwallis, in 1793, which made an addition of 80 or 100 per cent. to the motive for cultivation of land then waste; for, previously to that time, land in cultivation was assessed to the revenue at from 40 to 50 per cent. of its gross produce. The cultivator of new land would therefore have paid half, or nearly half his crops to the Government. But after the tax payable by each estate was fixed, the whole produce of any land newly brought into cultivation formed the reward of its reclaimers.

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So powerful an addition to all the motives which previously existed, must have had great effect in encouraging the cultivation of waste land; and it can scarcely be doubted, that a large proportion of the progress which the country has made, is justly attributable to this cause. The zemindars in general seem fully aware of the great advantages which they have derived from the settlement of Europeans in India.

The opinions of Dwarkanauth Tagore and Rammohun Roy, already quoted, evince the convictions of the richer natives. Mr. Boldero, commissioner of Moradabad, says, "that the country at large derives great benefit from the residency of respectable Europeans in the interior, is proved beyond doubt, by the eagerness with which the large zemindars apply to the planters to build factories on their estates; to induce them to do which, I know instances of their offering to supply plants, for which they were not to be paid until the indigo was made and sold." Every increase in the rent of land necessarily augments the facility with which a fixed land-tax like that of India is levied. The operations of the planter seem also to facilitate the collection of the revenue, by supplying the ryot with means of paying his rent, in the shape of an advance for indigo. Vol. ii. 212.

The introduction into a comparatively uncivilized country, of persons who have been educated in one much farther advanced, is calculated, undoubtedly, to improve the morals and augment the knowledge of the former. But the whole number of Europeans dwelling in the interior of India is so perfectly insignificant when compared with the native population, that but little effect in this way can reasonably be attributed to them.

"Of any great improvement in cultivation, in manufactures, in arts and sciences, being imputable to the indigo planter, I am not apprised," is the remark on this subject of Mr. Monckton, commissioner of Furruckabad. Vol. ii. 227.

Mr. Cheap, magistrate of Mymensing, says, "Generally speaking, with the exception of a few ill-finished factories, so far as external appearances go, there is little in the way of the useful or ornamental to be seen in those parts of the country principally occupied by indigo planters, and no improvement in the means and implements required for agriculture." Vol. v. 57.

Their example may have had some effect in introducing better faith into the transactions of business, and more humanity into the treatment of the poor; they may in some cases have checked, to a small extent, the corruption of the native officers to whom the administration of the law is entrusted, and imparted information to the few individuals

Mr. Walters,
Mag. of Dacca.
Mag. Pabnah.

(77.) Conduct of Europeans in India. with whom they come into immediate and frequent contact; but the only art which they have had an opportunity of spreading extensively is, the improved mode of manufacturing indigo, which has been adopted by many of the talookdars and zemindars.

See Evi. before Committee of whole House. The Europeans residing in the towns have indeed introduced among, and taught, the natives many trades and manufactures.
1813; Sir J. Malcolm, 59, 70; Kyd, 79; Sir T. Munro, 89, 125, 127; Vanderheden, 21; Lindsay, 106; Farlie, 115; Malet, 247; Cookburn, 281; Sydenham, 332.

III. PROBABLE CONSEQUENCES OF REMOVING OR RELAXING EXISTING RESTRICTIONS.

1. *Restrictions on holding Land.*

MUCH of the crime and disorder that disturb the districts in which indigo is chiefly cultivated, are attributed, as has been already shown, to the restrictions on holding land which are imposed on Europeans.

These restrictions operate to the production of disturbance in several ways. They compel the planter to connive at the misconduct of the servants in whose names his land is holden, towards the ryots and other natives, and free him from a degree of responsibility, both moral and legal, for the acts of those employed on the land, which would otherwise oblige him to exercise a much more careful surveillance over their proceedings.

These restrictions also afford a large premium on cultivation by means of that system of advances, to which the magistrates concur in attributing the great mass of the disputes and affrays which now occur.

Vol. iv. 465.

"The most advantageous change for both parties (says the Bengal Resolution) that could be introduced in indigo transactions, would doubtless be the abolition of the system of advances."

The evils which arise out of this system, both to the parties concerned and to the peace of the country, greatly exceed those produced by the system of home cultivation, even under all the disadvantages to which it is subjected by existing restrictions.

"From all the information which I have been able to collect (says the Governor-general, in his Minute of 8th December 1829) on the subject, I am forced to conclude that many, if not all of the evils complained of, as incident to the extension of cultivation, have their origin in the insecurity of the tenure possessed by the planters; and I believe it will be found that just in proportion as they have been enabled to hold lands (though under the disadvantage of doing so in fictitious names), the disadvantages to which the Honourable Court have adverted have been of rare occurrence."

Vol. iii. 191.

The magistrate of Dacca (Mr. Walters) says, speaking of the system of home cultivation, "This is by far the least objectionable mode of cultivation; and provided the farms are fairly obtained from the rightful owners, and the boundaries well defined, seldom leads to any complaint or breach of the peace. It is under 'neezohas' (home cultivation) alone that jungle and waste lands to a great extent have been brought under cultivation of indigo."

Vol. v. 57.

Mr. Cheap, the magistrate of Mymensing, speaking of the same system, says, "Wherever it (that is, the cultivation of indigo,) is conducted on the mode last mentioned, there are fewer disputes and complaints; and the only drawback to the latter being extended and more generally adopted is, the heavy outlay incurred at first" in making improvements on the land.

"In this district," says the magistrate of Tirhoot (Mr. Campbell), speaking of the evasion by the planters of the Regulations prohibiting them from holding land, "they now do so generally, and the practice is certainly attended with great advantage."

(77.) Conduct of Europeans in India. Vol. ii. 299.

It is probable that the superior tranquillity of Tirhoot is partly accounted for by the greater prevalence of home cultivation.

The merchants of Calcutta estimate "the losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances to perform their contracts, and from the litigation and affrays they are liable to be involved in, by the relation in which the existing Regulations compel them to stand to such persons, at not less than 25 per cent. on the total outlay." Yet a large proportion of the indigo grown is cultivated on land held under these disadvantages. The same authority estimates the proportion so cultivated at one-third.

Petition from Merchants of Calcutta to Governor General. Asiatic Mag., July 1829 p. 86.

If these calculations approach the truth, it is obvious that the removal of the restrictions would be followed by a substitution, almost universal, of the system of home cultivation for that of advances.

The Government of Bengal state, in their Revenue letter to the Court of Directors, 1st January 1830:

"It appears to us that nothing could be more beneficial than the gradual relinquishment of the system of advances, under which it can scarcely be said that the cultivators are the owners of any of the produce raised by them; a system which cannot but lead to improvidence, carelessness and expense. Now this end will, we think, be greatly promoted by the more extensive occupation of land by Europeans and their descendants."

"Another evil of a general nature (says the magistrate of Dacca, Mr. Walters) is, that from the present system of holding lands in the name of their servants, the planters are subject to no tangible responsibility. They may direct brigands to be entertained; they may plan and order attacks to be made; but, if not personally present as principals, it is difficult to convict them of being accessaries. Instances have occurred, in which the mere warning a European planter against being accessory to a breach of the peace, on the information of a police officer that armed men on his part were collected, has called forth a threat of prosecution in the Supreme Court; so that magistrates are really afraid to act against British subjects, except on the strongest grounds."

Vol. iii. 233-236.

"Again, false complaints are made, and witnesses suborned. The planter's name does not appear, though the case is brought forward by his servants and at his expense; he himself most probably knows nothing as to its truth or falsehood. Were all cases relating to indigo concerns carried on in the planter's own name, he would be personally responsible, and would be cautious to ascertain the truth of a matter before he brought it forward in court. In this event, one-half of the present indigo litigation would be put a stop to."

Other magistrates express similar opinions.

"By the present system," says Mr. Taylor, magistrate of Nurgapore, "the indigo planter carries on his transactions in the name of the head native of his factory, and thus avoids the responsibility which would directly attach to him, should he engage lands without having made the necessary inquiry respecting the right of the person who offers to let them. I think this is liable to much objection."

Vol. ii. 207.

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Vol. ii. 361.

"The only inconvenience which I have experienced," says Mr. Bird, commissioner of Goruckpore, "connected with the indigo planters, has been, that, in all matters relating to land, one cannot have recourse to principals."

The evils complained of by Mr. Walters, in the preceding extract, do not appear to be all referable to the restrictions on holding land, but many of them to the planters not being made responsible to a sufficient extent for the acts of their servants in general.

The removal of the prohibition to hold land would not, therefore by any means furnish a complete remedy for all the evils complained of in the paragraph in question, though it doubtless would put an end to many of them.

Letter from
Bengal, Jan. 1,
1830.

Consequently several of the magistrates, and among them Mr. Walters, propose to render the planters responsible for the appearance, and in some cases liable for the misconduct of their servants. With a view to render that liability more efficient, they farther propose, that the planters should furnish the courts with lists of the natives employed in any situation which exposes them to be involved in the disputes of the factory.

Mr. Ross,
Judge of Sad-
der Dewanny
Adawlut.
Vol. iv. 254.

Besides the advantages which have already been mentioned as calculated to result from the removal of the restrictions on holding land, there are several others which, though perhaps not of less importance are so obvious, that they will require fewer words to explain them.

If Europeans in India were enabled to obtain with facility land, either on long leases or as proprietors, they would be able to repay themselves for the application of capital to their land, in the execution of permanent improvements. Drains, and canals for irrigation, might then be constructed by them with advantage, and much land which now lies waste, cleared and brought into cultivation.

The Government of Bengal say, "There are, we believe, extensive tracts, now of little value, which might probably be made productive by irrigation, or by the admission of the water of the Ganges and other streams, when loaded with alluvial deposit; and in Behar and the Western Provinces, it is, we conceive, certain that the planters would be disposed to ensure and extend irrigation by a considerable outlay of capital, if vested with an assured tenure, under a long lease.

Under these circumstances, it would scarcely be too much to expect a "general improvement of the agriculture of the country, and an increase of all the valuable products of its soil and climate."

In India, irrigation appears frequently to confer on land, which without it would yield but one poor crop, and that uncertain, the capability of yielding two abundant ones with certainty.

Sketch of the
Ryotwar sys-
tem, p. 54.

"The conversion of a field, dependent for its produce upon the falling rains, into a garden or rice-plot, artificially watered, is a change from uncertainty to certainty, from one poor and precarious to two rich and sure crops."

Hitherto the restrictions under which the settlers have laboured, have compelled them to confine their exertions to the cultivation of but one crop of indigo. Most of the productions to which they would otherwise have turned their attention require several years to obtain maturity, or more careful cultivation than a ryot could be trusted to perform on contract. Were the restrictions abolished, European skill would be applied to the cultivation of such productions, and one of the consequences would, in all probability, be as great an improvement of their quality as that of indigo has acquired under the hands of the British planter.

Sugar, coffee, cotton and silk, are productions to which attention (77.) Conduct of Europeans in India. has already been attracted by the prospects of success they hold out; and many more would probably soon be added to the list, if motive were afforded to the capitalist for seeking them.

A considerable diminution of the cost of production would be another consequence of removing or relaxing the restrictions. We should obtain the commodity at a lower price, and strengthen the security of the Bengal producer against competition.

On this last topic, the Government of Bengal say :

"In a commercial view, nothing could be more calamitous than to lose this great staple; and if there be the slightest ground for the apprehension of foreign competition, which some intelligent gentlemen have expressed, we can conceive nothing more mortifying and discreditable to the administration of this country, than to discover, probably too late for a remedy, that yielding to speculative fears, they had fostered the trade of our rivals by withholding from our countrymen the facilities which they required in order to preserve this important branch of national commerce. We shall most deeply, therefore, lament if it shall appear to your Honourable Court (contrary to our hope and trust), that paramount considerations require you to deny to the British settlers those privileges in regard to the occupancy of land, by which they expect permanently and unobjectionably to diminish the expenses at which the indigo of Bengal and its dependent provinces is now produced."

Letter from Bengal, 1 Jan. 1830.

Mr. Walters (magistrate of Dacca) concludes the list of remedies which he proposes, the principal of which is the relaxation of the restrictions on holding land, with this paragraph :

"Let the door be but thrown open for the free expanse of British feelings and principles, as well as of British capital, and I will venture to say that in five years a greater improvement will take place in the social and moral condition of our subjects than has accrued from thirty years of trial under the old system, gigantic as have been undoubtedly the strides made in extending and bringing to perfection the manufacture of what has become the great staple export of British India."

Vol. iii. 255.

The evil which has been thought by some persons to counterbalance these advantages, is the danger that Europeans would strip the natives of their land, if they were permitted to become proprietors or leaseholders.

See Baber's Evid. Com. Lords, 1830.

In the numerous papers which have been received from India during several years, but one opinion has been met with to oppose the relaxation of the restrictions on holding land, viz. that of Mr. H. T. Prinsep, secretary to the Government of Bengal, unless indeed a statement of Mr. Shakespear's, that he conceived that Government would consider the facilities then afforded to Europeans to hold lands, to be sufficient, and that they were not prepared to adopt Mr. Ross's suggestion for removing *in toto* the prohibitory laws made in that respect, can be considered as expressive of an opinion adverse to any further relaxation.

Vol. iv. 419.

Mr. Prinsep's objections are couched in the following language : Ibid. 372 to 380
"The unrestricted authority of Europeans to hold land, without being subject to the local criminal law, is a measure this Government can scarcely venture upon at present. There are many well-informed people who do not consider the right of holding land to be at all connected with the necessary local control of European residents; who

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think the latter equally indispensable, whether the Europeans hold land or not; nay, who go the length to argue that the confusion which calls for the remedy of a local tribunal is greater, because of the shifts and expedients resorted to in consequence of the restrictions to their holding lands.

"I am not of this opinion. The unqualified removal of the restrictions of Europeans holding land would open to them a new branch of speculation, not entered upon by them hitherto, because of their legislative exclusions, viz. land jobbing, or other zemindarry jobbing. The purchase of tenures sold by the courts or collector for arrears, or for private debts, with a view to profit from enhancing the revenue drawn from the ryots, is, and most fortunately for the credit of the Government and nation, has been, since 1793, confined to natives. Had the old families, holding rajugees and zemindari, which, to the extent of more than half of the Government jumma for Bengal, were sacrificed to the inflexible rigour of the Cornwallis system, seen their estates, one after the other, fall into the hands of English adventurers; had they seen these people watching about the collector's cutcherry for a bargain purchase at each public sale, their feelings, and that of the great body of the people, towards their governors, would have been widely different from what it now is. It cannot, however, be necessary to enter on this ground; suffice it, that hitherto, notwithstanding that natives have carried speculation in zemindarry purchases to a mischievous extreme, so as to call for a legislative remedy for the evils which ensued, there has been no land jobbing by Europeans: there have indeed been occasional purchases, and more frequent jauns benamee, that is, in the name of the native dependants, or their children; but these have all been subsidiary to other speculations, to aid the extension of indigo cultivation, or to afford facilities for more chimerical projects, which have been attempted everywhere with various success; and the farms have been taken, and the purchases made, with an anticipation of loss on the bargain more frequently than the contrary. Nothing of the kind has been entered upon as a primary object of speculation, and that simply because it was forbidden, and because no capitalist at Calcutta would advance the funds for engaging in such a line of adventure so long as it was so. If the restrictions were at once to be removed wholly, this line of adventure must be expected to be superadded to those other inducements to reside and seek fortune in the interior which now exist; and while the number of adventurers would be augmented beyond measure, their relation with the people would be more complex, and the materials of collision would be infinitely multiplied, while the single restraining authority at present possessed by Government, in its power of removing Europeans without trial, would become wholly inefficient.

