



The first part of the judgment on appeal is this:—‘At the time Babu———executed four ex parte decrees, did he deceitfully conceal the summons issued against the plaintiff? The plaintiff is a prosperous man; the demand for arrears of rent is only one rupee, one anna, and six caras. The Subordinate Judge can never believe, that the plaintiff, knowing the summons issued for executing the decrees, should have allowed his valuable *lakheraj* land situated in his backdoor, to be sold by auction at such a trifling price, and for such a trifling demand. He has no doubt, that the peon sent to serve the summons, sided with the defendant, and concealed it. The evidence of both the parties has confirmed his belief.’ The judgment is a very long and elaborate one, so we stop here. The editor remarks: “———Babu! excuse us. We are defeated. However we have gained some legal knowledge by reading the decrees of the suits instituted by him in Courts of Justice. Now we, with cloths round our neck, and holding his two feet, humbly request him, that he would no more do such things. In old age pay attention to virtue. Cease from presenting the shoes by killing the cows. Do such things, as will secure the blessings of the people.” *Ibid.*, *Choitra 13, 1279 Hegira*.

Cruel A.

“We have published from time to time a few examples of the oppressions of the ryots by A, the well-known zemindar of ———. Several Judges have made special mention of his cruel and unjust conduct in their judgments. Oppressing the ryots has now become his habit. It seems on looking at his disposition and actions, that he derives very deep, unearthly, and wonderful sort of pleasure from oppressing them. He is so fond of litigation, that if there were no other zemindaries in D, his suits alone would have been sufficient to defray the expenses of a Court of Justice. He will bring suits upon suits, and reduce the ryot for ever to utmost poverty and wretchedness, until the latter agrees to pay the rent demanded by him. To him there is no distinction between the gentlemen and the low people. If any gentleman be ever ready to pay his rent,



whenever a man is sent to him, he, instead of having recourse to that means, will institute a lawsuit against him, deprive him of two days' worldly pleasure, and then take the money from his hand. Wonderful it is, that his only means of recovering one, two, or four annas of rent is lawsuit. To make known his disposition, and compare him with other zemindars, we give below the table of rent-suits, which were instituted in the S————Munsiff's Court alone in three or four years, for recovering very trifling sums:—

| | A. | B. | C. | Others. | Total. |
|-------------------------------|-----|-----|-----|---------|--------|
| Rent-suits for sums below one | | | | | |
| anna | 21 | 8 | ... | ... | 29 |
| Between one and two annas... | 7 | ... | 2 | 3 | 12 |
| „ two and three „ ... | 20 | 8 | 10 | 4 | 42 |
| „ three and four „ ... | 24 | 6 | 9 | 12 | 51 |
| „ four and five „ ... | 24 | 9 | 10 | 7 | 50 |
| For five annas | 17 | 6 | 14 | 11 | 48 |
| „ six „ | 16 | 10 | 11 | 16 | 53 |
| „ seven „ | 13 | 6 | 8 | 19 | 46 |
| „ eight „ | 8 | 8 | 9 | 14 | 39 |
| Total ... | 150 | 63 | 71 | 86 | 370 |

It will be seen from the above table, that A practises more oppressions upon the ryots than B and his son together. It may be distinctly said, that all these trifling sums might be easily realized. He gives so much trouble to the gentlemen and the low people only owing to his litigious habit. He will say, that he spends so much for charitable purposes, how he will meet it, unless he realizes annas and pie? Our advice is, that he should realize his dues by caras and gundas, but it is not proper for any man to adopt his means. We are sorry to see in the table the name of B. We knew him to be a good man. We hope that they will not unnecessarily oppress the ryots for such trifling sums." *Ibid.*, Pous 2, 1280 Hegira.



We wish to add something of our own. Reader! Have you ever heard of men, whose annual income exceeds lakh of rupees, drag the poor ryots, who were the very source of their prosperity and luxury, to Courts of Justice for such trifling sums. If these zemindars pretend, that they would spend them for charitable purposes, why they did not remit them. Was not the remission of rent one of them? Were not the poor ryots proper objects of charity? Further do you believe, that those who oppress the ryots for such trifling sums, should spend hundreds or thousands of rupees for charitable purposes. If they do so, it is only for concealing their oppressions, and thereby throwing dust in the eyes of the public and the Government. Wonderful it is, that notwithstanding the most horrible outrages often perpetrated by them in the mofussil, they are generally known to the Calcutta public as enlightened zemindars. If the enlightened zemindars do such things, what may we not expect from those, who are not so. The table indisputably proves their unexampled cupidity on the one hand, and the utmost wretchedness to which the ryots have been reduced on the other.

The Oppression of a Ryot by S, Zemindar of M.

"SIR,—Ere this my residence was in the village of M in the jurisdiction of the N Thanah. I owed something to a certain inhabitant of the above village. My condition was very wretched, and I passed my days in great distress. Great delay occurred in liquidating the debt; being without any means I humbly told my creditor that I would gradually repay him. But to my great misfortune, he did not hear my cries, and complained against me to S, our zemindar, for realizing his dues. I had a few pieces of cultivatable land, but my chief means of livelihood was the sale of my cow's milk. The zemindar, who was a second Serazdowlah, immediately sent for me by a Pyke who dragged me to the Cutcherry, used abusive language, and beat me. Being not content even with that, he gave orders to make me run like a horse for sometime by violently catching my ears. The orders were carried out. Sir, the recollection of that time makes me still



cry. It would have been better had he stopped here." He gravely said: "You owe so much to such a one; don't you know, rascal, you shall have to part with your cow?" The cow was my most dear friend; I was never able to give my consent to the zemindar's proposal. She was the first and chief means of my livelihood. If I parted with her, how I would support myself and my family? Being thus insulted and oppressed, I left M in a kind of disgust and fear, with my cow, calf, and family, on the night of that very day; still I am living in fear and concealment. If you do not believe my words, make an enquiry, and they will be proved true by the gentlemen and the low people of M. I hear that the zemindar has cut away the roof of my house. I have given you the description of my misery, let me see, what you can do for me. If you cannot, I shall cry for ever in agony of mind." *A Correspondent of Ibid., Pous 9, 1280 Hegira,*

An Atrocious Case of Forceful Abduction and Rape.

"A most atrocious case, which lately took place, has been brought to our knowledge, the particulars of which may be depended upon as correct, having been related by the mother of the young lady. The case is as follows:—Mrs. M and her daughter, a young lady about fifteen or sixteen years of age, and of a very prepossessing appearance, have been living for sometime in the same house with the wife of an apothecary, named W, which apothecary is at present at Dinapur. This house is situated in the neighbourhood of the General Hospital. About a month and a half ago Miss M one evening at dusk was walking over unaccompanied by any one to the Insane Hospital to see a friend. She had not gone far, when a native servant came running after her with a *palki*, and told her, that her mother wanted her back immediately, and had sent the *palki* for her. Miss M unsuspectingly got into the palanquin. It being dark, Miss M apprehending nothing extraordinary, was not aware, that the palanquin, instead of proceeding towards the house, was being taken out of the way towards an unfrequented part of the road, where it was suddenly put down. She now perceived her situation, but before



she could make any enquiry, or, in fact, use efforts of any kind, she was rudely taken out of the palanquin, and forced into a carriage, which had been provided for the purpose, and which immediately drove off. She screamed out for help, but there was no one at hand to assist her, while she was violently kept inside the vehicle, and her cries stifled by a European, named L, and several natives, the former being a young man belonging to one of the livery stables. She was thus taken to the house of a well-known wealthy Mahomedan zemindar living in S (only 2 miles from the Government House at Calcutta), where the poor young woman was forcibly detained and abused for a period of month. Mrs. M in the meantime could find no trace of her daughter, whose extraordinary disappearance she could not at first account for or guess; but after a few days, from some adventitious circumstances, she learnt the atrocious fact of her daughter's abduction, and also learnt, that the apothecary's wife had connived with the zemindar in bringing about the ruin of the unfortunate Miss M, by having discovered two letters addressed by the apothecary's wife to the zemindar. In one letter she speaks of remuneration for her trouble, and the other appeared to have been written the same day on which the abduction was effected, and contains the information, that Miss M was that evening going to the Insane Hospital; adding that it would afford a fit opportunity for the zemindar to secure her.

Mrs. M came to the Police on Tuesday stating the above particulars and seeking for redress; but as the case occurred out of the jurisdiction of the Calcutta Police, the Chief Magistrate could not interfere in the matter. The case, no doubt, is now before the Magistrate of the Twenty-four Pergunnahs." *The Hark*, July 17, 1849, quoted in the *Friend of India*, July 23, 1849.

The Oppression of the Invalids.

TO THE EDITOR OF THE FRIEND OF INDIA.

SIR,—It is with feelings of the deepest regret, that I have to request of you to insert the following in the columns of your journal:—



