

of Directors for their sentiments upon it. The suggestion of the Court of Directors, to which the whole is referable, is "whether the collectors, and other revenue officers, might not be employed in settling disputes respecting land-rent between landholders and their immediate under-tenants, and between the latter and the ryots, including complaints of the latter for undue exactions, subject to the revisal of the regular courts of justice, by way of appeal, in cases of sufficient importance; also in disputes respecting boundaries."\*

In all these cases, there seems nothing in the official duty of a collector to disqualify him, on the ground of partiality, from being a judge. But how far the number of collectors in the permanently settled provinces of Bengal, &c. (in which advocates of the permanent settlement have so often told us the revenue is so fully and easily realized), might admit of their performing more duty than they now do, I am not competent to say. If, however, their duty be too light, their numbers might be diminished. But advertng to the mode which I conceive to be the most approved, of collecting the land revenue of India, I cannot hesitate to think that no collector who performs his duty will have leisure for other employment.

Were I to propose that the zillah judges, supposing them to have leisure, should be empowered to collect part of the revenue, I should expect to be told that the proposition could not be listened to, for many and substantial reasons. But still it would in no way essentially differ from that of those, who propose to empower the collectors to sit as judges.

The

\* General Letter, 9th November, 1817.

The collectors, however, and revenue officers, might in one way be employed, in a most essential and satisfactory manner, in the settlement of disputes respecting land-rent between landholders and their tenants; or rather in preventing such disputes, by attending to the village and pergunnah records, which might with propriety be put under them; and if they executed that branch of their duty carefully, there would seldom, indeed, be any room for dispute between "the landholders and their under-tenants, and between these and the ryots," because those records are intended to register every transaction between these classes of the people; and where accurate accounts are kept there can seldom be room for dispute.

We may farther remark, that every decision relating to disputed boundaries involves in it the interest of government; and it is not to be doubted that the courts of justice have often been made the blind instruments of defrauding the state. By the mode of settlement in Bengal, every zumeendaree has a fixed jumma or rent; but, generally speaking, the boundaries are but ill-defined. It is evident that if the boundaries are disputed by one zumeendar, and by fraud he establishes his right to part of his neighbour's estate, or if two neighbouring landholders should collusively effect this through a decree of a court, the estate robbed of part of its lands, though less valuable, being still liable to the same jumma, will probably be in the first instance confiscated for arrears of revenue, and ultimately government will be obliged to reduce the revenue demandable from it, whilst the fraudulent neighbour enjoys his additional village, or villages at the old rate of jumma; and thus, either by fraud on one side, or by collusion on both, the court is made the instrument of defrauding

frauding government of part of its just revenue. The collector, therefore, whatever be the mode of adjusting a disputed boundary, ought to be made a party to it, in order to watch the interests of government; and how far their acting as judges in the same cause would be consistent may be questioned.

The question, how far punchayets are useful, or might be made available to the administration of justice, is worthy of attention. A punchayet is an assemblage of persons for the purpose of settling disputes between parties of the same cast or class of society with themselves. This is essential; but it is not essential that the disputants should be assenting to the arbitration of the punchayet. This very antient and self-created tribunal will pass its decrees and proceed against the parties, to the extent of excommunication, if they are not obeyed. From the very nature of the tribunal, therefore, the high with the low, the rich with the poor, could but seldom, if at all, be brought before it; and these classes, for the most part, form the oppressors and the oppressed. Neither could persons of different sects, though in other respects equal, be brought before the punchayet. Its efficiency, I apprehend, could therefore not be relied upon; though it would be highly advisable to encourage it, as well as every species of arbitration, by every means practicable.

The idea of *authorizing* persons to be arbitrators, of vesting individuals with the powers of arbitration, as suggested by some, appears to be very unnecessary, if not superfluous. May I ask, is there any objection to allowing parties so settle their disputes themselves? If there be not, can there be any objection to allow them to refer the adjustment to *any* third person *they may select*, whether

ther such third person be an authorized arbitrator or not? The law and usage of India, and I believe of every country, authorize voluntary submission to the decree of an upright and disinterested arbiter; and I cannot see on what principle it can be disallowed. All that is required of the law in cases of arbitration, is to authorize judges to execute the written decrees of arbitrators, unless fraud can be established against them.

Nor do I imagine that any advantage could arise from giving heads of villages, such as choudries, munduls, mokuddums, judicial authority. To have a court of law in every village would be of itself a nuisance. It would, besides, generally occur, that these persons would have, directly or indirectly, an interest in the issue, or at least a bias. The influence of the zumeendar among a village community, and the part he has to act in most of the disputes which occur, render highly doubtful the propriety of investing persons with judicial authority so much under his power; so that, although, like other respectable individuals, they might be highly useful as arbitrators, I should think encouragement, as such, preferable to conferring upon them any direct judicial authority whatsoever.

Thus, on a review of what is here suggested, the judicial divisions in Bengal would be,

7 circuits or provinces,  
42 zillahs and cities;

and the establishment for the administration of justice would be as follows:



ESTABLISHMENT of JUDGES and others having Judicial Authority, proposed for the Bengal Presidency; shewing the Extent of Jurisdiction and of Final Decision of the several Courts in Money Demands and Personal Actions.

DESIGNATION.	No. in each Province.	Total in Seven Provinces.	JURISDICTION in MONEY DEMANDS, &c.		
			Minimum.	Maximum.	Decision, Final.
Judges of Provincial Courts }	5	35	S. Rupees. 20,000	S. Rupees. No limit.	S. Rupees. 100,000
Judges of Zillahs and Cities ... }	6	42	No limit.	No limit.	5,000
Assistant Judges, Zillah & City }	12	84	No limit.	5,000	800
Total Europeans	23	161	—	—	—
Kazees.....	12	84	No limit.	800	40
Total, European and Native .. }	35	245			

## CHAP. VI.

*On the Police.*

I now come to the last proposed branch of the subject, the Police.

To protect those who obey, and to bring to justice those who break the laws, I consider to be the immediate object of a police establishment. The former part of the definition, indeed, may be said to be included in the latter; for as there is no crime for which the punishment, when inflicted, is not a greater evil to the offender than the advantage he can derive from the commission thereof, so, if all criminals were sure of being brought to punishment, all would refrain from crime. Thus perfect security of person and property would follow; and this is the ultimate object of police, as well, indeed, as of all criminal laws.

Police has been divided into *two* branches: *preventive*, or that which is intended to prevent crime; and *detective*, or that which is designed to discover and bring to punishment the criminal.

The first branch is necessarily the most important. But to *coerce* an immense idle, generally speaking, and immoral population, as that of India is, and to restrain such from committing offences, must be allowed to be a task of no ordinary difficulty. If we look at such an undertaking, and the population in the aggregate, we must at  
once

once declare it impossible; yet if we ask ourselves, could we restrain the inhabitants of a small village from crime, or detect the offenders, we should answer in the affirmative, and think the task by no means arduous. We see, then, that to attain the object is possible, perhaps practicable; and the first step towards it is indicated, *viz.* by *division*. It is in this, as in every undertaking, physical or moral, there must be a regular well-defined mode of conveying the impetus from the mover to the body moved or influenced. The intermediate instruments, or agents, must be distinct, that they may not clash, and that each may perform just what is expected of it.

After this subdivision, the processes of classification, and combination are to be adopted. So many of the smallest divisions must be combined into a larger one, and so many of these into a still larger one, and so many of these again into one larger still, under their several designations, till the whole are united into grand districts, each under a chief superintendent, who shall be in direct communication with the supreme government. The movement of one thousand men, or of one hundred thousand, in military array, is a practical demonstration of the wonderful effects of such division, and classic combination, and assures us that methodical arrangement of a similar nature, alone, is wanting to give us most extensive command in this department also.