"With what face could the Government ask to reserve to itself a power of removing a man from his inherited or purchased freehold? And how can it be reconciled to the laws and prejudices of England, whence confirmations of this authority will have very shortly to be solicited, to leave in the hands of Government the means of separating the proprietor from his fee-simple, and the tenant, encouraged by the law to embark capital freely in a speculation for increased produce, from his tenure, at the moment perhaps when it begins to yield return? What has been said hitherto applies only to born subjects of England; their legitimate descendants, born in this country, with the rights of their parents in respect to law, and those of their

country for location, will be much more embarrassing. In short, what is meant to be urged is simply this; that wholly to remove existing restrictions on the residence and occupation of land by Europeans, before we have a local law strong enough to control Europeans, or a legislature competent to make such a law, would be beginning at the wrong end."

On these objections the Bengal Government remark: "Even less reasonable do we consider the supposition that the possession of lands would be acquired by Europeans in a manner calculated to excite disturbances. Of all property it is the least likely to be wrongfully taken from its owner, excepting through the operation of bad laws, or laws badly administered; and as the eyes of Government, of its magistrates, and of the community, would be especially directed to the conduct of the European settlers, they are, of all classes, the least likely to be shrouded in the obscurity which must cover usurpations resulting from such a course. Public sales in liquidation of arrears of revenue are in the Lower Provinces now rare, though numerous estates are advertised. The rules under which they are conducted are such as afford every reasonable security against abuse; and any abuse practised by or in favour of an European would be much more easily detected than malpractices to which natives alone were parties; since of the latter, generally speaking, our European functionaries can know little but the name. In the Western Provinces, sales for arrears are now happily almost unknown; none are made without the express sanction of Government, and the errors and misapprehension in regard to the rights and interests of the several classes connected with the land, to which mainly are to be ascribed the extensive alienation of property that occurred in several of those provinces, are, we trust, in a great measure corrected. It does not consequently appear to us that any argument against encouraging Europeans to settle in the interior, by granting to them the privilege of holding landed property, can be drawn from the unhappy prevalence of sales in former periods."

In a Minute which accompanied the letter just quoted, the Governor-general remarked, "If the authorities in England entertain any alarm lest Europeans should be induced in any considerable numbers to resort to India, and to settle in the interior on the mere speculation of holding land with a view to the profits of rent, I have no hesitation in avowing my conviction that such alarm is wholly groundless. The European capitalist can, in my opinion, only find his advantage in India in the production of articles for the home market, or in effecting some great improvement, which accomplished, he will rarely find any advantage in retaining land merely for its rent. Such indeed is the value, I am given to understand, natives set upon land, that I think it probable that they would be enabled to buy out all Europeans holding tenures, in which some great improvements had not been made, or which were not held in connexion with some valuable mercantile concern."

In another place it is stated, "Already, too, landed property bears a high value in the market; instances we (the Governor-general in Council) understand not being wanting of sales to natives at 20 years' purchase of the net rent."

The correctness of this opinion seems scarcely to admit of a doubt. The skill and talent of the European capitalist enable him to employ his capital in undertakings which yield a much greater interest for his money than he can derive from simply holding land.

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Letter from
Bengal, 1 Jan.
1830, par. 10.

Rev. Letter,
Bengal, 1 Jan.
1830, p. 14.

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In corroboration of this opinion, it is asserted by the planters that Europeans hold but a very small proportion of land in Calcutta and the few other parts of India in which alone they are permitted to become proprietors.

If as much profit could have been derived from "jobbing" in land as from indigo planting, the law which prohibits Europeans from holding land would have been evaded for the one purpose as it has for the other. The proportion between the two modes of employing capital will not be altered by the removal of the restrictions, or if at all, it will be altered in favour of the cultivation of indigo.

Mr. Bayley's
Minute, p. 3.

Although Mr. Bayley (member of the Council of Bengal) signed the letter, from which so many extracts have been made, favourable to the abolition of restrictions on holding land, yet he considered some alteration of the laws and judicial institutions of the country requisite before any considerable relaxation could safely take place.

"But, anxious as I am," he says, "that much greater facilities should be granted, with the object of encouraging European British subjects to invest their capital and employ their skill in improving the products of India, I still feel that, under the present state of our laws and judicial institutions, they could not be permitted to occupy extensive landed property in the interior of the country, except upon conditions corresponding with those which were retained in the Resolutions of Government of February last.

Mr. Leicester,
Judge of the
Court of Nizamat
Adawlut, was favourable
to granting the
power of holding
lands for
general purposes, iv. 237.

"Whenever the British Legislature shall see fit to declare that all persons, Europeans or natives, residing in the interior of our provinces in India, shall be subjected to the same regulations, and to the same local tribunals, civil and criminal; and shall, by the delegation of sufficient powers for that purpose, enable the British Government in India to modify and improve our judicial institutions to the extent which may from time to time be found necessary; from that moment the unrestricted admission of European British subjects, and the free permission to acquire and hold landed property on an equal footing with the natives of India, may be conceded not only without inconvenience, but with most important benefits to India as well as to Great Britain."

Effects which would probably result from removing or relaxing the existing Restrictions on Immigration to and Residence in India.

* Vol. i. 2, 3, 7,
23, 24, 33, 35,
55, 11, 75, 79,
93, 88, 91, 94,
261, 267, 289,
290, 294.
Vol. ii. 9, 10,
24, 37, 46, 54,
74, 76, 85, 88,
94, 122, 138,
242, 267, 294.
—74, 75, 91,
122, 289, 294.
95, 275, 284,
295.
122, 274, 275,
291.
38, 54, 76, 88,
91, 122.
Sir J. Malcolm,
68, 69; Kyd,
76; Cookburn,
284; Strong,
298.

On this topic a great change of opinion appears to have taken place in the minds of the Company's Indian servants since the question was examined by a Committee of the whole House in 1813. All the witnesses examined on that occasion entertained great apprehension of danger, should immigration to India be freed from restriction.* The evils which they feared were, that many of the English colonists who would then settle in India would ill-use and oppress the natives; violate their social and religious prejudices, from ignorance or contempt; degrade the British character by drunkenness, misconduct, or the frequent punishment to which they would subject themselves; and thus render the natives discontented, weaken their respect for the rulers of the country, and either drive them into actual insurrection, or predispose them, at least, to avail themselves of any invasion, or other favourable opportunity of casting off the power of England. Some of the witnesses apprehended also that settlers might join the armies of the native princes, or enter into intrigues at their courts. By several of the witnesses belonging to the military profession,

the danger to be apprehended from this latter source was not, however, esteemed of great importance. Another ground of alarm was that *free* settlers, whose right to reside in the country should not be dependent on the will of the East India Company, would despise its authority, bring its power into discredit with the natives, and thus encourage the native princes to rebel.

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91, 243, 249.
Mr. Malet, 243.

These apprehensions were founded, in general, on the supposition that the influx of Europeans would be large, and that they would continue subject, in criminal cases of an aggravated character, to the courts at the Presidency exclusively.

It was considered by several of the witnesses that British subjects could not be placed in all respects under the jurisdiction of the native courts without great inconveniences. Some feared that such a measure would degrade the European character in the minds of the natives.

94, 261, 262.
276.

But few of the witnesses who gave evidence before the Committee of the House of Lords in 1830 were examined on this point. Those who were, expressed sentiments favourable to the extended settlement in India of *respectable* Europeans, capitalists, and persons possessed of skill.

From the immigration of individuals of these descriptions, the witnesses expected great advantages to the country; but most of them entertained strong apprehensions that Europeans of the lower, and perhaps even of the middling classes, would do great harm; that they would be "apt to lose all that is good in the European character, and to acquire all that is bad in the native character in India."

Mr. Robertson,
Minutes of Evi-
dence.

These gentlemen considered that any very extensive influx of settlers would greatly endanger the Government of India, and be productive of evils of considerable magnitude to the native population. One of them (Mr. Elphinstone) says that "any very considerable community of Europeans in India would be very unruly, and very difficult to manage on the part of a Government which must always be arbitrary in its character. If there were a great body of discontented colonists, such as at the Cape, for instance, I think their clamours would probably weaken the Government very much with the natives. Their disagreements with the natives would also be very dangerous; and I think there would be a great increase of the feeling, which there is now only among the lower orders of Europeans in India, of contempt and dislike for blacks."

Hon. M. S. El-
phinstone's
Evidence.

Mr. Elphinstone, however, considers "that too much facility cannot be given to the settlement of capitalists in India, supposing the Government to retain the power of sending them out of the country, and of sending them from one district to another, in case of their being guilty of any oppression, or creating any great disturbance."

Another witness, Mr. Chaplin, thought the extension, if limited, of the system of license, might produce advantage; but that "the entire control of Government must always be preserved" over the European settlers, "otherwise they will bring the Government into constant collision with the courts of judicature at the Presidencies: and that collision tends not only to degrade the Government, but very much to lower the dignity of the court itself."

In another answer to a question, the same gentleman uses the following language: "If Europeans were allowed unrestrictedly to settle in the interior, I have no doubt it would lead ultimately to the stripping the natives of their lands, depriving them of every office

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or employment however subordinate, and ultimately reduce them to the most degraded state of a conquered people."

Several of the witnesses point out the necessity of subjecting the European settlers to the local criminal courts, especially if their numbers are to be greatly increased.

The only judicial authority who has said anything on this subject, in the returns so often quoted in this report, is Mr. Barwell, commissioner of Allypore, whose remarks have been already quoted.

Rev. Letter
from Bengal,
1 Jan. 1830.

The Government of Bengal express opinions decidedly favourable to the encouragement of European settlers in India, though, as the occasion which gave rise to these expressions was a discussion on one of the points on which the question turns only, viz. the relaxation of the restrictions on holding land, it remains somewhat doubtful what other relaxations they would approve of, with a view to such encouragement.

Ibid, p. 14.

They consider, in the first place, that the number of Europeans who will settle in India, can never be large, which at once removes the principal source of danger. On this point they say, "Satisfied as we are that the best interests of England and India will be promoted by the free admission to the latter of European industry and enterprise, our persuasion is scarcely less strong, that with every possible encouragement, the settlement of our countrymen in this country will be far short of the number which is to be desired, whether regard be had to the extension of commerce and agriculture, to the good order of the country, to the prompt, cheap and equal administration of good law, to the improvement of the people in knowledge and morals, or to the strength and security of our power."

Gov-general,
Rev. Minute,
pars. 16 & 17.

In his Minute accompanying the letter just quoted, the Governor-general says, "The objections to the admission of Europeans into the interior of the country were originally urged, and justly urged, under circumstances very different from what now exist; and there can be no doubt that their intercourse extensively would have been offensive to most of the natives of rank and influence, whom we found in the country on first acquiring it; even the natives whom we employed in the administration of the country required time to become accustomed to our habits and modes of acting. A great change, however, has now taken place, at least in this part of India: here, excepting in rare cases and in tracts little likely to be the seat of European speculation, we no longer employ in the public service natives of rank and influence derived from preceding rulers. We have long intermeddled in all the minutiae of judicial and revenue management, affecting the persons and property of our subjects; the present generation have grown up under, and are accustomed to us; many, indeed, of the wealthiest and most influential are of our own creation, and are sufficiently conversant with the general habits and character of Europeans to benefit instead of suffering by the intercourse."

Rev. Letter
from Bengal
1 Jan. 1830,
par. 9.

A paragraph on this subject in the letter of the Bengal Government, to which the above Minute is attached, points out more at length the circumstances which have existed in India, "calculated to do away that strangeness with which, in new countries, the Asiatic must necessarily regard the European;" and proceeds thus: "Our native officers are the creatures of our will. In many districts, too, the British settlers are already numerous, and, however multiplied, their residence would no longer occasion the fears and jealousies that might

be supposed to follow the introduction of a race of strangers, even if the system of our Government, and course of proceedings prescribed for its officers, had not operated to accustom the community to the European character. In so far as these observations are applicable, it seems to be clear that there is little room for the apprehensions that might be entertained if it were proposed suddenly to introduce a body of British adventurers into countries recently conquered or acquired, and still possessed by natives of influence and rank, reared under the despotic government of Indian rulers."

Another reason given by the Bengal Government for desiring to see the number of Europeans in India increased, is, "because the presence of a considerable number of them in the interior of the districts must tend essentially to secure for our judges and collectors (if not wilfully blind) that information, to the want of which past failures must chiefly be ascribed."

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Rev. Letter,
1 Jan. 1830,
pars. 9, 10.

"We freely admit, that in proportion as European settlers multiply, the necessity of modifying the law relative to the administration of civil and criminal justice will be more urgently felt.

"But the changes which the utmost conceivable increase in their numbers would render necessary, may, we conceive, be easily made without any essential alteration in the general system established for the administration of affairs."

Mr. Bayley's opinion on this subject is, as has been shown by an extract already quoted from his Minute, limited by certain conditions. He is not of opinion that it would be safe to venture upon any considerable relaxation of restriction in the existing state of affairs, but confidently advocates the unrestricted admission of European British subjects into India as soon as certain modifications may have been made of the laws and institutions of that country.

"Concurring (he says in another part of the same Minute) generally in the sentiments which have been expressed by the Right hon. the Governor-general, and Sir Charles Metcalfe, in regard to the great moral and political advantages to be anticipated from the extensive employment of British skill and capital in India, I will only say that this object may in my judgment be safely accomplished, without injustice or injury to the native inhabitants, and without exciting dissatisfaction on their part; provided always, that the European British resident be subject to the same laws and amenable to the same tribunals as the native, and that the Supreme Government be vested with sufficient powers to modify and improve our laws and judicial institutions to the full extent which circumstances may render desirable."

Mr. Bayley's
Minute.

The opinions which have just been quoted having been expressed incidentally while discussing another question, it nowhere distinctly appears whether the views by which they were dictated extended to the abolition of the system of internal licences, and with it, consequently, of the power now possessed by the Government of removing Europeans from the interior at will.

The various opinions here brought together, considered, in conjunction with the evidence which has been adduced respecting the effects that have been produced by the settlement of Europeans in India, seem to establish the following propositions:

That the immigration to India of capitalists and men of education is considered by all parties as calculated to confer advantages of great importance on that country as well as on England.

Evidence
Lords' Com-
mittee, 1830.

Elphinstone, 157, 158, 169, 173.
Chaplin, 186. Robertson, 184, Rickards, 284.

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Rev. Letter
from Bengal,
1 Jan. 1830.
See also Min.
of Evidence,
Committee of
whole House,
1813, pp. 130,
150, 151.

That, even in the most complete state of freedom, common labourers could not go to India at all, and artisans only in such numbers as could find employment in teaching and superintending native workmen.

That the only persons from whom mischief could be feared, who would emigrate to that country, are adventurers from classes considerably above the common labourer, in education.

That the restrictions on emigration to India are rendered necessary, if at all, only by the difficulty of restraining such adventurers while living in the interior.

These propositions appear to be universally, or almost universally assented to, but here opinion divides.

Mr. Rickards'
Evidence,
Lords' Commit-
tee.

The Governor-general considers that all the persons who would go to India, if every restriction were removed, might be restrained by the powers at present possessed over Europeans by the Company's courts. Other opinions, among which is that of Mr. Bayley (member of the Council), consider that it would be necessary, to effect this purpose, to render Europeans subject to the local courts, and to the same laws as the natives of India; but that this alteration of the law would render the freest immigration safe, and in a high degree beneficial.

