

the tenantry by judicious expenditure on protective embankments, irrigation channels, khals and wells, tanks for the supply of good drinking-water, the introduction of new crops, the clearance of jungle, and the purchase of agricultural implements. The Collector, as manager of a Government estate or a Wards' estate, is in the position of a private zemindar, but he has greater facilities for the recovery of rent by a summary process under the Act for the recovery of Public Demands.

Wards' estates get the benefit of the services of the Board of Revenue, of the Commissioners and Collectors, without any cost. In 1878, the Secretary of State raised the question whether they should not contribute something on this account; but the Government of Bengal was of opinion that the employment of the revenue officers on wards' work is really of as much value to the Government in its results, and to the officers themselves in the training which it affords, as it is to the wards' estates; and this view prevailed. There can be no doubt that the management of Wards' and Government estates gives Collectors a clear insight into zemindari matters, and throws much light on the relations of landlord and tenant. The Collector has to collect rents, to settle lands, give leases, and make inquiries as to the advisability for remissions in cases of failure of crops. He also has to settle in some cases the right to cut wood, to take miscellaneous forest produce, to hew laterite stones,

to quarry limestone and other minerals. Then there are many disputes which he has to decide, and grievances which he must listen to patiently and remove so far as he can. He also has to provide for the education of the minor ward, and to see that he is properly brought up. He determines what allowances are to be made to the near relatives of the ward, and also the expenditure of the ward himself and his household. If the ward wants a new dress or a horse, if he wishes to pay a visit to Calcutta, or to do anything else requiring expenditure, the proposal is laid before the Collector for his sanction, who, with reference to the position of the ward and the rental of the estate, decides exactly how much is to be spent. So numerous are the applications for estates to be brought under the Court of Wards, that many have to be refused. Such applications are usually refused, when an estate is hopelessly involved; but many an estate has been saved from ruin by the careful management of some district officer. The policy of Government is not to take charge of estates, when such interference would entail additional charges on the property to the detriment of creditors, without facilitating the payment of Government revenue; or when it is probable that Government revenue will be paid without Government intervention; or again, where the importance of the estate is not sufficient to repay the cost and trouble of working it.

The Durbhanga Raj was much involved when the Court of Wards took it over. On this point extracts

may well be quoted from the Bengal Administration Report for 1882-83: "The management had for years been left in the hands of underlings. All the villages were leased to farmers, most of them relatives of the Raj servants, who had got their leases on favourable terms. Others were outsiders, men of straw, who had nominally undertaken to pay rents far above the value of the lands, and who made what they could by rack-renting the ryots and levying illegal cesses, without attempting to satisfy the Raj demand." The amount of arrears of rent and of debts due to the estate was enormous. . . . "The estates were destitute of roads and bridges. The palace was neglected and in ruins; its court-yards quagmires; its environs a hopeless waste of jungle, pools, and filth. Notoriously all the epidemics of the town took their rise in the Rajbarée. There were no refuges for the sick; no resting-places for travellers; not a school in the whole estate. No productive works of any kind had anywhere been attempted."

The Government management succeeded in changing all this. Debts were paid off, the rent-roll was re-adjusted, and, in spite of reductions of rentals, the gross rentals had increased. The outstanding arrears were less than a year's demand, and there was a large balance in hand. "Over 150 miles of road had been constructed and bridged (in many places with screw-pile viaducts). Upwards of 20,000 trees had been planted along their sides. Fredder and village roads

had been made and improved. In Khurukpore extensive irrigation works, securing that property against famine, had been made and opened. A large bazar had been built at Durbhanga, including a handsome public serai In lieu of the ruinous system of farming leases, the whole estate had been brought under direct management. Collections were made without friction or difficulty. The outlying zerat lands had been equitably settled with indigo planters, while those in the vicinity of villages had been reserved for the ryots, thus putting an end to the constant disputes between the factories and the cultivators. Hundreds of small embankments, water-channels, tanks, and wells had been constructed from advances made without interest to the tenants. Complete surveys had been made of the greater part of the property, and a considerable area had been re-settled to the advantage both of the estate and the cultivators. Twenty vernacular schools had been established by the Raj, educating 1,000 children; aid being at the same time given to other educational institutions not belonging to the estate. Three admirable hospitals were kept up for the use of the tenantry, while assistance was also afforded to six charitable dispensaries in various places near. Above all, both the Maharaja and his brother had received a thorough English education, were proficient in manly exercises, and were free from the vices which are too often the ruin of native magnates. The Maharaja had been

trained to manage his own affairs, and to take a lively interest in the welfare of his people, while his brother had been deemed fit for appointment to the civil service of the province, in which he is now an assistant magistrate."

It is probable that the treatment of the tenantry in Wards' estates has been in some respects less considerate than that accorded to the tenantry of Government estates. But even this error has been due, if I may coin a word, to the hyperscrupulosity of Collectors and their unwillingness to damage or sacrifice in any way the supposed interests of the minor landlord. This attitude has perhaps been encouraged by the Court of Wards itself (the Board of Revenue), and has led in some instances to an excessive rigidity and punctuality of collection in unfavourable seasons. Moreover, a desire not to diminish the assets of the estate sometimes leads to the retention of some unjustifiable, if not absolutely illegal, items of rent ⁽¹⁾. It should be added that these errors no longer exist. In 1882 the attention of both the Local Government and the Government of India was particularly drawn

(1) I may instance some very doubtful items such as pasture and firewood rents ; also the leasing of "bhagars," bits of waste land near the villages where the carcasses of dead cattle are thrown. The right to take the hides is an easement or *profit-à-prendre* enjoyed by the Mochee community from time immemorial. An imperfect knowledge of law and jurisprudence leads to serious encroachments on customary rights, and sometimes to their total disappearance.

to this subject, and instructions were issued to treat the tenantry with the same consideration and indulgence which they receive in Government estates.

There is now a special Forest Department in India ; but in Government estates and Wards' estates the duty of conservation is in the hands of the Collector. Moreover, even where the department exists, it is the duty of civil officers jealously to observe its operations, to see that immemorial rights and privileges are not sacrificed to departmental zeal for satisfactory results, and generally to act as buffers between the forest officers and the people.

There can be no doubt that, until a comparatively recent period, the country was being steadily denuded of its forests. The amount and due distribution of the rainfall depends to a certain extent on the preservation of the woods and forests and the vegetation subsidiary to them. The unrestrained destruction of the forests has not only affected the climate unfavourably, but it has also had a deteriorating effect on the cattle of the country owing to the scarcity of pasturage, and in many places it has compelled the people to use as fuel substances such as cow-dung, which ought to be used for manure. Where forests have been cut down, and hill-sides rendered barren of vegetation, the rains descend unseasonably and irregularly: long droughts are followed by excessive rain. Moreover, in the hot weather streams and springs run dry with greater

rapidity, and wells are liable to failure. In districts, where canals exist, the rivers are unable to afford a sufficient quantity of water for irrigation. Wood is required, too, for building houses, for ploughs ⁽¹⁾ and other agricultural implements, and for fuel; so that the well-being of the agricultural community depends in a vital measure on the preservation of the forests.

The Forest Law divides forests into two classes, "reserved" and "protected." The reserved areas are thoroughly and completely conserved; the protected areas are so in a lesser degree. The forest administration brings in a certain amount of revenue. Timber is sold, and passes are granted for smaller wood, bamboos, canes, and miscellaneous forest produce, such as myrabolans, lac dye, forest dyes of sorts, gum, resin, caoutchouc, &c.

