

wholesale rejection or disbelief of the books and documents kept according to the common practice of all indigo factories, and, indeed, of all traders of every class.

The Lieutenant-Governor now proceeded to fulfil his threat not to trust the administration of this Act for a day in the hands of any man who did not decide according to, not to what is law, but to what is, according to Mr. Grant's views, substantial justice between a Ryot and a planter. He promoted Mr. Herschel over the heads of his seniors; he removed men who opened their ears to evidence on the planters' side; he confirmed every one who with a tolerably certain consistency decided one way, and against a planter; and he moved all the oldest civilians out of the country. •

Having thus ordered their six months Indigo Contracts' Act to be read by the light of the principles of equity—whether as derived from the Institutes of Justinian, or from the Equity Text-books, Mr. Grant does not say—and having dismissed or removed those officers who did not answer the whip; having, further, made a great alteration in the law of evidence, by discountenancing the only evidence of his credits which the planter could be expected to possess; Mr. Grant now took occasion to give a signal triumph to the Ryots, who had been seduced by his proclamations; for, reversing the judgments of the magistrates, he let the convicted offenders off their fines and out of prison.

Now, to a certain extent this was unjustly honourable. Having incited these people to break their contracts, it was a matter of personal honour with Mr. Grant, so long as he was allowed to retain power, to abuse it to protect these people from the consequences of acting upon his advice, and that of his co-operating underlings. But he carried this too far: there was no need to extend this

entire impunity to cases where the offence was intimidating other Ryots who wished to sow, or ploughing up land which they had sown.

Mr. Grant had now contrived to extract from this Act, intended by the Supreme Council for the preservation of the planters, means to accelerate their ruin. The Council had granted special powers of enforcing the contracts of one season. Mr. Grant had contrived, by tampering with the course of justice, to render it nearly impotent for that purpose, and had also contrived to give the natives the notion that this Act abrogated all agreements so far as they extended beyond the current year. What was intended as a boon, became, in Mr. Grant's hands, a scourge. What was intended to neutralize the effect of Mr. Eden's perwannahs, became, under Mr. Grant's explanations, an absolute ratification of them, so far as all the contracts for three years are concerned. "It must be stated," says Mr. Grant, "that it is the desire of the Government that those Ryots who have received cash advances\* upon their agreement to cultivate indigo *during the current season* shall honestly fulfil that agreement." A tolerably obvious suggestion to the Bengali mind that it was the desire of the Government that the Ryot should not "honestly fulfil his agreement" beyond the current season; although for this suggestion Mr. Grant had no more authority from the Supreme Council than he would have had to desire one of

\* The Act was one for the summary fulfilment of contracts. The insertion of the words "cash advances" was most unjustifiable and injurious. It was meant, and the Act was worked according to such meaning, that unless a Ryot had actually touched "cash" during the current season, he was not liable under the law. A Ryot, and this is a very common case, may have received five times the amount of his usual advance the previous year by way of loan for a marriage, or for purchase of cattle, the sum being carried to account, to be liquidated in three or four years. Not having taken "cash" this year, he was free of his contract!

Amcer Mullick's gang of dacoits to steal Mr. Larmour's watch.\*

The planters now saw ruin staring them in the face. The Englishman who had been placed in supreme power over Bengal, to protect all classes, had outlawed his countrymen, and had excited the natives against them. The planters saw that it was in vain to expostulate with this man. His tender mercies were cruelties. Never, at their prayer, did he profess to move in their favour, or to put out a proclamation with the pretended object of calming excitement, but by some strange fatality it was found to have a directly opposite effect. The planters now presented a petition against Mr. Grant.

The petitioners in that sober and measured language, which contrasts conspicuously with the vague accusations, and the contemptuous contradictions of Mr. Grant, state the circumstances out of which these unhappy dissensions arose; call attention to the admitted ignorance of Mr. Grant upon the subject of indigo culture;† complain of the acts of Mr. Eden; but especially appeal against the despotic acts—nay, worse than despotic acts, for even a despot has generally an instinct in favour of the purity of justice, when he himself is not a party—by which Mr.

\* The planters, in their petition against Mr. Grant, make it one of their complaints, "that in several districts contracts have been entered into for three years and upwards, and in the absence of any legislative enactment to the contrary, such contracts are in every way binding, and many planters have made their calculations for the several seasons on the knowledge of these contracts; but His Honour, without taking this fact into consideration, or indeed considering for one instant the serious effect on all cultivators of indigo of such a proceeding, lately published a proclamation, the immediate effect of which was to cause the Ryots in many districts, who were previously perfectly quiet, and especially in Messrs. Watson and Co.'s factories, to combine against their employers."

† Mr. Grant having once fairly admitted "that he had never had any experience in the indigo districts, and that he was very ignorant on the subject," has since desired to recall this inconvenient, although most true admission.

Grant turned aside the operation of the "Indigo Contracts Act."

Perhaps it will be better that the reader should have before him the language of the petition in this important matter. It complains—

"That, considering the powers which His Honour has, as to the removal of magistrates, it was, as your Petitioners submit, uncalled for—unless the Honourable Lieutenant-Governor could not trust the magisterial officers of the district—to hold out, as he did in the letter No. 1, a threat of removal if any magistrate interpreted the Act contrary to His Honour's views.

"That the Lieutenant-Governor, in laying down rules for the interpretation of the Act, exceeded, as your Petitioners submit, his powers, and trespassed upon the province of the Legislative Council, and of the Judicial Officers of the Government, because, where a question as to the meaning of an Act arose; a judicial tribunal, where both sides could be heard, was the proper forum to interpret it.

"That your Petitioners beg to draw to the earnest consideration of your Excellency in Council, that the Lieutenant-Governor has, since that Act was passed, interfered with the working of it in such a way as to make it wholly useless for the purpose which the Legislative Council had in view; and your Petitioners have only to refer to the records of the Government of Bengal containing the papers relative to indigo planting, which are published by authority, to shew that His Honour had exercised an improper and most indiscreet interference with sentences passed by the magistrates.

"That soon after the passing of the Act, a Mooktear was tried by Mr. Betts for instigating Ryots to break their engagements, and a number of Ryots were sentenced for ploughing up indigo that had been sown.

"That both of these offences had become very common, and it was necessary, for the sake of example, to put them down at once; but notwithstanding this, and the express provision by the Legislative Council that there should be no appeal, the Lieutenant-Governor, on the 19th April, 1860, ordered the Commissioner to review these proceedings, as appears by the letter hereto annexed, and marked No. 3.

"That by adopting such a course, the prosecutors had not even the chance, which, if there had been an appeal, they would have had, of shewing that the convictions were proper; and the Lieutenant-Governor soon afterwards ordered the release of the Mooktear and the Ryots, which did more harm than your Excellency can imagine.

"That, in order to shew what the wish of His Honour was, this proceeding has been followed up by his directing the release of many other Ryots imprisoned duly according to law, and the removal from the indigo districts of the magistrates, Messrs. Betts, Mackenzie, M'Niell, and Taylor, and the substitution for them, in cases coming under the new Act, of some of the Principal Sudder Ameen of other districts.



"That the effect of His Honour's interference has, amongst other things, been to create an impression, not only in the *minds of the magistrates, but also of the planters and Ryots, that any decisions in favour of the planters would meet with the disapproval of the Government of Bengal*; and your Petitioners would beg leave to draw the attention of your Excellency in Council to the evidence, amongst others, of Mr. Furlong and Mr. Taylor, given before the Indigo Commissioners (the evidence on oath of men of the most unimpeachable character), to shew the effect of these acts of His Honour, and the absurdity of continuing to institute suits under the new Act..

"That in a recent case, in which a decision has been given by Mr. Herschel, magistrate of Kishnaghur, which your Petitioners consider to be entirely contrary to the evidence, and most unjust to the planter concerned, His Honour has, upon a special report of the case to him, ordered copies of it to be distributed among the officials before whom cases under Act XI. of 1860 are tried, with an intimation that Mr. Herschel's decision is to be taken as a rule to guide them in all similar cases. This your Petitioners look upon as a most unusual and unauthorized interference with the ordinary course of law, and the proper independence of the judicial authorities, and especially unfair and injurious to your Petitioners, inasmuch as the evidence produced was chiefly that of books and documents, kept according to the common practice of all indigo factories, which are thereby, and in this particular case, unjustly condemned wholesale, as not to be received as good evidence of claims against Ryots; and, being the only corroborative evidence planters have to produce, such claims are practically rendered impossible of proof.

"That your Petitioners beg to draw particular attention to the evidence of Mr. Taylor, a man of the highest honour and reputation, given before the Commissioners, by which it appears, that while the decision of cases under Act XI. was left to the gentlemen acting as magistrates in the district, every case was decided in his favour, every case which has, since their removal, been brought by him before the Principal Sudder Ameen, although supported by the same class of evidence as in the previous cases, has been dismissed; a fact that, as your Petitioners submit, shews the effect of the interference which they now complain of."

After making these very precise charges the planters prayed very modestly—

"Your Petitioners, therefore, humbly pray, your Excellency in Council to take into consideration this Petition, and to pass such orders as may oblige His Honour the Lieutenant-Governor of Bengal to refrain from pursuing a course of conduct which cannot but be ruinous to the indigo planters in Bengal, and to point out to His Honour the impropriety of interfering with

“ the due course of the administration of the law by the  
 “ regularly appointed judicial officers, as laid down by  
 “ the Legislative Council of India, and which interference  
 “ is, as your Petitioners submit, both illegal and uncon-  
 “ stitutional, and especially indiscreet in the case of a  
 “ dispute between capital and labour ; and that your Ex-  
 “ cellency may pass such further orders as may, under  
 “ the above circumstances, seem proper.”

Such are the accusations not only made, but substantiated against this high officer. To bring them home to an English mind we must imagine that any Home Secretary for the time being, had first wantonly interfered in a question of prices between some classes of employers and employed ; that he had excited the labourers to leave their jobs unperformed ; that when the Parliament had passed a new law to meet the juncture, the Home Secretary had chosen special magistrates to work the law, had threatened them with dismissal if they did not interpret it according to his notorious partiality ; that he had circulated a form of decision among them ; that he had promoted those who obeyed his commands as to how they should decide ; and that he had suspended and removed others who had conscientiously disobeyed him. This is what Mr. Grant has done in Bengal. Thus far he admits the facts. He does not dispute them. All he does is vindictively to abuse the men whom he dismissed.