Sir T. Munro,
127, 155.
Buller, 291.

Several of the witnesses examined in 1813 considered that the power of removal from the interior, and from the country, which the Company now possesses, must be retained; and some are of opinion that this power would be insufficient, unless accompanied by limitations on immigration.

Evi. Commit.
1813.
Cockburn,
269—270.

The subjection of Europeans to the local courts, in the same manner and to the same extent as natives are subject to them, is certainly desirable in one point of view. It would remove an appearance of partiality in the law towards Europeans, of which the natives frequently complain. It may be doubted, however, whether either the complete subjection of Europeans to the local courts, or the system of licences, and the power of removal attached to it, are calculated to afford any important check on the misconduct of European settlers.

Opinion of
Nizamut
Adawlut, Jud.
Let. from Ben-
gal, 1 June
1830, p. 7;
Mr. Ross, same
Letter, p. 8.
Beerhloom, iii.
p. 130.

Crimes committed by Europeans with their own hands are rare; and it is only with relation to such of them as amount to felony, or at least to gross misdemeanor, that Europeans are exempt from the jurisdiction of the Company's criminal courts. To the civil courts they are already liable, in all cases arising between them and natives; and the only difference between the two classes, in respect to civil suits, is, that actions between parties who are all Europeans are cognizable by the Supreme Courts exclusively, and that native plaintiffs have their choice of bringing any civil suit against an European, either in the King's Court at the Presidency, or in the local court of the Company.

Jud. Letter
from Bengal,
1 June 1830,
par. 7.

Of the distinction made in civil suits, the effects appear to be unalloyed mischief: their abolition would perhaps enable redress to be obtained by legal means for some injuries which can now be decided only by force, and consequently tend to prevent affrays and disturbance; but, at the same time, there seems to be no reason to believe that either such abolition, or the subjection of Europeans to the local criminal courts, in all cases, would prevent any considerable proportion of the disputes and affrays that would otherwise arise. The cases of felony or gross misdemeanor committed by Europeans, which alone would be affected by the alteration, are, as has been already stated, very rare.

The power of withdrawing (at the will of the Government) the

licence to reside, is of so invidious a nature, and its exercise subjects the Government of India to so much clamour and obloquy, that it can rarely be resorted to, even in cases which would fully justify its employment. For all useful purposes it is almost perfectly null. Its occasional enforcement crushes the individuals on whom it falls, without producing any considerable effect in deterring others.

To substitute, however, for this power, the mere subjection of the planters to the local criminal and civil courts, would, if the former has any effect at all in the way of restraint on their conduct, be insufficient. One principal use of the power of removal is to provide for the cases of misconduct, which, from being performed through the medium of third persons, or from some other cause, cannot be brought home to the planters. To provide for these cases it is clearly insufficient to make the planters simply subject to the local courts for their own acts.

It is desirable, and even necessary, to make them subject to those courts, as a preliminary step to enable the Government of India, which alone can have sufficient information for the purpose respecting details, to provide the laws necessary to subject them to proper control.

Commr. Moorshedabad, iii. 157.
Mag. Beerbhoom, iii. 129.
Jud. Letter from Bengal, 1 June, 1830, par. 8. See also opinion of Court of Nizamut Adawlut, same Letter, par. 7. Commr. Bareilly, ii. 254.

But beyond this, it will be requisite to erect into crimes many acts, or rather to consider as evidence of crime many circumstances, which it would be unnecessary and highly improper to treat in this manner, in a country provided with more efficient means of restraining offenders.

Thus it would probably be highly desirable to adopt the plan suggested by several of the magistrates and other judicial authorities, of rendering the planters liable, under many circumstances, for the misconduct, at least when frequently repeated, of their servants in the conduct of the affairs of the factories.

Mag. Dacca, iii. 178—279.
Commr. Furruckabad, ii. 222.
Mag. Nuddeah, iii. 136.
Mag. Mymensing, v. 25.

Such a law, accompanied by provisions for compelling the planters to register the names of their responsible servants in the local courts, and to answer for their appearance when required for the purposes of justice, appears to be calculated to have great effect in preventing disturbances.

There is no reason why expulsion from the district, or even from the country, should not be inflicted as a punishment for misconduct of a gross kind, or frequently repeated, on the part either of the planter himself or of his servants, if connected in the latter case with the affairs of the factory.

And it can scarcely be doubted that such expulsion, or even a smaller punishment, inflicted by a court of justice after trial, and in pursuance of a distinct positive law, would be a much more efficient instrument than any arbitrary power, because it would be less obnoxious to complaint, and therefore capable of more frequent application.

It has been objected, that to give the power of inflicting heavy punishments to courts acting under a body having interests in some respects opposed to those of the private settlers, would be productive of great inconvenience. That the power would occasionally be misused, and its exercise constantly subject to suspicion, and looked upon with jealousy.

Opinion of Nizamut Adawlut;
Jud. Letter, 1
June 1830, par. 7

But the substitution of such a power for that of withdrawing the licence of settlers, and removing them from their property, without trial or reason assigned, cannot be objected to by the private settlers (except in respect of capital cases or others, in which the punishment is greater than that of removal from the interior or from the coun-

(77.) Conduct
of Europeans
in India.

See Jud. Letter,
1 June 1830.
par. 7.

try), on any other ground than this, that the power of removal is so unpopular that it affords little or no check upon their conduct, or in other words, that in practice it is at least in a great measure inefficient, and that the power proposed to be substituted would be more effectual.

To obviate the evils of subjecting private settlers to the Company's judges in criminal cases of importance, it has been proposed by Mr. Ross, that Europeans should "in the very few instances" in which their trial would be necessary, be tried by a jury composed of natives and Europeans in equal numbers.

The difficulty to be overcome is to obtain, as jurymen, persons who have no strong interest either for or against the planters.

It is to be feared that Europeans for the jury could, in most districts, be chosen from indigo planters only, persons having a strong interest to protect any European charged with an offence committed in the conduct of his business; while, on the other hand, little reliance could be placed on the integrity or firmness of natives in the exercise of such a function.

With a view to avoid the various difficulties which surround the question, it has been proposed by some persons to make an exception of capital and other cases of a heinous nature, leaving them, as at present, in the exclusive jurisdiction of the Supreme Court, but extending the power of the Company's judges to all others.

Either with or without a jury, the substitution of punishment by law, for the present system of licence, might certainly be made with great advantage, both to the settlers and to the peace of the country. The former would acquire security from arbitrary expulsion, while the efficient power of Government to restrain crime would be augmented.

The permission to hold land would prevent many disturbances, by diminishing the number of individual transactions in which the European capitalist would find it necessary to engage in the prosecution of his undertakings, and consequently diminish the number of disputes. The subjection of the planters to heavy punishment, sometimes even to expulsion from the country, for the misconduct of themselves or their factory servants, would discourage the practice of recurring to force to settle those disputes which would occur. And the combined influence of these two causes would probably be sufficient to admit of the restrictions on emigration into, as well as those on residence in India being removed, without increasing the disturbances and evils which now arise out of the residence of Europeans in that country. On the contrary, it is probable that, with these alterations, the residence of the greatest number of persons who would be induced to go to India, in case all restrictions were abolished, would be accompanied with fewer and less acts of violence than the residence of the insignificant number which now reside there is under the present system.

The great increase which would take place in the quantity of European capital and skill attracted to India, and the facilities which would be afforded for their freer and more beneficial employment, would greatly augment the advantages which India, England, and all consumers of tropical productions have derived from the employment of European capital and skill in India.

Chaplin's Evi-
dence before
Lords' Commit-

Employment would be provided for a greatly increased population; the morality and knowledge of the people would be improved; waste

land be brought into cultivation; improvements introduced in agriculture and manufactures; rents augmented; the revenue of the country increased and rendered more easy of collection; a wide field would be opened for a more profitable employment of British capital than it finds at home; new products for exportation may confidently be expected, as well as great improvement in the quality, or diminution in the cost of those already produced.

(77.) Conduct of Europeans in India. tee, 1830. Harris, Evidence before Lords' Committee, 1830.

The demand for British manufactures would be increased, not merely by an augmented demand from India, but by the encouragement afforded to their consumption by the decreased cost or improved quality of materials employed in their production.

But little hope can reasonably be entertained of raising the condition of the Indian labourer to a point in the scale of comfort which would enable the mass of the population to become consumers of British manufactures, or of putting an end to the general practice of appealing to *illegal* acts for the decision of disputes, until the law is rendered capable of protecting the ryot from oppression and spoliation, and of affording legal means of redress for all injuries.

To effect this object perfectly, many alterations are required in the law itself, in the system of procedure, in the judicial establishments of the country, and in the police which act under them. To the execution of some of these alterations difficulties of great magnitude oppose themselves, some of which, such as those connected with the difference of language, are in fact insuperable. Many suggestions have been offered for improving the law itself, but the amendment of this branch is that which offers least difficulty; it will also be of little efficiency until the judicial establishment is rendered more efficient. The most important alteration, that which would produce the greatest effect, is the increase of the numbers of judicatories. The expense of sending from England the number of judges required to render justice accessible to the mass of the population would be enormous, and so utterly beyond the means afforded by the revenue of the country, that none of those who have given opinions on the subject have proposed it.

Among the principal advantages which have always been expected from the encouragement of private settlement in India are the facilities which it would afford for increasing the number of judicatories, and the efficiency which the presence of numerous Europeans would lend them.

See Rev. Letter, 1 January 1830. Mill's History, MS. Ret. iv. p. 247, v. p. 30.

Mr. Ross is of opinion that natives might be found to fill the office of moonsiff or judge of a very small district, of sufficient integrity and ability to be entrusted with all causes arising between the planters and the native cultivators.

Mr. Turnbull and Mr. Prinsep consider that the persons who now fill the office of moonsiff are not in general of a character to be entrusted with such powers; but they are of opinion that those powers might be confided to natives of the class now employed as sudder ameen.

iv. 286. iv. 393.

To amend the police, many of the planters propose that a European should be appointed to superintend several stations, and to stay a month or two in the year at each of those entrusted to his care.

See Mr. Leicester's Plan, vol. iv.

A plan has been suggested by an Indian periodical, which seems worthy of serious consideration, namely, to lay a tax on the planters of the districts in which their operations give rise to numerous disturbances, for the purpose of maintaining such an additional number

(77.) Conduct of European judges or magistrates as might be found necessary to ensure the peace of those districts.
 of Europeans in India.

The expense would fall on those persons whose operations render it necessary, and the planters would avoid the burthen of maintaining the fighting men whom they now employ, the expense of the law-suits in which their affrays involve them, and also the heavy losses which they frequently suffer, notwithstanding the expensive establishments which they maintain to protect their property.

The appointment of additional judges might be extended from time to time to the various districts as they became disturbed, if the influx of Europeans should be found to produce that effect.

Supposing the judicial establishments to be improved in any considerable degree, most of the objections to the immigration of Europeans into India fall to the ground.

Evidence before the Committee of the whole House, 1813, p. 47.

Lord Cornwallis, who was strongly opposed to relaxation in the present state of the institutions of India, considered that if judicial establishments were improved, free settlement would be beneficial.

Were the judicatories rendered sufficiently numerous to protect the ryot in the secure enjoyment of the produce of his industry, it is probable that the population of India would rise in the scale of wealth, civilization and happiness with extreme rapidity. The people appear to be industrious, economical and intelligent, and to be kept down only by the absence of all security for the produce of their industry, and the poverty in which they are plunged by the oppressive conduct of the rich around them.

Their situation is very different from that of the red Indians of such countries as Mexico, or of the population of many other nations. The Hindoo is kept down by a force which, being removed, would leave him with industry and enterprise capable of making rapid advances. The red Indian requires not merely the removal of a weight, but the application of exciting causes. Industrious and enterprising habits must be inculcated by a tedious and slow process before any considerable progress can reasonably be expected from a people in such a situation.

APPENDIX.

APPENDIX, No. I.

(Enclosure.)

STATEMENT of the Number of LICENSES to proceed to and reside in *India*, granted by the
refused by the Court; and of the Number of the latter granted by the Commissioners

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
Advocates and Attorneys at Law, &c. . . .	-	2	-	2	2	2	3
Agents	-	2	1	-	3	4	2
Apothecaries	-	-	-	-	-	-	-
Auctioneer	-	-	-	-	-	-	-
Bakers	-	-	-	1	-	-	-
Bishop's College at Calcutta	-	-	-	-	-	-	-
Broker	-	-	-	-	-	-	-
Cabinet Maker	-	-	-	-	-	-	-
Carver and Gilder	-	-	-	-	-	-	1
Chemist and Druggist	-	-	-	-	-	-	-
Clerks, &c. Mercantile	-	-	1	-	1	4	3
Coachmakers	-	-	-	1	3	-	-
Confectioner	-	-	-	-	-	-	1
Cooper	-	-	-	-	1	-	-
Dentist	-	-	-	-	-	-	-
Distiller	-	-	-	-	-	-	-
European Servants	-	-	-	-	-	3	-
Gardener	-	-	-	1	-	-	-
Grooms	-	1	-	-	1	-	-
Gunmaker	-	-	-	-	-	-	-
Horticulturist	-	-	-	-	-	-	-
Hotel Keepers	-	-	-	-	-	-	-
Indigo Planters	1	-	-	5	6	1	4
Jewellers	-	-	-	-	1	2	-
Leather Manufacturer	-	-	1	-	-	-	-
Linguist and Schoolmaster	-	-	-	-	-	-	-
Lithographic Printer	-	-	-	-	-	-	-
Midwife	-	-	-	-	-	-	-
Milliner	-	-	-	-	-	-	-
Miniature Painters	-	-	-	-	1	-	-
Miscellaneous	-	3	3	7	10	6	10
Mission College at Calcutta	-	-	-	-	-	-	2
Missionaries	4	7	8	9	12	18	3
Music Master	-	-	-	-	1	-	-
Musical Instrument Maker	-	-	-	-	-	-	-
Organist	-	-	-	1	-	-	-
Orphan Institution in Bengal	-	-	-	-	-	-	-
Partners and Assists. in Mercantile Estabs.	-	5	6	14	14	8	11
Persons allowed to proceed to their Friends and Relatives	1	4	6	8	7	2	1
Persons permitted to reside	-	-	-	2	1	1	2
Pianoforte Maker	-	-	-	-	-	-	-
Portrait Painter	-	-	1	-	-	-	-
Private Affairs	3	10	10	9	7	4	10
Roman Catholic Bishop	-	-	-	-	1	-	-
Rope Manufacturer	-	1	-	-	-	-	1
Sadler	-	-	-	-	-	-	-
Sailmaker	-	1	-	-	-	-	-
Schoolmasters	-	-	-	1	3	1	1
Shipbuilders	-	-	-	1	-	-	-
Shopkeepers	-	-	-	-	-	-	-
Silversmith	-	-	-	-	-	-	-

APPENDIX No. I.

iii

(Enclosure.)

Court of Directors in each Year, from 1814 to 1831, inclusive; of the Number of Applications for the Affairs of India; with a General Classification as to Trades, &c. of the whole.