Though he has been guilty of undue exaggeration, there is a certain substratum of truth in what Mr. W. S. Blunt has said about the inconvenience caused to the people by the preservation of forests. This inconvenience is probably greatest in the Bombay Presidency, in which I believe about one-seventh of the whole area is either reserved or protected forest. In India, immemorial customary rights are in many

⁽¹⁾ Returns from the different provinces of India (excluding Bengal, the North-West Provinces, and Oudh), have given a total of nearly eleven and a half million ploughs and 2,815,936 carts. The total number of ploughs in British India must be about twenty millions!

cases treated with the greatest tenderness and respect; but in some instances there is a tendency to overlook or over-ride them. The fault lies principally with the Civil Courts, who require too strict proof of customs, and frequently ignore the common law of the country, merely because it does not happen to have been embodied in any particular statute. The Forest Act contains ample recognition of, and provision for, the customary rights of villagers; but it may be doubted whether the civil officers have sufficient powers of control over the forest officers to enforce the preservation of such rights. Private zemindars also, in imitation of the example set by Government, have taken of recent years to preserving the forests and jungles on their estates. These zemindars, as a rule, do not admit that the villagers have *any* rights in or to the forests, and they act accordingly. It is very doubtful to what extent owners of land in India can enclose forest and waste land to the detriment of the ancient tenantry. The Civil Courts, headed by the High Court, had too great a tendency to decide according to the ideas and principles of English law. They were inclined to limit the acquisition of easements to the cases specified in the Limitation Act; but the Privy Council corrected them, and held ⁽¹⁾ that that Act did not restrict the acquisition of easements in any other manner. They have held that

(1) I. L. R., 6 Cal. 374, 812, *et aliunde*.

easements are far wider under Indian than under English law, and include all those rights which are known as "*profits-à-prendre in alieno solo*." An easement may even be acquired to fish in another man's water without payment of rent, or to irrigate from another man's tank. The action of the Civil Courts has re-acted on the magistracy, who have hitherto been perhaps too lax in the protection of public rights. An Easement Act has been passed, and it is to be hoped that it will speedily be extended to all Presidencies, and thereby save the Civil Courts from misapplying English law and losing themselves in the labyrinths of prolix and inapplicable works such as Goddard and Gale.

At the end of the year 1883-84, the total area directly or indirectly under the Forest Department in Lower Bengal was 11,260 square miles, as follows :—

Preserved forests	. . .	4,638 sq. miles.
Protected	2,300 „
District or unreserved	4,325 „

The reserved forests in the Sunderbans alone cover an area of 1,581 square miles. During the same year the total number of prosecutions for breaches of the Forest Act and Rules under the Penal Code was 413 ⁽¹⁾. Artificial reproduction was carried on to a

⁽¹⁾ Besides the above, 1,816 cases were compounded under s. 67 of the Forest Act. In 1882-83 there were only seventy-three prosecutions. The increase is simply due to the entertain-

considerable extent by regular planting of open areas and filling up of blanks in existing forests. The trees planted are mainly oak, toon, teak, and sâl.

British India (exclusive of the Native States) has an area of one million square miles. The reserved and protected forests represent $7\frac{1}{2}$ per cent. of this area, or about 75,000 square miles. The forest area in Scotland is only $3\frac{1}{2}$ per cent. on the total area of the country, or 750,000 acres in all. The above figures will probably startle English readers. It will at least give them an idea of the work of the Forest Department, and it may even be inferred by some that forest conservancy in India has gone too far. But it must be remembered that in India less coal is available; and, in the construction of houses, wood is to a great extent used where bricks would be used in England. If the area of conservancy is appalling, so also are the following figures appalling. There are nearly forty million houses in India, and Sir Richard Temple estimates the number of ploughs ⁽¹⁾—all made of wood—at fifteen millions. Then there are the carts ⁽¹⁾ and the boats and wood for fuel; so that, if forest conservancy were not carried on on a gigantic scale, the consequences to the country would be disastrous. The reserved areas are absolutely protected from

ment of regular establishments in the forests. Considering the vast areas of the forests, the number of prosecutions is very small.

(1) See note, p. 49, *supra*.

cutting, jhooming ⁽¹⁾, accidental and intentional fires, and cattle grazing. Besides the 75,000 square miles of Government forests (in portions of which, however, the people have some rights), there are extensive areas of forest, the property of private zemindars, and areas marked off for the use of the villagers under land revenue settlements. On the subject of conservancy, Sir Richard Temple has said: "Questions arise regarding the restriction of the rights of the people, and there is, to some extent, a slight contest always going on between the forest officers and the ordinary civil officers of the Government. The forest officers, of course, are zealous for preserving the forests, and the civil officers naturally protect the rights of the people. The object is to maintain a judicious compromise. The people who sparsely inhabit the forests have been accustomed to cut, burn, and destroy somewhat recklessly, and they cannot speedily be reclaimed from these evil habits." It is to be hoped that, to adopt a phrase used by a celebrated comedian, there will be "not too much conservation, but just conservation enough." Perhaps this phrase happily

(1) The essential features of this nomadic cultivation are the burning down of a patch of forest, and sowing the crop with little or no tillage on the clearing thus formed. The following year another patch is burnt down, and so on. This destructive cultivation is called *jām* on the North-East frontier and in parts of Bengal, *dahya* in Central India, *kil* in the Himalayas, and *kumari* in the Western Ghats. Tacitus says of the Germans: "Arva per annos mutant, et superest ager."

describes the existing state of forest administration in India. If the control exercised by civil officers were removed or relaxed, there might be a little more than enough.

It may prove of interest to notice the state of forest preservation and administration in European countries, and to draw such comparative inferences as may appear just, having regard to the differing conditions of a country like India. The following table shows the proportion of forest and woodland to total area :—

	Per cent.		Per cent.
Russia .	42·38	France .	15·79
Sweden .	40·43	Belgium .	14·82
Austria .	31·39	Italy .	12·34
Prussia .	23·35	Holland .	6·27
Norway .	22·30	Denmark .	4·25
Switzerland	18·64	Great Britain.	3·29

The proportion in Bombay is about the same as in Belgium. Indian forest officers may infer from the above figures that the proportional area of forest in India is not so large as, or at any rate not larger than, it ought to be. But facts such as the following must not be lost sight of :—

- (1.) The density of the population in India to the square mile ⁽¹⁾.
- (2.) In those countries, where the areas of forest are largest, abundant supplies of wood are

(1) See Chap. VI., on Census.

required to ward off the intense cold. In Germany the winters are long and severe, and the necessity for abundant supplies of fuel, combined with the absence of coal, and a passion for the chase, has led to the preservation of forests, and to the establishment of an admirable system of forest cultivation, almost as carefully conducted as field tillage. It has been estimated that in Russia seven million roubles' worth of wood are required every year for railways. The requirements for fuel may be more easily imagined than estimated.

- (3.) Indian coal has a great future before it, and it is only on the lines in the vicinity of Bombay and Madras that it cannot compete with the English product. A reduction in the cost of carriage will enable it to do so. The average prices of English coal at Bombay, Madras, and Karachi, are respectively Rs. 15, Rs. 17, per ton, while the values of the country coal at the pits are, Bengal Rs. 3 : 8, Warora Rs. 5, Mohpani Rs. 9, Rewah-Amaria Rs. 5, Singareni Rs. 5. The quantity of English coal consumed on railways in 1881-82, was 175,951 tons, and English patent fuel 9,360 tons, while of Indian coal 383,709 tons were consumed. In 1881 the output from the 66 mines in Bengal was 930,203 tons against 988,565 tons in 1880. In Assam there is said to exist a procurable

quantity of coal not less than 40 millions of tons.

- (4.) France has its *Code Forestier*, and both in France and Germany forest science and literature are far advanced ; but it may be doubted whether the principles of silviculture adopted by Hartig, Cotta, and others, are entirely applicable to drier climates. Spain has made no provision whatever for the protection of woods, while Italy has allowed its forest area (apparently with deliberate intention) to decrease from 17·63 to 12·34 per cent. Pasture has been found more profitable on the arid slopes of the Apennines.
- (5.) The forest area in European countries includes all private forests.