However, this petition drew from Mr. Grant a Minute of seventeen folio pages.

The reader who has any recollection of the letters which we have copied from Mr. Grant's own government papers, and which have described the repudiation of contracts, the looting of factories, and the refusal of rents, may be able to measure the robustness of Mr. Grant's confidence in the credulity of the English public when he finds that

Mr. Grant's reply to the charge, that he has thrown the indigo districts into confusion, is a bold assertion that "those districts are not in confusion." He adds—"the indigo districts, and Kishnaghur especially, in every general sense are perfectly tranquil." The "particular" sense, we presume, is the planters' sense. Or is it *solitudinem facit, pacem appellat*? Is it the tranquillity of which Mr. Roberts has spoken? To such audacity as this the decencies of language offer no form of reply. All it is possible to say is, that it is publicly and notoriously not true. "A timely display of force," he says, "saved the indigo factories." It seems, then, according to his own shewing, to be the "tranquillity" which depends upon the presence of an armed force "saving" the Europeans from murder and pillage. So far from seeing any thing to regret in this, it is just what Mr. Grant intimates satisfies all his wishes. There may be a necessity for "a timely display of force;" but let the planters be reassured. Mr. Grant tells them with a pleasant sarcasm, the burnished point of which they can admire while they are listening for the shouts of the insurgent Ryots, that, "practically the life, property, rights, and personal liberty, even of the humblest cultivator, were never before more secure than they now are in those districts." We do not know whether the fact detracts at all from the cleverness of this serio-comic assurance, but it is remarkable that precisely the same words might have been addressed by Nana Sahib, and with perfect truth, to the victims at Cawnpore.

The reader will see, that when these poor planters come to the Government with ruined prospects, with their indigo plantations trampled out, with their credits—which Mr. Grant says are, with their vats, all their capital—

confiscated, some with their factories "looted," and all with their lives in jeopardy, they find Mr. Grant in a fine taunting mood, and in most exuberant spirits. He congratulates them that "since the abduction of Seetal Turufdar—whose death under circumstances which appear to make the whole affair amount to murder—he had not heard of a single case of lawless violence in Nuddea." Of course he did not mean to say that he intended to take trials for murder out of the regular judges' hands, and to find upon the spot that Seetal Turufdar (of whom no planter knew any more than he did of the abduction of young Mortara and the murder of the child at Road) was abducted, and was wifully murdered, and that he then and there found all the planters guilty of the crime. He did not mean this, but he wanted to say something smart, and to throw a stone at those insolent planters who had presumed to bring their plebeian charges against his high mightiness. If he had not been a civilian and his accusers had been, he would probably have referred to some notorious case of dirty venality in some dead-and-gone member of the Civil service; but as it is, he mentions the name of a murdered native, and suggests that, as they were planters, of course they must know something about it; just as, when a little Christian boy was missed about passover time, all the Christians used to insist that the Jews knew all about it, and had undoubtedly taken him away to sacrifice him.

After this specimen of what we cannot refrain from calling ill breeding, Mr. Grant slips naturally into a string of unmitigated—what shall we call them?—they are not truths—for thousands of respectable men on their oaths will disprove every proposition as it comes out. We must fall back upon Mr. Grant's admitted ignorance,

and call them — mistakes. He says — “Even in matters relating to the present commercial disagreement, law and justice prevail.” We have shewn pretty conclusively how conspicuously untrue this is. Again, “The persons and property of planters are everywhere inviolate.” What! are a man’s credits no part of his property? Are the reports of the Civil servants who describe the withholding of rents not worthy of belief, even when Mr. Grant himself publishes them? Has he not himself told us that the factories were only saved by a timely display of force? But see how trenchantly Mr. Grant wades through the standing facts. He does not hesitate to say, “Whilst on the one hand planters do not carry off, by unlawful force, indigo plant in the lawful possession of other people; on the other hand, if they advanced a single copper pice for any indigo plant, to which they have a claim under a contract, but of which they have a difficulty in obtaining delivery, they have now the means of establishing the fact, and obtaining possession legally, in three or four days. After what we have shewn, the curious reader must smile as he recognises this careful string of prevarications. No one knows better than Mr. Grant that this phrase “lawful possession of other people” means only a robbery under Mr. Grant’s protection. True, the planter cannot get possession of the indigo which he has bought, because Mr. Grant will not allow the magistrates to do justice, and carry out the law. Mr. Grant insults the planter by shewing him his indigo in his debtors’ hands; and tantalizes him by telling him that this is become “lawful possession.” The next, however, is still stronger:—“Where no contracts and advances are established, we have reports of planters and their European assistants going about themselves amongst

the Ryots, and actually paying for the plant, to the owner's content, in cash on the field." Now we ask Mr. Grant upon his honour—not whether he has such reports, for he may, as we well know, have any reports he pleases to order, but—will he say that he believes there is in all Bengal a piece of indigo ready for cutting upon which no advances have been paid to the Ryot? He does not believe it. He knows that such a thing is unheard of and impossible. If it be a fact that planters have been this season buying ready-grown indigo, the only possible inference is this—that under Mr. Grant's protection, the Ryot is selling to strangers the indigo which he has raised at the cost of the planter; while those to whom it morally, and even legally belongs, look on without remedy.

This is not a defence. It is a triumphant avowal of the oppression he has been practising, and the ruin he has been inflicting. It is a song of triumph, a war-whoop over his victims. It seems to say, "What have you got from the Supreme Council?" "Make the most of your Act." "Establish your advances if you can." There is a taunting sneer in this answer which may pass undetected by our home Ministers and our home public, but which is well understood in India. Possibly, during those six months in which the "Indigo Contracts Act" was in force, any planter who could "establish" an advance might obtain his indigo. But it must have been established in face of the power of Mr. Grant. Well may Mr. Grant chuckle over the difficulty of such an achievement. Small chance was there of a planter "establishing" his title to 13,000 plots of indigo against the opposition of a Lieutenant-Governor, who interfered with the course of justice, ordered the judges to disregard

the evidence of the planters' books, removed some judges when they decided in favour of the planters, and so thoroughly frightened the others, that at last every judge felt that it was equivalent to dismissal, to allow himself to be convinced by any evidence that a planter had made an advance. Small hope was there in continuing to manufacture indigo in face of an absolute Governor, who let Ryots convicted of making depredations upon a planter, out of prison, but fiercely pounced upon every planter's servant who attempted to defend his master's property. Small chance was there of prevailing against a Governor whose examples were pardons for crimes against morality and order, and severe punishments for every act which was a moral right, but a legal wrong. Mr. Grant may well tauntingly congratulate the planters with the doubtful advantage of the Summary Act while he was by; but it required a degree of hatred, which, in its triumph had cast away all prudence, to glory in the fact that by means of his interference with the course of justice, the Ryot was enabled to carry away his plunder under the eye of the planter, and to sell it in public market.

This is the whole gist of Mr. Grant's answer to specific charges. He does not attempt to deny that he dismissed the magistrates, or issued the pattern decision, or reversed the sentences, or set the Commissioners to overlook the magistrates. He assumes that the elder and more experienced magistrates, whom he recalled or suspended, were deciding erroneously, and that the decision of Mr. Herschel, a very young officer,\* who, after a strong hint from

\* These youthful appointments have their advantages and their disadvantages. Under a fair Governor they work well; but under a tyrannical and unjust Governor, youth more easily takes the mould of the superior.

Mr. Grant, disbelieved the planters' books, was a model decision, and deserved to be circulated for imitation. He denies, with an effrontery which makes us wonder whether Mr. Grant applies his notions of "equitable principles" of interpretation, to morals as well as to law, that he "ever so much as expressed an opinion regarding the interpretation of the Act," or he "ever in any single instance interpreted the Act."\* He justifies the removal

Mr. MacNair, in his evidence before the Colonization Committee, 1858, seems to be influenced by what he had recently seen.

"2000. *Chairman.*] Will you proceed with your statement?—The exclusive system of the Civil Service is also very objectionable. Of late years so many of the more experienced and able gentlemen of that service have been taken away for new and advanced employment, and been absent from the country, that a great many mere youths, a few months from college, with little knowledge of the language, and with no experience or business habits, are placed in charge of large districts. It cannot be expected that they could have any control over their court servants or over the police, consequently the business is entirely in the hands of the native omlah, who soon know their power, and use it for their own advantage. I have known court omlahs with the small salary of ten to twelve rupees per month, accumulating large sums in a few years, and purchasing landed property, and building pukka houses. There are no doubt many very able men in the service, who take an interest in their work, and give general satisfaction. The most able men are generally made collectors, as I suppose Government think it most important to collect the revenues. The inexperienced youths are made magistrates; and the higher judicial appointments are filled by people whose energies are expended, and who are anxious to take the earliest opportunity of retiring from the service, which they can do upon a handsome pension, after an actual service of twenty-two years. If these appointments were open to competition in India, many well-qualified people would be found able to fill them; and it would also be a great inducement for English settlers to qualify themselves for those appointments where they would get advancement from their own merits and exertions. At present the uncovenanted deputy-magistrates and deputy-collectors of experience and long-standing get about the same allowance the young civilians get when they receive their appointments. I think it would be very advantageous to put the covenanted and uncovenanted services upon the same footing as it is in this country, and open the Civil Service entirely."—*Evidence of Mr. G. MacNair, Colonization Committee, 1858.*

\* Mr. Grant should have a longer memory. In par. 7 of his Circular he says, "But it must also be explained that the order extends only to



of Mr. Betts, because he had, in favour of a planter, given effect to a contract which bore a date earlier than that on which the stamp was sold. In the vivid imagination of Mr. Grant, a mere clerical error becomes a grave charge of forgery against a planter; in the mind of Mr. Grant the fault of not sharing this extravagant error is a sufficient cause for removing a judge.\* Mr. Grant admits (par. 30), that

*the current season*; and it is the intention of Government, before the period of taking advances for next season arrives to," &c. &c. Now ~~this~~ is not only an interpretation, but it is a very false and a very fatal interpretation. It induced the Ryots erroneously to believe that the Act annulled all contracts beyond the current season; and it is an interpretation which is at this moment paralyzing the trade of the indigo manufacturer.