In Pergunnah S, zillah Behar, and on the banks of the Soane, extending from Daudnuggar to the new road, are six villages. These were formed in the heart of a massy jungle by invalids and pensioners from the native army, and the land given to them was with the agreement, that they should bring it into cultivation, and enjoy it rent-free during their lives, and for five years after their death it should be held by their heirs, when only a nominal rent would be demanded from them from one to two annas, only for the sake of showing, that the lands belong to the Government. With these agreements, the pensioners settled, formed villages, dug wells, cleared the jungles, and cultivated the lands, and called many of them by the names of their old Commanding Officers. Things went on peaceably, the pensioners lived and blessed the Government for its kindness, and after their death, the heirs have been doing the same. There is a certain man of the name of J, who laid claims to the lands, and about seven years ago, attempted by force to obtain rent—an exorbitant rent—from the pensioners; but a complaint having been made to Mr. Neave, the Magistrate, a stop was immediately put to it; and further they were told, that no rent, not even the one anna or two annas per beeghah would be demanded of them, unless the Board ordered otherwise. There is a man of the name of Moonshee A, who is a Sheristadar in the district; he in conjunction with J and P, have laid claim to the villages, and the Sheristadar, in his capacity of Sheristadar, has seized upon them, turned out all the old inhabitants, sold their cattle, and confiscated all their goods. This he has done by force, and by the assistance of twenty Chaprassées he has done every thing that is violent; and he cares not for the consequence, neither for sex nor age. The houses are being daily pulled down, and the woods and other materials are being consumed for firewood for the use of these Chaprassées; each person in the villages was served with a writ for arrears of rent, and most exorbitant in its demand. Thus for twenty beeghahs of land, the jagheer of a Sepoy, no less a sum than 65 rupees was claimed. The poor creatures, thus turned out of home, and deprived of their last pice, and



even of the cloths on their backs, are now wandering about the country as beggars; and the very few, that have been induced to remain, pending the decision of the petition, which they have made to the Board, dare not even request of these Chaprassees to desist, or say to them, that they are destroying and depopulating the villages; they only receive blows and abuses in return, and are told, that the depopulation is what the Moonshee wants. How I became acquainted with all these circumstances is as follows: I was riding through the village, when a few old women called out to me '*Duaya Cumpanie Sahabka.*' I pulled up my horse and asked them what they wanted, and they told me, that they were the widows of Subadars, Havildars, and Sepoys, who were formerly in the Company's army, and begged of me to listen to what they had to say, for they had now no one to protect them. I did so—in a moment I was surrounded by some twenty or thirty more, the remnants of a fine and populous village, which contained but only a few days ago some two hundred inhabitants:—such misery and oppression it has not been my fate to witness, and one would hardly believe, that such things occurred in the Company's territories, and in lands too granted by the Company's liberality! They pointed out to me the several devastations, and with tears in their eyes, begged of me to bring it forward—on the walls of some of the huts, I saw placards fixed, the accompanying is one of them—all this cruelty is caused by this man A, who conceals his deeds under the authority of his being a Sheristadar. I rode on, the same scene was presented at the next and the next village; at the last but one, I met a party of Sepoys escorting stores to Hazareebagh. They stopped me and asked me, if I had observed the villages, and then said, is this the way to keep your promises? Are our wives, our children, to be thus turned out of their homes? Can you now expect us to do such gallant deeds, as the husbands and fathers of these creatures have done? And will we hereafter accept any jungle land to be brought into cultivation, when our labours are thus to be rewarded? We call upon you, in the name of the Government we serve, to bring these things forward. A short



time after my arrival at my tents, about a hundred of these villagers came up and refused to move, unless I would do something for them. I wish not to interfere with any of the arrangements entered into by the Government—such, indeed, is far from my intention, but being an Englishman, I am bound to bring this forward. So great is the apparent distress caused by the proceedings of this man A, that unless immediate relief be afforded, it will cause the total depopulation and ruin of six of the finest villages, which, on the whole, contained about 1,200 inhabitants, which used to be an honor to the Government, and in which it had the daily blessings of many hundreds of poor creatures.

The names of the six villages are as follows:—T, L, S, J, G, and B. S, the Moonshee has given out, he has purchased the farming of from M, and, therefore, as zemindar he claims the rent of the land, and as Sheristadar, he enforces the payment.

J adjoins a village called K, which belongs to the Moonshee, and because it does adjoin K, the Moonshee lays claim to it, and as Sheristadar enforces his right. At present, therefore, the greatest distress prevails in these two villages S and J. Thus this man A acts in the double capacity of a zemindar and a Government Officer, using the power of the latter to enforce the exactions of the former. Ought such things to be allowed? It is by people of this kind, that the greater part of the abuses charged on Government originate, and there should be a rule, that no zemindar or landholder of any sort should be allowed to be a Government Officer. And at present the proceedings of this man require to be questioned, and whilst such are being done, he should be suspended, or at all events, removed from the district—the cry against him is very great—he is now both Collector and landholder!!! And he appears to have such influence in the district, that whatever he says or proposes is adopted. P lays claim to B and G, because they adjoin the village called N, and which is in his estate. Really Mr. Editor, these things should be brought forward to the notice of Government. I have, of course, given but the account of one party, and am, therefore open to conviction; but what right have these people to the land granted



by the Government to the pensioners, and how can the man A be justified in his proceedings." *A Correspondent of the Friend of India, October 29, 1840.*

The Lattyal System.

Being possessed of vast wealth and unlimited power, which have been foolishly conferred upon them, the zemindars defied and still defy the authority of Government, and take the administration of justice into their own hands. Nothing shews their contempt of its authority more clearly and decidedly than the most horrible outrages perpetrated by them and their *lattyals* or clubmen in broad day-light. Without an iota of education, or public spirit, or desire to do good to the people, the only use they have made of their vast wealth is to keep or hire scores and hundreds of *lattyals*, and to pick out quarrels with their brother zemindars, indigo-planters, and ryots. Well aware of the fact, that they can escape with perfect impunity from the daring outrages so long as they have money in their pockets, they order these men to fight their opponents, to plunder and burn villages, and to commit thousand other atrocities, which no pen or tongue can fully describe. Here it ought to be remarked, that these *lattyals*, who are generally the men of the lowest classes, and are almost always unable to support themselves and their families by their little earnings, which are due to the low price of labour, gladly take the opportunity of employing themselves in any capacity, however detrimental it may be to their future interests. In this way, thousands of them in hope of supporting themselves and their families by enlisting themselves under the banners of the zemindars, have met with violent death, and left their dear wives and children to cry about in the streets; while tens of thousands, having been severely wounded, made themselves useless for their lives, and a burden upon them; and God knows, how many more have been sentenced to rigorous imprisonments for breach of peace. But the zemindars—the cause of all these calamities—have escaped with perfect impunity. They have plundered in broad day-light thousands of



ryots of everything they possessed, and driven them from their dear homes. All these outrages have been, and are still being, perpetrated in a province, which has been the longest under the British rule, and not only in remote parts of it, but also in the very heart of the metropolis of British India. We firmly believe, that there is no civilized Government in the world except that of India, professing to make laws and regulations for the happiness and well-being of the people, which would allow such outrages to be perpetrated for more than hundred years, and in this enlightened nineteenth century among 66 millions of people, who are celebrated for their peaceful habits, and by a few voluptuous landlords, whose fate hangs upon a hair—upon a single stroke of pen of her Majesty's Secretary of State for India. It is enough to say, that if we consider the number of the victims of the zemindars' unbounded avarice and exactions, and the duration of the torments inflicted upon them during the last eighty-four years, their crimes only fall short of those of the Spaniards on their first colonization in the New World. The avaricious ferocity of great many zemindars cost humanity thousands of valuable lives. They were destroyed by torments much more atrocious, much more prolonged, they were sacrificed without provocation by the calm calculations of avarice. Thousands of inhabitants of these provinces have been condemned to hard labour in the fields; they have been forced upon exertions, which were beyond their strength, while they have not been allowed sufficient nourishment; they have been subjected to every ingenuity of oppression in spite of weakness, wounds, and sickness, and they were relieved from these horrible torments by death alone.

If one-tenth of the sum, which has thus not only been wasted, but also has spread ruin and desolation throughout the land, had been spent in making improvements of the estates, the condition of the ryots would have been much improved. We need not make any further remarks; we have only to request our readers to judge of their truth from the following quotations, which will throw much light upon the subject.



Disputes Concerning Land. "If a proprietor, or farmer of land, or a dependent talookdar, or an under-farmer, or a ryot, or other person, shall have a claim to any disputed land or crops in the possession of another, the claimant is prohibited from possessing or attempting to possess himself of the land or crops by force, but is to prefer his claim to the Dewanny Adawlut of the Zillah." *Reg. XLIX. 1793, sec. 2.*

"If any such claimant shall forcibly take possession of the disputed land or crops, the party dispossessed shall be at liberty to represent the circumstance to the Judge of the Dewanny Adawlut, who is immediately to take cognizance of the complaint, and upon the previous possession of the complainant being proved to his satisfaction, shall, without enquiring into the merits of the claim of the possessor, cause the disputed land or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall have been damaged, destroyed, or shall not be forthcoming, and award against the offender such costs and damages, as may appear to him equitable, leaving him to prefer his claim to the property in dispute to the Dewanny Adawlut." *Reg. XLIX., 1793, sec. 3.*

"If any such claimant or any persons accompanying him, in taking, or attempting to take, possession of the disputed land or crops by force, shall kill, or wound, or violently beat any person, the Judge, upon the complainant proving previous possession to his satisfaction, shall not only proceed against the offender, as directed in the case specified in Section 3, but his right to the disputed land or crops shall be adjudged forfeited to the complainant; and, whether the dispossession be proved to the satisfaction of the Judge or not, the offender and all persons aiding or assisting him in the act, shall be committed or held to bail (according to the circumstances of the case) to take their trial before the Court of Circuit." *Reg. XLIX., 1793, sec. 4.*

"If the agents, servants, or dependents, or any persons in the employ of a claimant to the disputed land or crops shall take, or attempt to take, possession thereof by force, and the actual claimant shall not be present, the Judge shall nevertheless restore



the disputed land or crops, or the value of the latter, to the person who had possession, if he shall have been dispossessed, and proceed against the parties actually present in the manner directed in Section 4, in the event of their having killed, wounded, or violently beaten any person, and if it shall be proved that the parties immediately concerned in taking, or attempting to take, possession of the disputed property, acted by the orders, or with the knowledge or connivance of the actual claimant, he shall forfeit his right to the disputed property to the person dispossessed, and be liable to be proceeded against in the Criminal Court, in the same manner as if he had been present." *Reg. XLIX., 1893, sec. 5.*

"This Regulation affording ready means of redress to all persons, who may be forcibly dispossessed of land or crops, proprietors and farmers of land, dependent talookdars, under-farmers, and ryots, and all other persons, are prohibited from arming themselves, or entertaining armed Pykes or other persons, for the purpose of keeping possession of, or guarding any disputed land or crops, and if any claimant to disputed land or crops shall go armed with a sword, stick, or other weapon, or give orders for, or connive at, any persons going so armed, to take possession of such land or crops, and the party in possession of the land or crops, or any person having a claim thereto, shall go armed, or give orders for, or connive at, the assembling of any armed men to prevent such, or armed persons on his part, taking possession of the land or crops, or to dispossess them by force, should they have taken possession of the property, and a fray should ensue, and any person be killed, wounded, or violently beaten on either side, the land or crops in dispute shall be adjudged forfeited to Government, and be disposed of as the Governor-General in Council may think proper, and both of the claimants to the property, and all persons present, and assisting, or concerned in the affray, shall be committed to prison or held to bail (according to the circumstances of the case) to take their trial before the Criminal Court." *Reg. XLIX., 1793, sec. 6.*

Let us see how far the zemindars have abided by the laws.