In the greater part of the forest in Norway and Sweden, the people have long-established rights of grazing, timber, and firewood ; and even in tracts in which landowners or the State have a part ownership, the rights of the people (where they have any) take precedence of all other claims. In Sweden seventy-six million acres of forest are private property, and twelve millions public. Of the public forests, only four million acres are under direct State management, the profits being £21,020. The State forests in Prussia cover about 6,200,000 acres. The total income for 1871 was £2,000,000, or about six shillings an acre, about half of which went to working

expenses, the cost of forest academies, *commutation of servitudes*, and road taxes. In France the forests are divided into :—

State forests	900,000 hectares ⁽¹⁾
Communal forests . . .	2,000,000 „
Private „	6,000,000 „

The revenue for 1877 was 38,500,000 francs, and the expenses 13,000,000 francs. No less than 2½ million francs were spent on roads through the forests. In Bengal the net receipts from forests in 1883-84 amounted to £31,177. About £1,000 was spent on roads. Larger sums are required for making and improving roads through the forests, and for the blasting of rocks in rivers, which, both on the plains and in the Himalayas, are much used for floating logs.

- (6.) Forest preservation increases the number of wild animals, which cause damage to human life, cattle and crops. Two years moderate supervision of the Khorda forests and jungles brought about an enormous increase in the number of wild pigs, which are very destructive to the paddy-crop. Increase of pigs, &c., tends to increase the number of tigers, leopards, &c.

It has been mentioned that private zemindars are beginning to conserve large areas of forest and small

(¹) A hectare = 2½ acres.

jungle, and this fact raises questions that will soon force themselves on the attention of the Bengal Government. The Government does not claim any power of regulation in private forests, though in doing so it would only be acting in accordance with the principles adopted in some European countries ⁽¹⁾. But no time should be lost in carefully ascertaining and recording the customary rights possessed by the villagers in these forests. This may be done under Chapters X. and XI. of the New Bengal Tenancy Act.

Irreparable injury may be inflicted on the agricultural community by the limitation of the area now available for grazing. Action should be taken in time to prevent such enclosures of common lands as have taken place in England.

In India the common law is in favour of the rights of the villagers. In England ⁽²⁾ the common law was originally against them, and yet the enclosure of commons has at length been successfully resisted,

⁽¹⁾ Frequent inundations in France were caused by the deforesting of the sources of the Rhone and Saone. The laws passed for the "reboisement" of the slopes of the mountains take effect on private as well as State property.

⁽²⁾ The king had a common law right to convert any portion of the country into a forest, in which he might enjoy the pleasures of the chase. The first limit on this right was the *Charta de Foresta* (9 Henry III.), and from that time the prerogative of the sovereign gradually declined.

and arbitrary encroachments have been put a stop to ⁽¹⁾. Indian agricultural communities enjoy nume-

(1) The feudal lords claimed to enclose the common lands, which they termed the waste of their manors. This claim was resisted by the freehold tenants of the manor, who had rights of pasture. It was ultimately decided under the Statute of Merton (20 Hen. III. 1235), that the lords of the manors should have this right of enclosure, provided there was left sufficient pasture for the tenants, with free access thereto. It was not till the fifteenth century that enclosures began to cause general discontent. From that time fresh enclosures began to press most severely upon the smaller yeomen copyholders, and were the principal cause of their extinction. Their holdings were for the most part of such a size that the appurtenant right of turning out cattle on the waste was an almost necessary condition of their existence. It is an interesting fact that where this class still exists in Cumberland and Westmoreland, and on the borders of the New Forest, the open commons, and forest also, still exist. It has been ascertained that, between 1700 and 1845, 7,175,000 acres were enclosed under about 4,000 separate enclosure acts or awards. The Enclosure Act of 1845 directed local inquiry, through Enclosure Commissioners, as to the expediency of enclosure; but, nevertheless, commons continued to be enclosed, which were in no way suitable for cultivation. Between 1865 and 1870 there arose two distinct movements with reference to commons: 1. Opposition to their enclosure when within reach of large towns; 2. In the interests of the agricultural labourer. The lords of manors commenced to make wholesale enclosures, and the result was a course of litigation without parallel for its duration, importance, and historical interest. A general amending Act of 1876 lays down the principle that no enclosure shall be sanctioned without distinct evidence that it will be beneficial to the general interests of the neighbourhood, as well as to the private interests of the persons immediately concerned as lord of the

rous easements and profits-à-prendre, but the ignorance and poverty of the cultivators tend to their being overlooked and obliterated, a tendency which might be checked and counteracted if the courts (magisterial and civil) had a thorough acquaintance with general jurisprudence and Roman law. The civil courts are the chief sinners in this respect, but magistrates also are by no means free from blame. Common rural servitudes in Roman law were rights of way, rights to take water, to convey water, to water cattle, to pasture cattle, to dig and burn lime, to dig sand, to cut wood. I could enumerate many appurtenant easements (prædial servitudes of Roman law), customary easements, and profits-à-prendre ⁽¹⁾; but it will be sufficient to mention a few, such as the right of Sontals to hunt and kill certain animals, the right of potters to take clay, of blacksmiths to take wood for mending the village ploughs, of Bowree women and others to collect sâl leaves for use as plates and dishes, of Mochees to take the hides of dead cattle thrown out on the village

manor and commoners. Mr. Shaw Lefevre thinks it is necessary to prohibit enclosure altogether, except with the sanction of Parliament, as landlords can now take the initiative and enclose, trusting to the unwillingness of commoners to encounter the litigation, which is necessary to defeat such action. See "English and Irish Land Questions," pp. 187—230.

(1) "An easement is a right to do something on, in, or in respect of the servient land, or to prevent the owner of the land doing something on, in, or in respect of his own land. A *profit-à-prendre* is the right to *take something* from the servient land." —Markby, "Elements of Law," p. 208.

“bhagars,” the right to take head-loads of firewood, to take brushwood for fences, to graze cattle, to irrigate from streams and tanks, besides such customary easements as the right to erect booths at fairs, to bathe in tanks, to congregate or worship in certain spots at certain times, to go in procession by certain routes, &c. Of course such rights must be subject to some reasonable limitation, and it is for the Government to inquire (through its revenue and settlement officers) whether such customary rights do or do not exist, and to what extent, and subject to what limits, and then to incorporate all particulars in records of rights to be prepared under s. 101 of the new Tenancy Act (VIII. of 1885).

CHAPTER IV.

MISCELLANEOUS DUTIES OF COLLECTORS: ALLUVION, DILUVION, AND ISLANDS.

Collection of Statistics—Weekly Crop Report—Rainfall—Prices—Registration of Trade—Tea—Indigo—Silk—Jute—Increased Prosperity of the People—Cold-weather Tours—Inspections—Alluvion and Diluvion—Vagaries of Rivers of Bengal—Litigation—*Deara* Lands—Boundary Disputes—Difficulty of determining Possession—*Churs* or Islands—Rights of Government and Riparian Proprietors—Assessment of Alluvial Accretions.

ONE of the most difficult duties of the District Officer in a permanently-settled Province is the collection of reliable statistics concerning the material progress of the people, sufficiency of food supply, quantity of land under different crops, expansion of cultivation, internal and frontier trade, emigration and other movements of the people, relation of landlord and tenant, and other similar matters. The Collector has to make himself informed and to report "*de omnibus rebus et quibusdam aliis.*"

"The crack Collector, man of equal might,
Reports all day, and corresponds all night."

It is from such reports that the qualities of a good officer become known. After all a good style can only proceed from a thorough knowledge and grasp of one's subject; and a hard-working Collector, who has mixed with the people and kept his eyes and ears open, has always something to say that is worth hearing. Much of the amending and remedial legislation, that is passed from time to time, originates in a careful report submitted by some able executive officer.

The Collector has to submit a weekly report concerning the rainfall, weather, state of crops, and prices. The accuracy of this report is of vital importance when famine or scarcity is apprehended. The Collector then has to make careful inquiries as to the areas on which crops are likely to fail partially or altogether, as to stocks of food-grains, the state of the market, fluctuations in price, and especially whether work is available for the poorer classes. Under native rule, when famine occurred, the people were left to die like rotten sheep; but under British rule, the obligation of the State to prevent mortality to the utmost of its power has been acknowledged. Moreover, owing to the absence of railways, it was not possible for native rulers to effect much in the way of transporting food supplies. The recurrence of famine at periodical intervals augments the financial liabilities of the Empire, and since the famine in Madras provision has been made by the Government of India for the formation of a regular famine fund.