\* The planters were naturally very much incensed at a charge of forgery publicly brought by a Lieut.-Governor, without even a shadow of reason, and in order to defend his own misconduct, against one of their body. The story of this calumnious assertion is so extraordinary that we refrain from stating it ourselves, and prefer to quote the account of it given by the Times Calcutta Correspondent, in the Times of the 22nd November, 1860:—

“CALCUTTA, Oct. 18th.

“I enclose herewith the reply given by the Indigo Planters' Association to the charges brought against the entire body of planters by Mr. Grant, to which I have before referred. I cannot send at the same time the documents alluded to in this reply, because they have all been sent up to the Governor-General. I am able, nevertheless, to assure you that they fully and entirely bear out every allegation contained in this document. The two points which, in his famous Minute, he urged most strongly against the planters were,—first, their enlisting the younger magistrates on their behalf, and so acting upon them as to induce them to give decisions in their favour, and even in one instance to sentence the legal adviser of the ryots to imprisonment merely for doing his duty towards his clients; secondly, their obtaining decrees by means of forged agreements, illustrating his argument by citing a case in which a decree was given on a written agreement purporting to have been made in 1856, though executed on stamped paper which, on investigation, was proved to have been sold in 1859. On these two charges, which Mr. Grant treated as cases fully proved, requiring no further examination, he rang the changes until, to his own satisfaction, he proved the planters guilty of every description of oppression. It now appears that both these charges were utterly false. This is no mere assertion on my part; it is proved by the strongest evidence; in the first case, by the records of the Court in which the case was tried;

before his interference the Civil Magistrates usually found that the planters adduced sufficient proof of their having made advances, whereas since that time "the same sort of claims have been, for the most part, rejected upon the question of fact;" and he thus grants the truth of the planters' complaint, that under the carefully packed staff of magistrates which Mr. Grant at last placed in office, "the absurdity of continuing to institute suits under the new Act," becomes altogether manifest.

Surely this is enough. We should be quite satisfied to rest the case upon the admissions contained in Mr. Grant's apology. Of course it is open to any one who interferes with the course of justice to allege that he did so from a good motive. All the creatures of the Stuart kings could say as much. Mr. Grant really seems incapable of understanding that it is a crime to defeat the free course of justice. He seems to think, that if he can induce people to believe that his motives were good, the charge of tampering with the administration of the law is answered. He has not even got so far into the rudiments of natural justice as to know, that the Governor

in the second, by the agreement itself, which is a true *bond fide* document, and which has been sent up to the Governor-General for his inspection. The letter was only submitted to-day to the Government and therefore I can give you no idea as to the reception it will meet with. This, however, is certain—that people out of doors entertain a strong hope that Lord Canning's eyes will be opened to the real merits of the "system" which has been put in practice against the planters. I may add, with reference to this case, that it was with the greatest difficulty that the planters could obtain sight of the document which Mr. Grant asserted to have been forged, but which has since proved to be genuine. For nearly three weeks the secretary of the Planters' Association exerted himself to procure it, and it was only when the authorities were driven either to give it or refuse it absolutely, that the request was complied with. The cases I have referred to present by no means exaggerated instances of the system which has been employed during the current year to drive the planter out of the country."

who tampers with the judgment-seat becomes at once the greatest criminal in the court he violates. What Lieut.-Governor Grant's object was, we cannot conclude, except from the results he has obtained. He has gone nigh *to* destroy one of the most important industries which it was his sworn duty to protect.

Still less is it necessary to follow Mr. Grant into topics extraneous to the deliberate charge we have made against him, or to rectify his mis-statements when he has recourse to the stale and threadbare device of varying this charge, while he pretends to repeat it.\* Nor need we discuss with Mr. Grant those two "opinions amongst

\* We charge him with publishing to the Ryots a false and most mischievous account of the Summary Act of 1860, and he thus mis-states the charge:—

"If it is meant that the Executive Government, whilst leaving to the Legislature the outward show and pretence of fair intention, should have quietly allowed the law to be understood in the Mofussil, and acted upon, as though it had been a law to force Ryots, being Her Majesty's free subjects, to cultivate indigo, whether they wished to do so or not, at prices fixed by the purchaser, though they might be under no obligation to do so, and though they might never have received a farthing of consideration—such an Act, in short, as no Legislature would have dared to put into plain words—His Excellency in Council will not expect me to notice the complaint."—*Minute*, par. 19.

Again.—We accuse him of interfering with the course of justice, threatening and removing officers of justice who do not carry out his partial views, and circulating pattern decisions, which are contrary both to law and to natural justice. The innocent man replies in this fashion:—

"I have always thought, and I continue to think, the law will be self-acting and complete in the natural course of things, under a legitimate, vigorous, and truly impartial magisterial action; which, leaving disputes in Civil cases to be settled by the constituted Civil tribunals, abstaining from all support of either party not warranted by the law, and, founding itself wholly on the law, will give that equal protection from unlawful violence to both parties, in practice, which the law, in theory, has always intended. I accept all responsibilities for holding this opinion, and for acting upon it, so far as the occasion required, whenever the necessity of so doing has been forced by circumstances upon me."—*Minute*, par. 15 and 16. Alas! as Madame Parnelle says of Tartufa—"La vertu dans le monde est toujours poursuivie."

disinterested persons, whether any special law against the Ryots was justifiable under the circumstances or not." His duty was, not to balance opinions whether the law was "justifiable," but to obey it, just as it was; not to send out judges to decide as he might wish, but to send out judges to decide. We decline to enter upon any such extraneous topics. If we go beyond facts capable of proof, we get into floods of feeble rhetoric, pointless sarcasm, and spiteful retorts, which seem to aim at bitterness, but achieve only an unmannerly incivility. We have no taste for a contest of this kind. What we very deeply feel, however, while reading this apology, is, that Mr. Grant does not seem to be capable of that impartial habit of mind which would enable him to comprehend that even planters may have rights; and what we are sometimes compelled to doubt is, whether upon this subject Mr. Grant, when under the influence of his prejudices, has sufficient clearness of intellect even to understand the tendency of an argument.'

\* Thus, when we had proved that Mr. Grant suspended or removed the officers who shewed an inclination to hold the scales even, and that he had refused to remove a gentleman who was ignoring all the "paper evidence" of the planters, Mr. Grant answers us with the following incoherent absurdity:—

"It will not be contended that unqualified officers should be removed when the complaint comes from one side, but should not be removed when it comes from the other side. Yet unless this principle be contended for, the complaint by the Association of the removal of Mr. Betts is as little to be justified as their complaint of the removal of the three other gentlemen named, who have not been removed."—*Minute*, par. 33.

## CHAPTER IX.

THE INDIGO COMMISSION OF 1860, AND ITS TWIN  
REPORT.

WHILE the indigo districts had been thus coaxed into a state of general repudiation of their debts and contracts; while the Summary Act of the Supreme Council was being thus detorted by the Lieut.-Governor of Bengal; and while the Ryots were complaining of the treachery of Government in first exciting them to repudiate, and then passing an Act to compel them to perform, Mr. Grant attempted to keep up the courage of the Ryots and calm the outcries of the planters, by promising a commission of inquiry which should set all things to rights.

He kept his promise in this wise:—

He constituted a commission of five members—two civilians, a Missionary, a native employed in an inferior office under Government, and a merchant.

The composition of this body shews at once what Mr. Grant's intention was in creating it. There could be no reason why the Missionary body should have a seat at this board, except that one or two German missionaries have, unhappily, upon several occasions, lent their aid to give currency to the thrice-refuted calumnies invented against the planters.\* There could be no good reason

\* There is a very false notion abroad that the Missionary body have testified against the planters. Nothing can be more unfounded. The testimony of all the English Missionaries is uniformly in consonance

why a native of high standing and intelligence should not be chosen, except that he might happen to share the sen-

with that of the Governors General, magistrates and natives we have already cited. Some *German* Missionaries have indeed upon one occasion committed themselves to some monstrous statements, but those who know India will understand what they mean. We will subjoin a few extracts from the statements of the Missionary body upon this subject.

Let us take first the evidence of Mr. Underhill, the Secretary of the Baptist Missionary Society, who had been on special mission in India. In his examination before the Colonization Committee, 1859, this gentleman states:—

“4778. *Mr. Kinnaird.*] What bearing might the increase of European landholders have upon the welfare of the Ryots?—On the whole, I have no doubt that it would be highly beneficial; it appears to me that the tendency of all European occupation is to improve both the productions of the land and the condition of those who labour upon the land; one might be sure that this is the case, from the general contentment of the servants of the different English Zemindars.”

And again:—

“4771. *Mr. Kinnaird.*] Has there not been much controversy between the indigo planters and the Missionaries, arising out of these circumstances?—There was a great deal just previously to my leaving for England, arising from the statement of a German Missionary in Kishnaghur, that the indigo planting system was a system of great oppression and extortion on the Ryot; but the conclusion to which I came, after a great deal of thought and conversation with parties interested in the matter, was what I have already stated, that almost universally those oppressions and extortions originate in the state of the country, in the state of the administration of the law, in the character of the police, and in difficulties which the indigo planter might well plead in bar of any condemnation that might be brought upon conduct that otherwise we must very strongly condemn.”