A writer in the *Calcutta Review* says:—"To the zemindars is due the invention of the *lattyal* system. We can affirm with the fullest confidence, that it was not the device of the planter—that, left to himself, and with the prospect of fair dealing and speedy justice, he would not have taken up arms in broad day-light. But at the same time, we are bound to state, that if he had no hand in its establishment at first, he showed no backwardness in availing himself of it, when once fairly started. Nay, our regard for truth compells us to declare, that in the use and application of these weapons, he fully maintained the superiority of the British character, and often far surpassed in execution what the boldest native landholder has ever ventured to conceive." Quoted in the *Friend of India*, May 20, 1847.

"The perpetual effort of the zemindar to prevent the intrusion, as he deemed it, of the planter, placed both parties in a state of mutual hostility.—'Many a factory could tell a tale of disasters encountered and as speedily avenged of crises, when the State seemed on the verge of destruction followed by victories rendered more brilliant by the previous loss, of long and obstinate struggles in which the natives yielded only to the concentrated and persevering energy of the European with ample resources.

'Out of some fifty and more concerns in several districts in Lower Bengal, we have been unable', says the Reviewer, 'to find a single one, about which in some time in the last thirty or forty years, affrays have not taken place attended with homicide or with severe woundings':—'not one', but 'hundred instances can be given of fair stand up fights, when two, three, or half a dozen lives were lost with a proportionate return of wounded; of battles when the up-country *brujobasee* fought with a determination, which would have done honor to the Company's ranks in any campaign; of hair-breadth escapes, when the planter, waylaid by a band of *Lattyals*, only saved himself by the fleetness of his good steed; of armed hosts attacking out-factories and levelling them with the ground.'

The affrays were so frequent and horrible, that Mr. Dampier proposed a very stringent law in order to eradicate them and es-



tablish the dominion of the law through Bengal. 'It was to the effect,' in the words of the Reviewer, 'that in every case of affray the proprietor of the concern, or the zemindar, for whose benefit the affray was undertaken, should undergo six months of imprisonment without any proof of his presence at the scene of action, without even distinct proof, that he had authorized the disturbance, but with the sole understanding, that he had benefited by it, and this too whether the zemindar had been smoking his *hookah* in his summer residence at——, or the planter had been at a different factory some thirty miles from the battle field.'"
The Friend of India, May 20, 1847.

"A dispute regarding some lands existed between two landholders, M, the nephew and manager of that great zemindar N, and S. The lands were, it is said, decided by the Magistrate in favour of S. On Saturday last, the 15th instant, M proceeded with an armed force of three hundred clubmen to two of S's villages, and plundered them. Elated with his success, he ordered his men to proceed to S's factory, which they likewise plundered, and then set fire and burnt them.

In consequence of a dispute, which prevails between the talookdar of K and the zemindar of D, the latter, the most powerful of the two, lately providing himself with about 150 armed men, made an attack upon the former and upon the inhabitants of K, his tenants. The atrocities they committed were, indeed, horrible. They not only plundered them of their valuables, but burned down their houses also. Several of the employers or friends to the talookdar were wounded on the occasion, and one of them was so severely cut with a sword, that his life was at the time despaired of. The Darogah of the Shamgunge Thana is now making an investigation on the matter, at the close of which, he will forward the offenders to the Magistrate.

We have learnt the following from a friend just arrived from Jessore. There live two zemindars at A in that zillah, named K and C, both of whom maintain a respectable character. They had a dispute with an indigo-planter, whose factory lies at R, regarding some lands, and they fought together several times in conse-



quence, yet the dispute remained in the same position as at first. The zemindars had at one time a great number of *lattyals* for the chastisement of their opponent, who getting frightened at this, proposed to enter into a treaty to restore peace among them. The zemindars, who had got tired of fighting, lost no time in accepting the offer; and seeing no necessity of incurring useless expense, dispensed with the services of the said *lattyals*. The indigo-planter, who still bore a grudge against the zemindars, embraced this opportunity, and privately employed a number of men preparatory to making an attack upon them. On the 16th of January, when his force was quite ready for the field—no less than 4 or 500 in number—the indigo-planter with them made an invasion upon the dwelling houses of the said zemindars. The men maltreated the inmates without mercy, made free with everything they found there, consisting of money, jewellery, &c. This was not all, for a part of the premises of K and the houses of his tenants were set fire to, while some money, which was buried in the ground at the former place, was dug up and carried off." *Ibid.*, February 27, 1840.

"The *Englishman* has published the following letter addressed to the Police Authorities, by order of the Governor-General, on first hearing of the engagement between two bodies of clubmen, in the vicinity of this town, three or four months back :

"From the Secretary of the Government of Bengal to the Superintendent of Police, Fort William, 26th July 1848.

Sir,—I am directed by the Right Hon'ble the Governor of Bengal, to acknowledge the receipt of your letter No. 1665 of the 25th instant, reporting the occurrence of a serious affray in the neighbourhood of S——, in which two persons have been murdered, and which is supposed to have arisen out of the existing disputes between A and B, and to have been instigated and directed by these two parties respectively.

The Governor relies upon you to act in this case with the vigour and activity which is required by the occasion. His Lordship looks upon the case as one of serious importance, and he is anxious, that no exertions should be spared on the part of the



Police Authorities to punish not only the actors in the shameful outrage, but also the far more criminal authors and instigators of the crime.

You observe that you will not allow A's rank to interfere with criminal proceedings against him. It is the Governor's very confident expectation, that you will bear in mind, in all your measures arising out of this occurrence, that the law knows in its operation no distinction of rank, and if any difference is made by those whose duty it is to enforce the law against the evil-doers, the scale should rather turn against the man of rank, who, from better education and less temptations to crime, should be less inclined to commit it.

You will proceed, therefore, in this case with the utmost zeal and promptitude, and without respect to persons. If there be reason to suppose, that A or his rival have made themselves liable to be questioned at the bar of the Zillah Magistrate for their conduct in this case, you will take such measures, as the law will permit, for placing them personally at the Magistrate's bar, and for inflicting upon them the full measure of punishment, which their offences may have deserved.

The credit of your department is deeply involved in this, as in another case, upon which you have this day received instructions in searching out and convicting those, who have been guilty of barbarous and disgraceful outrage, and His Lordship's close interest and attention will be given in every step of your proceedings.

His Lordship observes, that no report of this case was submitted to Government until the 24th instant, though the occurrence took place in the vicinity of Calcutta on the 11th. This delay requires explanation, and it is His Lordship's desire, that as soon as you are yourself on the spot, to which, he cannot doubt, you will immediately have hastened, you will both use yourself, and express on the part of others a much more prompt and rapid system of report than seems to have been yet adopted.

You are required to furnish the local authorities with a copy of this letter, that they may become aware of the great interest,



which His Lordship takes in this case, and of the vigour and energy with which he expects it to be prosecuted.

(Sd.) F. J. Halliday,

Secy. to the Govt. of Bengal.

This communication is precisely that, which might have been expected to be issued by a Governor-General fresh from England, when he learnt that the landed gentry even in the neighbourhood of the metropolis, were in the habit of settling their disputes with each other, not by a resort to the Courts of Law, but by bringing two or three hundred clubmen together on either side, and fighting the matter out. There is nothing in the sentiments, or in the language of that document, which does not reflect great credit on the character of Government. It was the duty of the ruling power to embrace the first opportunity, which presented itself of affording its support to the Police Authorities in their endeavours to bring the instigators of these outrages to justice, and to provide for the peace and security of the district; and it was wise to create a general impression in the public mind, that the Governor-General took an especial interest in the suppression of these acts of violence, which had hitherto baffled the public officers of justice.

The failure of the attempt to bring home the outrage in the present instance to those, who were originally charged with it, does not, in the smallest degree, diminish the propriety of that communication. That the battle was fought by men, who had no mutual animosities to stimulate them, and that they were instigated, paid, and assembled by some of the landed proprietors who were at feud with each other, is of course perfectly known and acknowledged by all. The Hughli Court has decided, that the parties charged with instigating it, were not guilty of the crime, and they are, of course, entitled in the most ample degree to the benefit of this legal acquittal. But the fact remains uncontroverted, that the peace of the country is constantly disturbed, and the lives of men are constantly risked by the disputes among landholders; and the result of the trial only shows how insufficient our legal institutions are for the discovery and pun-



ishment of the real aggressors, and the necessity of some more stringent laws for the repression of these outrages. While the trial was in progress, the papers announced another large assemblage of two bodies of armed men in the next district by order of two landholders, and described the terror with which this armed affray had filled the neighbourhood. Had any act of violence been committed by them, there would have been precisely the same difficulty in tracing out that breach of the peace to its source, and convicting the real offenders, as there had been in the Hughli trial. We observed on a recent occasion, that considering the power and resources of the zemindars, the low state of morality in Bengal, and the variety of legal impediments, the conviction of any landholder, who may have instigated such outrages, is next to a miracle." *Ibid.*, August 1848.

"All the papers have alluded cursorily to the circumstance of a native Babu, who was before the Police in Calcutta the other day with some information against B, when he was captured by a summons from Serampur to give evidence in a case of murder.