1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	TOTAL.
4	17	3	10	6	10	6	2	4	2	3	78
2	5	5	5	4	3	6	6	4	1	1	59
-	-	-	1	-	1	-	-	-	-	-	2
-	-	-	-	-	-	-	-	1	-	-	1
-	-	-	-	-	-	-	1	-	-	-	2
-	-	1	-	-	-	-	-	-	-	-	1
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	1	-	2	-	-	-	-	3
1	-	1	3	2	3	1	11	5	2	3	41
1	4	2	-	-	-	1	1	-	2	1	16
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	1	2
-	-	-	-	1	-	-	-	-	-	-	1
3	3	3	3	1	1	1	1	4	5	7	35
-	-	-	-	-	-	-	-	-	-	-	1
4	1	-	-	-	1	-	-	-	-	-	8
-	-	-	-	-	-	1	-	-	-	-	1
-	-	1	-	-	-	-	-	-	-	-	1
-	-	-	-	-	1	1	-	-	-	-	2
2	4	7	4	12	13	11	11	15	6	4	106
-	1	-	-	-	1	-	1	1	-	-	7
-	-	-	-	-	-	-	-	-	-	-	1
1	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	-	1
-	-	-	-	-	-	-	-	-	1	-	1
-	1	-	-	-	-	-	-	-	-	-	2
9	10	12	11	6	8	11	12	13	10	11	152
-	-	-	-	-	-	-	-	-	-	-	2
14	11	10	7	13	15	14	7	15	14	11	192
-	1	-	-	1	-	2	-	-	-	1	6
-	1	-	-	-	-	-	-	1	-	-	2
-	-	-	-	-	-	-	-	-	-	-	1
-	-	1	-	-	-	-	-	-	-	-	1
16	17	13	14	17	13	14	19	13	20	36	250
3	2	8	5	2	-	-	1	-	3	2	55
1	2	1	2	1	3	2	8	-	-	4	30
1	-	-	-	-	-	-	-	-	-	-	1
-	-	2	-	1	-	1	-	-	-	-	5
8	6	10	4	4	1	7	5	7	6	5	116
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	1	-	-	-	3
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
1	-	1	1	-	-	-	1	1	1	-	13
-	-	1	1	-	-	1	-	-	-	-	5
1	-	-	1	-	-	-	-	-	-	-	2
-	1	-	-	-	-	-	-	-	-	-	1

(continued.)

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
Stablekeeper ..	-	-	-	1	-	-	-
Supracargoes ..	-	-	1	4	3	3	2
Tailor ..	-	-	-	-	-	-	-
Tanner ..	-	-	-	-	-	-	-
Tobacconist ..	-	-	-	-	-	-	-
Veterinary Surgeons..	-	2	-	-	1	-	-
Watchmakers ..	1	-	-	-	1	-	-
Wine Merchants ..	-	-	-	-	-	-	-
Wine Cooper ..	-	-	-	-	-	-	-
	10	38	38	67	85	59	59

Memorandum.—This Statement does not include Females.

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.	Refused by Court. Granted by Board.
Advocates and Attorneys ..	-	-	1	2—1	5—1	4—1	2—1
Agents ..	-	-	1	2—3	4—1	1—1	-
Auctioneers ..	-	-	1	1—1	-	-	1
Carpenter ..	-	1	-	-	-	-	-
Chemist ..	-	-	1	1	-	-	-
Civil Engineer ..	-	-	-	-	1	-	-
Clerks in Mercantile Houses ..	-	1	1	7—2	2—1	2—1	-
Coachmaker ..	-	1	-	-	-	-	-
Cultivator of Sugar and Coffee ..	-	-	-	-	-	-	-
European Servants ..	-	-	-	1	4—1	2	1
Indigo Planters ..	-	-	-	-	2	-	2—1
Ladies ..	-	-	-	1	1	-	-
Land Surveyor ..	-	-	1	-	-	-	-
Miscellaneous ..	-	1	5—1	1	7	3	3
Missionaries ..	2—1	-	-	1—1	-	-	-
Musician ..	-	-	-	-	-	1	-
Natives ..	-	-	-	-	1	-	-
Partners and Assistants in Mercan- tile Houses ..	-	-	1	-	3—1	3—2	-
Persons allowed to proceed to their Friends and Relatives ..	-	1	4	3—1	5—1	3	1
Persons permitted to reside ..	-	1	1	-	3	2	2
Private Affairs ..	-	2	2	4	3—1	4—1	3—2
Sailmaker ..	-	-	1	-	1	-	-
Shipwright ..	-	-	1	-	-	-	-
Soda-water Maker, &c. ..	-	1	-	-	-	-	-
Supracargoes ..	-	-	-	1—1	1	-	-
Surgeon ..	-	-	-	-	-	1	-
Surveyor and Architect ..	-	-	-	-	-	-	-
East India House, } 31 Jan. 1832. }	2—1	9	21—1	25—10	42—8	26—6	15—4

APPENDIX, No. I.

1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	TOTAL
-	-	-	-	1	-	-	-	-	1	-	3
-	-	-	-	-	-	-	-	-	-	1	14
-	2	-	-	1	1	-	-	1	-	-	6
-	-	-	-	1	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	1	-	1
-	-	-	-	-	-	-	-	-	-	-	3
-	-	-	-	-	-	1	-	-	-	-	3
-	1	-	-	-	1	1	-	-	-	-	3
-	1	-	-	-	-	-	-	-	-	-	1
72	91	82	72	75	79	87	88	85	75	91	1,253

1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	TOTAL.
Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.	Refused by Court.
Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.	Granted by Board.
3	1	-	2	2	-	-	1	2	-	-	25-6
-	-	-	2	1	-	-	-	-	-	-	11-8
-	-	-	-	-	-	-	-	-	-	-	3-1
-	-	-	-	-	-	-	-	-	-	-	1 -
-	-	-	-	-	-	-	-	-	-	-	2 -
-	-	-	-	-	-	-	-	-	-	-	1 -
3-1	1	2	2	3	3	2-2	1	-	-	-	31-7
-	-	-	-	-	-	-	-	-	-	-	1 -
-	-	-	-	-	-	-	-	-	-	-	1-1
8-1	4-2	1-1	-	1	1	1	1-1	2	-	-	27-6
1	-	1-1	1-1	3	-	-	1	1	-	1-1	11-4
-	-	1	-	-	1-1	-	-	-	-	-	3-2
-	-	-	-	-	-	-	-	-	-	-	1 -
2	5-1	5-2	-	2-2	1	2-1	4-1	6	8	-	55-8
-	-	-	-	1-1	-	2-2	-	-	-	-	6-5
-	-	-	-	-	-	-	-	-	-	-	1 -
1	-	-	-	-	-	-	-	-	-	-	2 -
3	-	1	-	-	1-1	-	1	1	-	-	14-4
6	4	1	1-1	3	5-1	4-2	3	1-1	1	-	46-8
1	-	-	-	1-1	1	-	3-1	1	-	-	16-2
-	1	1	-	-	4-1	-	3-2	-	-	-	27-7
-	-	-	-	-	-	-	-	-	-	-	2 -
-	-	-	-	-	-	-	-	-	-	-	1 -
-	1	-	-	-	-	-	-	-	-	1	2-1
-	-	-	-	-	-	-	-	-	-	-	2-1
-	-	-	-	-	-	-	-	-	-	-	1 -
-	-	1	-	-	-	-	-	-	-	-	1 -
23-2	17-3	14-4	8-5	17-5	17-4	12-7	18-5	13-3	9-1	1-2	294-71

(60.)—STATEMENT of EUROPEAN INDIGO PLANTERS in the several Districts of the Western and Lower Provinces; the number of Factories, and the extent of the Cultivation; the number of Civil and Criminal Cases decided for and against them and their Servants, during the last Five Years; with Abstracts of the Opinions recorded by the Magistrates and Commissioners of Circuit, regarding the necessity of further Legislative Provisions for the effectual subjection of the Indigo Planters and their Servants to the control of Law.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
1.	Scharunpore	-	-	-	<i>Begahs</i>	-	-	-	-	-	-
	Mozuffernugger	-	-	-	-	-	-	-	-	-	-
	Meerut -	-	2	1	6,250	2	-	-	For and Against 1	-	-
	Bolundshuhur	-	3	2	29,895	26	-	-	55	37	-

REMARKS :—There are no indigo planters in Scharunpore and Mozuffernugger.

The magistrate of Meerut is not of opinion that any new provisions are necessary for the control of planters and their servants. Unrestricted permission to Europeans to purchase lands, and to resort to the Upper Provinces, desirable; the advantages are great and certain, and should not be foregone on account of an evil comparatively small and remediable. The rule prohibiting the civil courts from trying suits in which both parties are Europeans should be rescinded. The acting joint magistrate at Bolundshuhur has reason to believe that the transactions of the planters are conducted on fair and liberal principles. No new rules necessary; trespass of cattle the chief cause of dispute between planters and the people.

The Commissioner, when superintendant of police, never had occasion to bring the conduct of the planters to the notice of Government. The courts have sufficient power to control them and their servants. The rule which prohibits the cognizance of suits between Europeans should be amended.

2.	Agra - - -	3	-	-	-	507	3	-	13	19	2
	Allyghur - -	-	-	-	-	-	-	-	-	-	-

REMARKS :—The Statement for Agra is imperfect, in consequence of the absence of the planters. The acting magistrate does not consider any further legislative provisions to be required; the planters, finding or fancying summary redress hopeless by complaints to the courts, often take the law into their own hands; the character of the planters very good. The return from Allyghur has not been received; the acting commissioner expresses himself to the same effect.

DIVISIONS.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
3.	Furruckabad - - -	- - -	10	5	32,300	For and Against. 106	- - -	- - -	12	1	- - -
	Mynporee - - -	3	5	- - -	13,000	For and Against. 12	- - -	- - -	1	- - -	- - -
	Etawah - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -

REMARKS :—The acting magistrate of Furruckabad during the short time he has been in charge of the district, has had every reason to be satisfied with the conduct of the planters; further provisions unnecessary.

Although no European planters reside in the Mynporee district, there are several factories situated in it. The transactions of the proprietors with the natives are frequently brought before the judge and magistrate, and from the knowledge of their characters so obtained, he is disposed to think favourably of them.

In the joint magistrate's division of Etawah there are no European Planters. The Commissioner is of opinion "That a law in analogy to the Hindoo laws, of the general responsibility of the house and partnership, should render the indigo factory responsible for acts and transactions directly or indirectly connected with it." Indigo factories going to ruin from the failure of firms. Not apprised of any great improvement in cultivation, in manufactures, arts and sciences by the planters. On the general scale, is inclined to believe that the character of indigo planters is not high.

4.	DISTRICTS.					For and Against.			For and Against.		
4.	Moradabad - - -	- - -	3	1	13,840	50	- - -	- - -	6	- - -	- - -
	Nugeena - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -

REMARKS :—The magistrate of Moradabad does not conceive any further provisions requisite to control the European indigo planters and their servants. The number in the district is small, and there is consequently little or no competition; they are highly respectable and well conducted in their transactions with the natives.

In the northern division of the district (Nugeena) there are no planters.

The Commissioner formed his opinion on what he knew of the planters in the district of Allyghur, where there were altogether 36 factories, and where he held the office of judge and magistrate for six years. He considers the laws, as they at present stand, sufficient for the control of the planters and their servants; should be doing injustice to a highly respectable and industrious class of men if he did not take this opportunity of publicly recording his opinion of the uniform good conduct, of the honourable and upright dealings, of the kind and conciliatory treatment of the natives, on the part of the indigo planters with whom he has hitherto come in contact. Instances of misconduct of very rare occurrence: that the country at large derives great benefit from the residence of respectable Europeans in the interior is proved beyond doubt, by the eagerness with which the large zemindars apply to

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
4.	Moradabad, &c.— <i>continued.</i>				<i>Begahs.</i>						

the planters to build factories on their estates. Has found the lower classes of the natives better clothed, richer and more industrious in the neighbourhood of the factories than those at a distance from them; cannot bring to his recollection a single instance of a native having suffered cruelty or oppression from an indigo planter.

5.	Bareilly -	- - -	6	4	19,295	For and Against 8	- - -	- - -	For and Against 2	- -	- -
	Shajehanpore	- - -	- -	- -	- -	- -	- -	- -	- -	- -	- -
	Pilibheet -	- - -	- -	- -	- -	- -	- -	- -	- -	- -	- -

REMARKS:—The acting magistrate of Bareilly considers the statute-law sufficient. The planters are very well-behaved, intelligent men, and anxious to avoid any cause of complaint or dispute.

There are no European planters in the other division. The Commissioner has always found the existing powers conferred by Act of Parliament for controlling European indigo planters sufficient; but if the power of removal was withdrawn, it would be necessary to render them generally amenable to our courts. The character of the planters he has met with of late years has generally been respectable.

6.	North Bundelcund -	- - -	- -	- -	- -	- -	- -	- -	- -	- -	- -
	Cawnpore	- - -	12	6	32,850	385	32	- -	43	7	- -
	Belah -	- - -	- -	- -	- -	- -	- -	- -	- -	- -	- -

REMARKS:—There are no indigo planters in North Bundelcund, nor in the division of Belah. The magistrate of Cawnpore is not aware of the necessity of any new legislative enactment for the control of the planters and their servants, and his opinion of them generally is decidedly favourable.

The Commissioner is disposed to bear favourable testimony to the general conduct of the planters. They probably imagine, he observes, "that in taking a farm of a zemindar, they have a right to compel the cultivators of every description to sow indigo seed, concluding the record proprietor of the estate to be the absolute owner thereof, and that they have succeeded to his right. Those who refuse to sow indigo seed are deprived of their fields which have been cultivated by their families for generations. Such practices however are not allowed to pass unnoticed by the local authorities; and he considers the law sufficient to restrain them."

DIVISIONS.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
7.	South Bundelcund	-	3	-	Begahs.	1	2	-	-	-	-
	Futtehpore	2	4	3	68,000	58	1	-	13	9	-
	Allahabad	-	29	5	23,217	4	14	-	6	2	-

REMARKS:—There are no Europeans actually residing in South Bundelcund. The acting magistrate of Futtehpore does not consider any further legislative provisions to be necessary; has an excellent opinion of the behaviour of the indigo factors in his district in regard to their treatment of the natives around them; considers the presence of indigo factories to be an advantage to the district.

The acting magistrate of Allahabad expresses similar sentiments.

The Commissioner is not of opinion that any new laws are required for the control of the planters and their servants.

8.	Benares	-	15	9	16,207	For and Against 68	-	-	For and Against 83	-	-
	Mirzapore	5	25	9	19,800	For and Against 17	-	-	For and Against 22	-	-
	Jaunpore	6	50	11	42,522	34	-	-	54	-	-

REMARKS:—The magistrate of Benares does not think any additional penal enactments called for, but that it would be desirable to cause all planters or individuals in charge of factories to register the names of their chief native agents, jemadars and chuprassees in their employ, in order that the magistrate might be able, when necessary, to call on some acknowledged and avowed servants belonging to the factory, in case of complaints. Suggests that indigo crops should be liable to attachment in the event of the malgoozar, or person liable to government or to a civil court for the amount of the revenue, instituting a suit for the rent or balance due for the current year. Has no reason to believe that the transactions of planters are not fair and creditable towards all parties; does not believe that any numerical increase of European residents occupied in agricultural pursuits would be beneficial to the natives in his neighbourhood; the price of labour operates against the introduction of machinery, and the European capitalist would find difficulty in procuring a remunerating and safe return, should he be disposed to embark in speculation.

The magistrate of Mirzapore will submit the return hereafter.

Reports that the indigo planters in his district conduct themselves with propriety, there

APPENDIX, No. II.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
8.	Benares, &c.— <i>continued.</i>				<i>Begahs.</i>						

are but few complaints against them; has not heard that their treatment of the natives is in any way oppressive. No further legislative enactments required for the control of the planters; would suggest the expediency of their being allowed to hold lands in their own name; the rules lately enacted to that effect are of no avail, they are encumbered with such restrictions as to render them nugatory.