Prices of course vary very much in different districts. In the Burdwan Division (Western Bengal) the average rainfall is 55 inches. In 1882-83 the price of rice varied from twenty-one to thirty seers per rupee (a seer is equal to two pounds), and the price of wheat from thirteen to sixteen seers. The wages of skilled labour (*e.g.*, masons and carpenters) vary from four to ten annas a day, and those of unskilled labour from two annas (threepence) to five annas.

There is a regular system for the registration of the sea-borne, river-borne, and canal-borne trade; and, as far as means permit, the trade with frontier States and the internal trade of districts is also registered. The river-navigation on the large rivers, such as the Ganges, Megna, and Brahmaputra, is enormous. Communications by road, river, rail, and canal, have been vastly improved and rendered secure under British rule. Many millions sterling worth of products, natural, agricultural, and artificial, change hands every month. The marvellous progress and expansion of trade is perhaps the most conclusive proof of the prosperity of the country under British rule. The exports from Bengal comprise cotton, jute, rice, wheat, tea, indigo, oil-seeds, spices, lac dye, silk, sugar, tobacco, hides and skins; the principal imports are cotton manufactures, metals, alcoholic liquors and wines, mineral oils, hardware, salt, coal, and machinery. The foreign trade of India may be

valued at about one hundred and ten million pounds sterling yearly. Sixty per cent. of this trade is with the United Kingdom, and 40 per cent. with foreign countries. This fact shows the extent to which India has direct relations with the rest of the world, and the means she possesses of adjusting the balance of her trade accounts.

During the year 1883 there were 297 tea-gardens in Bengal, and the area under plant was 49,753 acres. The total yield of tea exceeded 11,000,000 lbs.; but the prices realised in the Calcutta market were low. In 1881 the area under tea in the whole of British India was 221,671 acres, and the approximate yield, 48,395,598 lbs.

In 1883-84 the exports of indigo amounted to 110,015 cwts., valued at £3,373,181. The indigo industry has succumbed in Bengal, as the peasants found it unremunerative to grow it. But it still flourishes in Behar, where the planters have been wise enough to make timely concessions to the cultivators. The value of food-crops, oil-seeds, and sugarcane has of late years increased to such an extent that the planters will have to make additional concessions. They should bear in mind that the industry *must* decline and fall, unless it can be made remunerative to the peasant, who is the original producer. The indigo of Behar is as yet unequalled in the markets of the world, though its position is threatened by new chemical dyes. Many officials have been censured

from time to time on the ground of having taken up an attitude alleged to be hostile to indigo-planting; but the matter is in no sense a personal one, and there is, probably, no European official who is not willing to say "*Floruit, floret, floreat*," provided he sees that the cultivator grows indigo willingly, and that it pays him to grow it as well as other crops. The whole matter lies in a nut-shell.

The silk industry has somewhat declined; but there appears to be a prosperous future for the production of the "Tusser," or wild silk, produced by worms which feed, not on the cultivated mulberry, but on the trees of the forests.

The jute crop in 1882-83 was a very abundant one, the quantity of the raw fibre exported being 9,191,884 cwts. The exports of rice, too, were very large, the shipments to the United Kingdom showing the remarkable advance of $55\frac{1}{2}$ per cent., while those to France rose from 48,055 to 533,998 cwts., owing, it is supposed, to the grain having been largely used for the manufacture of brandy. The number of raw hides shipped during the year exceeded $5\frac{1}{2}$ millions, and the number of raw skins $3\frac{1}{2}$ millions, besides dressed hides and skins. The quantity of sugar despatched from Calcutta, which was almost entirely consigned to the United Kingdom, rose from 16,133 to 85,939 cwts., or by $433\frac{1}{2}$ per cent. The import of umbrellas during 1882-83 indicates the growing prosperity of the middle classes. No fewer than

1,590,347 were imported, at an average price of 12½ annas each. The increase in stamps, excise, and other branches of the revenue, goes to show that the people have more money to spend on luxuries. The value of the entire Calcutta trade, during 1882-83, was 76½ crores⁽¹⁾ of rupees, of which 49½ crores represented the value of imports, and 27 crores the value of the exports.

Collectors are obliged to be on tour in the interior of their districts for not less than 90 days, and Sub-Divisional Officers for not less than 120 days, in the year. Government regard these tours as of the greatest importance, from an administrative point of view, as they bring the hakims face to face with the people; and while they enable the latter to make known their wants, the former can see things for themselves, and can judge what requirements are most urgently needed. The Collector acquires an intimate knowledge of the district and the people, and this serves him in good stead in the ordinary routine of his Cutcherry work. Moreover, searching local inspections are as oil to the machinery of the various departments of the administration, and they tend to instil a wholesome awe in the minds of subordinate officers. The Collector on tour may have to turn his attention to a hundred different things in the course of a single day: the Protean variety of his duties is

(1) A crore = £100,000.

such as to excite astonishment. He inspects schools, dispensaries, police-stations, pounds, registry offices; he observes the condition of the crops, the state of embankments, the progress of irrigation, inquires into the state of public feeling on various subjects, the relations of landlord and tenant, and other matters connected with land revenue and rent administration. He, perhaps, has to overhaul a settlement made by a subordinate officer, and to satisfy himself that the rates imposed are fair and just. He inspects the papers and records of managers' offices in Government and Court of Wards' estates; he notes the course and direction of trade, any unusual emigration, immigration, or other internal movements of the people. He pays and receives visits from influential zemindars; and, perhaps, settles amicably some dispute between a landlord and his tenantry. He inquires into the working of the regular and village police, satisfies himself that bad characters and convicted offenders are properly looked after; inspects liquor, opium, and ganja shops; see that roads have been properly repaired; inquires if any well-to-do traders have escaped the license tax. Then he looks after vital and mortuary statistics, vaccination, the sanitation of villages, the state of roads and communications, drainage, and other matters almost too numerous to mention. Collectors always have several subordinate Deputy Magistrates and Collectors; and, perhaps, also, a Joint or an Assistant Magistrate.

Thus the work at headquarters is carried on in their absence. But Sub-Divisional Officers are generally in sole charge of their sub-divisions, and some inconvenience is caused to the public by their long absence in camp. The treasury remains closed, perhaps stamps cannot be procured, and parties in criminal cases may be kept waiting. Again, the Sub-Divisional Officer is often the Sub-Registrar. He has to dispose of all the criminal cases in his sub-division; and, having regard to all these facts, it would, perhaps, be advisable to limit his tour to 90 days in a year, with the proviso that he should not be continuously absent for more than ten days at a time. No doubt the cold weather tour is of great value, but it may be overdone, especially as the Sub-Divisional Officer has very little control over the expenditure of money.

This chapter may not unfittingly be concluded with some account of the work thrown on Collectors and their subordinate staff by the enormous rivers of Bengal, as it is during his cold weather tour that the Collector has to attend to such work.

“In consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces subject to the Presidency of Fort William, and the shifting of the sands which lie in the beds those rivers, *churs* or small islands are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions

of land are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of water on the opposite side. The lands gained from the rivers or sea by the means above mentioned are a frequent source of contention and affray."—Preamble to Regulation XI. of 1825.

The vagaries of the enormous rivers of Bengal constitute a most fruitful source of litigation both civil and criminal. A custom sometimes exists that the main channel of a river shall always remain the boundary between two zemindars; and, where such a custom exists, one or other of the riparian proprietors may be pauperised in a single year. But such a custom savours too much of risk and gambling in land to be generally prevalent.

The rule generally followed is that when a river, by a sudden change of its course, breaks through and intersects an estate, without any gradual encroachment (*incrementum patens*), or separates a considerable piece of land from one estate, and joins it to another estate, without destroying the identity and preventing the recognition of the land so removed,—in such cases the land, on being clearly recognized, is to remain the property of its original owner. But in cases of gradual accession by alluvion (the *incrementum latens* of the civil law), the land is considered to be an increment to the

tenure of the person to whose land or estate it is annexed.