The case slightly glanced at is one of those serious affrays unfortunately too common in the Lower Provinces of Bengal, but as it will serve to illustrate the state of native society among the higher classes in and around the metropolis, and the difficulty of maintaining a good Police, we shall venture to give some details of it. The affair was a pitched battle fought some days back at the village of———, not a hundred miles from Calcutta. Two men are ascertained to have been killed, and eleven wounded, but the people of the neighbourhood assert, that three or more, who were mortally wounded, were carried off by their party. There has, it seems, for some time past, been a mortal feud between one R in Calcutta and a certain zemindar, both well-known in society. Through some intricate transactions, which we need not recapitulate, their quarrel came to be decided at the village mentioned above. We have, before us, a very minute, and we believe, correct muster-roll of the chiefs on either side. R is said to have obtained the assistance of——— in



Calcutta, and of a certain Babu, who has figured more than once in the Reports of the Superintendent of Police, and at the sound of whose name every villager in the eastern part of Bengal trembles. The clubmen of these two native gentlemen, and also of certain other allies, were collected on the occasion. On the other side the zemindar assembled all his own force, and borrowed all the armed retainers of his friends, and on the evening in question between four and five hundred men came into collision, when the zemindar's men sustained a signal defeat. The spot where the engagement was fought affords eminent facilities for the transaction of men by water, and the Magistrate did not, therefore, hear of the gathering in time to prevent the catastrophe. The result of the enquiries of the Police we have already stated. This event, which is by no means uncommon, presents a very curious picture of the state of Bengal eighty-nine years after the battle Plassey. Here we have large bands of armed retainers, who are maintained simply with the view of enabling their masters to take the law into their own hands, marshalled in and about the metropolis, and despatched under proper leaders to maintain the quarrel of two rich natives in the village selected for the occasion. They move deliberately up to the scene of conflict, and an engagement takes place without any interference on the part of the Police, who were far too feeble to offer resistance. The partisan warfare is carried on not by rude and rough chieftains, who are anxious to maintain their hereditary independence, but by the delicate Babus in Bengal, by men who may be seen any day driving their elegant carriages through Calcutta. Here the public peace has been disturbed, the pursuits of industry have been interrupted, and injury of life and limb inflicted to a deplorable extent under the instigation of men, who sustain the highest position in society in Calcutta, who are on the Government House list, and receive tokens of distinction from the Governor-General in Public Durbar. Whilst such examples are set by the higher classes of society, how can we expect obedience to the law among the lower orders? May it not be said, that the peace of the district is at their mercy, and that the Police



acts only through their forbearance ? The district of Hughli has long been remarkable for its affrays, but it will be found, that in numerous instances the infraction of the law is to be traced to those who ought to be foremost in supporting its dignity. Unfortunately owing to the great defect of our legal institutions, the real offenders can scarcely be reached by the arm of the law. They have an unbounded command of wealth and witnesses, the Magistrate, whatever his own conviction may be, cannot act in the face of evidence duly sworn to; and seldom can proof be obtained sufficient to bring home the guilt to those, who are at the bottom of these outrages. Recent decisions of the Supreme Court have, moreover, contributed in no small degree to paralyze the vigor of the Magistrates, who have the misfortune to be stationed in its vicinity. The great and the rich among the natives in Calcutta can at any time drag them before that Court for acts done in their Magisterial capacity. Their conduct is watched with the most zealous scrutiny, and they can never be certain, that they shall not be indicted and condemned to pay overwhelming costs in that tribunal for acts, which they and their predecessors have always been in the habit of considering legal and legitimate. All our laws, local as well as British, are against the vigorous pursuit of the criminals, who thus keep the country in a state of agitation, and destroy the peace of society. In the present instance, although the names of those whose instruments have committed this outrage, are universally known, and the strength and influence of the various parties who appeared in the field is the topic of general conversation, the upshot of the business will be the condemnation of half a dozen of the comparatively innocent subordinates, who were engaged in the affray, and the complete impunity of their employers, who will thus be encouraged to lay plans for another demonstration of their power." *Ibid.*, July, 27, 1848.

"The trial of R and his son and S at H——— for having instigated a conflict between two bands of *lattyals* or clubmen, which proved fatal to several, has terminated, as was expected, in their acquittal. It was found impossible to substantiate their par-



ticipation in the outrage, and they have obtained full legal absolution from the guilt and consequences of the transaction.

S, though he has had a fortunate escape on this trial, was, as we learn from a native paper, detained by the Magistrate to be forwarded to Furreedpur to answer for a similar charge in that district.

So far as these native gentlemen were supposed to be implicated in this breach of the peace, the enquiry has terminated in their favour, and there is nothing more to be said in reference to them. But it is manifest, that the four or five hundred club-men, who were assembled in hostile array at the village, and who fought each other without any motive of personal hostility, must have been brought together through the agency of some men of wealth and influence. It is much to be regretted, therefore, that the Courts should not have been able to discover and punish the instigators of this outrage. The case has terminated without any advantageous result for the future peace of the district, and the impunity with which those who were really guilty, have escaped, is, we fear, likely to lead to a repetition of this partisan warfare. As regards the general tranquility of the country, it is to be deplored that Government has not been able as yet to devise any means by which it may be effectually secured from interruption by the feuds of the landholders, who are permitted to retain so large a body of armed men in their service, that the peace of a district appears to depend more on their forbearance than on the vigour of the civil power. The issue of any trial, that may be instituted to bring the alleged delinquents in such cases to justice, must necessarily depend on the weight of testimony, and the zemindars possess such vast resources of evidence, that the conviction of any of them would be little short of a miracle, yet it cannot but be the bounden duty of Government to maintain the peace of the districts inviolate, and the perpetual recurrence of these hostilities, by which the security of life and property is so fatally compromised, reflects great discredit on our institutions. The very existence of such bands of men, superior in number to the constabulary force of the State and ready at any moment to



turn out at the bidding of their employers, is an anomaly in our system. Might not some kind of registration of the *lattyals* be found beneficial?" *Ibid.*, November 20, 1848.

"An active and zealous Magistrate addressed a very able letter to the Superintendent of Police, in which he observes:— 'Thus a set of hireling or professional fighting men, generally strangers at the places where they may be employed, and so chosen, as to be less liable to recognition, are fostered, who from the weapons they use, and the practices they pursue, are thus trained to dacoity in broad day-light. For instance, numbers of the released prisoners, besides most of those who escaped seizure, are residents of Farreedpur and Pubna, and the more distant parts of this district. They call themselves *Chitteeburders*, take any kind of temporary employment, and from the immense number of persons thus temporarily employed at the different factories, and all kinds of tenure-holders, the District swarms with them. They are to be had in bodies of 5, 8, or 10 men, as the occasion may require, and are thus entered in the papers, which have been seized; viz., so much to such, and such a Sirdar with his *buradaree* of 5, 8, or 10 men.

The Magistrate's communication from which we have quoted, is filled with statements regarding the lawless proceedings of R and his cousin G, who employed large bodies of these clubmen to thwart each other. It was proved from the papers found in the Outcherry of the latter, that from 150 to 200 men were thus kept in pay for months, that during this period of intestine war, villages were repeatedly plundered by the adherents of both parties, and that throughout the range of country they occupied, the Police Officers were worse than useless, and the whole population was for months completely at the mercy of these powerful and lawless zemindars.

The case of the notorious P, who appears to be the R of the Krishnagur district, affords another instance of the working of this system. In April last, he determined to prevent Mr.——'s ryots fulfilling their contract, and sowing indigo in the villages, which the zemindar had sub-let to him, and he collected a large



body of armed retainers. In the meantime he went into the station to watch the progress of events. Mr. W sent information to the Magistrate of this dangerous and illegal assembly, and requested, that some officer might be deputed to ascertain the truth of the assertions. He resolved to repair to the spot himself, and in order to avoid any suspicion on the part of the zemindars, went unaccompanied with any of his Police Officers. We had better, however, give the narrative in the words of the principal witness.

On our arriving within a short distance of the first village, called B, we met some of the factory servants, and desired them to go forward towards the village to see if any of the *lattyals* would turn out against them. They approached the village, however, without any of them making their appearance. The Magistrate at this time had some conversation with some of the ryots of this village, and also with a respectable-looking native on his road from M. The Magistrate informed him who he was, and in his conversation with the ryots, they told him of their willingness to sow their lands with indigo, but that they had been forbid to do so by the talookdar. We then proceeded through the village when *lattyals* appeared. The Magistrate ordered the men who were with us to seize on them. One man was seized with a *latti* in his hand, and the Magistrate ordered that he should be brought along as a prisoner. We had not proceeded further than fifty yards with the prisoner, when a number of *lattyals* appeared issuing from the village, who pursued us with menacing attitudes. I then asked the Magistrate, if he was satisfied that the village contained armed men. He said that he was so, and to avoid their nearer approach, he proposed we should ride towards the factory, which lay before us at a distance of two or three miles. We rode on accordingly. Whilst doing so, I saw the *lattyals* rescue the prisoner, whilst others pursued us. We then approached the village of C, another village belonging to this talookdar, when bands of *lattyals* rushed out with menacing attitudes and abusive language. The Magistrate was nearest to the village, and I saw a number of the *lattyals* pursue him.



with an avident intent of doing him bodily harm, which he escaped by urging on his horse. We succeeded in reaching the factory without having suffered any injury. Two Gomastahs, who had joined us, the one from D, and the other from E, were also attacked, but effected their escape in safety. On the arrival of the Magistrate at the factory, he sent immediately for the Darogah, who soon made his appearance. He was ordered to apprehend the head-servants of the talookdar, resident in the village. Shortly after his departure to execute this order, he sent information to the Magistrate, that in consequence of the large assemblage of armed men, he was afraid to approach them. On a reiteration of the same order, he apprehended two servants of the talookdar.

The Magistrate, after investigating the case on the 4th of May, stated in his proceedings, that though the prisoners were at Krishnagur, that was no impediment to their issuing orders for the assemblage of the body of armed men, and that such an assemblage could only be got up by the order of the zemindars, and he therefore sentenced P and N to six months' imprisonment and a fine of 200 rupees. This sentence was confirmed by the Sessions Judge, but a representation having been made to the Nizamut Court, the proceedings were called for, and the Judge, finding no evidence to connect the zemindars with this riotous assembly, directed that they should be forthwith released.

The Magistrate, whose communication we have quoted very justly observes: 'With this report, I have been able to place before you illustrations regarding *lattyals* and their practices, which I trust are sufficient to remove all doubt regarding this body of men, whose conduct is so injurious to the well-being of a district, while their existence is a disgrace to the Police of so powerful a Government. But I am afraid, the system will never be rooted, until the employers are held responsible, as repeatedly proposed by my predecessors, and until a law is passed making the principals for whose benefit the assemblage takes place, liable to punishment.' *Ibid.*, December 17, 1846.