The magistrate of Juanpore does not think any further provisions are required; the planters in his district are respected and trusted by the natives, and are just and equitable towards them; they are of the greatest possible benefit to the district, giving employment to thousands; if the capital put in circulation by them were withdrawn, crimes would greatly increase. In the opinion of the Commissioner, no further legislative provisions are necessary; is not able to speak to the character of the planters.

9.	Goruckpore	-	-	9	3	9,200	--	--	--	--	--	--
	Azinghur	-	2	22	5	12,000	21	6	-	60	6	--
	Ghazeepore	-	8	35	6	21,645	297	15	-	For and Against 59	--	--

REMARKS:—The magistrate of Goruckpore observes, that the character of the planters is shown by there not having been any complaints against them.

The joint magistrate of Azinghur does not think any additional legal provisions necessary; is inclined to view the conduct and character of the planters in a favourable light.

The magistrate of Ghazeepore expresses himself to the same effect.

The Commissioner says, "in fourteen years' experience in Ghazeepore and Goruckpore, I have never had reason to consider the British indigo planters in any other light than as a great benefit to the people, in expending much capital among them, raising the value of land and labour, and accommodating them in their necessities on much more liberal terms than they could obtain from any other quarter." Advocates a permission to Europeans to hold lands openly: does not consider any further legal provisions to be required for the control of the planters and their servants.

10	Sarun	-	13	19	12	34,843	55	-	-	118	7	--
	Shahabad	-	1	13	8	14,910	21	-	-	For and Against 20	--	--
	Tirhoot	-	5	48	43	121,900	-	-	-	302	38	--

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
10	Sarun, &c.— <i>continued.</i>				<i>Begahs.</i>						

REMARKS.—The magistrate of Sarun has found the laws in force fully sufficient for controlling the indigo planters and their servants, in the very few cases that have come before him in the last four years. The character of the former stands very high in general estimation for liberal and kind treatment of the natives, and for their peaceable and neighbourly conduct towards one another. They prefer adjusting their disputes privately to bringing them into court.

The magistrate of Shahabad also thinks any further legal provisions unnecessary. The planters are always ready to abide by the awards of the court, and most obedient to the constituted authorities.

The acting magistrate of Tirhoot states, that the existing provisions for the subjection of the European indigo planters are quite sufficient, and their native servants are under the same control as any other natives. The character of the planters is in favourable estimation with the natives in general, and their conduct fair and considerate; attributes the origin of most of the disputes that occur, to the native servants. The acting magistrate explains the nature of the transactions between the indigo planters and natives in this district, and concludes by suggesting some provisions which he has reason to know would be acceptable to both parties.

Regulation VI. of 1823 (extended to Tirhoot by Regulation V. 1824) is insufficient, and never acted upon.

Proposes that a malik or ryot wilfully failing in his contract should be punished for a misdemeanor, as in Regulation VII. 1819, and the planter punishable by fine for maltreatment or non-payment of rent. Eighteen lacs of rupees expended annually in this district, chiefly in the rent of land and wages of labour; and it cannot be doubted that the introduction of so much capital by Europeans is of considerable benefit both to the people and the Government. Thinks it advisable that Europeans should be allowed to hold lands.

						For and Against.				For and Against.		
11	Patna	-	-	-	1	1	1,000	7	-	-	9	--
	Behar	-	-	-	6	4	8,100	12	-	-	7	--
	Ranghur	-	-	-	--	--	--	--	--	--	--	--

REMARKS.—The commissioner has been only a few days in charge of the office.

The district of Patna is stated not to be an indigo district, and no information is afforded.

The acting magistrate of Behar is not aware that any further legislative enactments are necessary for controlling the planters and their servants; has had little experience in the district; complaints against them very rare.

The native gentlemen whom he has consulted "express themselves without reserve, that to the best of their belief they know nothing to the prejudice or disparagement of the indigo planters established in this district, and that in their general dealings with and treatment

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						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
11	Patna, &c.—continued.										

of the natives around them, no part of their conduct has been found reprehensible; but on the contrary they think well of them as honourable and upright men, and believe them to be well spoken of by the majority of the people with whom they are in any way concerned."

Is favourable to the admission of Europeans into the interior, and to their being allowed to hold lands.

There are no European planters in Ramghur.

The commissioner observes that there are few planters in the division, and that no new laws appear to be required.

					Begahs.	For and Against.			For and Against.		
12	Bhaugulpore	-	32	11	69,191	49	-	-	18	--	--
	Monghyr	-	5	7	26,550	86	-	-	49	--	--
	Maldah	-	3	7	70,757	19	-	-	4	1	--
	Purneah	-	8	12	131,436	314	-	-	42	--	--

REMARKS.—The acting magistrate of Bhaugulpore was prevented from filling up the form, as the indigo planters were absent from the district. No further legislative enactments are necessary. The planters bear the highest character; their transactions with the natives are conducted with fairness and justice, and they treat them with due consideration and kindness; has every reason to believe that they are very much respected by the inhabitants of the district. The magistrate has subsequently submitted the list of planters, &c. in the form required. In Monghyr, the planters are stated to be, generally speaking, exceedingly peaceable. The joint magistrate thinks it would be desirable to restrain the erection of other factories within a certain distance of those which are already established, and to enact that the nearest factory had the primary right of taking an engagement from the cultivator, provided the manager agreed to the same terms that were offered by the neighbouring planter. This would not preclude a fair competition, as regarded the ryot, and at the same time it would define the right as regarded the planter.

The joint magistrate of Maldah is of opinion that no new legal provisions are necessary for the control of the planters and their servants.

Provisions of Regulation VI. 1823, insufficient. The most frequent cause of dispute is the ryot after receiving advances, refusing to cultivate: a clause required to compel them, under a heavy penalty recoverable by a summary process; also, to prevent the erection of new factories within a certain distance of each other.

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12	Bhangulpore, &c.— <i>continued.</i>				<i>Begahs.</i>						

The planters bear a good character, and in their transactions with and treatment of the natives, generally conduct themselves with propriety and moderation; complaints against them very rare.

The returns for Purneah were at first delayed on account of the absence of some of the planters. In his letter of the 5th April he expresses a favourable opinion of the planters; the statement submitted from this district includes the names of servants, foreigners and persons born in the country, which are omitted in this register; but it has not been practicable to distinguish the number of civil and criminal suits in which they may have been engaged.

The Commissioner mentions a case of serious affray in the Maldah division, between the dependents of two factories, one belonging to an European and the other to an Indo-Briton, in which several persons were killed and wounded. The people of the latter are stated to have been the aggressors. Does not consider any new laws necessary; on the contrary, in so very extended a line of country, it will be found that the conduct of the European planters has been quiet and peaceable; and in many instances the magistrates avail themselves of the local information which they are able to give, and on which dependence may be placed, respecting the perpetration of offences not made known by the zemindars and the police officers.

13	Dinagapore	-	-	3	2	821	--	--	--	--	--	--
	Rungpore	-	--	--	--	--	--	--	--	--	--	--
	Rajshahye	-	--	--	--	--	--	--	--	--	--	--
	Pubnah	-	19	99	33	169,347	-	-	-	114	182	--
	Bhagoora	-	4	18	7	14,710	34	1	3	12	8	12

REMARKS.—The magistrate of Dinagapore states, that the planters in his district bear exemplary characters, and he has therefore nothing to suggest for their better government.

The magistrate of Rungpore does not think any additional penal rules necessary for controlling the planters. Ryots wilfully evading their engagements should be punished for a misdemeanor; rules to compel cultivation not desirable, as they would endanger the rights of third parties; bargains between planter and ryot are usurious, and the advantage almost all on the side of the planter.

In the treatment of the natives, illegal acts are committed, but these are not confined to Europeans; notwithstanding the clamour raised against indigo planters, the records of the criminal courts prove, that from the same causes the same effects arise amongst the native population; the native merchant, equally with the indigo planter, has recourse to the illegal restraint of his debtor.

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13	Dinagapore, &c.— <i>continued.</i>										

The magistrate of Rajshahye has called on the planters to supply the details required, and will report hereafter.

The joint magistrate of Pubnah is of opinion that further legislative provisions are necessary; that the judges have not leisure to give immediate attention to the enforcement of Regulation VI. 1823; that the planters are frequently guilty of acts of violence towards the ryots, in compelling them to receive advances and cultivate their lands with indigo; still the character of the planters is much improved of late years, and by their assistance the ryots are in some measure able to protect themselves against the oppression of the zemindars and mahajuns. Thinks that the magistrates should have power to decide on disputes regarding the possession of farms and lands held by planters in the names of their servants.

The acting magistrate of Bhagoora, owing to the short time he has been in charge of the office, has had no opportunity of judging of the character of the European planters.

The commissioner of the division does not conceive any further legislative provisions to be necessary; instances are very rare of contumacy or disobedience of orders; can speak most favourably of the planters residing in Dinagapore and Rungpore; not so well informed of those in Rajshahye, including the Pubnah joint magistracy with its Jessore thanahs. The number of planters in the latter district is very great, and the magistrates have occasion sometimes to interpose their authority between them and the natives. Since he took charge of the division 10 months ago, only one case has been serious enough to render his decision necessary; that the natives were most unquestionably to blame.

The natives with whom he has conversed on the subject, have invariably expressed a strong dislike to indigo factories, and he has always found a prejudice to be entertained by them against European speculators residing in the interior.

					Begahs.	For and Against			For and Against		
14	Moorshedabad	- - -	35	16	129,966	80	- - -	- - -	18	- -	- -
	Beerbhoom	- 1	7	- -	15,125	12	- - -	- - -	2	- -	- -
	Nuddea	- - 19	56	18	159,517	66	166	- - -	193	312	- -

REMARKS.—The magistrate of Moorshedabad is impressed with a favourable opinion of the character and conduct of the planters of his district. Some of the planters are stated to have neglected to furnish the information required from them. Mr. Magniac has omitted to state that Mr. P. Trazenant, the person mentioned in his letter as an exception to the favourable opinion given of the planters, is an American.

The magistrate of Beerbhoom reports, that the only European proprietor of indigo factories quitted that district, since which his establishments have been managed by his son, a

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14	Moorshedabad, &c.— <i>continued.</i>				<i>Begahs.</i>						

native of India; cannot speak from actual experience, of the efficiency of the laws to control European planters. A law embracing both European and native planters might be of use, prohibiting one planter from wilfully advancing for indigo cultivation to a ryot previously engaged by another, and making the same punishable as a misdemeanor both in the aggressing planter and ryot; limiting the distance between factories would be still more effectual. The magistrate adds, "As to British subjects (if the question extends to them), the law as it at present stands must always be weak, and I presume inefficient."

"From the redress obtainable by a civil action, where both parties are British, they are virtually precluded by the distance, throughout the greatest part of India, of the court to which alone they can resort; it is not to be wondered at, therefore, if on such occasions self-interest should appeal to violence for satisfaction."

"On the ground of criminal law they stand at too great advantage, as regards other Europeans and the natives of the country; with every facility for bringing to punishment those who may have forcibly molested them, as aggressors in aggravated cases they are amenable only to a tribunal, the general distance from, and consequent inconvenience of attending which, would be sufficient in many cases to deter the injured from prosecuting them to effectual conviction; over delinquents of this nature the local authorities can exercise only diminished control, and if they were frequently to be found, the evil would be severely felt; but as I have before stated, my own experience furnishes me with no instance of outrage either on the part of British or European manufacturers."

The magistrate of Nuddea thinks that many more legislative provisions might be made in addition to those which already exist, relative to the more effectual subjection of indigo planters and their servants to the control of the law.

1. The planters should be held responsible for the appearance of their servants when required, in failure of which they should be declared liable to a heavy fine.

2. That they should furnish the magistrate with lists of their servants.

3. That they should be made answerable for the misconduct of their servants.

4. That magistrates or justices of the peace should be empowered to punish planters for non-compliance with such rules as might be enacted for the above purposes.

Considers the general character of the European planters, in regard to their personal dealings and transactions with the natives, to be fair and upright, and their treatment of them kind and conciliating; but much oppression and extortion are practised by their servants; mentions four cases of affray which have occurred in his district in the last five years, wherein European planters have been implicated; thinks that Europeans ought always to be prosecuted for such offences in the supreme court, when there is a probability of their being convicted. The provisions of Regulation VI. 1823, are seldom or ever resorted to; suggests that planters should be put in possession of land engaged to be cultivated, when the ryot refuses to fulfil his engagement to cultivate.

The Commissioner is of opinion that for the effectual subjection of the indigo planters to

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						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
14	Moorshedabad, &c. — continued.				Begahs.						

the control of the law, they should be made amenable to the criminal courts in the mofussil, for all offences excepting such as would render them liable on conviction to suffer death, or to be transported; if this were done, the affrays which now so frequently occur in some districts between the servants and dependents of neighbouring indigo planters would be much less common, if not entirely put a stop to.

Is disposed to judge favourably of the general character of the European indigo planters residing within the division.

15	Mymensing	--	--	--	--	--	--	--	--	--	--
	Sherepore	--	3	2	4,307	For and Against 2	--	--	For and Against 7	--	--
	Tipperah	7	7	--	19,200	--	--	--	For and Against 11	--	--
	Dacca Jelalpore	--	74	38	122,151	68	2	--	232	405	--
	Dacca	--	10	11	34,392	1	--	--	11	20	--

REMARKS:—The return from Mymensing has not yet been received.

The magistrate of Tipperah thinks that some enactment is required to prevent one factory from being built within a certain distance of another; as too close a proximity, instead of producing useful competition, is the source of contention, ill will, and bloodshed.

The joint magistrate at Sherepore (which forms part of the first-mentioned district) thinks the present legislative provisions sufficiently effective for the subjection of the indigo planters and their assistants; has the highest opinion of both the European planters in his division; their influence often successfully exerted in settling petty disputes in an amicable way—a proof of the estimation in which they are held.

The magistrate of Dacca Jelalpore states that the European indigo planters residing in this district are generally a very respectable body of men, and seem inclined, from motives of policy as well as of humanity; to treat the natives round them with kindness.

The price of indigo induces the planters to make advances to any ryots who will take them; great temptation to men of little or no principle to take advances for the same portion of ground from as many planters as they can. Consequently at the cutting and sowing seasons complaints are frequent, and sometimes serious breaches of the peace occur. Advances sometimes forced on the ryots, and similar oppressions committed, for the purpose of obtaining the plant. These, however, are generally to be imputed either to the zeal or rascality of the native servants of the factory. No further legislative provisions necessary for the subjection of the planters. Submits the following suggestions :

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
15	Mymensing, &c.— <i>continued.</i>				<i>Begahs.</i>						

1st. That ryots taking double advances for the same piece of ground; 2d. That persons knowingly making advances for ground already advanced for; 3d. That ryots refusing or neglecting to fulfil their engagements, without good and sufficient cause;—should in each case be deemed guilty of a misdemeanor, and punished accordingly.

Upon the whole, is of opinion that the residence of Europeans in the district has been of the greatest advantage to the inhabitants. The comforts of all classes have been increased, from the large capital circulated; the zemindars' rents have been realized with greater facility; and the immense tracts of jungle that overspread this district, before the cultivation of indigo was introduced, have totally disappeared.