For example, take, as a grand district, a district of circuit before specified in speaking of the administration of justice. Such a district is composed of towns and of villages. Suppose the lowest police division to be formed on an average of two hundred houses; and that this were established throughout the district, as well in cities and towns

towns as in the country. Thus, the Lower Provinces, as before, are stated to contain villages .....	156,000
and the Upper Provinces may be rated at .....	78,000
Making together.....	<u>234,000</u>

If we assume the average of houses in each village, both in the Lower Provinces and the Upper Provinces to be forty-five, the number would be..... 10,530,000

These formed into police divisions of two hundred houses, give divisions ..... 52,650

Formed into seven circuit districts, give for each district, police divisions ..... 7,521

And for each of the six zillah magistracies in the district police divisions of two hundred houses, each division ..... 1,253

Or number of houses ..... 250,600  
which, at the average of forty-five per village, would give... Villages 2,563

These placed under charge of the zillah magistrate, with his assistants, European and native, under him, would form the basis of the police arrangements.

It is impossible for any government to keep up an establishment in regular pay, sufficient for the purposes of an efficient police, independent of the people. Could it be done, it would be highly objectionable. All that is, or ought to be requisite, is an establishment sufficient to conduct the details of the duty, and to afford the people a rallying point, when their more active exertions are required to preserve the peace or to apprehend offenders. This is sufficient: for, as the peaceable and well-disposed in every community, must far out-number those who are disturbers of the peace, the latter must always be overpowered,

powered, whenever it is found necessary to call forth the other part of the community against them.

To discover, then, what individuals of a community are evil disposed, is an essential, indeed indispensable step in the formation of an efficient system of preventive police. This can only be done through the medium of the individuals that compose that community; and only with safety through the respectable part of them. The hired officers of government are not sufficiently admitted into the confidence of the people to be competent to give this information; nor could their information always be safely relied upon. They would be apt to attempt extortion by threats of informing, or to exaggerate the information they gave in order to enhance their own importance and the value of their services. A respectable individual, or individuals, residing among the people, one of themselves, I mean one of those that are good among them, would have the welfare and the reputation of his village or community at heart; and these honourable, yet somewhat opposite feelings, would make him loth to accuse, but just in his accusations. Thus the worst effects of *espionage* would be avoided; and the certainty of discovery, not perhaps all minor offenders, but all criminals, would be effected. For I take it to be impossible that any individual, an offender to the extent of *crime*, could reside in a small community or subdivision, such as I have before noticed, without being known to the community to be a "*bud maash*," as he would be called, or one who procures his livelihood by unlawful means. This would become still less possible, were a respectable person among them, one in the confidence of his neighbours, specially appointed, and expected to be informed, and to give information, of the mode of life of suspected characters.

This

This special nomination is, however, necessary; for it is that only which rescues the person nominated from the odium attached, in all countries, to an informer, makes the people among whom he resides, as well even as those against whom he informs, or whom he may detect, respect, obey, or submit to him.

When thus I have wished, as far as possible, to avoid the system of espionage, I would by no means be understood to reject, or to under-rate the value of secret intelligence. For, procure it how you will, in fact it is indispensable. No efficient system of preventive police can possibly exist without it. The machinations of wicked persons are necessarily secret; and to discover them, secret means must be had recourse to. It is, however, an arm of immense power in the hands of the police; and ought, therefore, to be used with great caution and discretion, and to be confined entirely to its own proper object; which, indeed, it is likely to be in India, where breaches of the peace have no reference to political principles or purposes.

The system of espionage, when it embraces politics as well as police, as it has done in neighbouring countries, perhaps in our own, has been justly execrated, because it exposes all, indeed the most zealous promoters of the public good, to injury from those in power, even for their opinions. Limiting, therefore, police to its legitimate end, the individuals who are objects of its watchfulness are, thank God, few in number, and are found, indeed sought for, only among persons of bad fame. It may nevertheless happen, that an innocent individual may be accused: I will not say convicted, because of the rigid strictness with which the evidence of such persons, I mean of spies,

is received ; but, as human society is constituted, no great general good can be attained without some partial inconvenience or evil ; and, in my mind, it would be but a liberal sentiment of such an individual to overlook the temporary suffering, and temporary injury his character might receive, considering his sufferings the price which some of the community must occasionally pay for the protection and security of the whole.

It is not merely the actual fitness of such a system for the discovery and apprehension of offenders that renders it so powerful, but the moral effect it produces on the minds of the wicked, who can never be sure of not being detected, even deceived by their accomplices, or those in whom, to make their crimes successful or profitable, they must place confidence.

It would, perhaps, be impossible to place this part of the system of preventive police in a more favourable point of view, than by contrasting the horrid murders and assassinations which have of late years, been perpetrated in our own country, even in London and its vicinity, some of them without detection, on unoffending virtuous families, by which the whole of the metropolis, and indeed of England, were thrown into the utmost consternation, unable to retire to their chambers without apprehension for the safety of themselves, their families, and property. I say the value of such a system cannot be better appreciated, than by contrasting this horrid state of insecurity with the system of police which Monsieur de Sartine had established at Paris before the French Revolution, as exemplified by the well-known anecdote told by Colquhoun.

“A Bordeaux merchant came to Paris on commercial business,

“business, with bills and money to a large amount. He  
“was stopped at the gate of the city by a genteel-looking  
“man, who told him he had been waiting for him; that  
“according to his notes he was to have arrived at this  
“hour; that as his person, his carriage, and portmanteau  
“exactly answered the description he held in his hand,  
“he begged permission to have the honour of conducting  
“him to Monsieur de Sartine, declaring at the same time  
“to the traveller, his ignorance of the cause of his deten-  
“tion. After some conversation the gentleman suffered  
“himself to be conducted to the lieutenant-general of  
“police, who received him politely; and after requesting  
“him to be seated, to his great astonishment described  
“his portmanteau, the exact sum in bills and money it  
“contained, where he intended lodging, and a number of  
“other circumstances, which the gentleman thought were  
“known only to himself. Monsieur de Sartine, after  
“thus exciting his astonishment, put this extraordinary  
“question to him. ‘Sir, are you a man of courage?’  
“After his surprise had subsided, he answered that his  
“courage had never been doubted. ‘Well, Sir,’ said  
“Monsieur de Sartine, ‘you are to be robbed and mur-  
“dered this night. My object is to prevent this, and to  
“lay hold of the assassins. If you are a man of courage,  
“you must go to your hotel, and retire to rest at your  
“usual hour, put your portmanteau in the place you in-  
“tended it, and discover no suspicion: leave the rest to  
“me. But if you do not feel your courage sufficient, I  
“will get another person to personate you and go to bed  
“in your stead.’

“The gentleman, who had acquired confidence from  
“what he had seen and heard, refused being personated,  
“went to bed at his usual hour, eleven o’clock. At half-  
“past



“ past twelve, the time mentioned by M. de Sartine, the  
“ door of the bed-chamber burst open, and three men  
“ entered with a dark lantern, daggers, and pistols. The  
“ gentleman, who was of course awake, perceived one of  
“ the robbers to be his own servant. They rifled his port-  
“ manteau undisturbed, and settled the plan of murder-  
“ ing him; when, at the moment the villains were pre-  
“ paring to commit the horrid act, four police officers,  
“ who were concealed under the bed and in the closet,  
“ rushed out and seized the criminals.”

Who is there, after reading this anecdote, but would wish for such efficiency in the police of his own country? This able superintendant of police is stated by Mr. Colquhoun to have had, at that time, on his register, the names of not less than twenty thousand suspected and depraved characters, whose pursuits were known to be of a criminal nature; yet crimes were much less frequent than in England, and security to person and property infinitely greater.

The Indian Society is already organized to our hands, and may be formed, I think, into the most efficient police. There is no community without its head; no *mouza* or hamlet without its *mundul*, *mukuddum*, or by whatever denomination he is known; no profession without its *sirdar* or *choudry*; and, what is still more advantageous to this purpose, there is no village without its regular watchman or *passee*, or *g'horaecuyt*, or *chokedar*. It would indeed, be wonderful, if such a state of society did not afford much facility to the formation of a regular system of police; towards the accomplishment of which these institutions seem evidently to have been designed.

It

It is, besides, a general principle of the law of India, that it is a duty incumbent upon every individual member of society to *prevent*, by their personal interference and efforts, the commission of crime and offences of all kinds, whether public or private. The practice of India, during the Moohummudan government, corresponded with this. There was an establishment of government officers, who received regular salaries; but every town was divided into its several *mohullahs*, or wards; and one, the most respectable, or at least competent of its inhabitants, was appointed its head. This *meeré mohullah*, or head of the ward, was expected to know or make himself acquainted with every individual in his ward, their mode of life and means of living, to note if any or what strangers were seen in it, together; in short, with every unusual circumstance that occurred within his limits. The heads of crafts or professions were also responsible; and the officers of government collected the reports of these masters of divisions and of trades, and communicated the same to the chief police officer of the town. Can we make nothing of all this?