“On the 27th of last month, we reported a daring outrage attended with loss of life in the neighbourhood of Pubna. We have been several days in possession of further particulars, but the arrival and departure of the mail compelled us to put off their publication. The factory which was plundered is called the S factory. The attack took place on the 14th and 15th of last month. At a few miles' distance two native ladies reside, who hold some large zemindaries. Their servants have been notorious for years as the pests of the surrounding country. Some dispute had risen between them and Mr. K, who resides at the above named factory, with regard to lands of which he obtained possession by a legal decision; this disappointment induced them to seek revenge. On the 13th ultimo, they sent about a thousand men, who took possession of some neighbouring villages, threw forty or fifty boatloads of indigo-plant into the river, sunk all the boats, and took away one of the village Gomastahs, who had not since been heard of. On the following night, the 14th, they surrounded the house, and at the first rush killed one of the Burkundazes, and badly wounded the factory Jemadar. They then broke open the doors of a room, in which the cash was deposited, broke open the chest, and took away about fourteen hundred rupees. Mr. K was absent, but his wife and children were in the house, and, with some servants, succeeded in barricading the upper doors, and having a loaded gun, contrived to keep the ruffians at bay. About 10 o'clock in the morning, the Thanah Moherer happened to pass, and seeing such a number of men, came on shore, on which they walked away taking the dead body of the Burkundaz with them. Mrs. K then succeeded in sending off a message to the Magistrate and to her husband, who was forty miles from home at the time. The Magistrate arrived at about eight in the evening. On the following morning having been informed that another factory had been plundered, he proceeded in that direction, but had scarcely gone a quarter of a mile before he met the ruffians who began abusing him. He returned to the factory and took the Darogah, Amlah, and all the Police force, he had with him, and proceeded to disperse or arrest



the *lattyals*, who remained where he had seen them. He arrested some of them, when seeing that his force was not so strong as they had supposed, they attacked him, killed the Darogah by his side, wounded three of the Burkundazes badly, plundered the Amlah's boat and sank it, and would have killed the Magistrate himself, if he had not made off quickly. They then multiplied and carried off the dead body of the Darogah. A number of the women of the neighbouring villages ran into the factory for shelter, and remained there during the attack, making a dreadful cry, and it reflects no small credit on the lady of the house, that amidst the terrors of her guests, she preserved her own fortitude. Had it failed her, she and her children would in all probability have been murdered.

For the last ten days these people had been known as plunderers, and scarcely a planter in their vicinity had escaped extortion or violence from them.

It is stated, that the profits of the zemindaries, which support these plunderers, are about Rs. 40,000 a year, and as the ladies are childless, their revenue is employed in supporting a body of armed retainers. It is said also, that they have a friend at Court, who helps them through difficulties, and has amassed a large fortune by her influence over a well-known public officer.

The whole mischief may be summed up as follows:—

Two men murdered, one a public functionary. One man carried off unhurt and concealed, four badly wounded, much property carried off or destroyed, and two villages plundered. All this within a moderate distance of the capital of British India, in a country which has not seen a foreign foe for a century, and which ought to be as well governed and free from outrage as an English County." *A Correspondent of the Friend of India, August 10, 1848.*

"It is reported by the *Star*, that another affray has taken place in Pubna between the servants of two rich zemindars. The dispute arose out of a contested claim to an estate, and has



been attended with loss of life." *The Friend of India*, September 14, 1848.

"The *Hindoo Intelligencer* relates, that the people of C have been thrown into a state of great alarm by the quarrels of two rich zemindars of R, who have a band of about three hundred *lattyals* or clubmen each. No conflict has as yet taken place, as three or four Darogahs are on the spot, but in the meantime the *lattyals* amuse their leisure by the plunder of the passengers and the poor around. It is only by the accumulation of such facts as these, that the necessity of reforming and strengthening the Police of Bengal can be enforced on the attention of Government." *Ibid.*, November 9, 1848.

"The *Hindoo Intelligencer* informs us, that no steps have been taken to put an end to the outrages perpetrated by the clubmen of the two zemindars of R, who have now been under arms for three weeks, and are incessantly occupied with plunder and spoliation." *Ibid.*, November 23, 1848.

"The *Hindoo Intelligencer* reports, that the bands of *lattyals* belonging to the R zemindars have dispersed over the country in pursuance of the orders of the Magistrate, but this measure has done little service, as they have already committed several dacoities." *Ibid.*, December 7, 1848.

"The zemindari Cutcherry of M in the district of Patna was recently entered by two hundred armed men (of a rival zemindar) who in the course of a few moments, burnt the place down, and carried off whatever was found there." *Ibid.*, February 27, 1849.

"The concern of which the factory in question is a part, had been, during many years, in the hands of a gentleman of very respectable French connections. The junior partner of the concern sold his share of it to a planter of great experience in



indigo affairs, but who, being obliged to reside at Calcutta, allowed the sole management of the concern to remain *protempore* in the hands of the senior partner, who met with opposition in the course of prosecuting his cultivations in the village of A. He mustered a few of the servants of the concern with a view to save his property from spoliation believing, that the M— people were meditating an attack on his factory or dwelling house. On seeing these preparations, they assembled a large gang of *lattyals*, and both parties were on their guard against any attacks that might be made. Things remained in this state for a few days, and there not appearing any immediate likelihood of an affray, although the *lattyals* of M—— and the servants of the factory endeavoured to provoke each other by abusive language to come to the scratch; to Court, it seems, both parties resorted by petitions. Things remained in this position, when the purchaser of the share of the concern before mentioned arrived at the factory, and being of a charitable disposition, he generously provided for a large body of paupers, it is said, to the number of 150 to 200, by giving them a monthly pittance for their support. Such an unusual display of benevolence was mistaken by the M—— people, and induced them to resort to their employers, whom they advised to lose no time to use the means of defending themselves against the meditated attack, as they imagined, of the body of *lattyals* the planter had collected, and was preparing for a battle by feeding them well. Letters were thereupon despatched in different directions to people in villages, where parties of mercenary fighting men were to be had for money, calling for immediate assistance. One of these missives was addressed to the Naib or Gomastah of P of Pergunnah S, who is stated to be at this moment engaged in hindering the cultivations of a concern called N; another was despatched to one G, who was engaged in opposing the aggressions of some persons on the cultivation connected with the concern of an opulent member of the Committee of the Planters' Association; a third letter was sent to the Naib of L, the *ijardar* of the proprietor or *malik* of a small estate, who is building a new factory or repairing an old abandoned



one in the neighbourhood of the F concern; a fourth was forwarded to O, Naib of Pergunnah M——, the property of the wealthiest zemindar in the district of——, *who is the terror of the people, and no less so of the Police.* The result of sending all these letters was, that a body of 250 of the most stout and desperate fighting characters was assembled, and posted in detached parties in the compounds of the residences of the M——people. Here they waited two days for orders to commence the battle; but the M——people finding that there was no apparent intention on the part of the planter to proceed to such extremities, as they had gratuitously anticipated, they betook themselves to discharging their hired bands by offering them small pecuniary gratuities, which they disdainfully rejected as entirely inadequate to their long established character. They left the M——people in displeasure, and heartening themselves by resorting to intoxicating drugs, or rather liquor, we conclude, they formed a determination to compensate themselves for their disappointment by turning out and plundering the first village, that came in their way. *Dictum-factum*, away they sallied into the field of operation, attacked the villages, one belonging to their very employers, plundered their ryots, and decamped with a large booty. This untoward affair furnished the M——people the grounds of turning their discomfiture to good account, by laying a false accusation in the Fouzdari Court against the planter, who was on the point of being placed in critical situation by the friendly officers of the Nazir of that Court in favour of his adversaries, because he was his relation, as well as by the Thanah Darogahs and a host of perjuring witnesses, who collectively laid the facts on the shoulders of the planter much to his disadvantage, and succeeded in compassing their nefarious object. The planter hastened to the Magistrate, who was fortunately in the interior at the time on duty, though at the distance of one day's journey, succeeded in laying bare the nature of the plot, that was formed against him by the M——people, and prevailed on him to visit the spot himself. He fortunately for the planter did so without any loss of time, and after a close investigation into the matter, ascertained, that



the case was mere fabrication, a conspiracy against the planters; and the *denouement* was, that several of the villains were punished." *A Correspondent of the Commercial Advertiser*, March 4, 1840, quoted in the *Friend of India*, March 12, 1840.

"We have extracted a communicated article from the *Calcutta Star* upon the late zemindari trial, which contains some curious items of information. Notwithstanding the check which zemindari *Lattyalism* has received from the late monster trial of R, we hear of a similar collision in arms between a zemindar residing at B and another at M in Zillah Hughli, for obtaining possession of a disputed talook. The sum that will be expended on both sides in bribes to Amlahs, witnesses, &c., will not fall short of at least five times the value of the property, which caused the warfare, add to this the guilt, which the zemindars incur in the eyes of God and man for having been the wilful instruments of the untimely death of three valuable human beings, and the amputation of arms or legs of ten more. We hear from a creditable source, that the sum expended in R's trial nearly amounted to eighty thousand rupees, a sum almost equal to eight times the value of the zemindari, the possession of which led to the affray. The world may judge how foolish and uncalculating our zemindar friends are." *The Friend of India*, January 18, 1849.

"A Correspondent of the *Englishman* declares, that another affray between two parties of clubmen has taken place at B—— and it is slightly hinted, that two well-known zemindars are implicated in the affair. These affrays have already attracted the attention of the Government, and it is to be hoped, that Lord Dalhousie will devise some plan for their suppression more efficacious than that at present resorted to." *Ibid.*, July 26, 1849.

"A Correspondent of the *Englishman* states, that 'the inquiry instituted into the particulars of the affray at B—— which we mentioned last week, has terminated without any



conviction beyond that of the *lattyals* concerned. It is obvious, that the bazar was not plundered in mere wantonness, and it would perhaps be as well to enquire who benefited by this proceeding. B—— is not more than six miles from Government House, yet it has been found impossible, even though the utmost exertions of the Magistrate have been used, to convict a couple of zemindars, whom every man in the zillah knows to have been the moving-spirits in the transaction. In a former instance, the deliverance is said to have cost nearly Rs. 50,000, and the accused therefore paid in money at least for the slaughter caused by his servants; but in the present instance there has not been even the penalty of law expenses." *Ibid.*, August 1849.