The magistrate of Dacca has entered very fully into the subject of indigo cultivation. He has been led to form, upon the whole, rather a favourable opinion of the general character of indigo planters, in regard to their transactions and treatment of the natives round them. Among so numerous a class, instances of oppression, and a resort to brute force for the accomplishment of their views, have in some cases originated with the Europeans themselves, but in most instances they are the tools of interested landholders or their own servants. "That some of the planters are held in much estimation by the natives; that they are constantly applied to, to arbitrate disputes between relatives or neighbours; that they are the frequent dispensers of medicine to the sick, of advice to those in difficulty, of pecuniary aid to those in need, on the occasion of family events which would involve them for life with native money-lenders; and that their never-failing acquiescence in the wants and wishes of their poor neighbours has thus tended in some measure to exalt the British name and character—I can vouch from my own knowledge of the facts; nor need I remark how very much the prosperity and happiness of our native subjects would be increased by the residence of European gentlemen among them, were such a description applicable to a large portion.

After explaining the system, and stating the difficulties and grievances which each party complains of, whether planter, zemindar or ryot, the magistrate concludes his remarks by suggesting various rules for the protection of the rights and interests of all the parties concerned.

Mr. Walters is adverse to restrictions on the erection of factories, and to any interference with open and free competition, but would enforce engagements voluntarily entered into between planters for fixing a boundary line between their respective factories; is inclined to think that the provisions contained in Regulation VI. 1823, although seldom resorted to, afford the planter all the remedy that can be safely granted for compelling the ryots to fulfil their engagements.

Amongst the grievances complained of by the zemindars, the most important, Mr. Walters says, is the difficulty they experience in not being allowed quietly to erect factories on their own estates, in consequence of the arts used, and the open violence not unfrequently resorted to by their European neighbours to suppress all competition of the kind.

2d. That if a zemindar refuses to accede to the terms of the planter, he frequently obtains a pottah for their lands for some other claimant.

3d. That the pottahs taken do not specify the quantity or boundaries of the lands; and, consequently, possession is taken of any lands which may best suit the planter; and that they experience difficulty in obtaining their rents from the planters.

DIVISIONS.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
15	Mymensing, &c. —continued.				Begahs.						

The greatest evil of which the ryots complain, is the almost utter impracticability of being able to free themselves, should they once have the misfortune to receive indigo advances, either by their own free will or by compulsion.

2d. That their cattle is constantly pounded by the planter, on the plea of their straying among the indigo, and the cattle not being released except on payment of a fine.

3rd. That they are compelled by threats and ill usage to enter into indigo engagements; that more land is taken by the factory servants than that contracted for, being obliged to execute engagements with one factory after having engaged to give it to another; and although having no concern with any factory, still having their lands forcibly sown, without any pretence or colour of right.

Under the head of evils of a general nature, Mr. Walters instances the custom of entertaining, at European and native factories, bands of armed men, often of bad character; also the system of holding lands in the names of their servants, by which the European planters are subject to no tangible responsibility.

The following is an abstract of the remedies which Mr. Walters suggests for the evils set forth in his report.

1. That Europeans permitted to hold lands should be required to hold them in their own names, and should be required to deposit a list of them, and of such as are now held in the names of their servants, in the zillah court.

2. That they should be required to enter into a bond to submit to all awards of the local authorities in matters touching such lands.

3. That they be required to register in the zillah court all engagements relative to occupation or cultivation of land exceeding 50 begahs, and in the moonsiff's courts all engagements for a less quantity; that previous to the registry the lands should be advertised and proclaimed, and marked, in order that persons interested may have an opportunity of objecting.

4. That all leases and other engagements should specify boundaries and quantity of land.

5. That zemindars should have a lien on the manufactured produce, in satisfaction of arrears of rent, to be attached, and if necessary sold.

6. On the expiration of a lease the zemindar to be at liberty to renew it or not, but if let, the old tenant to have the preference on equal terms.

7. At the expiration of his contract the ryot to be allowed to compel the adjustment of his accounts by summary process.

8. In the event of disputes between factories, the local authorities to appoint arbitrators for the purpose of fixing boundaries. Private boundary agreements to be enforced.

9. Collectors to take possession of chur lands, the property of Government, and to lease them to planters in their own names.

10. Lands of khodkhast, or hereditary ryots, not to be transferred by zemindars to indigo planters, without the consent of such parties.

11. All subordinate landholders to be at liberty to transfer their lands to indigo planters (if warranted by the nature of their tenures) without the consent of the superior zemindar; and all ryots to be at liberty to cultivate indigo or any other crop they like.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
15	Mymensing, &c.—continued.				Begahs.						

12. Europeans to be eligible to be appointed guardians to minors, and managers of their estates.

13. European indigo planters to be held personally responsible for breaches of the peace arising out of, or connected with their manufacture, or the possession of lands.

14. All complaints connected with indigo cultivation to be made in the name and on the responsibility of the planter.

15. All planters to furnish the magistrate with lists of their servants, and to be held responsible for their conduct and appearance; and not to retain notorious offenders in their employ.

16. Not to engage bands of armed men.

17. Not to pound cattle and levy fines.

18. Cattle trespassing to be sent, with evidence of the fact, to the nearest police thanuah moonsiff's cutcherry, who would levy the fine on the part of Government. Proprietors of crops to recover damages by a summary process.

19. European planters to render assistance to officers of police.

20. To give information of crimes committed within their estates, and not to harbour or screen offenders.

21. False and vexatious complaints, and prevarication of witnesses, to be punished by two years imprisonment and 200 rupees fine, commutable to one year more.

Mr. Walters adds, "Let the door but be thrown open for the free expression of British feelings and principles, as well as of British capital, and I will venture to say, that in five years a greater improvement will take place in the social and moral condition of our subjects than has accrued from thirty years of trial under the old system."

The commissioner of the division is of opinion that the existing legislative provisions are fully adequate to the effectual subjection of the planters and their servants to the control of law. Has not had sufficient experience to judge of the characters of the Europeans residing in this division. Gives two statements, taken from the books of a factory, illustrative of the effects of the present system on the condition of the ryot; one in which the ryot refusing to cultivate, the cultivation was carried on by the planter, the ryot involved in ruin, and his lands alienated from him; the other, in which the ryot was enabled to pay off a former debt, and to obtain a profit on the settlement of accounts.

16	Arracan -	-	--	--	--	--	--	--	--	--	--
	Chittagong	-	--	--	--	--	--	--	--	--	--
	Noacolly -	-	--	--	--	--	--	--	--	--	--

REMARKS.—No report was called for from Arracan.

The magistrate of Chittagong and joint magistrate of Noacolly report that no indigo planters reside in their districts.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
16	Arracan, &c.—continued.				Begahs						

The Commissioner has inadvertently furnished statements of civil and criminal cases, decided in the Chittagong district, in which Europeans appear to have been parties, but which have no connection with transactions regarding indigo.

17	Assam -	-	-	-	-	-	-	-	-	-	-
	N. E. Rungpore	-	-	-	-	-	-	-	-	-	-
	Sylhet -	-	-	-	-	-	-	-	-	-	-

REMARKS.—There are no European indigo planters residing in these districts.

The Commissioner is of opinion, that further legislative provisions are requisite for the due control of all British subjects residing in the interior of the country, and that it is obviously expedient that they should be subjected, like other European settlers similarly situated, to the local tribunals civil and criminal, without any other restriction or appeal than is allowed by the Regulations of Government to other individuals.

18	Suburbs of Calcutta.	-	-	-	-	-	-	-	-	-	-
	Twenty-four Pergunnahs.	-	5	2	5,100	-	-	-	-	-	-
	Barraset	-	2	2	1,480	-	-	For and Against 2	-	-	-
	Backergunge	-	4	2	-	For and Against 52	-	-	For and Against 76	-	-
	Jessore -	2	63	30	120,633	206	11	-	37	309	-

REMARKS.—No European planters in the Suburbs.

The magistrate of the Twenty-four Pergunnahs offers no opinion on the general question.

The joint magistrate of Barraset considers no further legislative provisions necessary.

The magistrate of Backergunge reports favourably of the European planters in his district. Is not prepared to offer an opinion as to the expediency of enacting further laws applicable to planters and their servants.

20	Burdwan -	-	-	-	8	6	22,258	10	-	-	26	--	--	--
								For and				For and		
	Jungle Mehals -	-	-	-	22	4	46,500	Against	-	-	-	Against	-	-
								14	-	-	-	1	-	-
	Hooghly -	-	-	-	--	-	--	--	-	-	--	--	-	-

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
20	Burdwan, &c. — continued.				Begahs.						

REMARKS.—The magistrate of Burdwan has found the planters peaceably and kindly inclined towards the natives; and he does not think any additional legislative provisions necessary for their effectual subjection.

The magistrate of the Jungle Mehals is not aware that any further legislative provisions are necessary for the effectual subjection of indigo planters, in addition to those which already exist. Conduct of the Europeans kind and conciliatory.

There are no European planters in the district of Hooghly.

The Commissioner expresses the same sentiments as the magistrate of the Jungle Mehals, and from his experience, has always found them forbearing and kind in their demeanour to the natives, as well as fair and liberal in their dealings with them, notwithstanding the bad faith they too often experience in return. Instances of misconduct rare.

Judicial Department,
1 June 1930.

(signed)

H. SHAKESPEAR,
Secretary to Government.

The Governor-general in Council remarks, that the foregoing Papers will be transmitted to the Honourable Court of Directors.

SUPPLEMENTARY STATEMENT of EUROPEAN INDIGO PLANTERS in the several Districts of the Lower and Western Provinces; the Number of Factories, and the extent of the Cultivation; the Number of Civil and Criminal Cases decided for and against them and their Servants during the last Five Years; with Abstracts of the Opinions recorded by the Magistrates and Commissioners of Circuit, regarding the necessity of further Legislative Provisions for the effectual subjection of the Indigo Planters and their Servants to the control of the Law.

DIVISION.	DISTRICTS.	Number of European Indigo Planters. Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
2	Allighur	--	--	--	Begahs. --	--	--	--	--	--	--
REMARK.—The report from this district has not yet been received.											
13	Rungpore	2	24	7	21,405	For and Against 41	--	--	For and Against 52	--	--
	Rajeshahye	5	10	11	68,700	1	1	2	7	10	35

REMARKS:—The magistrate of this district (Rungpore) furnished his opinion before on the character and conduct of the indigo planters in his district, and a copy of it was transmitted to the Honourable Court.

The magistrate of Rajeshahye had not obtained the necessary information at the time when the former statements were transmitted. The acting magistrate has now furnished the statement required, but it is in many respects defective; and his letter does not contain the information required by the orders issued on the 29th December 1829, as to the character of the planters, owing probably to the short experience which Mr. Halliday has had in the district.

14	Moorsheadabad	--	5	1	29,500	--	--	--	--	--	--
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REMARK:—This is an additional statement furnished by the acting magistrate, in continuation of the magistrate's letter dated the 27th of March.

15	Mymensing	*1	35	19	64,945	141	--	--	266	--	--
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REMARKS:—The return from Mymensing had not been received at the period of the last report to the Honourable Court. The magistrate is of opinion that further legislative provisions are necessary to render indigo planters and their servants more effectually subject to the judicial local authorities. Mr. Cheap has assigned his reasons for this opinion at considerable length. This report, however, on the character of the indigo planters is generally favourable.

Judicial Department,
14 December 1830.

(signed)

H. SHAKESPEAR,
Secretary to Government.

* Evidently an error, probably seven.—Ed.

(75.)—A STATEMENT, showing the Number of INDIGO FACTORIES in the several Districts under the *Bengal Presidency*; also, the Number of European Indigo Planters, Proprietors of Estates, and the Number of European Assistants resident in the several Districts under the *Bengal Government*.

DISTRICTS.	Number of Factories.	Number of European Proprietors.	Number of European Assistants.	DISTRICTS.	Number of Factories.	Number of European Proprietors.	Number of European Assistants.
First Division:				Twelfth Division:			
Seharunpore	—	—	—	Bhaugulpore	32	—	11
Mozuffernuggur ..	—	—	—	Monghyr	17	5	7
Meerut..	2	—	1	Maldah..	24	3	7
Boolundshahir ..	3	—	2	Purneah	65	8	12
Second Division:				Thirteenth Division:			
Agra	—	3	—	Dinagepore	3	—	2
Allighur:	—	—	—	Rungpore	—	—	—
Third Division:				Rajshahye	—	—	—
Furrackabad	10	—	5	Pubnah	99	19	38
Mynpooree	5	3	—	Bugorah	18	4	7
Etawah..	—	—	—	Fourteenth Division:			
Fourth Division:				Moorshedabad	35	—	16
Moradabad	3	—	1	Beerbhoom	7	1	—
Nugeena	—	—	—	Nuddeah	56	19	18
Fifth Division:				Fifteenth Division:			
Bareilly..	6	—	4	Mymensing	—	—	—
Shajehanpore	—	—	—	Sherepore	3	—	2
Phillibheet	—	—	—	Tipperah	7	7	—
Sixth Division:				Dacca Jelalpoore...	74	—	38
N. Bundelcund ...	—	—	—	Dacca	10	—	11
Cawnpore	12	—	6	Sixteenth Division:			
Belah	—	—	—	Arrakan	—	—	—
Seventh Division:				Chittagong	—	—	—
S. Bundelcund....	3	—	—	Noacolly	—	—	—
Futtehpore	4	2	3	Seventeenth Division:			
Allahabad	29	—	5	Assam	—	—	—
Eighth Division:				N. E. Rungpore...	—	—	—
Benares..	15	—	9	Sylhet	—	—	—
Mirzapore	25	5	9	Eighteenth Division:			
Juanpore	50	6	11	Suburbs of Calcutta	—	—	—
Ninth Division:				24 Pergunnahs ...	5	—	2
Goruckpore	9	—	3	Barraset	2	—	2
Azimghur	22	2	5	Backergunge	4	—	2
Ghazeeopore	35	8	6	Jessore	63	2	30
Tenth Division:				Nineteenth Division:			
Sarun..	19	13	12	Midnapore	24	2	1
Shahabad	13	1	8	Balasore	1	1	—
Tirhoot	48	5	43	Cuttack..	—	—	—
Eleventh Division:				Twentieth Division:			
Patna	1	—	1	Burdwan	8	—	6
Behar	6	—	4	Jungle Mehals....	22	—	4
Ramghur	—	—	—	Hooghly	—	—	—
				TOTAL FACTORIES..	899	119	354

TOTAL EUROPEANS..... 473

There are no Returns of Indigo Factories under the Presidencies of Fort St. George and Bombay.

East India House, 6 Aug. 1832.

J. MILL,
Examiner of India Correspondence.

APPENDIX, No. IV.