Once more, this gentleman, who may be taken to represent the whole Baptist body upon this matter, says:—

“4709. Will you generally state the results of your observation on the residence of Europeans in the country?—There can be no doubt whatever that the residence of Europeans in the interior is highly beneficial in a material sense by the introduction of new products and new modes of producing articles of commerce; a great improvement is already seen in the rise of wages through almost the whole of those parts of Bengal where Europeans reside. Then you may see the influence of Europeans always when you come within a few miles of the places where they dwell; the country is better cultivated, the roads are in better order, and the aspect of the land itself bears the impress of European skill and European capital having been expended upon it, so

Seton Karr. This gentleman was known to be a partisan. From the year 1847, when he wrote a rather clever article upon indigo in the *Calcutta Review*, he had gradually risen under the patronage of Mr. Grant, and had strengthened into a famous planter-hater. He was now, of course, a satellite of Mr. Grant. Further than this, while he was yet sitting as President of the Commission, and while the Report was yet undrawn, Mr. Seton Karr was appointed Secretary to Mr. Grant. As President of the Commission his animus appears in every examination; he drew the Report, which incorrectly assumes the character of the Report of the Commission; and, even after it was signed, he made several offensive additions to it.

We submit that this appointment of Mr. Seton Karr, under these circumstances, and at this crisis, was a violation even of the decencies of official hypocrisy. It was no more in fact than Mr. Grant had done before in working, or rather in destroying, the Summary Act. But still it was a contempt of appearances. Mr. Grant is not in a position to ask us to assume, as a matter of course, that he and his Secretary are heroes of superhuman virtue, and that the ordinary objects of official life can be dangled before their eyes without any effect.

The result was very much what might have been anticipated: Mr. Seton Karr, the Missionary,\* and the

\* Of course Mr. Seton Karr's Report is a series of compromises. Mr. Sale, we will hope, insisted upon one line, out of the forty-eight folio pages, in mention of the opium cultivation as having features identical with the indigo cultivation; he also obtained a paragraph absolving the Missionaries in which, as we have already stated, we heartily concur, so far as the English as contradistinguished from the German Missionaries are intended. But we should very much like to have some competent investigation into the conduct of the foreigners. In Mr. Furlong's evidence before the Commission, the following passage occurs: "Mr. Bomwetsch, of Santipore, has openly preached a crusade against indigo

Baboo, agreed to a report ; Mr. Temple signed the report with a protest against all the really important parts of it ;\* Mr. Ferguson protested against the whole report ;† and Mr. Temple and Mr. Fergusson joined in a report of fifty-three paragraphs.

This latter report, being the report of Mr. Wilson's Secretary and of the experienced merchant, must be considered the report emanating from the brains of the commission.

The report of the Lieut.-Governor's Secretary, of the concurring Baboo and of the Rev. Mr. Sale may be read as Mr. Grant's last manifesto against the planters.

It may be thought proper, however, that we should make a few observations upon the Lieut.-Governor's report.

To pursue it through its 190 paragraphs, and to cor-  
planting and planters, and fomented a bad feeling on the part of the Ryots towards the planters in every way in his power. I am aware that Mr. Bomwetsch has denied having done so, but that gentleman's memory must be rather treacherous." But Mr. Seton Karr, however, has managed to make Mr. Sale's absolving paragraph, as damnatory as a Scotch verdict of "not proven" to the whole body. He says—

"130. In our opinion it is extremely unreasonable to attribute the sudden failure of an unsound system, which had grown up silently for years, to the officials or Missionaries who told the people, that they were free agents. If it could be said with truth that greased cartridges were only the proximate cause of a rebellion which had been silently gathering for years, it may be said with even more truth that written or spoken words, widely circulated, and only pointing out to the Ryot what was perfectly correct in all essentials, namely, that it was optional with them to take advances or to refuse them—to sow indigo or not to sow it—were only the proximate cause of the extensive refusal to cultivate during this season."

\* Paragraphs 69 and 70. These paragraphs are the portions which contain the summary of the relations between the planters and the Ryots.

† "I further dissent from the language and tone of the Report, even as to those points the truth of which I do not dispute, for the reason that the language and tone tend to give a colouring and to lead to conclusions not proved from the facts."



rect its errors by proofs, would, of course, be impracticable ; not on account of the difficulty of the writing, but on account of the grievous severity of the reading. We must content ourselves with skipping from blunder to blunder with cursory comment, with cropping off an occasional tall audacity, and with pointing, from time to time, to some salient manifestation of ignorance.

The first point which strikes a reader accustomed to such documents is the contrast which this paper presents to others that have proceeded from similar quarters not later than five years ago. If a civilian planter-hater, with a Governor behind him, preferment in front, and a Baboo in his company, had, five years ago, undertaken to concoct an arraignment against the British settlers in the Mofussil, we should unquestionably have had a full repetition of all the calumnies which have been disproved and reproduced any time these last thirty years ; which Governor-Generals and the most eminent natives have always denounced as slanders, after strict official and personal inquiry, but which have always reappeared with an infamous immortality from some German Missionary, or from some discontented policeman, or from some effete and querulous civilian, or from some boy-magistrate shaping his reports in such form as may make them acceptable in high quarters. Publicity, however, may we hope also, Christian principle? have literally forced Mr. Grant's commissioners to withdraw from this old ground, and to content themselves with putting real facts in the most obnoxious point of view, "giving a colouring," as one of the protesting commissioners says, "by language and tone, and leading to conclusions not proved by the facts."

All this was not for want of careful enquiry. The

commissioners went back for thirty years. Every one who had a story to tell, or who even could say he had heard of such stories, was entreated to come forward. The Missionary and the Baboo were doubtless astonished to find that there was not even a vestige of foundation to be discovered for those charges of murder, rape, and arson, which other members of their classes have been so glibly repeating for the last fifty years, and which have passed rapidly, not only over India, but also over England, to use the words of this report, "in written or spoken words widely circulated."

After a thirty years' search after these "rapes," the commission is obliged to report—for the evidence was taken in public—as follows:—

"As to the outrages on women, which, more than any other act, might offend the prejudice and arouse the vindictiveness of a people notoriously sensitive as to the honour of their families, we are happy to declare that our most rigid inquiries could bring to light only one case of the kind. And when we came to examine into its foundation, as seriously affecting the character of one planter, and, through him, the body of planters in a whole district, or as affording any clue to the excitement of the past season, we discovered that there were reasonable grounds for supposing that no outrage on the person of the woman had ever taken place."

This is a curious paragraph. That outrages on women should offend the *prejudice* (!) of the natives is an odd way of speaking of such a crime. But that the commission's "*most rigid inquiries could bring to light only one case of the kind*" (in thirty years), in which one case "*no outrage on the person of the woman had ever taken place*" is certainly an example of ingenuity in making

out a case of rape which could scarcely be rivalled by a prosecuting counsel in Ireland when Ireland enjoyed her own ancient pre-eminence in this class of accusations.

Of deaths arising from affrays there were proved to be forty-nine in thirty years, or three in two years, in a population of 20,000,000, these not being confined to indigo, but spreading over all causes of dispute in the Mofussil, and no planter ever having been implicated in any one of them.

As to "knocking down houses," the commission had been told by gentlemen that they "had seen places where houses had been," but "unless they could fathom the origin of all desertions, they could not take upon themselves to pronounce that houses had been wantonly knocked down by the planters." We recommend the President and his two assenting commissioners to take a tour in England and Wales, and make the same remark upon Caernarvon Castle, or the mound of Old Sarum, or the deserted old farm-houses in the fens, whence the farmers have moved up to the wolds, or upon those houses at the corner of Stamford Street, Blackfriars, or upon any deserted mud cottages (for such are the "home-steads" here spoken of), which they may see in their tour.\*

\* Here is a history of the principal case relied upon by the President, and the Missionary, and the Baboo. It occurs in the evidence of Mr. Larmour:—

*Mr. Fergusson.*] Q. Ameer Mullick, of Khanpore, was examined by this commission on the 2nd June. Have you read his evidence of your people having knocked down and plundered his house, and do you wish to give any explanation thereof?

A. Shortly after assuming the management of the Katgarrah concern, numerous petitions were presented to me at Mulnauth, from the Ryots of Barrakapore village, complaining to the effect that Ameer Mullick had collected a number of dacoits [thieves] and settled them adjoining his own house. Two of these petitions appeared to be exceedingly

We wonder whether, if a commission of indigo planters, and tea planters, and cotton growers, and silk filature owners, had been appointed to inquire into the conduct of the Civil Service and the condition of the salt Ryots, "the poorest labourers in all Bengal," and the opium Ryots, they could have conscientiously reported such a total absence of crime as this commission has been compelled to confess, and what they would have said about the salt Ryots "accounted for as carried off by tigers."

truthful, and stated that Ameer Mullick's gang had hitherto committed robberies at a distance, but of late they robbed the houses of the Ryots in Barrakapore: these petitions were forwarded by me to the magistrate of Nuddea, with the request that he would institute an inquiry into what was stated in these petitions. He ordered the police to make a local investigation, and at the time they went to Barrakapore to carry out this investigation, a robbery had been committed at Kotechandpore, in Zillah Jessore, the police of Jessore tracing the property to Barrakapore, where twelve of the gang were seized: four of them were convicted and sentenced to five years' imprisonment by the late Judge of Jessore, *now President of the present commission*. From the time of the seizure of this gang, Ameer Mullick absconded from Barrakapore, and did not return there again, except on the sly. My people had nothing to do whatever with the destruction of his house: it being left uninhabited, it very soon went to wreck and ruin, and I believe there was not a Ryot in the village, owing to what they had suffered from him and his gang, but were glad to pull at the straw and bamboos belonging to his house.

*Mr. Seton Karr.*] Q. Was any report made to the magistrate, the commissioner, or other authority, to the effect that one of the sons of Ameer Mullick harboured these criminals, though evidence was not forthcoming against him?

A. I remember the fact of Jalla Mullick, son of Ameer Mullick, being an outlaw, and the police after him for several months after the robbery at Kotechandpore.

*Mr. Sale.*] Q. What are we to understand by Jalla Mullick being an outlaw?

A. That the police of Jessore and Kishnaghur were in search of him all over the country.

Q. You spoke of the Ryots as wishing to have a pull at the bamboos of Ameer Mullick's house; did he not live in a pukka house?

A. No; the house in which he resided I have always understood to be a cutcha [mud] house, having two small pukka [brick] rooms on each side of the entrance to his compound.

Quite sure we are, that if they could have done this truly they would not have done it so grudgingly. Alas! they would have had evidence of a very different character to record to that which we here find, gathered alike from the "nobility" and from the refuse of India, and, in many instances, unfairly epitomized.