"The subject was brought under the special notice of the Superintendent of Police by a fatal affray, which took place in the district of Jessore last year between the agents of a respectable farm and a native zemindar. The agents held a farm of a ten-anna share of an estate in the district, and wished to sow some of the lands with indigo, which the agent of the six-anna share was resolved to resist. Both parties prepared to carry out their wishes by force, and mustered their *lattyals* or armed retainers. The preparations for this breach of laws was made with such deliberation, that information was given to the Police Authorities some days before of the probability of an affray. As soon as Messrs. C, G, and Co.'s men began to plough, the opposite party attacked them, and a general engagement ensued. The men from the indigo factory being armed with fire-arms, put their opponents to flight, after having killed one man and wounded another. Unfortunately through some mismanagement of the case, the parties in this nefarious affair were released and escaped with impunity. The principal aggressor or rather instrument was acquitted; and in the present state of the law, the instigators could not be reached.

Though this affray occurred last year, it has only just been brought fully under the public notice by the publication of the Report, and as this system is still in full operation, the subject is



one of deep and painful interest. That society should be in such a state, as to allow the occurrence of such scenes within a hundred miles of the metropolis, nearly a century after the battle of Plassey, is not only very extraordinary, but reflects the highest discredit on our institutions.... There are few indigo factories not provided with a body of armed retainers ready to take the field at the command of their masters, whose salt they may happen for the time to be eating, and few zemindars, who have not a similar brigade of clubmen. If any dispute arise between these classes, it is not referred to the constituted authorities, but settled by the strength and sinews of their respective retainers. But the *lattyals* are not exclusively employed in deciding the disputes between zemindars and indigo-planters. The zemindar frequently employs his force to coerce a neighbouring landlord, and the lawless bands at the factories are often employed in the aggressions made by one planter on another. It appears scarcely credible, though an actual fact, that in those districts which have been longest under our dominion, and in which our political authority is most thoroughly established, the power of the laws is weakest, and the spirit of lawless violence most prevalent and successful. A larger body of armed men is retained by private individuals to commit breaches of the peace, than the constabulary force paid by the State to maintain it. The public authorities are openly set at defiance. The first object of all Government, that of establishing the supremacy of law, is defeated; and those districts in Bengal, which contribute most largely to the production of indigo, are in such a state of disorganization from this cause, as would have been considered disgraceful under a Mahomedan Government, and held up to view as the most incontrovertible evidence of its imbecility and viciousness. It is no hyperbole to affirm, that the power of Government is most distinctly recognized and felt in the Jullundar Doab than in the district of Jessore.

It appears rather to be on the increase, as we find Mr. Dampier 'particularly regretting to observe, that the practice of providing *lattyals* or clubmen with fire-arms is becoming more



common. So great is the demoralization, which this system spreads through all classes of the natives by the constant exhibition of lawless violence, by the abeyance of law and equity, and the too frequent triumph of force and tyranny, that the hope of social, moral, or intellectual improvement in the districts in which it prevails, is faint indeed. These armed retainers are the ready instruments of oppression in the hands of their employers, and thousands of deeds of darkness and cruelty are perpetrated by them, which never reach the ear of the Magistrate. One of the most pressing duties of Government is the suppression of these companies by the most energetic measures. They should be immediately and imperatively disbanded under heavy penalties, and in every instance in which an affray or outrage is committed by them, the real principals, their employers, whether Native or European, should be visited with signal punishment. At present those who are the real cause of these sanguinary conflicts, are suffered to escape, while their instruments alone are brought before the Courts, and too often escape from the difficulty of securing a conviction." *Ibid.*, October 22, 1846.

"A variety of papers, statements, and petitions, have just been published, the object of which is to prove that the Judge of Jessore has forbidden the celebration of the Churruck Poojah throughout his district. Interference with the religion of any party is, of course, highly objectionable, and even the abominations of the swinging festival may possibly be brought under that denomination, but we imagine in this case it will be found, that the punishment inflicted on the Naib was not for swinging himself (which is, of course, a matter he never attempted) but for compelling others to do so. In almost all places, the custom is now kept up by actual compulsion on the part of the zemindars. In Serampur at the last celebration, a desperate attempt was made to frighten three husbandmen into the performance of the ceremony, and one of the men received a severe wound on his head for his resistance. Whatever may be the right of official functionaries to interfere with Hindoo ceremonies, it is undoubt-



edly their duty to prevent torture or compulsion of any kind, and this Mr. James has endeavoured to effect." *Ibid.*, July 26th, 1849.

"A Correspondent of the *Englishman* gives the following instance of the eternal quarrels between the zemindars and planters, which seem to extend even beyond the grave:—"In performing the last sad offices to our poor friend Russel's remains at S——, we were much annoyed by the zemindar. This worthy would not allow a grave to be dug, although an European had before been buried on the spot, and *his influence was so effectually used, that the ryots refused to sell planks, although lots in the village.* We were ultimately obliged to use the doors, and bury him in the compound. The object, of course, was to extort money. So much for being loved by the natives, which they say, he was." *Ibid.*, May 24, 1849.

"As frequently happens in some parts of Bengal, the ryots and tenure-holders of a certain village and its neighbourhood were divided into two parties, the one consisting of the partisans and adherents of the ———, ——— shareholder of the zemindari, or ——— zemindar as he was termed, and the other of those of the Ghoses, the ——— zemindars. One Asan and his brother Manik, who lived in one homestead and held under the Ghoses, had a quarrel with one Kalidas, a substantial ryot on the ———'s side, relative to the common boundary between their respective plots of ground; and some effort had been made by the ———'s people to make Asan give up his *jote* to Kalidas, or to enter into *zemma* relations with the ———. Nothing, however, came of this for many months, until one morning early four or five *lattyals* of the ———'s party came to Asan's homestead on some vaguely explained errand. Most of Asan's neighbours were, like himself, adherents of the Ghoses but one or two, and among these a man called Kafi Mahomed, whose *bari* (house) was only two or three hundred yards distant from that of Asan, belonged to the ———'s faction. The *lattyals* apparently not succeeding at once in their



mission to Asan, retired for a time to the *bari* of their friend, Kafi Mahomed, sending meanwhile a message to the——'s Cutcherry. Two or three hours passed, Asan and his brother Manik, having taken their mid-day meal, were resting in their *bari*, when suddenly an uproar occurred—four or five men rushed in to seize Asan and Manik, who then found that some 100 or 150 men had come up to the assistance of the *laltiyals* of the morning, and were approaching in force from the south side to the attack of the *bari*. The brothers attempted to escape, and Manik was fortunate enough to get away on the north; but Asan was laid hold of by the men, and was carried off in triumph to the main-body of the assistants, who were collected in a *bangla* running east and west on the south side of the *bari*. Manik then came up with some of the Ghoses' party, whom he had hurriedly collected, and, seeing his brother a prisoner in the hands of the enemy, rushed forward to save him. He was, however, almost immediately speared by two men in succession. On this Asan got free and laid hold of one of them, but was beaten off, himself receiving a slight spear-wound in his head. On Manik's falling, the cry was raised that a man had been killed, and as is usual on such occasions, the attacking party fled. Manik died a few minutes after he was stabbed, and thus ended the conflict as suddenly as it had begun." *The Calcutta Review*, vol. LIX., p. 356.

Sir George Campbell in his Administration Report, 1871-72, observes:—"It has been said that in Bengal the rich and powerful have been less restrained, and the poor less protected than in other provinces, and up to that time this was so in the most literal sense of the word. There was in the interior of Bengal a lawlessness and high-handed defiance of authority by people, who took the law into their own hands by open violence, which would not have been tolerated for a moment in any other part of India."

"In the middle of the year (1876) there was a serious case of affray in the district of Jessore. One of the——zemindars



was implicated, convicted, and fined Rs. 500. The defendant appealed to the High Court, which has upheld the judgment of the Sessions Judge. In passing their judgment, Justices Jackson and McDonnell quote the following observations of the late Justice Norman: 'Where riot and bloodshed take place as the result of a stand up fight between the partisans of two rival zemindars; where, as is too often the case, and as the Magistrate has found was the case here, *lattyals* are employed on both sides, there can be little or no doubt, that the riot is, if not for the benefit of, at least mainly instigated by, the zemindars or their agents.' In these observations Justices Jackson and McDonnell concur. 'The Judges are right.' *The Hindoo Patriot, February 12, 1877.*

The following sent to us by a correspondent, who says he has made careful inquiry into the matter, seems to require official investigation. We cannot ourselves vouch for the facts, and we, therefore, suppress the number, which professes to fix the charge:—

'A case of very serious outrage, assault, and wholesale *looting* of property, committed upon a number of villagers by a zemindar's Naib in an estate registered as Lot No.— in the—, is now under investigation by the local Police by order of the Deputy Magistrate of—, who happened to be in his circuit in that quarter, and was an eye-witness, if not of everything, at least of the result of the violent and inhuman assault. Lot No.— appertains to the— Sub-division of the 24-Pergunnahs. It appears that the Naib owed a grudge to a Gōmastah or Superintendent of one of the *Chouks* (sub-let portions) belonging to the lot, arising from some civil suits carried on between them for sometime past, in which the latter was a winner upon good evidence as fighting for the just rights of the ryots under his charge. Several false criminal charges instituted by the Naib against the *chouk* Superintendent after the termination of the civil suits, also fell to the ground. The animosity, or rather the feeling of revenge, on the part of the zemindar's Naib, became the more



intense, and found vent in the following atrocious deed. About a hundred *lattyals* entered a few days ago the little village whereof the ryots and the *chowk* superintendent had offended the dignity of the zemindar's Naib, robbed the poor people of everything they had an earth—metallic plates, beds, the ragged winter coverings, and, of course, all that was found in the shape of ready money. A more wretched state, we learn, can scarcely be imagined than that to which the villagers are reduced. Some idea can be formed of the nature of the assault committed from the fact, that several had their heads broken, and that when the Deputy Magistrate arrived at the spot, he assisted in person in applying cold water on the head of a person weltering in blood in a senseless state. That speaks much for the Deputy Magistrate's humanity, but unfortunately, in the face of strong evidence as to who were the perpetrators of this barbarous and lawless outrage, he quietly ordered an investigation of the case by the local Police for a report of the result to him in due course. Very little hope is entertained by the sufferers of any relief coming to, or any punishment ever reaching the offenders from the step taken by the Deputy Magistrate. The measure adopted is considered by the people concerned as simply ridiculous, and for reasons which few readers need to be reminded of. To the depredations already enumerated, the setting fire to the hut or huts of a poor family remained to be added. Some stringent measures, it is hoped, will be taken without delay to bring the culprits to punishment, and, if possible, some kind of relief to the friendless victims of proverbial zemindari rapacity and cruelty." *The Indian Daily News, January 9, 1877.*

"We would venture to invite the special attention of the Local Government to the case of illegal imprisonment of a ryot and of armed resistance to his release by a party sent out for the purpose by a Magistrate, which is reported to have recently occurred in the—Sub-division of the Backergunge district. The Magistrate's personal servant is said to have been killed in his attempt to release the prisoner, when the Police, who had been



specially charged with that duty, fled at the show of resistance made by the zemindar's *luttysals*." *The Indian Mirror*, March 9, 1878. (See *The Disputes between the Zemindars and the Ryots*.)