(79)—AN ACCOUNT of the Quantity of Indigo Imported into *Great Britain and Ireland*, specifying the Countries from which Imported

YEARS.	QUANTITIES IMPORTED INTO GREAT BRITAIN.							
	From the British Possessions in the East Indies, including the Cape of Good Hope and St. Helena.	Foreign Possessions in the East Indies and the Philippine Islands.	British West Indies including Honduras.	Foreign West Indies.	United States of America.	Florida.	Brazil.	Foreign Countries on the Continent of America, formerly under the dominion of Spain.
1780..								
1781..	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
1782..	The Records for these Years were destroyed by fire.							
1783..								
1784..								
1785..	154,291	..	302,011	1,800	682,441	11,000	..	..
1786..	253,345	..	93,857	..	765,241	48,000	..	..
1787..	363,046	..	62,253	458	940,857	1,070	..	..
1788..	622,691	..	39,025	565	1,060,164	60,600	..	..
1789..	371,469	..	28,848	2,749	828,194	4,000	..	..
1790..	531,619	..	40,687	6,343	626,042	78,800	..	..
1791..	465,198	..	38,807	263	589,132	8,883	..	..
1792..	581,827	..	57,094	7,621	659,725	48,469	..	..
1793..	881,854	..	35,132	17,415	625,945	42,964	..	..
1794..	1,364,620	..	119,059	47,809	720,477	..	..	..
1795..	2,862,684	..	115,569	4,735	574,429	24,479	..	..
1796..	3,898,157	..	36,571	7,655	402,382	3,829	..	..
1797..	1,254,233	..	69,072	226	276,507	6,344	..	..
1798..	3,862,188	..	63,753	8,778	51,811	..	..	..
1799..	2,634,070	..	92,978	122,080	97,000	535	..	..
1800..	2,674,317	..	339,945	78,352	437,809	4,273	..	..
1801..	2,112,045	..	580,029	25,000	166,136	..	..	..
1802..	2,267,411	..	207,288	9,547	172,528	12,340	..	..
1803..	2,529,508	..	39,777	15,013	2,861	57	..	..
1804..	2,641,019	..	55,576	15,780	10,215	..	..	..
1805..	4,608,871	..	25,132	28,229	25,513	..	..	..
1806..	2,612,181	..	69,599	82,697	94,594	..	..	..
1807..	5,323,147	..	335,633	159,584	139,819	..	..	..
1808..	5,216,040	..	163,278	76,079	25,031	..	..	48,757
1809..	2,108,086	..	513,163	18,115	3,018	..	42,036	30,433
1810..	5,077,906	..	164,529	1,207	72,738	..	74,167	5,019
1811..	4,382,642	..	325,411	14,794	26,672	..	18,104	12,437
1812..	4,447,947	..	165,163	..	6,100	..	20,511	43,337
1813..	The Records for this Year were destroyed by fire.							
1814..	6,752,540	..	219,111	10,291	81	..	1,599	21,628
1815..	5,543,222	..	30,494	36,846	..	..	..	43,712
1816..	7,238,114	..	35,115	..	..	..	253	2,959
1817..	4,964,843	..	10,428	2,247	2,128	..	..	188
1818..	5,456,645	..	27,243	30,422	6,559	..	..	..
1819..	3,688,694	..	54,250	43,110	28,514	..	176	418
1820..	4,922,750	..	121,568	30,330	6,284	..	948	24,518
1821..	3,935,833	..	78,305	5,799	4,727	..	..	..
1822..	2,484,356	..	254,989	64,253	2,770	..	..	..
1823..	6,553,354	..	530,552	39,445	3,619	..	..	13,388
1824..	4,584,969	..	307,777	61,105	8,044	..	50	62,078
1825..	6,159,785	1,650	281,026	29,025	37,903	..	1,097	12,211
1826..	7,652,946	26,709	283,571	9,271	100,600	..	11,130	132,199
1827..	5,384,998	21,530	230,669	127,417	17,089	..	5,490	63,548
1828..	9,660,152	24,669	77,806	..	58,666	..	2,063	129,517
1829..	5,965,128	17,263	212,021	70,502	26,107	..	..	99,311
1830..	7,920,172	6,685	87,285	5,156	56,318	..	12,877	336,687
					3,972	..	..	238,575

in each Year, from 1780 to the latest period up to which the Account can be made;
and the Quantities received from each.

QUANTITIES IMPORTED INTO GREAT BRITAIN.

Germany.	The Netherlands.	France.	Portugal, Madeira and the Azores.	Spain and the Canaries.	Gibraltar.	Italy.	Other Countries, and Prize Indigo.	TOTAL.
<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>	<i>lbs.</i>
3,039	12,878	40,691	79,258	398,100	.. ..	8,000	.. ..	1,693,509
3,624	11,096	11,452	123,796	666,979	.. ..	900	.. ..	1,978,290
15,870	8,340	17,231	167,662	300,643	.. ..	.. ..	400	1,877,830
1,793	6,700	18,764	81,808	204,461	.. ..	.. ..	40	2,096,611
7,962	244,615	60,748	96,647	319,066	.. ..	1,153	636	1,966,087
15,000	76,678	51,222	50,392	355,859	.. ..	65	.. ..	1,838,707
2,797	10,224	105,541	95,428	287,389	.. ..	3,125	.. ..	1,606,787
20,316	15,934	15,606	60,092	385,339	.. ..	1,212	3,130	1,856,365
8,153	17,325	19,013	51,873	187,936	.. ..	5,265	64,708	1,957,583
17,576	100,406	.. ..	130,027	312,647	.. ..	.. ..	78,671	2,891,292
6,285	37,454	.. ..	53,028	534,649	.. ..	43,331	30,982	4,287,625
33,491	.. ..	.. ..	40,710	107,049	.. ..	.. ..	48,191	4,578,035
9,192	1,319	.. ..	6,916	18,270	778	.. ..	147,221	2,290,078
21,034	48	.. ..	15,736	1,225	2,241	.. ..	27,434	4,054,248
8,168	.. ..	.. ..	22,164	.. ..	50	.. ..	64,971	3,041,836
23,597	.. ..	.. ..	59,986	6,023	4,998	.. ..	121,434	3,750,734
12,470	12,210	.. ..	3,168	4,000	10,227	.. ..	26,008	2,951,293
4,507	9,708	500	973	207,848	.. ..	20,733	20,495	2,933,878
5,964	7,220	19,005	5,628	399,076	308	.. ..	130,518	3,154,935
181	3,260	1,050	66,139	168,842	1,426	.. ..	197,641	3,161,129
1,025	.. ..	.. ..	30,087	21,962	300	.. ..	612,492	5,353,611
9,668	.. ..	.. ..	17,194	4,334	22,372	1,201	17,735	2,931,575
.. ..	.. ..	.. ..	14,290	269	.. ..	.. ..	20,342	6,041,841
2,853	2,700	.. ..	8,122	.. ..	.. ..	.. ..	225,922	5,792,494
.. ..	24,488	.. ..	8,493	7,991	.. ..	.. ..	90,591	2,853,131
42,259	36,974	.. ..	7,588	428,804	29,842	.. ..	234,286	6,126,674
74,980	.. ..	.. ..	3,580	111,968	7,122	.. ..	101,492	5,112,509
15,973	.. ..	.. ..	660	101,732	20,756	.. ..	34,406	4,815,964
5	12	4	3,066	29,317	19,129	.. ..	54,677	7,131,945
2,282	3,172	.. ..	200	733	.. ..	.. ..	2,944	5,623,105
1,179	8,207	1,265	.. ..	.. ..	.. ..	.. ..	306	7,286,502
15,834	23,701	10,004	1,193	82,189	.. ..	18,592	3	5,135,593
14,171	17,016	6,056	.. ..	85,265	.. ..	.. ..	19,099	5,685,025
.. ..	912	.. ..	.. ..	3	.. ..	1	12	3,818,732
397	41	1,473	.. ..	4,597	.. ..	.. ..	3	5,085,886
71	9,987	4,247	.. ..	23,661	.. ..	.. ..	2,496	4,063,109
6,733	1,670	3,529	.. ..	30,401	.. ..	3,118	57,458	2,923,514
3,478	1,585	4,726	15	17,760	.. ..	287	330	7,221,704
4,669	2,239	28,524	.. ..	10,253	25,377	1,572	3,091	5,080,817
5,176	.. ..	2,222	.. ..	8,903	34,684	5,581	21,650	6,793,631
2,573	3,390	2,055	4	.. ..	12,216	1	6,887	8,085,751
59,894	8,647	21,559	.. ..	10,625	.. ..	5,891	6,271	6,067,747
7,294	6,475	.. ..	.. ..	.. ..	.. ..	5,965	5,231	9,913,010
39,240	32,786	9	.. ..	.. ..	.. ..	3,514	1,936	6,748,281
1,349	41,707	1,164	.. ..	.. ..	.. ..	5,811	1,564	8,216,440

The preceding Account—continued.

QUANTITIES IMPORTED INTO IRELAND FROM PLACES OTHER THAN THE EAST INDIES.

YEARS.	From the British West Indies, including Honduras.	The British North American Colonies.	The United States of America.	Ger- many.	The Nether- lands.	France.	Portugal.	Spain and Canaries.	Gib- raltar.	Italy.	Guern- sey and Jersey.	TOTAL.
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
1780..	8,374	.....	.....	.....	.....	.....	.....	11,681	.....	.....	.....	20,055
1781..	1,792	.....	3,188	.....	6,720	237	.....	2,000	.....	.....	.....	13,937
1782..	766	.....	5,528	.....	1,316	2,806	1,365	.....	.....	.....	.....	11,781
1783..	200	.....	5,983	.....	960	5,475	.....	2,896	.....	.....	.....	15,514
1784..	456	.....	2,016	.....	.....	12,355	.....	6,753	.....	.....	.....	21,580
1785..	.....	.....	8,026	.....	.....	11,055	84	13,639	.....	.....	.....	32,804
1786..	.....	.....	6,760	.....	660	7,818	160	2,596	.....	.....	.....	17,994
1787..	621	.....	10,673	.....	.....	5,544	350	1,760	.....	.....	.....	18,948
1788..	170	.....	8,194	.....	114	6,376	440	5,995	.....	.....	.....	21,289
1789..	160	336	18,947	.....	.....	11,347	4,704	28,544	.....	.....	.....	64,038
1790..	.....	.....	5,143	2,722	.....	1,624	300	25,880	.....	.....	.....	35,669
1791..	530	178	3,486	.....	.....	1,420	868	30,427	.....	.....	.....	36,909
1792..	1,290	.....	2,380	.....	.....	526	150	14,438	.....	450	.....	19,234
1793..	1,146	.....	3,368	.....	.....	.....	868	18,704	.....	.....	.....	21,086
1794..	490	.....	5,569	.....	.....	.....	6,776	31,607	.....	896	1,400	46,738
1795..	.....	.....	19,340	.....	.....	.....	32	32,123	.....	.....	.....	51,495
1796..	1,576	.....	3,933	.....	.....	.....	122	24,136	.....	.....	.....	29,767
1797..	.....	.....	3,446	.....	.....	.....	464	1,000	.....	.....	.....	4,910
1798..	5,080	.....	.....	.....	.....	224	1,312	.....	.....	.....	.....	6,616
1799..	.....	.....	2,400	.....	.....	.....	.....	.....	.....	.....	.....	2,400
1800..	4,010	.....	2,676	.....	.....	.....	.....	.....	.....	.....	.....	6,686
1801..	2,240	.....	.....	.....	.....	1,792	.....	.....	.....	.....	.....	4,032
1802..	1,232	.....	4,544	.....	.....	.....	.....	6,202	.....	.....	.....	11,978
1803..	3,626	.....	300	.....	.....	.....	.....	13,536	.....	.....	.....	17,462
1804..	800	.....	.....	.....	.....	.....	.....	15,906	.....	.....	.....	16,706
1805..	256	.....	600	.....	.....	.....	.....	10,000	.....	.....	.....	10,856
1806..	23,816	.....	329	.....	.....	.....	2,902	5,760	.....	.....	.....	32,807
1807..	840	.....	200	.....	.....	.....	.....	2	.....	.....	.....	1,042
1808..	2,885	.....	.....	.....	.....	.....	142	.....	78	.....	83	3,188
1809..	13,267	.....	380	.....	.....	.....	400	.....	.....	.....	.....	14,047
1810..	329	.....	1,775	.....	.....	.....	.....	.....	.....	.....	.....	2,104
1811..	2,409	.....	5,729	.....	.....	.....	.....	.....	.....	.....	650	8,788
1812..	7,539	.....	644	.....	.....	.....	.....	300	.....	.....	806	9,289
1813..	3,714	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,500	5,214
1814..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1815..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1816..	1,173	.....	212	.....	.....	.....	.....	375	.....	.....	.....	1,760
1817..	.....	.....	.....	.....	.....	.....	.....	.....	1,097	.....	.....	1,097
1818..	.....	.....	625	.....	.....	.....	.....	392	.....	.....	.....	1,017
1819..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1820..	3,406	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,406
1821..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1822..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1823..	7,446	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7,446
1824..	155	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	155
1825..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1826..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1827..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1828..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1829..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1830..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Inspector-general's Office, Custom-house, London,
28 December 1831.

WILLIAM IRVING.

APPENDIX, No. XXII.

Appendix,—

AN ACCOUNT of the Quantity of Indigo purchased by the East-India Company in BENGAL the Rate per Factory Maund; together with the Charges thereon, including Commission Money at the Mercantile Rates of Exchange at which Bills were drawn from Calcutta on adding thereto the proportion of Freight chargeable upon the Indigo, and the Allowance therefrom the Landing and all other Charges; with a Statement showing the Net Profit or in each Year yielded as a Remittance to this Country.

From 1st May to 1st May in each Year.	Quantity Purchased, shipped in each of the undermen- tioned Years, and which eventually arrived in England.	Rate of Cost Price per Factory Maund.	Amount of such Cost.	Charges thereon, including Commis- sion or Brokerage and Shipping Expenses.	Total Cost and Charges in Bengal.	Allow- ance for Insu- rance. ($\frac{1}{2}$ per Cent. being the Rate of the Com- pany's actual Losses by Sea Risk in the whole Period.)	TOTAL COST and when shipped from	
							In Sicca Rupees.	Converted into Sterling at the MercantileRate of Exchange at which Bills were drawn from Calcutta on London in favour of a Remitter, during the Shipping Season, from October to May in each Year.
	Maunds.	S. Rs.	S. Rs.	S. Rs.	S. Rs.	S. Rs.	S. Rs.	s. d.
1814-15 to 1818-19	None purchased.							
1819-20	1,607	157.562	2,53,202	8,946	2,62,148	1,966	2,64,114	2 5.917
1820-21	None purchased.							
1821-22	3,553	234.720	8,33,963	27,534	8,61,497	6,461	8,67,958	1 11.865
1822-23	9,287	312.128	28,98,734	93,143	29,91,877	22,439	30,14,316	1 11.901
1823-24	6,963	277.862	19,34,756	63,311	19,98,067	14,985	20,13,052	1 10.380
1824-25	14,295	282.937	40,44,597	94,809	41,39,406	31,046	41,70,452	1 10.908
1825-26	17,202	230.994	39,73,571	90,556	40,64,127	30,481	40,94,608	2 .258
1826-27	16,145	275.792	44,52,664	98,672	45,51,336	34,135	45,85,471	1 10.908
1827-28	26,566	264.502	70,26,774	1,40,562	71,67,336	53,755	72,21,091	1 10.925
1828-29	11,159	270.172	30,14,862	52,015	30,66,877	23,001	30,89,878	1 10.750
1829-30	29,582	193.312	57,18,573	1,03,751	58,22,324	43,667	58,65,991	1 10.925
	136,359	—	3,41,51,696	7,73,299	3,49,24,995	2,61,936	3,51,86,931	Average of the above transactions, 1 11.1886

—No. 22

in each Year, from 1814 to 1829, both inclusive; with its Cost Price in Rupees, specifying or Brokerage allowed, and Shipping Expenses, and converting the Gross Amount into Sterling London during the Shipping Season—say from October to May in each Year respectively; and for Insurance; also, An ACCOUNT of the SALE PROCEEDS of the INDIGO in LONDON, deducting Loss upon the Annual Investments, and the Rate per Rupee in Sterling Money which the INDIGO

CHARGES Calcutta.		Charges to be deducted therefrom.			PROFIT or LOSS. upon the Investment.		
		Proportion of Freight and Demur- rage chargeable upon the Indigo.	Landing and all other Charges in London, calculated at 5 per Cent. on Sale Amount.		PROFIT.	LOSS.	
In Sterling	Sale Amount in London			Net Sale Proceeds of the Indigo in London.			Rate per Rupee which the Indigo has yielded as a Remittance, (being the Rate actually realized in the Com- pany's Trea- sury.)
£	£	£	£	£	£	£	s. d.
32,922	41,186	2,210	2,059	36,917	3,995	.....	2 9 546
86,307	134,894	1,686	6,745	126,463	40,156	.....	2 10 968
300,189	338,974	6,764	16,949	315,261	15,072	.....	2 1 101
187,718	229,293	5,026	11,465	212,802	25,084	.....	2 1 371
398,070	575,771	13,027	28,788	533,956	135,886	.....	2 6 728
413,863	554,739	12,641	27,737	514,361	100,498	.....	2 6 149
437,683	502,985	11,804	25,149	466,032	28,349	.....	2 392
689,764	701,221	21,506	35,061	644,654	.....	45,110	1 9 426
292,894	208,354	10,217	10,418	187,719	.....	105,175	1 2 581
560,325	466,719	24,228	23,336	419,155	.....	141,170	1 5 149
					349,040	291,455	Average of the above transactions.
3,399,735	3,754,136	109,109	187,707	3,457,550	Net Profit £57,585		1 11 5814

(Errors excepted)

THOS. G. LLOYD,
Acct. Gen.