Mr. Seton Karr would seem to be labouring under an impression, that, in point of fact, his report must be a failure, and that it could not but be a great disappointment to Mr. Grant to find that, after calling him forth to curse his enemies, behold, he was going very near to bless them. However, we shall see presently, that although his premises failed him, this accident made no great difference in his conclusions.

Take the instance of paragraph 81, where Mr. Seton Karr quietly assumes a proposition contradicted by the evidence before him,\* and draws a conclusion which is

\* Mr. Larmour had been asked whether indigo was a remunerative crop. Mr. Larmour produced his books, and gave the following answer :—

A. That depends entirely on the season. In the last season, at the Mulnauth factory, the average return per beegah paid to the Ryots was 14 bundles per beegah. Upwards of 100 Ryots cut more than 20 bundles per beegah; 237 Ryots cleared off their advances and debt to the factory, and received *fazil*, or excess-payments. The return of 20 bundles per beegah pays a Ryot well, apart from the indigo seed which he also gets from the stumps. [Mr. Larmour here filed a paper in English, referring to the books in original, which he also filed.]

Even in their own report they say—"It is urged that it has still been found comparatively easy to satisfy the Ryot, and to keep him contented and faithful to his engagements, by the grant of what have been termed collateral advantages; and that even with the above disadvantages several Ryots, *working honestly and faithfully, have cleared their advances, and received large payments in excess.* *This last averment is quite true.*" Do the Commissioners then mean to confine their sympathy and protection to those Ryots who do not "work honestly and faithfully," and therefore do not make a profit. It is but too manifest that they do, but it would have been more manly to have stated the fact.

in the teeth of the testimony of a cloud of witnesses. Civilians and planters, and the two most eminent natives of modern days, are for once consistent in flat contradiction to Mr. Seton Karr. The evidence of the natives upon this question was derived from personal experience, and was quoted by us a few pages back, and the matter is the gist of the matter upon which Mr. Seton Karr had passed so many days, and had taken so much evidence. Here is the paragraph:—

“Conflicting statements have been made as to whether there is or there is not a perceptible difference in the condition of the Ryots who grow indigo, compared with those who do not grow it. Seeing *that it is not to be contravened that the majority of Ryots derive no profit, but a loss, from indigo, and that many Ryots in the greater part of Hooghly and Baraset, as well as those on Mr. Morell's estate in Backergunge and in other parts of that district, have grown rich and wealthy, without this kind of cultivation, we do not discover any particular difference to be perceptible in favour of Ryots who are cultivators of indigo.*”

This is as if Mr. Seton Karr had said, “Brewing cannot be a profitable trade; because the late Mr. Rothschild made a large fortune, and he was never known to brew a butt of beer in his life.”

But who will the people of England believe? Ram-mohun Roy and Dwarkanauth Tagore, and the magistrate of Dacca, and the Governor-General, Lord William Bentinck, and Sir Charles Metcalfe, whose testimony we have already cited,\* and the commissioner of Morabadad (Mr. Boldero), who says,† “So far as my experience

\* Ante p. 18.

† “Conduct of Europeans in India,” p. 181.

goes, and it is founded on a residence of six years in a district filled with indigo planters, I have found the lower classes of the natives better clothed, richer, and more industrious, in the neighbourhood of the factories, than those at a distance from them ;” and Mr. Mills, the magistrate of Pubnah, who says, “ It must be observed, that the condition of the Ryots has been greatly improved since the introduction of indigo in the Mofussil ;” and the witnesses who gave evidence to the same effect before the Committee of the House of Lords which sat on the affairs of the East India Company in 1830 ; and Mr. Harris, who had been an indigo planter in India, and who stated that “ their (the Ryots’) better condition in the districts where indigo was chiefly cultivated, enabled them to keep a greater number of bullocks for their ploughs, and the ground was better cultivated as they improved in means ;” will the people of England believe, we ask, this body of unbiassed testimony, or will they believe Mr. Grant’s Secretary, reporting in contradiction to the evidence before him ?

But let us proceed to other accusations. The President of this commission says—

“ Another inequality is this : the planter, on a fair calculation, looks to a return of two seers of dye from ten bundles of plant, which is the fair average of one beegah. Two seers would sell for ten rupees, when indigo is selling at 200 rupees a maund. But the return from the same ten bundles to the Ryot could not be more than two rupees and eight annas, at four bundles the rupee.

“ Thus the planter would look to derive from the contract about four times the profit which could ever fall to the Ryot.”

What does any commercial man think of a trade being subjected to the intermeddling of such people as these? The data assumed are false in fact, as the evidence before them shewed, for nothing is more variable than the yield of dye from the same bulk of plant. But if they were true, as they are false, what shall we say of a commission which makes calculations based upon the assumption that the raw material and the manufactured article are the same profit-bearing article? What would the Liverpool cotton merchant and the Manchester manufacturer say if the Board of Trade were to send down some wiseacre to them, who should attempt to convince the Liverpool merchant that he was an ill-used man, because he was selling cotton for sixpence a pound, which the Manchester manufacturer sold *for twenty shillings a pound*, or 4000 per cent. "profit," when worked up into book-muslins? What would the Manchester manufacturer say if this great political economist should attempt to convince him that he was a scoundrel for not allowing more of the cost of the manufactured article to the seller of the raw material? What would they do?—they would unite to shut up such a brainless meddler in some neighbouring lunatic asylum.

This really would seem to be penned by the same hand which insists that the planter has no capital but his vats and his credits, and that the Ryot who sows with another man's seed, who is paid beforehand for his labour, and who has bought his bullocks with the factory money, is the capitalist who in "capital" exceeds all others in the Mofussil.\*

\* "I must notice another misdescription in the memorial. The commercial dispute in question is designated a dispute between capital and labour."—*Mr. Grant's Minute*. Poor Mr Grant actually does not know that when the terms "capital and labour" are thus used,



Surely, after this exhibition of crass and insensate ignorance, no one would follow us in any further examination of Mr. Seton Karr's notions of prices and profits. The Ryot sells leaves and the indigo factor sells indigo. If he would apply his measure of profits to the opium Ryot, who yields ready-manufactured opium, and not poppies, at 3s 6d a pound, which Mr. Grant sells again at 20s a pound, or to the salt Ryot, who yields ready-manufactured salt at seven annas, or tenpence halfpenny a maund, of 84 pounds, which Government sells again at three rupees twelve annas, or 7s 6d per maund, there might be something practical in his deductions.

Let us go at once, then, to the "recommendations" of these three gentlemen.

First, let us put aside a string of recommendations, either unnecessary or worthless, addressed to the planters; for although no class is more attentive to good counsel from friendly and well-informed men, the planters do not hope to obtain such counsel from the numerical majority of this commission. The paragraphs which are offered "by way of suggestion and advice" from men who are the mere nominees of those who have been the authors of our ruin, and who are bitter enemies, we reject as an impertinence.

The suggestions of the President of this commission are:—

1st. That the position of honorary magistrate should never be conferred upon an indigo planter.

The indigo planters never desired this position. It

people of any information on such subjects take for granted that labour has its necessarily adhering qualities of capital, and is thus far, as much capital as money itself. Capital is nothing but hoarded labour. We have not space here to teach Mr. Grant the distinctions between fixed and floating capital.

was forced upon them by the Government, then in its agony, and will be attempted to be forced upon them again when the income tax comes to be levied. What the planters have complained of was the insulting manner in which these commissions were all withdrawn, without one case of misconduct proved, and with the degradation thus inflicted in the eyes of the Ryots. The planter had more power in his own court of arbitration, deciding the disputes of his neighbours, and freely obeyed by them, than he had by reason of any magisterial authority.

2dly. The President recommends that sub-divisions should be still more multiplied, vouching the good effect of this measure in Baraset under Mr. Eden !

Let us here interject a few lines about this Mr. Eden. It is not given to us to commence our task with—

“Musa mihi causas mēmore,”

but it is necessary in order to set our case before the public that we should state the fact that the whole of this state of confusion in the social and commercial relations of Bengal began in the first instance with acts of unprovoked hostility by the Honourable Ashley Eden ; who had been at an earlier period of his career upon excellent terms with the planters within his district.

If any of our readers would desire to see a specimen of the spirit which actuates this gentleman, we submit to him some extracts from Mr. Eden's evidence given before the Commissioners and which we have printed in the Appendix to this pamphlet. When we read the savage like disappointment that he could not try in a Native Court the European, who, with the sympathy of the bystanders, was acquitted by the Supreme Court of

Calcutta, we think of this man's history and we think of the probability of his yet having a white man's fate in his hands, and we literally shudder. To the reader of Mr. Eden's evidence we beg to explain, that when Mr. Eden says "If the Native Courts are good enough for Natives, they are good enough for Europeans," he by no means means that they are good enough for Mr. Eden. If this were proposed, he would soon find out that a Native Court might be an impartial Court as towards natives, but a very fatal Court as towards Europeans, whether planter or civilian.

3dly. It is recommended that the police should receive higher wages; the evidence being that the higher their wages, the greater men they are, and the greater bribes they expect. But as the Commissioners complacently say, "A reform of corruption so long discussed and so fully laid bare must be—" What? Immediate?—No! Earnestly and promptly accomplished?—No! "Must be—a work of time!"

4thly. With reference to a great ground of complaint brought by "large and influential Zemindars," of an Act which withdraws from them the power of compelling the attendance of their tenants for the adjustment of their rents, or for any other purpose,\* the Commissioners recommend, not that the right should be restored, but that "the working of the Act"—that is, the working of the absence of a right—"should be very carefully watched!"

5thly. The Commissioners see no use in any Special Indigo Commissioner to act as moderator between planters and Ryots.

Mr. Temple places great stress upon the necessity of

\* "This is what the Commissioners call "kidnapping" when the old feudal right was exercised by British leaseholders of manors.

such an officer ; and so should we if the nomination were not in the hands of such a man as Mr. J. P. Grant. As his instrument, a special commissioner would be a curse both to planter and to Ryot.