Let us see Akbar's instructions to his police officers.

"The office of *kutwal* requires one who is courageous, experienced, active, and of quick comprehension. He must be particularly attentive to the night patrols, that, from a confidence in his vigilance, the inhabitants of the city may sleep at ease, and every attempt of the wicked be prevented or frustrated. It his duty to keep a register of all houses and frequented roads: and he shall cause the inhabitants to enter, into engagements to aid and to assist, and to be partakers in the joy and sorrow of each other. He shall divide the city into *mehals*,  
 "wards,

"wards, and nominate a proper person to the superin-  
 "tendence thereof, under whose seal he shall receive a  
 "journal of whoever and whatever comes in or goes out  
 "of that quarter (mohullah), together with every other  
 "information regarding it. He shall also appoint, for  
 "spies over the conduct of the *meeré mehal*, a person of  
 "that mehal, and another who is unknown to him; and  
 "keeping their reports in writing be guided thereby.  
 "Travellers, whose persons are not known, he shall cause  
 "to alight at a certain *seraee*, and he shall employ intelli-  
 "gent persons to discover who they are. *He must care-*  
 "*fully attend to the income and expenses of every man*, and  
 "he must make himself acquainted with every transac-  
 "tion. Out of every class of artificers he shall select  
 "one to be at their head, and appoint another their  
 "broker for buying and selling, and regulate the business  
 "of the class by their reports: they shall regularly furnish  
 "him with journals attested by their respective seals. He  
 "shall endeavour to keep free from obstruction the  
 "small avenues and lanes, fix barriers at the entrances,  
 "and see that the streets are kept clean; and when night  
 "is a little advanced, he shall hinder people from coming  
 "in and going out of the city. The idle he shall oblige  
 "to learn some art. He shall not permit any one forcibly  
 "to enter the house of another. He shall discover the  
 "thief and the stolen goods, or be himself answerable for  
 "the loss. He shall see that the market prices are mode-  
 "rate, and not suffer any one to go out of the city to pur-  
 "chase grain (forestalling); neither shall he allow the rich  
 "to buy more than is necessary for their own consump-  
 "tion: examine the weights, prevent making, selling,  
 "buying, and drinking of spirituous liquors; but need  
 "not take pains to discover what men do in secret (in this  
 "way). He shall not allow private persons to confine the  
 "person

“person of any one, nor admit of people being sold as  
 “slaves. He shall not suffer a woman to burn herself  
 “with her husband’s corpse, contrary to her inclination.  
 “Let him expel from the city all hypocritical mullungees  
 “and kullunders (sturdy mendicants), or make them quit  
 “that course of life; but he must be careful not to  
 “molest recluse worshippers of the Deity, nor offer vio-  
 “lence to those who resign themselves to poverty from  
 “religious principles.”\*

In villages again, and throughout the country, it is well known that each zumeendar was held responsible for the police; that is, for the safety of person and property within his zumeendaree. This was an essential condition of his tenure. His lands were granted to him subject to this burden; and there were, besides, allotments of land set apart for the maintenance of a regular force: and having under his immediate orders the village watch, and other individual members of the village community, whose services, either occasional or permanently, were available for such purpose, he found no difficulty in affording the protection required. The zumeendar, by his sunnud, is bound “to keep the highways in such a state that travellers may pass in the fullest confidence and security; to  
 “take care that there be no robberies or murders committed within his boundaries: but (which God forbid!) should any one, notwithstanding, be robbed or  
 “plundered of his property, he shall produce the thieves, together with the property stolen. If he fail to produce the parties offending, he shall himself make good  
 “the stolen property.”†

\* Ayeen Akburee.

† Firman of zumeendaree to the zumeendar of Bishenpore.

Mr. Holwell, in speaking of Bishenpore, says, "The equity and strictness of the ancient Hindostan government remains. Property and liberty of the people are inviolate; no robberies are heard of. The traveller, on entering the district, becomes the immediate care of government, which allots to him guards free of expense, to conduct him from stage to stage; and these are accountable for the accommodation and safety of his person and effects."\*

But this was not peculiar to Bishenpore. It was, in fact, the custom of the country: and when we consider the means they possessed, it will not be thought more than a necessary and reasonable obligation placed on the zumeendar.†

Timour says, "And I commanded that on the highways, at the distance of one stage from another, seraees should be built, and that guides and guards should be stationed on the roads. And at every serae I established a village, and charged the people thereof with the protection of the travellers, holding them answerable for what might be stolen from the unwary traveller."‡

Here, then, we have discovered two things: first, how the police establishments were formed; and, secondly, we have proof of its efficiency. But the state of society is changed; the condition of the zumeendars is altered.

How

\* Holwell's Historical Events, part ii. page 198.

† In Hurrianah, now under the Company's government, the zumeendaree villages are held responsible for robberies committed within their limits.

‡ Institutes.

How, then, under these circumstances, is the police establishment now to be organized, so as to be efficient? We have already judges and magistrates in the different zillahs. I have before expressed my opinion in favour of separating these offices. The magistrate would remain, then, at the head of the police, with his European assistants of the Company's servants under him. But as these official persons cannot be every where present, it will be admitted that it would be desirable to have others to co-operate with them, provided such coadjutors were really trust-worthy and capable persons.

In every zillah of the country there are now many most respectable English gentlemen, settled as planters or in business of various kinds; men, many of them, who, from their long residence in the country, and their intimate and unreserved communication with the zumeendars, cultivators, muhajuns, and in short every class of society, seem to me peculiarly well qualified for giving the most efficient assistance in the department of police.

The unreserved intercourse of those gentlemen with the natives gives them a knowledge of the people, and of their real national and individual character, which no officer of government can ever acquire. No native ever approaches either a revenue or magisterial officer of government in his real character. If he go to either without being called, it is only when his case becomes extreme: he dare not approach them with his little ailments; they have not leisure, indeed, to listen to these. There is a kind of official repulsion between them; not from any fault in the officer, probably, but because he is a direct servant of government, and his office is one of check and control over the people, or of exaction from them: and, more-

over, it is not improbable that the very grievance by which they are affected, has been caused or occasioned by the crime or neglect of the inferior servants of the official person, to whom the complaints would fall to be made.

I would, therefore, recommend that European gentlemen, such as I have alluded to, be requested by government to accept of commissions of the peace, and be vested with power over the thanahs and village police in their neighbourhood, so far as to receive reports from the thanadars and heads of the village police, who should be directed to obey all such orders as they may issue; in concert, of course, and communication with the magistrate, so as not to interfere, however, with any orders he (the magistrate) may choose to send, nor in any way to interrupt the regular reports such officers are ordered to furnish to the magistrate direct.

The presence of such gentlemen, if vested with authority, would prove a most salutary check, it is believed, over the provincial native officers, both of police and of revenue, in their vicinity, whether officers of government or of the landholder. They would doubtless also be of great service, by their personal exertions in the prevention and detection of crime: and what would be of no less importance, such men, from their local knowledge, from their personal acquaintance with the people, the attachment between them, and their influence over the middling classes of society; such men, I say, would be able to get the people to become more zealous in the cause than they now are, or can ever be brought to be by any other means. They would unite with these gentlemen, and act with them, partly as neighbours and equals.

If

If they now act it is under the police, by compulsion, and in the degraded state of inferiors; and to whom? to a petty police darogah, perhaps a peon.

It may be thought by some, that the regular magistrates would look upon a division of their authority with such gentlemen with an eye of jealousy. My answer is, it does not appear to me that any real ground exists for such a feeling. The division of authority is to assist, not to control the magistrate; who ought to be jealous lest the police of any other district be better managed than his own: and if he be so, he will gladly avail himself of every species of aid accessible to him. I believe, universally, no one conscious of his own ability and attention to his duty, will ever be jealous of any interference, save that which counteracts him and impedes the service he has to perform.