The Increased Value of Land is Due to the Labour of the Ryot, and not to the Expenditure of Capital by the Zemindar.

We have already said, that there is a strong desire in the minds of the zemindars to appear before the public and the Government as philanthropists. No one will deny, that cultivation has increased since the Permanent Settlement, and that thereby the value of land has also increased. Although the noble expectations built upon them by the father of that settlement have been utterly disappointed, yet they boldly come forward to take upon themselves the credit, that it is due to their expenditure of capital. We shall enumerate one by one the several causes, that stand in their way of making improvements of their estates.

Firstly.—By the cursed sub-letting system, almost all large zemindars have let out their estates, thereby reducing themselves to the position of annuitants, and have no concern with them except that of receiving the permanently fixed jumma. They have, by that course, given up all hope of sharing in the increased value of land. Is there any such fool in this world, who lays out capital, and expects nothing in return? And making improvements of the estates from charitable purposes is out of the question. They will waste away tens and hundreds of thousands of rupees in their sons and daughters' marriages, nautches, and so forth, but they will not lay out a single rupee for making improvements of their estates.

Secondly.—The division and sub-division of an estate among a numerous co-sharers are also one of the greatest obstacles, that stand in the way of improvement. Any one who is acquainted with the feelings towards each other amongst them, will easily perceive, that it is vain to expect them to work together and to do anything for improving the condition of the ryots. To throw light upon this point, we crave the permission of our readers to quote the following lines from the Administration Report of



Bengal for the Year 1872-73, p. 40. "Another subject of importance has also been recently under the consideration of Government, in connection with the rent disputes and the many social and political difficulties resulting from the way in which land is now held in Bengal. It was brought to the notice of Government that, as a consequence of the practice of sub-dividing and sub-letting, each tenant had now very commonly to pay his rent to 'two or many more than two masters.' The hardships and harassments to which the practice of shareholders collecting separately subjects the tenant, had also frequently come under His Honor's observation in different shapes, and, as has been noticed, a case of the kind was one of the principal causes of the Pubna disturbances. The Lieutenant-Governor has repeatedly observed how nearly impossible it is for landholders to do their duty when their estates are split up among so many undivided and over-lapping interests. The Lieutenant-Governor, therefore, requested the Board of Revenue to consider whether some remedy should not be applied by legislation, and suggested the possibility of reverting to the rule of the Permanent Settlement, under which the proprietors of a joint undivided estate were required to elect a manager, who should have the exclusive management of their lands during the continuance of his appointment. On this the Board consulted the Commissioners and Local Officers, who were 'very unanimous in deploring the evils and hardships of the present system'; but they were not generally hopeful as to the probable result of the remedy proposed, or of any other remedy."

Now suppose that one of these co-sharers is really anxious for making improvements of the estate. But what he can do, while the others are opposed to him? It is impossible to expect, that he will lay out the whole capital required for making such improvements from his own pocket, and appropriate the whole profit arising therefrom to the exclusion of them. If any one dares act in this way, he is sure to pick out fresh quarrels with them.



Thirdly.—Almost every rice-field throughout Bengal is a very large one, and consequently owned by several zemindars. Their hostile feelings towards each other in consequence of boundary disputes are too strong for them to work together for bettering the condition of the ryots. Instead of making improvements of the estates, they often quarrel with each other. They will waste away thousands of rupees in keeping or hiring *lattyals* to fight each other for a few yards of land, and stand sinners before God and man by killing their brothers, shedding their blood, and committing thousand other atrocities, but they will be the last men in the world to lay out a single rupee for making improvements of their estates.

Fourthly.—The sole object of the Putneedars, Dur-putneedars, Se-putneedars, &c., is nothing but to squeeze the life-blood out of the ryots. Even before they purchase their estates, they devise the best means for enhancing the rents of the cultivators. Far from having any knowledge of the conditions of the Permanent Settlement, they do not know even the name of the father of that settlement. They look upon their estates as the goose giving them golden eggs every day. They never dream of laying out capital for making improvements of their estates, and bettering the condition of their ryots.

Fifthly.—The most powerful of all causes, that operate injuriously upon the zemindars, is their luxury. They are so fond of it, that even the vast annual income bequeathed them by their ancestors not unoften falls short of meeting its demands. Thus the money, which should be spent in making improvements of the estates, is wasted away in luxury. Another baneful influence, which it exercises upon them, is to make their constitution too delicate for taking any trouble consequent on good management of their estates. Accustomed from infancy to live idly and luxuriously, and to walk in their compounds, it is vain to expect, that they should take the trouble of making enquiries into the condition of the ryots and into other circumstances of a like nature, and superintend the construction of roads, embankments, and other works of public utility.



Sixthly.—The ignorance of the zemindars is not the least obstacle in the way of improvement. They always think, that the more they are dreaded by the ryots, the better for them. This prejudice operates so injuriously upon their minds, that they do not at all shrink from ruling their little kingdoms with iron sceptre—from trampling them down under their feet. We are afraid, we may be discredited when we state, that there are too many zemindars in Bengal, who look upon the advancement and prosperity of the ryots as opposed to their interests. Their jealousy of imparting education to them is notorious. Consequently it is vain to expect improvements from those, who cherish such thoughts in their minds. Again when we think of their knowledge of their estates—of the condition of the ryots, agriculture, their extent, and so forth—we are not at all surprised, that they do not return a single rupee to the land from which their vast income is derived. Most zemindars have never seen their estates; while those who make a tour through them, do so with the sole object of enjoying pleasures and filling their pockets. However we must admit that there are a few zemindars, who first lay out capital in cutting khals, making embankments, and in other works of a like nature, but as soon as they are completed, they exact at least double the expense from the cultivators. So strictly speaking they cannot be said to do anything for improving their condition. Thus from whatever point we view this subject, we cannot but come to the conclusion, that the increased value of land is not due to the expenditure of capital by the zemindar. We shall prove, that it is due to the labour of the ryot. We need not make any further remarks; we have only to place before our readers the following passages in support of them.

One of the numerous evils attending the Permanent Settlement is, that “while the land itself is constantly increasing in value, we have no corresponding contribution from that increase in aiding to defray our public expenditure. If the land in olden times, when the soil was cultivated in the rudest manner, was able to maintain its poor and defray all the expenses of State, ordinary and extraordinary, why should it not do as much now, with all



our improvements in sciences and arts, and our vast and varied experience of the capabilities of our soil and climate? To this it will, no doubt, be answered, that the population of the country has largely increased since the period referred to. It is forgotten, however, by those, who put forward this plea, that the value of land has increased in quite as great a ratio as the population; that the land has derived additional value from this increase of population, and is now quite as able as it ever was to meet all the demands that may be made upon it. It may be alleged, indeed, that this increase is due to the enterprise of the landlords. This is not the case, however. Increased value is, no doubt, given to land by the security of property given by the British administration in India; by the increased facilities of communication, such as, roads, canals, &c., constructed and maintained at the expense of Government; by railways guaranteed by its faith; and lastly and above all, by the labour and exertions of the ryots, and not by the expenditure of capital by the zemindars.

Whatever, in fact, increases the fertility of the soil on the one hand, or decreases the cost of production on the other, proportionately increases the value of the land... It is population, with its necessities, which in the first instance gives land its value. In the earliest stages of society a few wandering tribes occupy a large territory, and land is almost valueless. As population increases, land is more appreciated, and flocks and herds supersede the less useful animals of the chase. After a further increase of the population, and when cultivation has been resorted to, a new and distinct value is given to the land. It is evident, therefore, that population is the source of all value in land. Without population there can be no market for agricultural produce, and without a market, the produce and the land from which it is raised, are alike valueless. The further removed the land is from a market, the less is its value; the nearer and better the market, the more valuable the land.

In the Western States of America, land is cheap and population sparse; as you proceed towards the sea-board, population becomes denser, and land more valuable. In Australia, it is said,



land near centres of population is let as high as 7s, 10s, and even 20s, an acre, the tenant fencing and clearing the land, and making all the necessary arrangements; while equally good land is, in the interior, but at a distance from the market, let as low as two pence and three pence an acre. Hence it is clear, that population gives value to the land. The land-owner, in fact, need not spend a shilling on improvements. He may neglect his property; he may lose sight of it altogether; he may be an absentee; still its value goes on increasing, if population settle in the neighbourhood, and he will ultimately reap the benefit of this increase through no effort of his own. It is evident, therefore, that if the land belonged to the State instead of to private individuals, income and expenditure would be self-adjusting, increased expenditure caused by increased population would be met by a corresponding increase in the rents from land. By a wise and benevolent adaptation of nature, the land is really capable of meeting all the demands that society enlarged and elevated may make upon it. The rule is, the greater the demand, the greater the supply. As in nature, the greater the evaporation, the more copious is the downfall, the heavier the crop (so long as it is not carried off the ground) the more is the fertilizing power of the soil increased. In the tropics, where vegetation is most luxuriant, the soil is the richest, every successive crop having only served to increase its fertility. As the plant by its roots takes up food from the soil, and by its leaves from the atmosphere, so manufactures enrich a country as well as agriculture. Agriculture extracts wealth from the soil, but with manufactures an accession of population becomes necessary, and then a new source of wealth is added to that already in existence, and both help to enrich the soil that supports them.