There is another main principle recognized in several leading cases that lands washed away and afterwards reforming on an old site, which can be clearly recognized, are not to become the property of the adjoining owner, but remain the property of the original owner. Their Lordships of the Privy Council remarked:—"The site is the property, and the law knows no difference between a site covered by water, and a site covered by crops, provided the ownership of the site be ascertained." It may be easily imagined that conflicting interests may give rise to very diverse opinions as to whether a piece of new land is or is not identifiable as land formerly in existence. Of course if ownership remains in a submerged site, it is difficult to see why a deposit of alluvion directly upon it is not at least as much an accretion and annexation vertically to the site as it would be an accretion and annexation longitudinally to the river frontage of the adjoining property. But the question of fact in each case must necessarily be extremely difficult to ascertain; and such uncertainty is not conducive to peace, order, and the speedy settlement of opposing claims.

Decara is the term applied to the comparatively new lands, which are covered by the river-water during the rainy season. When the the river subsides, rival claimants to the land rush to cultivate it, and perhaps

the dispute may at this stage come before the magistrate in the shape of a case of assault, wrongful restraint, or riot. But generally nothing is heard of it until one of the rival claimants cuts and carries away the crop; for it often happens that both parties have sown the crop. On *deara* lands there is no ploughing, the seed being simply scattered broadcast. B. may go and scatter seed one day without really knowing that A. has scattered seed the day before. If the dispute is likely to cause a breach of the peace, the magistrate holds a summary inquiry to ascertain the fact of actual possession, and passes an order accordingly, leaving the party, whom he declares to be out of possession, to establish his claim by a regular suit in the Civil Court. The most bitter and keenly-contested disputes are those between neighbouring riparian proprietors on the same bank. There is no dispute as to the boundary between their respective villages, *quoad* the *karári* land (*i.e.*, the higher, fixed, and well-established land, not subject to more than very temporary inundation); and one would suppose that there ought to be no dispute as to the boundaries between the new alluvial land forming below. Neither would there be, if a competent surveyor were at once available to lay down the boundary by starting his survey from some well-known admitted trijunction pillar. But the Bengalee is very fond of litigation, though one or two high judicial officers have affirmed the contrary. He likes

to have a case in the courts, and for a family to have a good big *mocudduma* (case) on is looked upon as a sign of respectability. There is scarcely a man of the higher and middle classes that could not produce one or more *feisalas* (decrees or orders of a Court) given in cases in which he or his ancestors have figured. What is the percentage of men in England who have ever had a case in any Court?

To return to the subject of alluvion, a new bit of land half-a-mile or more in width appears at the end of the rains after the floods have gone down. Owing to the fertilizing nature of the deposit, splendid crops can be grown with a minimum of trouble. The owners of two adjacent villages on the bank, who have perhaps had litigation in other matters, or are hostile to one another for some other reason, determine to appropriate as much of the new alluvial land as they can; and they accordingly send their ryots and labourers to cultivate it. The magistrate gets the benefit of this in the shape of two unwieldy counter-cases of riot, with perhaps a score of defendants on either side.

The Collector, as Settlement Officer, or as manager of Government estate, has sometimes to lay down the boundary between two contiguous villages. In January, 1884, I was directed to ascertain and fix the boundary between a Government estate and a neighbouring zemindari. I had to proceed on the basis of actual possession, and found that various

plots of land had on the one hand been settled by the zemindar's *amla* (clerks) with his own ryots, and on the other by the *kanungo* (a revenue officer under the Collector) with ryots of the Government estate. Both sets of cultivators had sown crops of mustard; both had cut jungle on the land, and the question was, who was in actual possession. A large portion of the land was uncultivable sand, over which no acts of ownership or possession could have been exercised. Of course a variety of matters had to be considered besides the actual sowing of the particular mustard crop, for it had probably been sown by both parties. To show the keenness with which the rival claims are contested, I may mention one bit of evidence that I had no hesitation in rejecting on the principle that no man may advantage by his own wrong. The zemindar's ryots had sown some indigo with the mustard, and it was urged by the zemindar's pleaders that the point up to which indigo had been sown should be taken as the boundary line of *de facto* possession, as no indigo was ever sown in the Government estate. One of the zemindar's *amla* had on the spot demarcated a line from the high land to the river up to which he claimed, and on careful examination I found shoots of indigo some three hundred yards beyond this line, that is, beyond the very utmost boundary claimed! This is an instance of how evidence is made and prepared for litigation both *in esse* and *in futuro*. The zemindar's ryots must have scattered

the indigo-seed at night-time, for the Government ryots would never have permitted them to sow indigo on lands admittedly and undoubtedly within the ambit of the Government estate. In another similar case I remember some evidence having been prepared with extreme cunning. The Bengali dearly loves a bit of documentary evidence, and people, not accustomed to Oriental cunning and chicanery, would scarcely credit the extent to which resort is had to collusive litigation and the cold-blooded method with which documentary evidence is prepared and collected for some forthcoming case. The point in issue in the case I speak of was the cultivation of certain plots of land near the boundary of two adjacent villages. The dispute was one of old-standing, and, with regard to two of the plots, one party put forward as claimant a wretched man-of-straw, who, on a local investigation, I ascertained had no land whatever. But this was the very reason he had been selected as a claimant—namely, that he had no land anywhere else in the village. Now this fellow produced a pound receipt showing that some three months previously he had impounded cattle for trespassing on these very plots of land—the fact that he had no land anywhere else proved, or was intended to prove; that this was the very land damaged by the cattle! A beautiful bit of evidence, truly, but so beautiful, so conclusive and symmetrical, that I could not help feeling suspicious. It came out on close investigation

that the man had never cultivated any land in his life. There had been no cattle-trespass, and the impounding and release of the cattle had been gone through simply to make documentary evidence for the forthcoming litigation ! *Ex uno disce omnes.*

Churs, or islands, are sometimes thrown up in rivers. Such islands are at the disposal of Government, if they are thrown up in large navigable rivers (the beds of which are not the property of individuals), or in the sea, and the channel of the river or sea between such island and the shore is not fordable. After the rains it is the duty of the Collector to ascertain if any new islands have been thrown up. If he finds any, it is his duty to take immediate possession of the same on behalf of Government, and to assess and settle the land according to law. Any party aggrieved by the act of the Collector may contest the same by a regular suit in the Civil Court. (Act IV. B. C. of 1868).

The Collector has to exercise considerable care in deciding whether to take possession of any particular island ; for, on the principle which has been alluded to above, it has been ruled that the Government is not entitled to take possession of land, which has re-formed on an old site of land belonging to another, although the re-formation forms an island, and is surrounded by a channel which is not fordable. As in England, so in India, there is a considerable undergrowth of case-law, which has to be taken into consideration. The task of executive officers in

India is more difficult, as the case-law frequently diverges from, and, in a few instances, has absolutely over-ridden, the plain words of the statute-law. It is often a difficult matter for the Collector to decide whether the channel between the island and the mainland is really fordable or not—for on this depends the right of Government. There are many rulings giving interpretations of the word “fordable.” For instance, it has been held that a riparian proprietor has no right to the island, when the channel which intervenes between his land and the island is, under ordinary circumstances, and at the most favourable seasons, unfordable for sixteen out of twenty-four hours.

Lands added by alluvial accession to an estate paying revenue to Government become liable to assessment; and, on the other hand, zemindars are entitled to a proportionate remission for any lands washed away. It is the duty of the Collector to assess or remit such revenue, subject to the control of the Board of Revenue. It often happens that zemindars go on steadily paying revenue, year after year, for lands washed away, and refuse to take any remission. Their object in so acting is to be in a better position to claim the lands, should they re-form on the original site.