The danger of oppression might also be urged; but I conceive there is no such danger. The respectable gentlemen whom I have in view (and certainly none other but the most respectable ought to be thought of) are not in the habit of oppressing the natives. It is their interest not to do so, but, on the contrary, to treat them with the utmost tenderness, which they almost universally observe towards them; and which highly praiseworthy conduct no advantage (for indeed there would be none) arising out of their new situation would ever compensate them for discontinuing. They accordingly make a point of conciliating the people; their very style and language to them is different from ours of the Company's service. Commercial dealings have a decided and direct tendency to humanize the intercourse of mankind. They are founded on mutual and reciprocal advantages. These



with known respectability of character, form as perfect security as any government can desire against the danger here anticipated.

But, then, would such gentlemen accept of such authority? I think they would. It would be a mark of the confidence of government, and consequently a distinction, not only in the eyes of the natives but of their own countrymen. It would, moreover, enable them to do much good in their neighbourhood; and thus they would become more active contributors towards the general welfare of mankind than stations in life altogether private admit of: a motive of itself far too strong, and a feeling laudable, and far too general among such men, to admit the want of candidates.

Under the magistrates we have now the *thanahdaree* system; that is, there are, on the highways and most frequented parts of every district and in towns, guards placed at convenient distances and situations, for the protection of the people and of travellers, each under a police officer called a *thanahdar*, also *darogah*. In 1815, Mr. Stuart, whom I have before mentioned, states "the number of thanahs under the Bengal presidency at 901, and the number of peons attached to them, in the immediate pay of government, at 22,000;"\* which would give about twenty thanahs or police posts to each *zillah* including the cities, and about twenty-four men to each post. There are doubtless, however, many more now; so that, if we estimate the number at one thousand thanahs and 25,000 men, peons, we shall still be within the mark probably.

Is this a constitutional mode of forming a police establishment? and if so, is it efficient? The former question is asked, not on account of its own consequence, but because it has been thought by some to be entirely new and unknown in the country, and therefore those who dislike innovation may object to it. The Marquess of Hastings, though he approves of it, calls the *thanahdaree* establishment "a sudden and violent innovation on all existing institutions." But it must be evident, by merely changing the name, the word *thanahs* into *guards*, that it is as old as the constitution of India itself. Indeed, if there was occasion for magistrates at all, I do not see how some such establishment could have been entirely dispensed with. To place a magistrate in a district to preserve its tranquillity, without some sort of organized force to be immediately and instantly ready to obey his orders, would be placing an officer in a situation of great responsibility and of equally great inefficiency.

There is no doubt of the necessity of such establishments; and I think as little that they ought to be placed directly under the officers of government, who are themselves directly responsible to government for the police of their districts. To commit the charge of the police to the *zameendars*, as some have proposed, and to hold them alone responsible for it, I should consider as almost tantamount to a declaration, that in that department of government there shall be no responsibility. It would be shifted from one individual to another, and would become so dissipated as to be totally untangible and altogether lost.

It might be asked, too, seeing that government retains the immediate guidance and control in their own hands, and

and in those of their immediate servants, in every other department, why this department should be an exception; a department, too, on which the safety and happiness of the people so much depend?

A regular establishment, then, I conclude, we must have, properly distributed, and under the immediate orders of the magistrate. But, as I have before said, that establishment cannot be made so extensive as to be of itself sufficient. The question, therefore, comes to be, what is the most efficient mode of combining with it the voluntary aid of the people, and the ancient police establishments already existing throughout the country?

There is no village without its watch. We have before stated the number of villages at 234,000! Here is an imperial army of watchmen: allowing but one watchman to each village it would give, for one thousand thanahs, to every thanah 234 men! The magistrate of the zillah of Rajahshaye stated, that the landholders of that zillah reported that 9,852 pykes, or chokeedars, that is watchmen, were employed in 10,571 villages.

It would be no great hardship, either to the individuals composing these watch, or to the community who pay them (receiving other trifling services from them), were they made to perform annually, each one month's service *under the orders of the thanahdar*, who would thus always have an efficient force of twenty men under him, in addition to his regulars. Thus not only would the efficiency of the thanahs be greatly increased, but, I conclude, the whole system would be much improved.

Many collateral advantages would result from this measure.

sure. The means would be afforded to the thanahdar, through his personal intercourse with the village watchmen when on duty with him, of ascertaining the character of individuals resident in their villages. This would not be one of the least advantages. He would discover also the characters of those very individuals themselves, who have, not unfrequently, been supposed to abet, as well as to check crime, if not even to be principals in its commission; and none probably possess better information of this sort to give than those very men. A small additional allowance should be made them, by the village to which they belong, for the month they are on *regular* duty.

At present there is no bond of union between the regular police establishment and the irregular police of the villages. I conclude it impossible for government to maintain the latter on the same footing with the former; indeed, to maintain them at all: and I see no practicable mode more likely to promote a similarity of feeling, and unity of exertion among them, than being thus employed together on the same service.

This immense acquisition to the disposable force of a thanah would, in many parts of the country, enable government to reduce the present very heavy regular establishment; and every where it would give the thanahdar the power of sending out patrols on the highways and into villages. These patrols ought to be ordered to proceed as far as the nearest thanah in the direction in which they are sent: by doing so, besides the actual protection they would give to solitary travellers, other material objects would be gained; an assurance that the patrols did not loiter by the way and return, having neglected their duty; a constant direct communication kept up between all the

the thanahs; and general and mutual intimation given of all occurrences that take place in the neighbourhood.

The services regularly obtained of this local police, even of twenty men per thanah, might perhaps enable government to dispense with 10,000 of the 25,000 peons they have now in regular pay, at an expense of 4,80,000 rupees per annum, without any real innovation or the imposition of any additional burden on the people.

We are now to inquire what description of persons ought we to prefer for the command of these police posts? That they ought to be persons of respectability as well as of capacity, is obvious enough: but it is suggested that every fifth thanahdar, at least, should be selected particularly for his qualifications and respectability, to whom (for it would be impossible to pay all high) a considerable addition of pay might be given. We would expect to derive advantage from the exertions of such a man, even without investing him with any great authority, if any at all, over the neighbouring thanahs, were that objectionable. The necessary ascendancy of mind over matter would ensure this; and, besides, the superior allowances would furnish an object of ambition, and consequently a motive for exertion and good conduct, to those who held the inferior situations.

Besides the above obvious grounds of preference, it occurs to me that, as a general rule for the selection of thanahdars, men ought to have the preference who reside in the vicinity of the post they are to command; and on the same principle, should the preference be given in the choice even of the peons. I am aware of the usual objection of local and personal prejudices; but I conceive that personal

personal knowledge of the country around and of the people, is of infinitely greater importance in a police officer. If good men, these have an additional interest in the peace of their neighbourhood; if bad men, they are unfit for the situation any where. But confidence must be placed in men in such situations; and I do not think that men of fair character would be more apt to abuse such confidence, and to forfeit their character among their friends and countrymen, than they would before strangers, among whom they should hold a similar appointment.

But if, from necessity, strangers be sent in charge of thanahs, they ought to be made to traverse the country in all directions, until they become intimately acquainted with every part of it, and every part of every village within many miles of their post. Many supplementary orders and regulations touching this subject will occur to every intelligent and zealous magistrate; but an intimate knowledge of the people and of the country around are primary and essential qualifications, indispensable to every good officer of police; who moreover ought to take care that the spot selected for his post is such as to be itself secure, with the smallest possible number of men to defend it.

It has been suggested to employ intelligent Europeans, *military* officers, in the police department on frontier stations. There can be no objection to this, provided the individuals selected are in a superior, or at least equal degree, qualified for the duty. Indeed, until the whole system of government of India, in every department, whether revenue, judicial, police, or political, has by the talents of eminently qualified individuals been fully and completely organized and brought into perfect regularity, it seems wonderful self-denial on the part of government,

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that they hesitate for one moment to avail themselves of talent, in whatever line of their service it may be found.

The village watch, above noticed (called *chokeedars*, *pasbans*, *passees*, *ghoraeynt*, &c. &c.), are now to be more particularly considered. They are maintained by the village community; and their duty is to guard the village, and every thing belonging to it, even to the corn-fields. They are paid in the way easiest to those who pay them, namely, by a few *beegahs* of land taken from the *jumma* of the village, and the amount of rent allotted on the whole of the other inhabitants; that is, by *sirshikum*, formerly explained; a tenure by which lands set apart as a remuneration for the services of a person useful to the community are held; or the watchman receives a small quantity of grain from each *ryot*, or he is paid partly in both ways. He has other occasional perquisites at births, marriages, festivals, &c.