6thly. The Commissioners are of opinion that the interests of the planter do not imperatively demand any special protection. That is to say, that the planter has no right to ask for a summary process for enforcing his contracts, or recovering his crops, which are grown with his money.

This is throwing away the loosely-worn mask. At last we have found a little knot of people, numbering among them the Secretary to the Government of Bengal, who set their faces avowedly against cheap and summary justice, and advise the maintenance of long, expensive and ruinous suits. Mr. Grant has since indorsed this recommendation of his Secretary, and has referred the indigo manufacturers to the ordinary Civil Courts.

The English reader can have no adequate idea what a reference to the Civil Courts of India means. It sounds like an offer of justice on this side of the world ; it carries the full smart of a mocking insult on the other side. When Mr. Steton Karr and Mr. John Peter Grant tell the indigo manufacturers that they have no right to cheap and speedy justice, and that the Civil Courts are good enough for them, as they are for other people, we must ask the English public to listen for a few seconds to testimony of what the Civil Courts in India really are. - -

Some time ago attention in England was awakened in a spasmodic manner to the grotesque iniquity of the Indian judicial system - a natural result of a system formed by lawmakers and judges without legal education, and making laws and precedents by rule of thumb. Mr.

Campbell for the north, and Mr. Norton for the south of India, laid bare the mystery ; and it was so funny that the mirth of the public stifled its indignation. As Mr. Seton Karr says that "the corruption of the police has been so long discussed and so fully laid bare that its reform must be a work of time," so he and Mr. Grant probably think that the abuses of the Civil Courts have now been proved to be so intolerable, that it is in every way desirable that the Ryots and the planters should bear them. That, at any rate, has been their declared intention, although that intention seems now likely to be baulked. Be it remembered, however, that it is under these men's heels our fortunes are now crunching ; and the mere fact that we have hopes of being saved from some of the tender mercies they had in store for us, by no means diminishes the urgency of our cry to be delivered altogether from their power.

The Civil Courts, to which Mr. Grant insists that the most trifling indigo causes ought to be confined, afford a perpetuity of litigation ; and, until Mr. Grant established a rule by which the judgments range all on one side, they provided also the greatest possible uncertainty of event, from the technicalities of the procedure.

For a question of 40s there may be in Bengal five appeals, and perhaps five times five trials.

This will not be believed, and we must really ask the indulgence of a hearing for two or three actual cases, as cited by Mr. Norton from the authorised Reports.

Mr. Norton cites his cases for the purpose, among other objects, of attacking the competency of the civilians to act as judges. Such is not our purpose. We cite them to shew that judges are not removed in India merely on account of judicial incompetency. We would

rather take our chance of such judges as may fall to our lot, than have the very worst weeded out for our use, and instructed to decide against us. Mr. Norton says—

“ I proceed at once to the Reports, premising only that since their publication these disclosures have frequently become the topic of conversation and wonder among reflecting men, who are scarcely to be put aside by the remark which usually greets any one who ventures to bring a more than ordinarily atrocious judgment to the notice of any of the ‘Service’—‘ Oh, but that judge is mad !’ or ‘ He is an idiot !’ or ‘ He drinks !’ although politeness forbids one to put the question which naturally suggests itself, ‘ Why is such a man permitted to remain on the Bench ?’ ”

“ 47 of 1851, vol. 3, p. 135.—Case No. 47 of 1851. An appeal from the decision of Mr. —, \* C. Judge of Guntoor (formerly Judge of the Sudder). This was a suit for the recovery of a piece of ground of the value of 40 rupees (£4.) It was tried over three times; and at the date of the Report was sent back by the Sudder for a fourth trial, from which it is to be remembered there might possibly be a further appeal. The Courts below had omitted to record points (in accordance with the Regulation) for the parties to prove; and both the District Moonsiff and the Civil Judge *had neglected to notice the plea urged by the Defendants that they had been in possession for 40 years.*”

“ No. 56 of 1851, vol. 3, p. 155.—No. 56 of 1851 is

\* Mr. Norton gives the names. We omit them to avoid giving pain to any of the gentlemen whose decisions are cited.

amusing. It is an appeal from a decision of Mr. —, C. Judge of Salem.

"The Plaintiff sued for 125 rupees, money advanced to Defendant under a contract for the supply of oil. Defendant pleaded that he had been always ready and willing to fulfil his contract, but had been prevented by the Plaintiff.

"The Moonsiff who originally tried the case disbelieved the Plaintiff's evidence, and gave the Defendant a verdict.

"The Plaintiff appealed to the C. Judge, who reversed the Moonsiff's decree.

"The Defendant appealed to the Sudder, who remanded the suit; making the following observations:—The Court of Sudder Adawlut observe that the C. Judge has evidently mistaken the object for which the suit was brought. It was instituted for the recovery of 125 rupees, advanced by the Plaintiff to the Defendant; and not, as would seem to be the impression of the C. Judge, for a quantity of oil!

"No. 4 of 1847, p. 36, vol. 1, is a short but instructive case.

"The suit was originally brought for a piece of ground of the value of 15 rupees (£1. 10s.) and a house of the value of 40 rupees (£4.), and for an 'injunction to have a wall built.' This case was tried five times; and the Sudder, 'as at present constituted,' over-ruled their predecessors."

"No. 25 of 1847, p. 46, vol. 1.—This was a Special Appeal from the decision of Mr. — afterwards a Judge of the Sudder Court).

"It was tried six times, although the Court of Sudder are at last 'clearly of opinion that this suit is barred by the Statute of Limitations.' !!!

"And the case is further instructive because the lower Courts gave a verdict for the plaintiff, who sued as heir against a personal representative, *without enquiring whether he was heir, or if defendant had possessed himself of assets!!!*

"No. 2 of 1849, p. 105, vol. 1.—This is a shocking case. It is from the decision of Mr. —, Actg. Asst. Judge of the Adawlut Court of Malabar. The amount

in dispute was small: the amount of litigation frightful. It appears to have extended over a period from 1825 to 1849. *It was tried over five times*, besides a considerable amount of petitioning; and after all it turns out to be barred by the Statute of Limitation<sup>a</sup>

“No. 20 of 1848, p. 119, vol. 1.—This is a Special Appeal from a decision of Mr. —, C. Judge of Rajahmundry.

“Plaintiff's estate had been put up and sold by the Government for arrears of Kist; a proceeding which, according to the law, satisfies the Government claim. And the Proprietor is expressly empowered, by Sec. 18 of Reg. 28 of 1802, in such an event to sue his tenants for any arrears of rent due by them. The Plaintiff brought his action to recover the sum of Rupees 45-12-10 (£1. 10s) the amount of rent due to him by the Defendant, his tenant. The Sub-Judge gave him a verdict, which the Civil Judge reversed on appeal. The Plaintiff thereupon appealed to the Sudder, who naturally reversed the decree of the Civil Judge.”

“Special Appeal Petition, No. 19 of 1850, p. 5, vol. 2.—This was a suit for the recovery of rent. Defendant pleaded *that he had not occupied the premises*.<sup>\*</sup> Both the lower Courts adjudged him to pay the rent *without deciding that issue or taking any evidence upon it*. The SUDDER remands it for a *third trial*.”

“No. 13 of 1849, vol. 2, p. 78.—This is a Special Appeal from a decision of Mr. —, C. Judge of Trinichinopoly.

“It was brought for the recovery of a piece of ground of the value of 3 Rupees (6s). It has been tried three times, and remanded for a fourth trial. The Defendants had been in ‘undisturbed possession of the land for a lengthened period.’ The Plaintiff proved his purchase from a *third party*; but the ‘title of that party to the land not being ‘satisfactorily established,’ the C. Judge reversed the decree of the Sudder Ameen in Plaintiff's favour; but the investigation was carried on in such a way that the Sudder declared it ‘impossible from the



'evidence before them to arrive at any just or satisfactory conclusion as to which party the land under litigation rightfully belongs.'

"So here are four trials about a piece of land of the value of six shillings."

"No 38 of 1850, vol. 2, p. 89.—A Special Appeal against the decision of Mr. —, C. Judge of Cudapah.

"This is a case for the recovery of Rupees 12-10 damages, in consequence of an interference of Defendants with the exercise of certain privileges of Plaintiff's deceased father. The case has occupied from 1845 to 1850. It has been already tried three times, and is now to begin again."

"No. 63 of 1848, vol. 2, p. 94.—This is a Special Appeal from a decision of Mr. —, Acting C. Judge of Trichinopoly. *When* this suit was instituted does not appear, further than that it was *before* 1842. It was a simple question of fact. It has been *tried eight times*."

Bad enough that such stupidity as is here recorded should remain upon the judgment-seat; but these faults do not incur deprivation of authority. Judicial officers may commit these blunders and remain. It is only if they dare to put in force an Act of Council, or abide by the laws of evidence, or do right between man and man in a way which Mr. Grant dislikes, that they become obnoxious to the absolute power of removal exercised by the Governor. We agree with Mr. Norton that the judges of whom he complains are not desirable upon the bench; for ignorance works injustice as well as subserviency or partiality; but we should be sorry to see even these judges removed by a secret and irresponsible mandate, without public accusation, or public inquiry, or

a possibility of public explanation or defence, as the judicial officers in the Mofussil were by Mr. Grant.

The direct object of our quotations, however, was to shew, not the ignorance of the civilian judges, but the sort of Courts to which Mr. Grant and Mr. Seton Karr solemnly decided that all indigo cases should be confined. The reader will have observed that nearly all these cases, for trifling sums, have been tried *from three to eight times*; and, moreover, that they had been in litigation for many years.\*

The facts we have proved are so monstrous, that we cannot still help fearing, that, although they are so notorious in India, conceded by every one there, and resting upon the published records of the Courts, the English public will think we are overstating our case, and say that such things cannot be. All we can say is, here are our proofs—the authorised Reports of the Courts themselves. Now these are the Courts to which Mr. Grant and his Secretary, when the question was brought before them for an expression of opinion, deliberately determined that the jurisdiction over contracts for growing indigo ought to be confined. We ask, is it not more cruel to leave such a man in power over us, even than to leave upon the bench the blundering judges who make the Courts of India a farce?