Appendix,—

AN ACCOUNT of the East India Company's Annual Investment of RAW SILK provided in Bengal, in manner to the foregoing Statement, so as the result of the SALES may be ascertained in the

From 1st May to 1st May in each Year.	Quantity Provided, shipped in each of the under- mentio- ned Years, and which eventual- ly arriv- ed in England.	Cost of Provision, including Commission and all Charges de- frayed up to the arrival of the Silk in Calcutta.	Charges whilst in Ware- house at Calcutta, and Ship- ping Ex- penses.	Total Cost and Charges in Bengal.	Allowance for Insurance, — ($\frac{1}{4}$ per cent being the Rate of the Company's actual Losses by Sea Risk in the whole Period.)	TOTAL COST and CHARGES when shipped from Calcutta.		
						In Sa. Rupees.	Converted into Sterling at the Mercantile Rate of Exchange at which Bills were drawn from Calcutta on London, in favour of a Remitter during the Shipping Season, from October to May in each Year.	In Sterling.
	Maunds.	S. Rs.	S. Rs.	S. Rs.	S. Rs.	S. Rs.	s. d.	£
1814-15	6,920	29,00,678	34,496	29,35,174	22,014	29,57,188	2 7 5	388,131
1815-16	5,063	21,12,818	30,287	21,43,105	16,073	21,59,178	2 7	278,894
1816-17	5,010	23,76,018	33,937	24,09,955	18,075	24,28,030	2 7 5	318,679
1817-18	10,053	50,02,813	62,610	50,65,423	37,991	51,03,414	2 6 5	648,559
1818-19	7,349	38,61,252	31,169	38,92,421	29,193	39,21,614	2 7 31	511,607
1819-20	10,816	59,71,291	65,352	60,36,643	45,275	60,81,918	2 5 917	858,137
1820-21	10,950	64,67,969	66,806	65,34,775	49,011	65,83,786	2 2 438	725,259
1821-22	11,323	66,07,171	72,306	66,79,477	50,096	67,29,573	1 11 865	669,172
1822-23	11,312	65,98,914	72,085	66,70,999	50,032	67,21,031	1 11 901	669,331
1823-24	8,745	51,52,711	57,129	52,09,840	39,074	52,48,914	1 10 38	489,462
1824-25	9,282	56,21,254	61,557	56,82,811	42,621	57,25,432	1 10 908	546,492
1825-26	12,010	70,65,882	63,632	71,29,514	53,471	71,82,985	2 258	726,020
1826-27	12,284	74,45,863	65,513	75,11,376	56,335	75,67,711	1 10 908	722,338
1827-28	13,803	77,94,550	68,530	78,63,080	58,973	79,22,053	1 10 925	756,721
1828-29	14,970	77,70,724	68,930	78,39,654	58,798	78,98,452	1 10 75	748,707
1829-30	12,786	63,49,180	57,870	64,07,056	48,053	64,55,109	1 10 925	616,597
	162,676	8,90,99,094	9,12,209	900,11,303	6,75,085	9,06,86,388	Average of the above transactions. 2 1 3377	9,574,106

East-India House,
29th July 1831.

—No. 22—continued

and Imported into London in each Year, from 1814 to 1829, both inclusive; made up in a similar same way as is required in respect to INDIGO.

Sale Amount in London.	CHARGES to be deducted therefrom.			Net Sale Proceeds of the Raw Silk in London.	PROFIT or LOSS upon the Investment.		Rate per Rupee which the Raw Silk has yielded as a Remittance, (being the Rate actually realized in the Company's Treasury).	
	Proportion of Freight and Demurrage chargeable upon the Raw Silk	Custom Duty on Importa- tion into England.	Landing and all other Charges in London, calculated at 5 per Cent. on the Sale Amount.		PROFIT.	LOSS.		
£.	£.	£.	£.	£.	£.	£.	s.	d.
465,343	18,670	10,777	23,267	412,629	24,498	—	2	9 488
410,600	11,223	7,875	20,530	370,972	92,078	—	3	5 235
621,383	8,153	7,727	31,069	574,434	255,755	—	4	8 780
971,032	14,945	14,429	48,552	893,106	244,547	—	3	6
635,920	12,086	—	31,796	592,038	80,431	—	3	232
758,156	16,078	—	37,908	704,170	—	53,967	2	3 88
817,397	8,045	—	40,870	768,482	43,223	—	2	4 014
788,241	15,796	—	39,412	733,033	63,861	—	2	2 144
797,999	14,939	—	39,899	743,161	73,830	—	2	2 537
635,173	12,817	—	31,758	590,600	101,138	—	2	3 004
507,891	11,113	—	25,395	471,383	—	75,109	1	7 759
745,715	14,514	—	37,286	693,915	—	32,105	1	11 185
822,701	14,105	—	41,135	767,461	45,123	—	2	339
768,723	14,200	—	38,436	716,087	—	40,634	1	9 694
782,641	16,967	—	39,132	726,542	—	22,165	1	10 076
*669,853	16,611	—	33,493	619,749	3,152	—	1	11 042
11,498,770	220,262	40,808	559,938	10,377,762	1,027,636	223,980	Average of the above transactions,	
					Net Profit £803,656		2	3 4646

* A small portion of the Consignment of this year remaining unsold, is included at an estimated sale value.

(Errors excepted)

THOS. G. LLOYD,
Acct. Gen.

Appendix, No. 23.

AN ACCOUNT of the Quantity of all RAW SILK supplied by the Agents in Bengal, and sold in India and in England; stating the Sale Value thereof in each Year, from the Year 1809-10 inclusive, to the latest Period to which the same can be made up.

BENGAL SILK, Both Raw and Organzine, prepared from the Raw Silk.				
SOLD IN INDIA.			SOLD IN ENGLAND.	
	lbs.	Sicca Rupees.	lbs.	£.
1809-10	29,120	1,37,010	243,364	366,821
1810-11	—	—	176,673	266,568
1811-12	15,008	57,676	377,456	535,378
1812-13	15,008	51,165	633,027	846,472
1813-14	15,306	43,428	819,024	947,954
1814-15	36,214	1,04,942	624,237	736,855
1815-16	9,184	26,803	249,998	253,064
1816-17	14,336	57,066	616,202	567,587
1817-18	11,274	50,050	501,303	776,338
1818-19	3,510	12,861	692,612	899,217
1819-20	1,492	8,970	582,460	690,876
1820-21	11,498	50,383	706,373	668,535
1821-22	2,194	11,235	664,197	645,070
1822-23	7,690	37,426	844,460	846,446
1823-24	5,898	37,337	517,187	437,272
1824-25	6,870	31,814	725,933	759,943
1825-26	50,474	2,62,461	647,200	558,051
1826-27	—	—	958,617	737,723
1827-28	18,816	97,349	1,047,871	906,630
1828-29	10,752	59,331	1,012,022	849,972
1829-30	{ Statements not yet received from India. }		795,359	527,699
1830-31			1,079,728	778,832
	264,644	11,37,320	14,515,303	14,603,303

Mem.—The accounts received from India are not arranged in such manner as to allow of a return of the sale value of the actual quantity of Silk supplied in each year by the agents in Bengal. The above Account is the quantity and sale value in India, and in England, of all Silk sold in each year, without reference to the year of its provision.

East-India House,
3d October 1831.

(Errors excepted)

THOS. G. LLOYD,
Acct. Gen.

VII.
POPULATION,
&c.

Appendix, No. 42.

A RETURN of the POPULATION of the BRITISH TERRITORIES in India, under the different Heads of Presidencies, Provinces, and Districts; and specifying the Area in British Miles of each Presidency, Province, and District respectively, for any Two Years for which a Census or Estimate may have been taken, in so far as the same can be made out.

The Records of the India Governments, at the East-India House, do not contain Materials for a literal compliance with the Order. The following Statements have been compiled from such Documents as have been received from India.

STATEMENT OF THE EXTENT AND POPULATION OF BRITISH INDIA.

BENGAL PRESIDENCY:—LOWER PROVINCES.

DIVISION and DISTRICT.	Extent of each District in English Square Miles.	Population in 1814.	Population in 1822.	DIVISION and DISTRICT.	Extent of each District in English Square Miles.	Population in 1814.	Population in 1822.
CALCUTTA:		There are not any documents at the East-India House from which the Population of these Provinces, in the year 1814, or in any year prior to 1822, can be stated.		MOORSHEDABAD.		There are not any documents at the East-India House from which the Population of these Provinces, in the year 1814, or in any year prior to 1822, can be stated.	
Burdwan	2,000		1,187,580	Bhaugulpore .	7,270		797,790
Jungle Mehals	6,990		1,304,740	Purnea	7,460		1,362,165
Midnapore . .	8,260		1,914,060	Dinagepore . .	5,920		2,341,420
Cuttack	9,040		1,984,620	Rungpore . . .	7,856		1,340,350
Jessore	5,180		1,183,590	Rajeshahye . .	3,950		4,087,155
Nuddea	3,105		1,187,160	Beerbhoom . .	3,870		1,267,065
Hooghly	2,260		1,239,150	Moorshedabad	1,870		762,690
Twenty-four Pergunnahs	3,610		599,595	DACCA:			
Suburbs of Calcutta . .	1,105		360,360	Dacca	1,870		512,385
Calcutta City	7		265,000	DaccaJelalpore	2,585		588,975
PATNA:				Tipperah	6,830		1,372,260
Ramghur	22,430		2,252,985	Chittagong . . .	2,980		700,800
Behar	5,235		1,340,610	Backergunge	2,780		686,640
Tirhoot	7,732		1,697,700	Sylhet	3,532		1,083,720
Sarun	5,760		1,464,075	Mymensing . . .	6,998		1,451,670
Shahabad . . .	4,650		908,850				
Patna	667		255,705	TOTAL	153,802		37,503,265

Remarks.—The statement of the Population of these Provinces is given on the authority of a Memorandum appended to the Police Report of Mr. Henry Shakespeare, Superintendent of Police in the Lower Provinces, in the year 1822; on which the Bengal Government, in their letter to the Court of Directors, dated the 3d of November 1826, observed, "Its accuracy cannot be confidently relied on, but the calculations are probably not far wide of the truth." The extent of these Districts in square miles has been ascertained by measurement on a manuscript map of India.

(continued on next page.)

Appendix, No. 42—continued.

BENGAL PRESIDENCY, UPPER OR WESTERN PROVINCES.

DIVISION and DISTRICT.	Extent of each District in English Square Miles.	Population in 1814.	Population in 1826.	REMARKS.
BENARES :				
Allahabad	2,650	There are not any Documents at the East-India House from which the Population of these Provinces in 1814 can be stated.	32,206,806	The Total Amount of the Population of these Provinces is given on the authority of a statement made by Mr. Wal- ter Ewer, the Superintendent of Police in the Western Pro- vinces, in his Police Report for the year 1826, paragraph 166. Mr. Ewer offers this state- ment as a rough calculation founded on an actual enume- ration of the villages in these Provinces, and a partial enu- meration of the houses. The extent in square miles has, as in the preceding instance, been ascertained by measurement.
Futtehpore	1,780			
Bundlecund, N. and S.	4,680			
Benares	350			
Ghazeepore	2,850			
Goruckpore	9,520			
Jnanpore	1,820			
Azinghur	2,240			
Mirzapore	3,650			
BAREILLY :				
Agra	3,500	There are not any Documents at the East-India House from which the Population of these Provinces in 1814 can be stated.	32,206,806	The Total Amount of the Population of these Provinces is given on the authority of a statement made by Mr. Wal- ter Ewer, the Superintendent of Police in the Western Pro- vinces, in his Police Report for the year 1826, paragraph 166. Mr. Ewer offers this state- ment as a rough calculation founded on an actual enume- ration of the villages in these Provinces, and a partial enu- meration of the houses. The extent in square miles has, as in the preceding instance, been ascertained by measurement.
Allyghar	3,400			
Furruckabad	1,850			
Bareilly	6,900			
Shahjehanpore	1,420			
Seharanpore	3,800			
Meerut	2,250			
Cawnpore	2,650			
Etawah	3,450			
Moradabad	5,800			
Bolandshuhur	1,950			
	66,510	TOTAL	32,206,806	

EXTENT of TERRITORIES immediately under the BENGAL GOVERNMENT, of the
Population of which there are no Returns

	Square Miles.
Ceded Districts on the Nerbudda	29,800
Districts ceded by the Rajah of Berar in 1826	55,900
TOTAL SQUARE MILES	85,700

Appendix, No. 42.—*continued.*

FORT ST. GEORGE PRESIDENCY.

DISTRICT.	Extent of each District in English Square Miles.	Population in 1814.	Population in 1823.	REMARKS.
Ganjam	6,400	There are not any Documents at the East-India House from which the Population of these Districts, in the year 1814, can be stated.	332,015	The statement of the Population of these Provinces is given on the authority of the official Reports of a Census taken by the Collectors of the several Districts, and by the Superintendent of Police at the Presidency for the town of Madras, in obedience to a Circular Order, dated the 28th of January 1822, on which documents the Board of Revenue observed as follows: "In the present Census the Population of some of the districts (as Salem) have not been correctly ascertained; though the estimate of the aggregate Population of the Madras Territories is probably near the truth." Their extent in square miles has as in the preceding instances, been ascertained by measurement.
Vizagapatam, including Chicacole }	15,300		772,570	
Rajahmundry .. .	6,050		738,308	
Masulipatam .. .	5,000		520,849	
Guntoor	4,960		454,754	
Vellore	7,930		439,467	
Bellary	12,980		927,857	
Cuddapah	12,970		1,094,460	
Chingleput .. .	3,020		363,129	
Arcot Northern Division .. .	13,620		892,292	
Arcot Southern Division .. .			455,020	
Salem	8,200		1,075,985	
Tanjore	4,000		901,353	
Trichinopoly .. .	3,000		481,292	
Madura	10,700		6012,93	
Shevagunga, including Dindigul and Ramnad .. .			156,930	
Tinnevely	5,700		564,957	
Coimbatore	8,280		638,199	
Canara	7,720		657,594	
Malabar	6,060		907,575	
Seringapatam, Fort and Island .. .	3½		31,612	
Madras, Town and District .. .	30		462,051	
	141,923½	TOTAL...	13,508,535	