It has been stated of these men, that they are employed often by the *zumeendars* in the collection of their rents, and on other duties, out of their line; and, moreover, that they are otherwise inefficient: and it has been consequently proposed to take them into the regular pay of government; a fund being set apart for that purpose by the resumption from the *zumeendars* of the "*chakeran*" lands in the permanently settled districts, and by setting apart so much as "*deh khurcha*," or village expenses, in those provinces not permanently settled. This might be done certainly, because in the permanent settlement there is a reservation of power to the Governor-General in Council to resume these lands: but when the enormous establishment of 234,000 men, allowing but one for each village, and the enormous sum of one million and a half sterling,

sterling, their pay, at four rupees a month each, are considered, the scheme must be abandoned.

• But supposing the whole *chakeran* lands in the Lower Provinces to be resumed. They may be about twenty lacs of begahs (see investigation of 1777), and, making allowance for districts not investigated, might be worth thirty lacs of rupees, or about £375,000 sterling. It is forgot, however, by those who make this proposal, that the *police* establishments are entitled to little, if any, of the proceeds of *chakeran* lands: these are set apart to defray various charges of collection of the revenue. But to take the village watch into the pay of government would moreover entirely change the nature of that establishment, without increasing its efficiency; for the moment they became stipendiary, the situations would be filled up with strangers, who would want local and personal knowledge, both of which now make up, in a great measure, for other very great defects in that system.

It is indispensable, however, that government see that these men do really receive a competent subsistence: for this they are entitled to, and the community are consequently obliged to pay this. About three rupees twelve anas per mensem may be the hire of a village pasban. This should be secured to him in money, or in grain already reaped, and not in land, which is now often the mode of payment, because of its cultivation interfering with his duty. An accurate register of the individuals should be kept by the magistrate and by the thanahdars; which, indeed, will be necessary to enable him to bring them regularly on the roster for monthly duty.

\* To combine the services of the village watch with those

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of the regular police, then, seems to be the desideratum. I have already suggested employing a portion of the former, by turns, on regular duty under the thanahdars. So, occasionally, the thanahdars might be directed to send some intelligent individuals of their regular peons, to mix with the village-watch in the villages, to pick up what news they could, and to see, besides, that the village police was really employed in the regular line of its duty.

The village-watch, I conclude, must be made to report to the head man of the village, be he the zumeendar or mundul, or by whatever name he may be called, the occurrences of the night; and to acquaint him instantly when any extraordinary occurrence takes place, or when he has intimation of any meditation of crime. But the duty of the watchman ought not to be allowed to terminate here, because that would be getting rid of responsibility too easily, and in a mode by far too clandestine not to be very liable to abuse. When any unusual occurrence happens, he must not be allowed to have done his duty fully, until he has made the nearest officer of regular police acquainted with the circumstance.

The responsibility of the head of the village must also be continued; and ought to be enforced, not only to the extent of giving the very earliest possible intimation of crime, but to the extent of apprehending the criminals, if obviously within his power, and of reporting to the police officers the names of any persons of bad repute who may reside within, or be seen within the limits of his village. The same with respect to the head men of wards in towns; for it is only by information of this kind that any thing like preventive police can exist.

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It might perhaps be desirable, also, to select a respectable and intelligent head man for every five or ten villages, to whom a control over the village watch of those villages might be given, so far as to see that they did their duty, and to forward *monthly* (weekly if necessary) reports, himself, direct to the magistrate, altogether independent of the regular police. This would form a check over the minor heads of villages, as well as over the thanahdars and regular police; and it is thought, did those persons receive the countenance and confidence of the magistrate, together with a small *annual* salary of from fifty to one hundred and fifty rupees (I make it annual that it may seem the larger), they might be made available, with great advantage, in affording information, and in checking abuses of every description. The salary would be a general source of emulation among the whole class of village chiefs, who might be expected to shew themselves active, in hopes of succeeding to the situation.

Every zumeendar, and every person under direct engagements to government for land or other property, ought to be bound, by a special clause of his engagement, not only to discover breaches and breakers of the peace, but to afford their personal aid, and that of their dependants, in apprehending offenders, whenever the commission of an offence is made known to them, either by the village or regular police.

The Board of Commissioners for the Ceded and Conquered Provinces state the number of zumeendars, in the provinces under their management alone, who have entered into direct engagements with government, at 45,900. The immediate dependants of these may be three times that number at the least. We have here, then, near

200,000 men, that might unquestionably be made available, to a great extent, for the purposes of police.

The physical power, I conceive, then, to be even now completely at the command of government. It requires only to be systematically applied. Nor is there a country in the world, perhaps, where the government, and the European officers of government, have so great a moral influence over the people. The power of forming them as their own will may direct is, therefore, in that proportion; and although, at first sight, it may appear difficult, I can see no real obstacle in the way of establishing a very efficient system of police throughout our Indian possessions.

The detective branch would now come to be treated of. But as it will be readily admitted, that if a preventive police, such as I have suggested, be efficiently organized, there will be little difficulty in the management of the detective branch of the establishment, it is unnecessary for me to say much on this part of the subject.

It must be obvious, however, that a direct and constant communication, and by the most rapid means of conveyance, between the police posts, is indispensable to the detection of crime; whilst with this it is thought that, in most cases, the culprits might be seized before they got to their resting places.

Suppose, for example, a crime is committed in a given place, that the fact is known to the police on the spot almost immediately, as is generally the case when the crime is of magnitude. Suppose it were possible to communicate the intelligence instantly to the circumjacent posts, the chances of apprehending the perpetrators would be very much

much increased, because the first step taken by those, now on their guard, would be (standing on the alert) to see whether all the suspected persons within their jurisdiction were at home that night, are then at home, and of those who were not suspected who are absent.

This immediate intelligence might be communicated, by night as well as by day, by signals; as by rattles in towns, drums in populous countries, and lights, &c.: and when the signal "to be on the alert and to see who are abroad" is made, were it promptly obeyed, it would be extremely difficult for criminals to escape detection. The rattle used by the watchmen in large towns is a species of this useful telegraphic mode of communicating intimation of an offence being committed; and the large *nukkara* is yet used in India.

But in India, where crime is very generally committed by professional criminals, and where the profession of thief or robber is regularly established, like that of the artizan, under their sirdars, choudrees, or heads, the most effectual mode of apprehending offenders is by means of their associates; some of which, of every gang, are to be found, convicts, in every gaol in the country near the residence of the gang.

Where gangs of robbers thus exist, the leaders of the gang are, of course, the principal objects of capture; and the way their convicted associates should be employed for this purpose is this: the magistrate should endeavour to find out among the convicts the shrewdest fellow he can pick out belonging to the gang. He has been in gaol, and in irons on the roads, perhaps for years. His restrained gait, hardened skin of his ankles, &c. have sufficiently

marked him, to render it difficult, if not impossible, to abscond without detection. He is, perhaps, as is the case with many, perfectly satisfied with his lot; or he may have but a short period of his imprisonment to endure; so that there is little or no doubt of his fidelity in executing his undertaking for a moderate recompense.

He goes to his village, or the rendezvous of his quondam of friends, and is welcomed by them as "as a good man," whose period of service is expired (for they call themselves "Company ka nokur," Company's servants), and ready, with every advantage of experience, to recommence his former career. He spends a day or two among them till he is fully informed of their intended plans: he then leaves them, on the pretext of fetching his clothes and such things as he may have, or pretend to have, left at his late place of captivity, and promises to meet them on the night, and at the place appointed for their next excursion. He keeps his word, indeed; but conducts along with him an armed force to lay hold of them: or less resolute, but equally depraved, he gives the necessary information to the magistrate, who adopts measures accordingly for securing the culprits.