We confine our statement to our own indigo contracts because indigo is our business, and because the number

\* It will be answered that some reform in the procedure has recently taken place. The answer is ridiculous. The reform is like the reform in Chancery; a good thing as far as it goes, but that is all. You may still have five appeals, and a dozen trials, and twenty years of litigation about a beegah of indigo stalks.

of our contracts is so great; and also because the knowledge that the Civil Courts afford no practical remedy increases our risks, and renders it impossible to give the cultivator so much for his produce, as we could give him if we were buying a security instead of a hope. But the argument is not less strong in favour of a summary law of contract for all classes, natives as well as English.\*

Evidence is scattered about in reams, proving to all

\* It is to such courts that at this moment, when indigo contracts and rents are alike repudiated, planters and Zemindars are referred by Mr. Grant. In the district of Kishnagar, with 1,500,000 inhabitants, there are upwards of 100,000 parties holding indigo contracts, and about 300,000 who pay, or should pay, rent. Deducting holidays, there are not 200 working days of six hours in the year. Suppose every case to occupy two hours, though frequently one takes as many days, 600 years would be required to hear the complaints, and three times that time to decide the appeals. Then the expense of suing on a contract to recover 10 to 16 rupees would be about as under:—

	Rs.	A.	Pic.
Stamp for Mooktearnamah . . . . .	0	8	0
„ for petition with affixes, if short, say . . .	2	0	0
„ if long, 3r. to 5r. . . . .			
„ for tendering witnesses, say four at 8 annas . .	2	0	0
„ for reply to defendant's pleas . . . . .	2	0	0
„ for peons fees for giving notice to defendant . .	1	4	0
Cost of summoning witnesses, at 12 annas . . .	3	0	0
Vakeels' fees . . . . .	2	0	0
Mohurrir for writing, etc. . . . .	1	0	0

13 12 0

To this add:—	Rs.	A.	Pic.
Expense of sending a servant to the Court to produce books, say . . . . .	2	8	0
Diet money to witnesses, at 1 rupee . . . . .	4	0	0
Sundry expenses for sending to station during 3 or 4 months, while suit is pending . . .	2	0	0
Court Mohurrir, for writing evidence, say 8 annas each witness . . . . .	2	0	0
	10	8	0
	Rs. 24	4	0

who can hear that the practical denial of legal redress raises the rate of interest in the Mofussil\* to more than £100. per cent. per annum among those native dealers with whom every native deals; that even this rate will not cover the risk; and that the want of capital consequent upon insecurity keeps the farmer poor and wretched. All this has been proved; for it seems this self-evident necessary law of political economy required to be proved before this Commission. But all in vain. Mr. Seton Karr, representing the Lieutenant-Governor's classical animosity to the British settler; the Baboo, representing the short-sighted love of shirks and evasions of the class

\* See the evidence of Mr. MacNair before the Colonization Committee, 1858, upon this point.

"2001. *Mr. Willoughby.*] Do you mean the advance of funds?—Yes, to native cultivators. In India, where the system of advance prevails to such an extent, where the native cultivators are generally so poor, they cannot provide seed for their lands, or engage to deliver any produce, without previously obtaining a considerable advance, generally equal to the value of the produce, *a good law of contract is much required for all classes, English and natives.* • Government found it necessary to have stringent laws of contract for their OWN OPIUM ADVANCES; and if they would extend that law to all parties, Europeans and natives, it would save a great deal of litigation and cases of affrays. The present law of complaining before the Civil Courts is so expensive and tedious, it is, in fact, an encouragement to ill-disposed people to break their contracts; it is a very common thing for small natives who save or have a little money, to lend it or make advances to natives upon their crops; *most of them are ruined from not being able to recover their advances, which is the sole cause why so very exorbitant rates are taken by native dealers.* These high rates bear hard upon the poor cultivators, and is the principal cause of their poverty. It seems to be a popular proposition of Government to put all their subjects upon the same footing, and under the same laws; *but they claim to keep their own servants of every grade, from the highest to the lowest, exempt from these laws, and also have different laws of contract for their own opium and salt advances.*" What would Mr. Karr and Mr. Grant say if it were proposed to take away their summary jurisdiction over the Government salt and opium Ryots? They would say, and would say truly, that it was a proposition to destroy an annual seven millions • public revenue.

of Ryots; and the Missionary, representing we know not what, determine that there shall be no cheap and speedy law of contracts in India, lest the planters should get justice, and that all India shall have long expensive suits, lest the British settler should grow up to overshadow the civilian.

Mr. Temple must have laughed much at his colleagues' notions of capital and labour, and at their ideas of the mode of judging the profit upon manufactured articles, by getting at the price of the raw material, and also at their imperviousness to the fact that the interest of money bears some relation to the security of the loan; but he must have laughed still more heartily at the clumsy notion of ruining a great interest by drowning them in law costs. Mr. Temple knows, that if the planters were so reckless and so wicked as to do against others what is done against them, they might, at the last desperate moment, clog all the courts of Bengal, and spread all over the land the devastation of that infamous law which is, and ever has been, the admitted reproach and opprobrium of our rule in India.

We were at first struck with wonder that there should be three men in India who could sign such a document as this; but we understand it all when we recognise in the last paragraphs polite recapitulations of Mr. Grant's own phrases, fresh from his Minute, and we remember that Mr. Seton Karr drew the Report, and that in all probability the Baboo and the Missionary knew little of the technicalities of this question, and cared not to dispute with a judge upon the efficiency of his own courts.

This is all. This is all which Mr. Karr and his two

coadjutors recommend. No injunctions against perwanahs. No recommendations to Governors not to intermeddle between buyers and sellers. No disapproval of proclamations to cultivators absolving them from their contracts. No suggestion to State officers to let commerce and trade alone. They recommend only more magistrates, whom Mr. Grant shall appoint and remove ; more pay to Mr. Grant's corrupt police ; and more suits, which shall be interminable, or over which Mr. Grant shall have absolute dominion. Is not this a Report worthy of the wisdom and the impartiality of the source whence it proceeds !

Let us now turn for a moment to the separate Report made by Mr. Temple and Mr. Ferguson.

We cannot of course, expect from Mr. Temple, all civilian as he is, more than that his class instincts should be controlled by his general good sense and by his higher intelligence. We must not seek from him admissions of that traditionary jealousy which the Civil Service have always entertained for a class of whom Dwarkanuth Tagore could publicly say, that they were more valuable to India than the Civil Service. No civilian would just now admit this. We must be content to mark the hostile instincts of the Civil Service in the public records of their offices, in the acts of their Government, in the whole constitution of Indian society, in the public crimes whereof we now impeach Mr. J. P. Grant, and in the ruin of "the mainstay and chief hope of stability of British power in the East." We must not expect Mr. Temple to tell us, that while the British House of Commons have been sitting in anxious deliberation to devise means of

scattering over the rural districts of India, Europeans, whose skill, energy, and capital, may brace together in industrious force that relaxed and feeble population,\* the fanatical members of the Civil Service have been endeavouring to accomplish an exactly opposite task. Just as Mr. Temple is more clever and more keen than his colleagues, so is he more skilful to avoid placing the weaknesses of his caste in a conspicuous light.

The way at this moment to quiet India is to bring a great criminal to justice. Shocking as it may be to the notions of civilians, who think it little less than impiety to lay a hand upon a member of the White Brahmin caste, there is no other remedy even for state crimes but punishment. In England, if a Minister had interfered with the course of justice as Mr. J. P. Grant has done, dismissing magistrates according to his will, and with the avowed intention of obtaining a certain class of decisions; circulating pattern decisions to magistrates whose bread hung upon his breath, that Minister would have been punished. There is no other real remedy for the ruin which is now rising in India. For the crimes of stirring up debtors against their creditors, and of violently detorting the course of justice, are not crimes whose consequences can be neutralized by a mere law. You cannot prevent robberies or murders by enacting that henceforth there shall be no robberies and no murders—they are crimes which must be put down by punishment. It is not to be endured, that in a country where all men are supposed to have equal rights, a Minister should do these things, and should then

\* “The Ryot works three hours a day upon an average.”—*Mr. Larmour's Evidence.*

point to the disruption of that social order which it was his duty to maintain, and to say, "I thought it right to do this." The only remedy for such crimes is inquiry, impeachment, and punishment.

Nothing of this shall we find in Mr. Temple's Report. Mr. Temple thinks that the corruption of the police is "at the root of the matter." This is to a certain extent true: but *now* the police are not *only* corrupt. They know now which side they may safely abuse. The police take their tone from their masters. When the Lieutenant-Governor stamps his bias so unquestionably upon the judge, there can be little surprise that it should be seen in operation a stage lower down. It has been deposed by Mr. Dalrymple, that bodies of police do vary according to the character of the magistrate, and that there are actually some active magistrates who have brought their police to such perfection, that it is scarcely possible to bribe them. If a judge may coerce his constabulary to honesty, or at least to caution, how prompt will they be to lend their assistance against any class he may be thought to dislike.

Nevertheless, as a general proposition, it is true that the corruption of the Government police is a great difficulty—a difficulty to which, when are superadded, the whole power of the Government exerted to produce a strike, a despotic minister shuffling the judges and opening the gaols, and the total negation of all civil remedy for the enforcement of contracts, the contest becomes hopeless indeed.