The cultivation of *churs* and *deara* lands (known as *pāl* or *pywustee* in Orissa and parts of Western Bengal) forms one of the peculiar features of Bengal life. These lands are only in existence from the end of one

rains to the beginning of the next, that is, roughly speaking, from about November to the end of June. From July to October they are under water. The *deara* lands of the Ganges are so extensive that every year temporary villages are built on them for the purposes of cultivation. The habitations are, for the most part, wattle-and-dab huts, or made of reeds and thatching grasses of sorts. All sorts of crops are grown on *deara* lands, according to the number of years they have been in existence, for each year's river-deposit renders the land richer and more fertile. In an hour's ride through a *deara* one may see crops of pulses and millets, wheat, barley, pease, linseed, castor-oil, tobacco, turmeric, onions, brinjals, chillies, &c.

Of a truth the large rivers of Bengal may be said to be an important factor in the administration. Their action is generally beneficial, but sometimes harmful; and, in either case, much work is thrown on the District Officers in the shape of the establishment and management of ferries, settlements, drainage, embankments, and irrigation. In seasons of exceptional rainfall, the embankments are sometimes breached by floods, which cause considerable temporary and local distress. But such floods are believed to improve the drainage, and the soil is much fertilized by the rich alluvial deposit spread over the lands.

CHAPTER V.⁽¹⁾

THE EXCISE REVENUE AND OPIUM.

Elasticity and expansion of Excise Revenue—Excisable Articles—Country Spirit—Sudder Distillery and Outstill Systems—Superiority of Latter—Number of Shops in Proportion to Area and Population—Striking Contrast with England—Settlement of all Shops for One Year only—Increase of Drinking not entirely attributable to Outstill System—Excise Commission—Its Conclusions and Suggestions—Consumption of Country Spirit confined generally to Lower Castes—Number of Drinkers—*Tari*—*Pukwai*—Policy of encouraging Consumption of Fermented Liquors—Ganja—Its deleterious Effects—Opium—Its Cultivation—Retail Vend—Its Efficacy in certain Ailments—Impolicy of excessive Enhancement of Price—Consumption of Liquor *versus* Drugs—Normal Dose of Opium—Imperial Opium Revenue - Effect of Abandonment of Monopoly—Extent of Drinking and Drunkenness in India—Comparison with England—Comparative Incidence of Revenue—Drunkenness a Savage Vice—Drinking in Ancient India.

THE Indian revenues have frequently been called inelastic, but the experience of the last few years indicates that such an epithet is not altogether deserved. The excise revenue, in particular, has exhibited a remark-

(1) The substance of this chapter appeared in "The Dublin Review" for July, 1885.

able elasticity, and is still capable of indefinite expansion. The net excise revenue for the whole of India exceeds three and a-half millions sterling; in the Province of Bengal alone the revenue has risen from £694,457 in 1879-80 to £1,000,000 in 1883-84. In another decade it will probably rank in importance with the revenues from salt and opium—that is to say, it will not be less than six millions sterling. Some account of this revenue, of the excise system and administration, and of the various excisable articles in the Province of Bengal, may not prove uninteresting for English readers.

Excisable articles include spirituous and fermented liquors and intoxicating drugs. Spirituous liquor includes what is imported into India as well as what is manufactured in India by any native process of distillation. Fermented liquor includes malt liquor of all kinds, the sap or juice of any kind of palm-tree, and pachwai, which is a sort of rice-beer. Intoxicating drugs include opium, ganja, bhang, and all preparations and admixtures of the same. The word "excise" in England is not confined to the duty on intoxicating liquors, but includes a number of other miscellaneous items, such as the duty on chicory and coffee labels, railway passengers, auctioneers, appraisers, game-dealers, hawkers, house-agents, makers and retailers of methylated spirit, patent medicine vendors, pawnbrokers, plate dealers, cards, manufacturers and dealers in tobacco, makers of vinegar, dogs, armorial

bearings, male servants, carriages, game, gamekeepers, and guns. No such duties are levied in India, but licenses are required for the possession and use of guns.

The most important branch of excise is what is called country spirit, or spirit distilled according to the native process. The revenue derived from country spirit in 1883-84 was £522,273. In some localities it is distilled from rice only, in others from sugarcane molasses only, or sometimes from an admixture of both. In Behar, Chota Napore, and parts of Bengal, it is made from the fruit of the *mahua* or *mohwa* tree (*Bassia latifolia*), and in some parts of India it is distilled from palm-juice. There are two systems for levying the revenue from country spirits, one being called the 'sudder distillery, and the other the outstill system. Under the former, all liquor is manufactured in a Government distillery under Government supervision, and duty is levied on the spirit, according to its strength, as it is passed out from the distillery to the various places for retail vend. Under the outstill system, the right to manufacture and vend within a certain area is put up to auction every year. The outstill-holder pays his monthly fee and may distil as much liquor as he pleases between sunrise and sunset. Under this system liquor can of course be sold more cheaply. No duty is levied, there are no underpaid Government officials to fee, and the expense of carting the

liquor long distances from the sudder distilleries to the retail shops is saved.

It is now almost universally admitted that the outstill sytem is the better. Any evils that may have arisen have been due to its abuse or faulty administration, and not to the system itself. The object is to establish only just so many outstillis as are sufficient to supply the *bonâ fide* requirements of consumers. In some districts this number had perhaps been exceeded, but year by year faults are being eliminated, and the system is now almost as perfect as it can be. There were 6,284 shops in 1880-81, 5,780 in 1881-82, and only 4,560 in 1882-83. The Board of Revenue have laid it down as a general rule that there should be only one outstill-shop for an area of twenty square miles and a population of 10,000. This number is of course exceeded in municipal and very populous tracts, but English readers will probably be surprised to hear how few shops there are even in large towns. The town of Bhagulpore in Behar has a population of 60,000, and yet it contains no more than seven outstill-shops. In the town of Burdwan six shops serve a population of 35,000. In Manchester, seven or eight years ago, the number of public-houses was 483, or one for every 743 of the population, while the number of beer, wine, &c., houses was 1,939, so that the number of places for the sale of intoxicating liquor was one for every 148 of the population! Over the whole of England the number of public-

houses varies from 55 to 69 to every 10,000 of the population; in Bengal the number does not exceed four.

It has been proposed to establish the principle of the "normal number" in England, but the necessity for remedial legislation is generally admitted for about half a century before the law is actually altered; in India, on the other hand, where flaws and abuses are detected, the machinery of the administration is such that they can be remedied without delay. The bills of 1876 proposed that no new licenses should be granted till the number of shops had been reduced to 1 in 500 of the population in towns, and 1 in 300 in country districts. The existing proportion in the towns of England and Wales is 1 to 173. Mr. Cowen's Bill of 1877 and Lord Colin Campbell's Bill of 1882 proposed to establish in each locality a separate licensing board to be elected annually by the ratepayers. Sir Wilfred Lawson's Permissive Bill proposes that two-thirds of the ratepayers may decide that no licenses at all shall be given, a vote to be taken on the subject every three years. Mr. Chamberlain has proposed a modification of the "Gothenberg system," under which the local authorities (subject to confirmation by the provincial Governor) fix annually the number of licenses, and sell them for three years on certain conditions to a company or "bolag." There is no dearth of proposals, but nothing is done. In Bengal the Collector fixes annually the number of

shops, and there is no such thing as vested interests in shops or sites. They are settled for one year only, and on the expiry of that period the rights of lessees come to an end. The Collector may reduce or increase the number of shops, subject to the general orders of the Board of Revenue. The settlement is made under the auction system ; and, as a general rule, the shop is given to the highest bidder, but the Collector is entitled to accept any lower bid. A deposit (usually the fees for two months) is paid at the time of settlement, and the remainder in monthly instalments, until the whole has been paid. It has been proposed by some native gentlemen to make over the settlement and management of excise shops in municipalities to municipal committees. But it is very doubtful whether such a scheme would succeed, and it would inevitably fail if a portion or the whole of the revenue collected were not devoted to municipal expenditure. This would be almost the only incentive for good management. The revenue from drink is principally derived from the lower castes, with whom the upper classes have little in common. Brahmos and others are inclined to find faults in the excise system where none exist, and to give such men control over the excise revenue would be like making over the excise administration in England to Sir Wilfrid Lawson with blue ribbonists and heads of temperance societies for a subordinate agency.