The plan adopted in war throughout India, of employing persons to obtain intelligence of an enemy, may be resorted to by police magistrates with equal advantage. Those persons go in disguise, live for days perhaps in the enemy's camp, as mendicants, or sutlers, or artizans, till they have obtained the wished-for information. They are apt, however, to deceive; not so much from design, as from a wish to exaggerate their services; or they were too timid to trust themselves within the enemy's limits. By employing persons unknown to one another, taking down

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in writing their information, cross-questioning without evincing suspicion of them, asking irrelative questions so as to throw them off their guard and to break the thread of their fictitious story, questioning them at intervals, and comparing what each says with his own as well as with the intelligence received from others, observing all along, notwithstanding suspicion of falsehood, perfect equability of temper towards them, and even the face of credulity itself, the experienced officer, whether military or police, will be able to form an opinion sufficiently strong to enable him to act, and will seldom act wrong.

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As connected with this branch of the subject, I will avail myself of this opportunity to notice the obstruction to which the local governments of India are exposed by the law as it now stands (and by the powers which it appears by a recent decision of his Majesty's court of Calcutta that court possesses), in carrying into effect measures of police, which may nevertheless be of vital importance to the interest, if not even to the stability of the government. The disability to which even the Governor-General in Council is subjected by the legislature, in being incompetent to make any regulation to affect the inhabitants of Calcutta (that is, those residing within the jurisdiction of the King's court), even of a political nature, without the concurrence of that court, is obviously a defect in the constitution of the local government of India. In a remote province, to plant half a million of people, of all nations and descriptions, in the capital thereof, under the very eye of its government, and yet to deprive that government of the power, even in political matters, of control over the actions of such a body of men, holding the government at the same time responsible for the peace

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and security of the country, appears to be a solecism in legislation to which no parallel can be found.

Yet such is the state even of the supreme government of India with respect to the inhabitants of Calcutta. The English nation confide to the Governor-General the government of eighty millions of the native Indian subjects of Britain, and yet they will not suffer him to rule the native inhabitants of their petty factory of Fort William without the concurrence of the King's court of Calcutta. It is wonderful that the great men who framed the British part of the constitution for India should not have perceived so great an inconsistency.

The King's court is no doubt useful; but I cannot but think it very much out of its element in the remote region of India, when it is made to interfere in the slightest degree with the government in political matters. It is totally incompetent to judge of the extent of any one case of political delinquency that can be brought before it; not from any inability in the individuals as judges of the law, but there is a want of public information in India; and the King's judges coming to India late in life, having no intercourse generally with the people, are consequently ignorant of their habits, feelings, and prejudices; and without an intimate knowledge of the sentiments, feelings, and habits of the people, no accurate judgment can be formed of what may or may not be politically injurious to the state.

But the government is in possession of information of all kinds. One half of its members, at least, have a perfect acquaintance with the people: and with these incalculable

culable advantages, it is difficult to imagine that they might not be intrusted with the same power over the residents of Calcutta which is vested in them over all the other subjects of their government, in every matter whatsoever; subject always to the strictest responsibility, in case of the abuse of that power.

The legislature, it would seem, foresaw, in part at least, the inconvenience, if not danger, to which the governments of India would probably be exposed, by the incapacitating fetters which they put upon the Governor-General in Council through the medium of the supreme court; and the Governor-General is consequently vested with the power of transmitting to England, in the most summary manner, any European subject of Britain whose conduct may be deemed in any way hostile to the government: the Governor-General so acting, however, being, on his return to England, liable to an action at the instance of the individual, should he have been aggrieved.

But with an absence of foresight altogether amazing, it has been entirely overlooked, that other classes and descriptions of people might arise, if they did not then exist, fully as able and as willing to evince hostility to the government as Europeans; and no provision whatever is contained in the act for such a contingency. The Governor-General may, by his warrant, remove any European subject of Britain from India in an hour; but an illegitimate son of that European by a native mother, an *Anglo-Indian*, or a native, wholly indigenous, so long as they remain within the Honourable Company's factory of Fort-William and town of Calcutta, may set "his Lordship in Council" at defiance, being amenable only to



his Majesty's court. They may sit down under the nose of government, frame, promulgate, and disseminate the rankest sedition, whilst the government must remain as patient spectators of the destruction of their own power and the ruin of the interests of their country, till the delinquents are brought to answer for their conduct, before the supreme court by due process of law : there to be tried before an English judge and by an English jury (consisting, moreover, of the lower classes of tradesmen and mechanics residing in Calcutta), and by the English law.

But to measure sedition by the same standard in India as in England, is to confound all the distinctions of time, place, and circumstance ; evincing a want of discrimination nothing short of that which should perceive no difference in the degree of guilt or folly between taking a lighted taper into a magazine of grain or gunpowder.

If the public incendiary be dangerous to the government of England, whose stability, from the intrinsically permanent materials of its constitution, has no equal, how much more formidable must such a description of public enemies be to the government of India ? Is it expedient, then, that the latter government should not be suffered to defend itself, but be forced to be content with the same defence that but barely protects the otherwise well-guarded government of England ? The inexpediency of all this may be enlarged upon ; but nothing, I think, can place it in a more obvious light than the bare statement, that as the law now stands, the power of the government of India, in matters even of the highest political importance, is liable to be impeded, or intercepted entirely, by the interference of a court or the fiat of a judge, wholly irresponsible

sponsible for, and equally incapable of accurately appreciating the consequences.

\*Circumstances have occurred since the foregoing part of this work was concluded, which furnish a most forcible elucidation of what has been above stated. I mean the cases of *Buckingham* and *Arnott*, both editors of a newspaper in Calcutta. Mr. Arnott was an obscure individual; but Mr. Buckingham was a man of considerable notoriety and some talent, who having travelled in Egypt and part of Arabia, came to India, and ultimately to Bengal, an adventurer. By the assistance of his friends he established a newspaper, which he called the "Calcutta Journal," professing to be a "Journal of Science and Literature," in addition to its character as a vehicle for the current news of the day. But the news of a day in Calcutta are not sufficiently multifarious or important to be interesting; and oriental literature and science are easily journalized, and seldom worth the printer's pains when printed. The sagacity of Mr. Buckingham soon discovered that the appetite of the Indian public, as he called the readers of his paper, required more *piquant* fare, and he told his friends that he must "pepper and salt" his paper more than he had done. He accordingly commenced by libelling individuals, public bodies, and functionaries, in the highest situations, and ultimately the government itself; setting himself up in opposition to its orders, as the champion of the freedom of the press and of free discussion; professing to be "amenable only to the laws of his country, administered by a British judge and a jury of free-born Englishmen!"

Mr. Buckingham now created himself a "controller of the government;" for the Marquess of Hastings, Governor-

vernor-General, had told the free press people of Madras, in answer to their address, "that *it was salutary for supreme authority to look to the control of public scrutiny*:" a sentiment which Mr. Buckingham said deserved to be written in letters of gold; and he accordingly took care that it should not be forgot. At length the control became rather too frequent to be pleasant even to the Marquess of Hastings; and Mr. Buckingham was threatened with the utmost vengeance of government, time after time, and occasion after occasion; escaping however with impunity, by means of ready apology and promises of amendment.

Meanwhile several newspapers in the native languages appeared, acting in unison with the Calcutta Journal, if not in combination with it, in the "great cause" of "controlling" government; so that when Lord Hastings resigned the government of Bengal early in 1823, the Calcutta Journal had been the means of exciting much dissension among society, and had made considerable progress in sapping the foundation of our power in India.

The succeeding government deemed it necessary to put an end to this; and Mr. Buckingham, for an early transgression was, by the government of Mr. Alam, ordered to be sent to England, allowing him a period of two months to arrange his affairs. He accordingly made his arrangements, and announced them to the supporters of his paper and the public, in a manifesto entitled "Transportation without Trial," telling them that he himself had been so unfortunate as to incur the displeasure of the temporary government, and, being a European, was of course at their disposal to be sent out of the country: but that he had substituted in his room an editor of equal abilities, equally zealous with himself "in promoting the great

great cause," for which he was about to suffer, and, he thanked God, over whom the Governor-General had not the power of transmission. That being a native of India, and resident in Calcutta, Mr. Sandys (the new editor) was beyond the power of government, and an English jury, and only amenable to his Majesty's court and an English jury. His own banishment seemed, therefore, to be matter of exultation to this patriot; for he told his readers that his paper would *now* be conducted even with greater freedom of discussion than ever.