Mr. Temple does not, however, leave us with a barren recommendation to change the nature of our own native servants and of the Government police. He stands by



his order as he can; but he slips away from the side of Mr. Seton Karr when that gentleman adopts too literally the notion of Mr. Grant, his principal, proposing to try the property in bundles of indigo plant by "equity suits." Mr. Temple reports, as we have already said, in favour of a Summary Process Act.\*

\* It is important that the reader should have before him the principal arguments with which Mr. Temple and Mr. Fergusson combat the proposition of Mr. Seton Karr to leave the planters remediless to their fate:—

"The precarious nature of the crop in Lower Bengal, the critical emergencies which arise in the cultivation of indigo, have been shewn in the Report. Similar emergencies may arise even in the manufacture. Thus it is possible, and does actually happen, that the planter is involved in sudden difficulties through no fault of his own. His Ryots may have taken advances, and then refuse to sow; or they may delay to sow within a few hours, during which alone the sowing for a season's crop will be possible. There is hardly any other product, the culture of which is liable to such a crisis as this. Then in the midst of the manufacturing season the hired labourer may absent himself, or, contrary to agreement, strike for higher wages. The Ryot (especially if as suggested he received a considerable payment, whether a crop is cut or not) may refuse to exert himself in the case of inundation or destructive accidents. Now it appears to us that wherever the conduct of any business is from its nature critical; wherever breach of contract would, if not immediately redressed, cause irreparable loss or inconvenience to the opposite party; the policy of the law has been to render such breach of contract liable to criminal penalties. Such has been the principle followed in the case of domestic servants, of workmen, of railway labourers, and, as we understand, in the case of coffee planters; and recently this appears to have been the principle which guided the Legislature in passing the Summary and Temporary Act for indigo cultivation during the season of 1860. If the principle has been correctly described above, then we submit that it applies in the cultivation and manufacture of indigo cultivation as much as to any case whatever. Indeed, we believe that in none of the cases in which the principle has been sanctioned, is the business more critical, or the inconvenience more immediate, or the loss more difficult of reparation, than in the case of indigo cultivation.

"We would therefore recommend that the Act of XI. of 1860, rendering breaches of contract to cultivate indigo criminally punishable by the magistrate, might be made permanent, with certain modifications. And we would extend it to breaches of contract to manufacture indigo, so that a Ryot who has engaged to cultivate, or a labourer who has

Mr. Temple also recommends a registration of indigo contracts. This would be a very convenient course, if the planters could have any confidence in the governors

engaged to manufacture, may be by law compelled summarily to fulfil his engagement.

"It may be asked why should such criminal penalties be enacted to enforce contracts to cultivate indigo, when there is no such law for contracts to cultivate any other crop. To this we would reply, that, in the first place, with no other crops the culture affected by such emergencies as with indigo. Rice or jute, or other products, do not, like indigo, need to be sown on the instant, after a particular shower. Such products are sown in the rainy season, and the sowings may be completed to-day, or to-morrow, or the next day, or the day after that. But with indigo the sowing must be completed within a few hours, or it may prove a failure. So it often happens with it in cutting. Much of the plant is grown on the river side. Frequently the river may be rising just as the plant is being cut. If there be the least delay, the crop may be damaged or destroyed by inundation.

"In the next place, with indigo the cultivation has to be arranged for, and the manufacture to be managed by the same capitalists. This is not the case with other produce generally. With an article like rice, the village banker may advance some money to the Ryot on the security of the crop, and the lender may take a part of the crop in payment; but beyond the repayment of the loan he has no interest in the crop. If the Ryot fail to sow or to raise a crop, the banker will nevertheless sue the Ryot and recover his own with interest. But the indigo planter advances cash, not to trade in money and the interest thereof, but to ensure the delivery of a certain quantity of plant. It is in the *plant* that the planters' hopes centre. It is for *this* that he invests capital in building factories and maintains expensive establishments. If therefore, there be a failure of the plant, the planter loses not only the sums he has advanced (which may be of comparatively lesser consequence), but the season's profit, for the sake of which so much capital has been sunk, so much current expense incurred. If such a loss occur, it will be of little use to the planter to sue the Ryot for the recovery of advances. Such recovery would not cover more than a fraction of the damage sustained. It is evident, therefore, that the liabilities incurred by the indigo planter, and the stake held by him in the culture are not to be compared with the limited risk run by those who lend money to cultivators of land. We therefore confidently submit, that in this very respect the production of indigo is, in the nature of things, widely different from the case of any other product in Lower Bengal.

"Further, it may be said, if a law of this nature be enacted for indigo contracts, it may be equally required for silk contracts, and perhaps other similar contracts. Doubtless this is true. And if the just protection of the silk interest, or other interest similarly circumstanced with

placed over them. But when discussing this very subject, Mr. Seton Karr insisted that the only plan consistent with the dignity of the service would be, that the planter

indigo, should require a special contract law, such lawful assistance might, we think, with good policy, be conceded.

"Lastly, although the practice of advances by indigo planters to Ryots is not a desirable one, and might with advantage be discontinued, still we apprehend that *as, by the custom of the country, nothing can be done without cash advances, these will have to be continued.* Then, if the planters should (as we hope they will) consent to grant the amount of advances to the Ryot absolutely, whether the crop yield that value or not, whereby the risk now borne by the Ryot will be transferred to the planter; then we observe that an ill-disposed Ryot will have a certain degree of temptation to neglect his cultivation, being assured beforehand of a fixed payment. Now this inevitable disadvantage, in a scheme that is otherwise excellent, will be removed by a special law such as we recommend. If a Ryot shall try to abuse the advantage conceded to him, the planter will have a real means of redress. And the consciousness of this would, we believe, render planters more ready to make to the Ryot those concessions which are so desirable.

"For all these reasons we recommend that a law like that of Act XI. of 1860, be enacted for indigo contracts. We anticipate, that, under the better system which must now be introduced, such a law will seldom have to be actually enforced, and that numerous cases like those which occurred in Kishnagbur district and which were much to be regretted, would not occur in future. *The moral effect of such an enactment would suffice, in ordinary times, to induce Ryots to fulfil their engagements, and would give confidence to the planting interest, at a time when severe sacrifices are demanded of it.*

"When a similar law was enacted in 1835, it did, we believe, work well, and was approved by the Government of the time. *It was afterwards repealed*, because it was thought to operate prejudicially to the Ryot. But with the improvements which we hope to see effected, the Ryot will be in a good and independent position; and there will be no fear of the law pressing more hardly upon him than it does upon domestic servants, artificers and labourers.

"But if a law on the principle of Act XI. of 1860 be enacted, we do not think that the taking of a cash advance, which is, by the present law, the test of a contract having been made, would suit as a primary condition in a permanent law. Such a provision would tend to render permanent the vicious system of advances *which now pervades every description of work, and every kind of transaction, whether it be the Government manufacture of opium and salt, the making of indigo, and indeed, every thing else.* The condition should be a regular contract to cultivate, or a contract to manufacture. And measures should be taken to ensure the contract being regular and *bonâ fide.*"—*Report.*

and all his Ryots should journey off to the magistrate at a distance. Of course, as was explained to him, not a Ryot would go, and there would be no valid contracts. Or, probably, if the planter were to be earnest in attempting to entice his Ryots to go and have his contract registered, he would be charged by Mr. Grant with "kidnapping" them.

Mr. Temple also deals with another matter, which, seeing that Mr. Grant has so expounded the Act as to convey to the Ryots the impression that all their contracts are void, may well occasion some future trouble.

After stating his views as to registered contracts thus—

"We would then make the breach of a *registered contract to cultivate indigo* punishable by a magistrate, but not any other contract except a registered one. It would be very desirable to make the terms of such contracts explicit, so as to include the whole process of cultivating, from the ploughing to the cutting and delivery at the factory. We do not think that registration of agreements on the part of coolies to *manufacture indigo* would be necessary. We would, however, have breaches of such agreements punished by a magistrate, in the same manner as breaches of contract on the part of workmen or domestic servants."

Mr. Temple adds—

"While recommending a law prescribing criminal penalties for the breach of registered contracts to cultivate indigo; and while also admitting the great improvement made in the ordinary Civil procedure; we anticipate that there will probably arise cases, or classes of

“cases, for which some special measures will be desirable.  
“There are, we believe, in many indigo concerns, con-  
“tracts made by Ryots previously to the present year,  
“to cultivate indigo for various periods or terms of years  
“not yet expired. Such contracts will probably be found  
“to have been made by the Ryots according to the un-  
“derstanding, at the time existing, of the relations be-  
“tween the planter and the Ryot. In the present state  
“of feeling among the people, it appears not impossible  
“that some of these contracts might be disputed or repu-  
“diated by the Ryot. • Without attempting to form any  
“opinion on the validity or otherwise of such contracts, a  
“matter which must depend upon the merit of cases, we  
“still think that the occurrence of such disputes should  
“be watched. If in any district a considerable number  
“of these contracts should be disputed, it would be very  
“desirable to depute some competent and selected officers  
“to try *promptly on the spot* any suits that might be  
“brought, and to carry out their decisions with effect.  
“The course to be pursued, however, should be well con-  
“sidered, because the settlement of one case at the out-  
“set might govern the decision of a great number of  
“other cases.”

Here comes the great kidnapping question—

“Act X. of 1859, which abolishes the power previously  
“vested in a landlord of summoning his tenant for the  
“payment of rent, has been much complained of by  
“planters, as interfering with their manorial influence  
“over the Ryot; and evidence on the point has been ten-  
“dered. We admit the importance in many ways of pre-  
“serving the influence of the landlord over his tenantry

“but we must trust that whether they have the power of  
 “summoning vested in the law, or not, the landowners  
 “still exercise great influence. We do not wish to elevate  
 “the peasant at the expense of the upper class, but the  
 “peasant is entitled to a certain degree of protection.  
 “And many experienced men think that the additional  
 “protection afforded by the new law was really needed in  
 “Bengal. We do not see, moreover, how this law affects  
 “the planters more than other landlords, and on the whole  
 “we refrain from offering any recommendation on this  
 “head. We have done enough in drawing attention to  
 “the subject, and we hesitate, as at present informed, to  
 “do more.

“But now that indigo planters have become large  
 “landed proprietors, and indeed form a very important  
 “section in the landholding community, it is evident that  
 “the indigo interest has become bound up in the tenure of  
 “land.”

Now arises the question of rent. The Report of Mr. Temple and Mr. Fergusson continues—

“As the planters have, in common with other land-  
 “lords, been deprived of the power of summoning Ryots,  
 “we would venture to draw the attention of Government  
 “to the speedy recovery of rents. If power be taken  
 “from the landlord, it is the more necessary that the law  
 “should afford prompt redress. We know that attention  
 “was given to this point in the framing of Act XI. of  
 “1860. And we trust that adequate machinery may be  
 “available for ensuring the expeditious recovery of rent,  
 “as the matter deeply affects the settlement of European  
 “capitalists in the interior.”