To revert to a comparison of the respective merits of the outstill and distillery systems, liquor was dearer under the latter system; but, owing to this very dearness, illicit distillation prevailed to a large extent, especially in the mohwa-producing tracts. The outstill vendor is an amateur detective, and is urged by the strongest motive of self-interest to do all in his power to put down illicit distillation within the area for the licit supply of which he practically holds a monopoly, while the retail vendor under the central distillery system was often himself the chief illicit distiller, and consequently obliged to wink at similar breaches of the law on the part of others. Indeed, licenses were often taken out merely as a cover for illicit dealings. Under the outstill system, licit liquor has been cheapened, and there is no longer a sufficient inducement to incur the risk of illicit distillation. Drinking has perhaps increased, owing to the cheapening of liquor and greater facilities for obtaining it. But such increase is by no means altogether attributable to the extension of the outstill system. Of late years there has been a remarkable increase in the prosperity of the people, who have had more to spend on luxuries of all sorts. The consumption of intoxicating drugs has at the same time increased—good crops and the increased wages of labourers have not a little to do with the result. Some officers have reported that outstill liquor has to some extent displaced the consumption of deleterious drugs, which is a matter for congratulation.

One Collector, writing on the subject⁽¹⁾, says, "Prosperity leads people to some sort of intoxicating liquors or drugs, and I think that if they would take to drinking the weak country spirits rather than to smoking ganja or eating opium, they would not lose much in health and in wealth." Another officer remarks that the census shows a large increase of population, and therefore some increase in the consumption of liquor must be expected. Again, licit liquor has taken the place of illicit liquor, and it is impossible to know what was the extent of illicit distillation when the distillery system was in force. For every detected case, probably twenty went undetected. Another Collector writes as follows :—

I am persuaded that much of the well-meant agitation against the outstill system, promoted by missionaries and others, is due to a confusion between cause and effect. *Post hoc, ergo propter hoc* is their cry, and they attribute to the out-till system the increase of drunkenness, which is due to good times and low prices. Some evil is inseparable from this branch of the revenue, but it is at least better that the State should obtain its quota of the profits on every gallon consumed than that the miserable farce should be kept up of a sudder distillery—generally a mere pretext for illicit operations.

The correctness of these observations is borne out by the returns from the areas, which are still supplied from sudder distilleries. These returns show that the increase in the consumption of liquor in such areas

(1) "Bengal Excise Administration Report for 1882-83."

has been very considerable, and instances are specified in which such increase has been larger than that in adjoining areas supplied from outstills. There can be no doubt, therefore, that a large increase in the consumption of liquor has taken place altogether independently of any operation of the outstill system.

A commission was appointed in 1883 for the purpose of ascertaining if drinking and drunkenness had increased, and, if so, how far such increase was attributable to the outstill system. The Commissioners reported that there was nothing to show that drinking had extended to large sections of the population, who had never been in the habit of drinking; but that there were symptoms of its appearance among certain castes, who had hitherto been precluded from drinking by religious scruples or social sanctions; and that there was a marked increase in the number of drinkers among the drinking castes, and especially among the wage-earning classes in Behar. As a matter of fact there is no difference in principle between the distillery and outstill systems, provided care be taken to limit the producing capacity of the outstills. But it so happened that a rule limiting the capacity of stills was cancelled (I think in 1879) by a member of the Board of Revenue; and the consequent absence of any proportion between the tax paid by the distiller and the quantity of spirit manufactured by him naturally had the effect of cheapening the liquor.

When a fixed sum is paid for the privilege of manufacturing spirit in unlimited quantities, the incidence of tax on each gallon decreases with every additional gallon manufactured. Increased sales enable the distillers to reduce prices, and, on the other hand, the reduction of price brings the liquor within reach of a larger number of consumers, and so increases the consumption. In this way the two factors act and re-act on one another. If there were a limit on the capacity of the stills, this cheapening process could only be carried on to the point at which the consumption of cheapened liquor reached the point beyond which the production could not be increased. As has been remarked above, in India mistakes and abuses are, as a rule, rectified as soon as they are brought to light, and the former rule, limiting the capacity of stills, and allowing the use of one still only for each shop, has been revived. At the same time it should be remarked that the increase of drinking observed by the Commissioners has in a great measure been due to other causes, such as (1) the relaxation of social, moral, and religious restrictions, which at a former period had kept large classes from indulging in spirituous liquors; (2) increase of population, and (3) increase in the earnings of many classes, especially labourers, artisans, and domestic servants, which has left them a greater margin for expenditure on luxuries. The increase of drinking has been slight in rural, as compared with urban, tracts; and there has been little or no

increase in those districts in which the lower classes are addicted to the use of opium and ganja. Moreover, much of the agitation against the outstill system is misdirected, and due to a misapprehension. Drunkenness is more common during the *taree* (toddy) season than at any other time of the year, and the majority of convictions for drunkenness are due to *taree*, and not country spirit. Drunkenness among the Sontals and other aboriginal people, which missionaries have attributed to outstill liquor, is in reality due to the consumption of *pachwai*.

The educated, upper, and middle classes do not as a rule drink; the consumption of country spirit in Orissa and the greater part of Bengal is almost entirely confined to the lower classes. For instance, the cultivating classes (quite forty per cent. of the population) do not drink at all. In Behar, drinking appears to have spread upwards a little more, but the chief drinkers still belong to the lower castes. From the Fifth Report of the House of Commons it is clear that among these classes drinking was very prevalent in the year 1805. Drinking is by no means a product of English rule. In a country like India, where intoxicating drugs grow wild, and the means for distillation are everywhere at hand, an excise system is a stern necessity. A system of free trade or prohibition (such as the Maine liquor law) could only have disastrous results. From Behar right across Chota Nagpore and the Sontal Pergunnahs to Western

Bengal there are vast mohwa forests. Palm-trees abound in all districts, and rice is of course what bread is in England.

In India the lower classes appear to drink with the object of getting drunk, or at least of arriving at a pleasing state of semi-intoxication. If a man has hitherto been able to arrive at this state by an expenditure of say two pice (three farthings), and he afterwards finds that the liquor purchased for this sum does not produce the same intoxicating effect as heretofore, he feels he has a genuine grievance against the liquor-vendor. It is believed by many that the consumption of liquor or drugs is necessary in a malarious and fever-stricken country like Bengal. Certainly those who do not drink appear to eat opium or smoke ganja. Some of the labouring castes both smoke ganja and drink liquor. The total number of consumers of country spirit for the whole Province of Bengal has been estimated at 4,829,000; if those who drink imported spirits and country-made fermented liquors be added, the total number of drinkers will be about 9,000,000, or about 12 per cent. of the population. The consumption of various liquors and drugs in Bengal appears to have a regular geographical distribution. For instance, in the Patna Division, the number of drinkers has been calculated to be 1 in 7, and in Orissa only 1 in 81. In the case of opium, these figures would have to be revised. Speaking broadly, opium and ganja are consumed in damp, low-

lying, and alluvial tracts, and country spirit in the drier and hotter districts.

Tari is the sap of any kind of palm-tree, and is used either when freshly drawn from the tree or after fermentation. The use of the juice in either condition by the owner of the trees is not in any way restricted or interfered with, if the quantity in his possession does not exceed four seers ⁽¹⁾, or if the produce of the date-tree is used by such owner for the manufacture of *goor* or molasses. The revenue from *tari* or toddy is derived from the fees paid for licenses for retail vend. The sale of toddy is almost entirely in the hands of one caste, the *Pasees*; in Orissa, where only date-palms are tapped, the business is in the hands of the *Chamars* ⁽²⁾. The trees belong to the owners of the land, generally zemindars, and *Pasees* have to arrange with them for leases. The zemindars are constantly enhancing the rents for such trees to the detriment both of the *Pasee* and the Government revenue, for the more the *Pasee* has to pay in the shape of rent for trees, the less he can afford to pay as fees for the right of retail vend. The consumers of *taree* are principally Musulmans and low-caste Hindoos. The higher classes of Musulmans do not as a rule indulge; while no strict and orthodox

⁽¹⁾ Since July, 1883, unfermented *tari* has been exempted from the operation of the Excise Act in all the districts of the Dacea division.