Mr. Buckingham quitted India; and certainly the paper, as to freedom of discussion, did not fall short of his anticipation. Government felt it incumbent upon them, therefore, to adopt some measure for the prevention of the patriotic views of these gentlemen; and the scheme resolved upon was to issue a regulation requiring the licensing of all newspapers and printing presses; the licenses to be revocable in the event of their publishing any thing to contravene a code of regulations drawn up for regulating the press.

It so happened that the learned judge of the supreme court at the time (government having taken the wise precaution of previously consulting him), did not object to the regulation. He, however, allowed counsel to be heard against it; but finally suffered it to be registered in his court; without which, by the act of parliament, no regulation passed by the Governor-General in Council is of any avail or force in law, so as to affect those residing within the sanctuary of the supreme court of Calcutta.

The Calcutta Journal was admitted to the benefit of a license, as well as all the other newspapers; continuing, however,

however, the same strain, yet steering somewhat by the rules laid down in this regulation; and Arnott, above-mentioned, an Englishman by birth, was given to Mr. Sandys as an assistant-editor (but who was probably the principal), and the paper was continued; diverging, however, occasionally from the line prescribed.

At length a paragraph appeared which government (now under Lord Amherst) deemed so offensive that it could be no longer endured. But, instead of withdrawing the license from the paper, which probably a considerate regard for the property of the individuals embarked in it occasioned, the government determined to send Mr. Arnott out of the country: he (Mr. Arnott), moreover, being found not to have been at all licensed to sojourn in India. Accordingly, his Lordship, having first called upon Arnott to find security for quitting India by a day specified, which was declined, issued his warrant for the arrest of Arnott, in order to put him on board the first Company's ship sailing for England. Mr. Arnott was consequently arrested; but as there was no ship actually about to sail, he was placed under the town-major, who assigned him quarters in Fort-William.

But Mr. Arnott was not to be "transported without trial" so easily as Mr. Buckingham had been. He applied to the King's court to have his habeas corpus, which was granted; and Mr. Arnott was brought up, heard by his counsel, and, in defiance of the government, *discharged*, after a long speech delivered by the presiding judge, in which he declared his court to be really supreme, as it was called, and that the Governor-General, though he was permitted by the act of parliament to send home individuals, and to arrest them for that purpose, had no power to im-

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prison them; for that the words of the act were, "to arrest," and not to "imprison;" that to imprison and to arrest were not the same thing; and that the statute, being penal, must be strictly interpreted, and so forth.

It is foreign to my purpose to enter into the question of the legality of this decision. The fact of its having been passed, and of an individual, declared to be dangerous to the government of India, and arrested by a warrant from the Governor-General, being set at liberty in spite of the supreme government, and so given a farther opportunity of disseminating his seditious and inflammatory libels for months, perhaps, until a ship (a Company's ship, too, by the act) should arrive from England and be ready to return, on which to send him, is altogether so monstrous a state of imbecility to leave a remote government in, that it sets all comment at defiance.

But over the native population of Calcutta it is not quite so easy to arm the supreme government with summary power, retaining to the King's court superior jurisdiction. That class of our subjects, however, more especially the Anglo-Indians, have grown up, both in number and in wealth, and consequent importance in society, far beyond what could have been anticipated by the legislature when the act was passed arming government with power over Europeans; and we have seen that they are no less capable of disturbing the peace of society and the tranquillity of government, indeed far more so, than the European, from their mixing more with, and their more intimate acquaintance with the people in general. Not that they are, in themselves, naturally turbulent, or disaffected to government; they are, however, little able to discriminate, and therefore easily misled.

But

But it must be manifest, not only that there is great inconsistency in an act of legislation, which excludes ninety-nine, and applies only to *one*; the object of the legislature being equally applicable to the native population excepted as to the Europeans included; and it is no less manifestly inconsistent and absurd to permit any tribunal in India effectually to resist the power and to nullify the legislative authority of the supreme government, especially in political matters, whether in the form of a court of justice, or in any other shape whatsoever.

The regulation for licensing the press was so far effectual; and as a temporary measure may be approved. But it is imperfect, being applicable to the press alone; leaving the evil-disposed every other means of committing the offence intended to be suppressed. It is partial in its operation, and consequently wanting in that dignity of character which a general legislative measure would possess. It is directed, moreover, so immediately against the press, that besides subjecting government to the misconstrued imputation of timidity with respect to the freedom of discussion, which they neither feel nor fear, it must be extremely unpopular even in India; but especially in England, where it will be attacked by its enemies, without being defended by its friends: for, on the subject of the liberty of the press, notwithstanding the lamentable licentiousness of it, I am grieved to say there is a degree of political cowardice predominant in England, which suppresses the real sentiments of certainly a very great body of the ablest men in the nation, who doubtless do not see that thereby they evince a great dereliction of their duty towards the inferior orders of the people, who look up to them as an example, but take their silence, or their indifferent opposition, only as a confirmation of the

the

Nor, let it be observed, is it merely *executively* that the India government is subjected to this control. Were the check restricted to the *executive* capacity of the government, it is possible that it might be even salutary. But the law, as it now stands, imposes upon the government an absolute disqualification from legislating for its subjects, without the concurrence, not of the paramount authorities in England, but of a *court of law* established within its own capital.

Now it must be confessed, that the very idea of this provincial court being vested with the power of dictating to the government what regulations it shall not frame for the better government of the country, is not a little repugnant to every notion entertained of the proper province of a court of justice, as it must ever be hostile to that dignity which the government of India, of all others, stands so much in need of being supported in.

It is, therefore, not to be doubted, that an early opportunity will be embraced of obviating so great a defect in the system of our India government. The remedy proposed seems simple, and cannot be severe in its effects; for it can scarcely be called a hardship to an individual to be removed from the capital, who cannot be content to reside in it without endeavouring to overturn the government of his country.



## APPENDIX

## COLONEL SIR THOMAS MUNRO'S SURVEY.

This accompanying statement contains an abstract of every thing that seems necessary in an agricultural survey. It shows the population, the number of cattle and sheep, and the extent and value of all lands cultivated and waste, and then, from inevitably somewhat long, it is so plain that it may be easily understood from the slightest inspection, and I shall therefore have occasion to make only a few remarks upon the principal heads.

The following instructions were issued by Colonel Munro to the Surveyors, &c.

*Instructions to Surveyors.*

1. All your measurements of every description of land, wet and dry, are to be made with a chain of forty-three feet.

2. Your accounts are to be kept by acre, gonias, and mas. One square chain is one gonata, and forty such gonatas are an acre.

3. When you arrive in a village, and will, previously to beginning the measurement, take a *guchuk* from the *potail* and *curnum*, according to the form which has been delivered to you.

4. The *potail* states that the *curnum's* account of *ekka* and *chann*

enam land, house and shop-tax, and every article of revenue, is true; and that, if it is found to be false in any point, he will forfeit his office.

4. The curnum and potail of the village must attend you during the measurement, and you must give timely notice to the ryots, in order that they may be present at the measurement of their own fields.

5. In measuring a village you will begin at one side and proceed regularly on, making the field first measured No. 1, the next No. 2, &c. These numbers will serve to distinguish fields, when there are several of the same name in one village. After measuring the dry, you will measure the wet land, and number the fields in the same manner, beginning again at No. 1, 2, &c.; and the same rule must be observed with respect to baghayet or garden land.

6. The name of every field must be entered in your accounts. Where fields, whether cultivated, uncultivated, or waste, have a name, you will insert that name: where they have none, you will, in concert with the potail and curnum, give them one.

7. In the account of the measurement of every field, whether wet or dry, you will always specify the names and numbers of the fields by which it is bounded.

8. In dividing fields of red land, you will mark the division by a bank of earth or stones; but in black land you will always mark the division by setting up boundary-stones, because the polli, or bank of earth, would injure the black by overrunning it with long-rooted grass.

9. You will pay the hire of the coolies employed in marking boundaries either by stones or banks of earth.

10. If

It is only when waste is divided into fields, or found in small pieces, that it is to be measured by separate fields. When lying in large undistinguished tracts, it is to be measured in the gross; but whether found in small fields or in extensive commons, it is to be named and numbered.

If, after measuring twenty cultivated fields, numbered 1, 2, 3, to 20, a piece of waste follows, it will be numbered 21, and the cultivated field which comes after, 22; and so on, as often as waste intervenes; but as the largest piece of waste is usually surveyed after all the rest of the village is finished, it will, of course, be the last number. Suppose that this number is 50, then, if at any future period it should, from the extension of cultivation, become necessary to divide it into fields, these fields will be numbered in succession No. 51, 52, &c. But this cannot be done in the case of the waste No. 21, because it is already followed by No. 22: when, therefore, No. 21 comes to be divided into fields, these new fields must be numbered No. 1 in 21, No. 2 in 21, &c.

15. When a field contains a few tamarind, kikar, or other productive trees, you will make no deduction for the land under their shade, because the ryot derives a profit from them; but where there is a beher tree, or several other unproductive trees together, forming a shade, you will measure the land occupied by it, and deduct it from the field.

16. In measuring "purrempoke," or land that cannot be cultivated, you will specify the extent of forts, of pettahs, of open villages, of the court-yards of houses, with the number and kinds of trees in such yards, of the banks of tanks, rivers, nullahs, ravines, hillocks, roads, kullar or barren land, wells, salt mounds, and of topes, stating the numbers and species of trees. You will also specify the purrempoke in the fields of ryots and deduct it from their land.

17. In tarbunds, or palmirah topes, you will insert the number

of trees, and class them into male and female, and old or past bearing. You will also measure the divisions or parts of the tope occupied by different

18. You are not to measure hills or beds of rivers.

19. You will consider as garden, or baghayet, all lands, in whatever manner they may be watered, that do not yield rice, but produce raggy, juware, tobacco, red pepper, &c., and you will enter as garden so much only as can be watered.

20. In measuring wet land, you will specify whether it is watered by large tanks, by great nullahs such as those of the Toombuddea and Pennah, by kumple or draw-wells, or by kushems or nullahs, proceeding from springs.

21. You will enter as wet land all gardens having a constant supply of water, and containing cocoa-nut and other fruit-trees. You will specify the quantity of waste land between the rows of trees of land cultivated, where the trees are thinly scattered; and of cultivated land, where there are no trees. You will note the number of plants of young trees, if productive, and of old or unproductive trees, and specify whether they are cocoa-nut, soopari, tamarind, jamoon, lime, or orange, &c. You will also enter as wet land plantations of betel and sugar-cane, and likewise land producing tobacco and red pepper, &c. provided there is water enough for rice.

22. In wells and river kumples, where the land having formerly produced rice is now, from some cause or other, cultivated with dry grain, you will enter as wet land all that land which is marked out as ateh, but if, from the scarcity of water, it is only cultivated as



1. The first of these is the fact that the

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The population of the United States has increased from about 100 million in 1900 to over 200 million in 1950, and the majority of this increase has been in urban areas. This has led to a concentration of population in a few large cities, which has in turn led to a number of problems, such as overcrowding, pollution, and traffic congestion.

[illegible]

24. I have provided my claim details, details of my  
 25. car and my contact details. You will pay the  
 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 85

105. I will receive the regular financial statement

14. You will receive our goods for the amount of the bill  
enclosed as your own property your money will thus be

27. The first daughter born Yangrou's son, and she is  
 named Li. She is named Li.

Men.—The men's field is detached, and it is very difficult to find the entrance to the cave. It is situated on the left side of the mountain.

1875

1. The first of these is the fact that the



2. When a village has eight or ten large mujerahs, you will send two surveyors to each; but if the mujerahs are small, only one.

3. When there is a large mouzah without any mujerah, you will mark out by flags the portions to be surveyed by each surveyor, and let them compare their accounts of boundaries with each other, so as to prevent any land from being omitted in their respective limits.

4. When a mouzah is small, and you think that the survey will be accelerated by employing only a part of the surveyors in it and sending the rest to another mouzah, you will do so.

5. If the mujerahs of a mouzah have old boundaries you will adopt them: if they have no visible boundaries, you will set up stones in order to distinguish them.

6. You will take care that no land is omitted between the respective limits of your own surveyors, or between their limits and those of other parties of surveyors.

7. You will take the rough accounts (the kham chitah, or field-book, *qy?*) from the surveyors, and make by them all your comparisons of measurement.

8. In your examinations of measurement, you will attend particularly to the fields of potails, curnums, and khoe, with inhabitants.

9. You will examine by re-measurement daily as follows:—dry, 500 chains, or wet, 150 ditto; and transmit your examination report in the following form:—

Margaz,

Marina, a freehold, belonging to the ... and to the ...  
... 12. East to West ... 111 ...  
... North to South ... 111 ...

... 12. East to West ... 103 ...  
... North to South ... 12 ...  
... 201 ...

10. You will transmit your trials with the same account to the ... and give the fair oaks to the accountants (I ...  
... now is.)

11. In examining the measurement, if the excess of the land on trial is above twelve and a half per cent in dry, or ten per cent in wet, you will add the difference to the field. If the deficiency is more than ten per cent in dry or five per cent in wet, you will deduct it.

12. If in any place you find the measurement of the whole, or the greater part of the fields incorrect, and that a re-survey is required, you will state the circumstance, and obtain leave before you begin.

13. If any ryot complains that the measurement of his field is not fair, you will measure it again.

14. You will enquire into new unauthorized encroachments, and collections on land, and articles of the village, for as supplied in the accounts. Of all such discoveries you will secure ... and one-quarter of your half will be paid to the ryot concerned, if you may have received your information.

15. As the chains are frequently broken, you will compare them occasionally with the standard measure.

16. You will get two gold beads from the taluk or collector ... You will pay them one-quarter of a ... and ... in the presence of the potal and ... and ...



take their receipt, and you will send a statement of the expense with your monthly account.

17. You will divide all the villages that fall to your share according to the number of surveyors, write the different shares on an equal number of papers, and let the surveyors draw lots, and measure the villages which their respective lots contain.

18. Your party is to measure only such villages as may be allotted to it. If, in the hopes of getting more pay from black land, your surveyors measure the lands allotted to another party, they will receive no pay for them, and be fined.

19. After finishing the measurement of the villages allotted to your party in any district, if there is any party which has not begun its measurement in that district, you will measure its villages; but if there is no party which has not commenced, you will proceed to the next district.

20. You are not to measure ~~more~~ days the number of acres prescribed to you for the month, but to measure daily; except on those days when you are on your way to another district. The measurement may be more in some day, and less in others; but the prescribed quantity for the month must be completed.

21. You are not to try the measurement of a part of the surveyors in one month, and that of the rest in another; but you are in each month to try the measurement of all the surveyors.

22. You are not to remain behind the surveyors; because, unless you are with them, you cannot compare with them the false measurement which you may discover. If you are not always in the same district with them, you will be dismissed.

23. With your monthly abstracts you will send a list of the surveyors and peons, present and absent. You will give your rough accounts of measurement examined to the ~~talukdar~~ talukdar, who will

## APPEND

will forward them to the collector's  
the amildar's receipts for the accounts.

### *Instructions to Assessors or Terrim*

1. You are to class the land surveyer's rate, according to their rate or terrim. In settling the terrim, you assemble the potail, curnum, and ryots of the village, and also heads of the neighbouring villages, and do it with their advice.

2. You are to class the lands of the whole mouzah into first, second, third, &c., according to their rates. If the best land is in the cusbah, you will enter it in the first rate. If the first land of any of the mujerahs is only equal to the second of the cusbah, you will enter it on the second rate. If, on the contrary, the first land of the cusbah is equal only to the second of the mujerah, you will enter it in the second rate; for the rates are to be for the whole village, generally, and not for each mujerah separately.

3. In fixing the rates, the ryot who occupies the land must be present. You are to consider the condition of the land, and not of the ryot, for the one is permanent but the other is not; and you are to be careful not to enter the first rate as second, or the second as first, &c.

4. You are to mention the colour of the land, in order that, in fixing the rent, the class to which it belongs may be the better known. The colours are as follow:—

#### Regur.

- 1 Black, mixed with stones.
- 1 Black ..... chunan stones.
- 1 Black ..... white earth.
- 1 Black ..... sand
- 1 Black ..... pebbles (gargatt.)
- 1 Black mould.

Red