⁽²⁾ More strictly, a section of the Chamar caste known as Siol Chamars.

Musulman will touch liquor and thereby disobey the prohibition contained in the Kurân. The juice, in its unfermented state, is a pleasant, refreshing, and harmless beverage; but the vendors often mix drugs with it in its fermented state, in order to make it more intoxicating for consumers. This they especially do during celebrated festivals, such as the Holi and the Mohurrum. Many persons had alleged that drugs were mixed with country spirits; but this is one of several popular errors which have been exploded by the inquiries of the late excise commission. Harmless spices of sorts are mixed with country spirit merely to improve its colour, smell, and taste. The revenue from licenses for the sale of taree in 1883-84 amounted to £66,369.

Pachwai is a sort of mild rice beer, and the term is applied to all fermented liquors made from any sort of grain. It is chiefly consumed by aboriginal and semi-aboriginal races, and may be called their national drink. Among these classes its use is absolutely necessary in certain social and religious ceremonies. The Excise Commission were of opinion that, wherever fermented liquors come into active competition with country spirit, the proper policy of Government should be so to shape its excise regulations as to encourage the use of the former ⁽¹⁾. Fermented liquors are prefer-

(1) This has been the policy of the English legislature. The duty on spirits has been 10s. a gallon since 1860, whereas the duty on a gallon of ale is a little less than 2d.

able to distilled spirit as being more wholesome, less intoxicating, and not so likely to lead to habits of confirmed drunkenness. The hill-men in all parts of Bengal are hard drinkers; and Indian literature proves that they were inveterate drinkers long before the date of British rule. The object of the Bengal Government has always been to encourage the consumption of *pachwai* among these men, and to prevent their acquiring a taste for the stronger country spirit. In furtherance of such a policy, they are permitted to brew pachwai for home consumption without payment of any fee. Moreover, outstills are not permitted in the territory occupied by Sontals. The distillery system has still kept the country spirit comparatively dear. It may perhaps be observed that this policy is not quite uniform; for, outside the Sontal Pergunnahs, there are many Sontals, as, for instance, in portions of the following districts: Bhagulpore, Beerbhoom, Burdwan, and Midnapore. In these districts Sontals can purchase country spirit for from three pice to one anna (a penny to three halfpence) a quart bottle. But how weak the spirit is may be inferred from the fact that it takes a whole bottle to make an ordinary drinker drunk, and a Sontal cannot as a rule afford to drink more than half a bottle a day. This cheap liquor is distilled from the mohwa fruit: that distilled from rice and molasses sells in various localities from four annas ⁽¹⁾ (weak quality)

(1) = sixpence.

to ten and twelve annas a bottle. The number of licenses taken out for the sale of pachwai in Bengal during the year 1882-83 was 2,159, the revenue derived from license-fees being £16,400.

The ganja plant is cultivated under Government supervision by cultivators who hold licenses for such cultivation. They dispose of it to wholesale dealers, who in their turn sell it to retail vendors holding licenses from the Collector for such vend. At the time when retail vendors take the drug from the warehouses of wholesale dealers, a duty is levied by Government of Rs. 4: 8, and Rs. 5 ⁽¹⁾ per seer (according to the quality of the ganja). There can be no doubt that this drug is most deleterious to consumers, and a large proportion of the admissions into lunatic asylums is due to excessive ganja-smoking. The object of Government is to increase the price of the article to such an extent as is compatible with safety, having regard to the existing opportunities for smuggling. The administration of the year 1882-83, shows remarkably successful results. The duty was increased by one rupee per seer; and while the receipts under this head increased by £10,700, there was a decrease of 785 maunds ⁽²⁾ in the quantity consumed. At the same time, although the total number of retail shops was reduced by 217, there was an increase of £4,000 in the amount of license-fees collected; so that the average revenue per maund levied

⁽¹⁾ Nine shillings and ten shillings.

⁽²⁾ One maund = 80 lbs. avoirdupois.

on the drug was £32, as against £26 in 1881-82. Having regard to the pernicious effects of ganja-smoking, some Collectors have recommended a still further increase of the duty; but the Board of Revenue have thought it prudent to postpone such a measure for the present, lest smuggling should be encouraged. Untaxed ganja both grows wild and is cultivated in the tributary States of Orissa; and bhang⁽¹⁾ grows wild in many districts. The average area per ganja shop throughout Bengal is now forty-six square miles, and the average population supplied by each shop is about 19,000 to over 21,000.

The Hindoo, as a rule, does not drink—the orthodox Hindoo never. But in India those who do not consume intoxicating liquors, speaking generally, consume intoxicating drugs; and many officers are of opinion that it would be a good thing to substitute the consumption of liquor for that of drugs. In Orissa, almost all classes are opium-eaters; in Behar, the higher castes, such as Brahmans, Babhans, and Rajpoots, are addicted to ganja-smoking. The nature of the climate seems to necessitate the resort to some stimulant: and, from a medical point of view, both country spirit and opium are believed to be very efficacious. The same cannot be alleged of ganja, and it is to be regretted that there is no means of

(1) *Bhang* or *siddhi* consists of the dried leaves and small stalks, with a few fruits; *ganja* consists of the flowering and fruiting heads of the female plant; while *charas* is the resin itself, collected in various ways as it naturally exudes.

putting a stop altogether to the consumption of this drug. If the cultivation under Government supervision were to be abandoned, illicit cultivation would spring up and flourish in a thousand places. Experience has shown in all countries that if preventive measures are pursued beyond a certain point, smuggling must inevitably prevail; and the object of the excise administration is to go as far as, but no further than, that exact point.

The receipts from opium in 1882-83 amounted to £179,592. These are the receipts from abkarce, or excise opium, and have no connection with the imperial receipts from the sales of the opium exported to China. The receipts are made up of the sales of the drug from collectorate treasuries and of the license-fees levied for the right of retail vend. The opium crop is cultivated under Government supervision, the cultivators being bound to bring in the whole produce to the opium agents and their subordinates, who pay them Rs. 5 (ten shillings) for every seer of the inspissated juice or drug. The duty or the price at which the drug is sold from district treasuries varies from Rs. 22 to Rs. 32; so that the cultivators have a great incentive to dispose of a portion of their opium in an illicit manner.

There are two opium agencies, each under an opium agent, one at Patna in Behar, and the other at Benares in the North-West Provinces. The total quantity of land in both agencies sown with opium in 1883 was 876,454 acres. The total out-turn amounted to

100,889 maunds of opium at 70^o consistence. No compulsion whatever is used to induce cultivators to cultivate opium ; the cultivation has hitherto been so paying and so popular that the sub-deputy opium agents have had little or no difficulty in getting as much land cultivated as they require. A crop of Indian corn generally precedes the opium, which is sown in September or October ; and often a third crop is taken after the opium. If a cultivator gets only four seers of opium per bigah, that is equivalent to twenty rupees, and then he has in addition the value of his Indian corn. But it is now said that the development of communications throughout Behar has rendered it possible to bring the more bulky forms of farm produce to market at a price which renders them formidable rivals to poppy, and probably sugarcane and potatoes are now more remunerative crops than poppy. Advances are given to the cultivators for poppy cultivation, and they are deducted from the payments made for the produce brought in.

The minimum monthly fee for the retail vend of opium or ganja is five rupees. The retail vendor makes a profit of three to five rupees on every seer of opium he sells, so that the selling price per seer varies from about Rs. 23 to Rs. 37. The drug is sold from the collectorate treasuries, and the duty varies in different districts. The limit of retail sale at one time to one customer is five tolas (= two ounces). The license-fees