Another evil resulting from our land system is the stagnation of agriculture. No one can say that agriculture in India is in a satisfactory condition at the present day. The evil effects of this stagnation in agriculture it is impossible to over-estimate. We know the effect of a bad harvest, as it comes home to the experience of every one. It raises the price of food beyond the reach



of the poor; it throws millions of people on the charity of Government; it drains its treasury and thereby injures national credit; it opens the door to further taxation; it checks enterprise; it reduces the price of labour; it puts to death lakhs of human beings; it spreads desolation and ruin over vast tracts of land; it fills the arable lands with jungles. A good harvest, on the other hand, means cheap food, cheap money, new enterprises, increased demand for labour and higher wages. If these are the ordinary results of a single harvest, good or bad, it is easy to imagine the consequences, that would follow a succession of each, in other words, from a permanent increase or decrease of the means of subsistence. There is no want of land in India; there are hundreds of millions of acres under cultivation, while at least one-third thereof is now lying waste; again there is no want of able-bodied men for bringing them under cultivation. It is the want of capital—it is the exactions of the Zemindars, Malguzars, and Talookdars, as well as of the Government—which is the real cause of this stagnation in agriculture, and the greatest obstacle to increased produce of the soil. Just imagine the wealth, that all the labour now going to waste might create! What if increased production leads to low prices? Are we to keep down production in order to keep up prices? Is it nothing, that the standard of living throughout the country would be raised, and that the means of subsistence would be within the reach of millions, who can now barely keep their body and soul together? And would not cheap food, which is so essential to cheap production, enable us to stimulate manufacturing industry, which is now gradually decaying in this country?

So long as the existing zemindari system is maintained intact, we cannot believe, we are in our proper position as a people, while we allow a large part of our population to starve, our resources to be wasted, and the land, which should contribute to the wealth of the country, mis-appropriated in the manner as it is at this moment. Unlike an ordinary commodity, it cannot be increased in quantity at pleasure. Its ownership is a monopoly. We pride ourselves on being a people subject to one of



the most civilized and enlightened nations in the world, but we submit to an absolutism on the part of the land-owners, which is a disgrace to our civilization. A land-owner in Bengal is endowed with far more than sovereign power. A sovereign reigns for the good of his people, a land-owner for his own pleasure and profit. The public may concern themselves much about the rights of property, but the owners of property need not give themselves the slightest trouble about the interests of the public. Blackstone says that every Englishman (we say not only every Englishman but every man) may claim a right to abide in his own country so long as he pleases, and not be driven from it, except by sentence of the law; but times have changed since Blackstone's days. The land-owner is the man in possession, and possession is nine-tenths of the law. The land is his, and he may do exactly as he likes with it. He may refuse to sell, let, or allow any one to occupy it. He may consign a whole district to the solitude of a deer forest. He may clear a large territory of its population as he would exterminate vermin, when they become troublesome. Fifteen thousand souls, without respect to age, sex, or condition, and for no fault of their own, were turned out of the Southerland estates in the early part of the present century. And this barbarity was committed in open day, and in the name of law. In Bengal thousands of ryots are turned every year out of their holdings for no other fault than that of their being unwilling to pay increased rents. Those, who deny these facts, have no knowledge of the mofussil. But if one land-owner can act in this manner, why not all; and since all the land is owned by some one or other, where are we to draw the line? And if landlords have, as they maintain, legal right to do so, it is clear, that the people of Bengal, Central Provinces, and Oude, exist merely on the sufferance of the landowners, who are truly masters of the situation; that as a nation we have no *locus standi*, no common inheritance, no territorial rights whatever. *The Westminster Review*, vol. XXXVIII. Art. 'The Land Question in England,' with a few necessary alterations, omissions, and additions.

Regulation I., 1793, section 7 says:—“It is well-known to



zemindars, independent talookdars, and other actual proprietors of land, as well as to the inhabitants of Bengal, Behar, and Orissa, in general, that from the earliest times until the present period, the public assessment upon the land has never been fixed, but that according to established usage and custom, the rulers of these Provinces have, from time to time, demanded an increase of assessment from the proprietors of land, and that for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the ryots. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, with a view to promote the future ease and happiness of the people, authorized the foregoing declarations; and the zemindars, independent talookdars, and other actual proprietors of land, with or on behalf of whom, a settlement has been, or may be, concluded, are to consider these orders fixing the amount of the assessment as irrevocable, and not liable to alteration by any persons, whom the Court of Directors may hereafter appoint to the administration of their affairs in this country." *Marshman's Guide to the Revenue Regulations*, vol I, p. 3.

"The Governor-General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands under the certainty, that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs, or successors, by the present or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates." *Ibid.*, p. 4.

"To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependent talookdars and ryots, are duties at all times indispensably required from the proprietors of



land, and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits, which they will themselves derive from the orders now issued. The Governor-General in Council, therefore, expects that the proprietors of the land will not only act in this manner themselves towards their dependent talookdars and ryots, but also enjoin the strictest adherence to the same principles in the persons, whom they may appoint to collect rents from them." *Ibid.*

Regulation II. of 1793 says:—"In the British territories in Bengal, the greater part of the materials required for the numerous valuable manufactures, and most of the other principal articles of export, are the produce of the land; it follows that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture. But it is not for commercial purposes alone, that the encouragement of agriculture is essential to the wealth of these provinces. The Hindoos, who form the body of the people, are compelled by the dictates of religion to depend solely on the produce of the lands for subsistence....The extensive failure or destruction of the crops, that occasionally arises from drought or inundation, is, in consequence, invariably followed by famine, the ravages of which are felt chiefly by the cultivators of the soil and the manufacturers, from whose labours the country derives both its subsistence and wealth. Experience having evinced that adequate supplies of grain are not obtainable from abroad in seasons of scarcity, the country must necessarily continue subject to these calamities until the proprietors and cultivators of the lands shall have the means of increasing the number of the reservoirs, embankments, and other artificial works, by which to a great degree the untimely cessation of the periodical rains may be provided against, and the lands protected from inundation; and, as a necessary consequence the stock of grain in the country at large shall always be sufficient to supply those occasional but less extensive deficiencies in the annual produce, which may be expected to occur, notwithstanding the adoption of the above precaution to obviate them. To effect these improvements in agriculture, which must necessa-



rily be followed by the increase of every article of produce, has accordingly been one of the primary objects to which the attention of the British Administration has been directed in its arrangements for the internal Government of these provinces. As being the two fundamental measures essential to the attainment of it, the property in the soil has been declared to be vested in the landholders, and the revenue payable to Government from each estate has been fixed for ever. These measures have at once rendered it the interest of the proprietors to improve their estates, and given them the means of raising the funds necessary for that purpose. The property in the soil was never before formally declared to be vested in the landholders, nor were they allowed to transfer such rights as they did possess, or raise money upon the credit of their tenures, without the previous sanction of Government." Quoted in *Mr. J. Hector's Land and Railways in India*, p. 13.

"We know also, that in Bengal the zemindars are under an obligation, which was included in their original engagements, and in the settlement of the rent of their estates, to keep in repair the roads within their respective properties....The duty of maintaining the numberless smaller embankments was placed on the zemindars, when the Permanent Settlement was formed—a deduction having been made from the jumma to meet the expense." *The Calcutta Review*, vol. VIX., p. 464.

That the zemindars have utterly disappointed the noble expectations built upon them, will appear from the following extracts.

"The system of sub-infeudation and sub-division of joint interests, accompanied by severalty of right, prevails universally throughout Bengal. One result of this is a condition of complexity of landed interests, which is probably without a parallel elsewhere. And a still more serious consequence is, that the so-called owner of the land has the least possible motive for doing anything to benefit it. It will be seen that the rent paid by the cultivator for the use of the soil does not go to one person bearing the character of an English landlord, but is distributed among a series



of owners, namely, the middle tenure-holders with the revenue-paying zemindar at their head, each independent of the others, and each, probably, consisting of several persons with independent rights among themselves. Why should one shareholder out of this lot advance money for improvement, the advantage of which, if any, will be shared in by many others over whom he has no control or influence to a greater extent than by himself ?" *Ibid.*, vol. LIX., p. 368.

"I fear that there are very few instances of the zemindars laying out capital in that way (in making improvements of their estates); the great improvements in the country take place from the junction of the ryots in different labours, at least I have seen them making bunds across rivers, sinking wells, making water-courses from tanks or collections of water, and undertaking many important works of that kind." *Henry Newnham, Esq. Answer to Question 2737. Minutes of Evidence, Revenue, Commons, 1832.*

"I believe it (improvement of land) is chiefly to be ascribed to the labour of the cultivators, and without any assistance from the zemindars." *Holt M'kenzie. Ibid. 2933. Ibid.*

"If the zemindars or their farmers were in the habit of laying out capital for the improvement of their lands, it would be an object to retain them; such a zemindar would pay his revenue, and would not run a chance of being ousted; but how few zemindars lay out the smallest sum in this manner, how few farmers? The farmers, and indeed the zemindars too, generally collect as much as they possibly can, they make a very high nominal rent-roll, and then collect as near as they can to the amount; but it is almost always impossible to collect the whole, and their ryots are thus always in their debt, though the balances are nominal." *Welby Jackson, Esq., Commissioner of Murshe-dabad. Papers Regarding the Consequences to Under-tenures of the Sale of an Estate for Arrears of Revenue, p. 40.*

The *Friend of India*, September 11, 1856, in reviewing 'The Land Tenure of British India' by F. Horsley Robinson says:—"Mr. Robinson has very little respect for any opposition



to be raised by the zemindars. He tells them to beware lest they drive Government to consider how far their deliberate neglect of the implied contract to protect their tenantry, vitiates that contract itself, and with it the obligation to maintain the Perpetual Settlement. The menace is useless, until the people of England thoroughly understand the system. When they do, the rights of the zemindar will be as inviolable as those of the Jamaica slave-holder, and no more."

"It was stated in 1830 in Parliamentary evidence, that one-third of Bengal was in a cultivated, one-third in an uncultivated, and one-third in an intermediate, state. Cultivation may have since increased, but it is to be attributed more to the exertions of the ryots than those of the zemindars. If the ryots had not been oppressed, wrung, and ground down, many a jungle now teeming with ferocious beasts would have been converted into a scene of smiling plenty, and the country would have gained in prosperity and happiness." *The Calcutta Review*, vol. VI., p. 338.

C. H. T. Crosthwaite, C. S., says:—"The cultivators have openly expressed to me their disgust at the way we have abandoned them to the zemindar. 'Your settlement is no settlement for us,' they say, and it is the truth. It is notorious that discontent on this point prevails certainly among one very numerous class of our subjects. I have seen a good many districts in the North West, and it has been my fate to plod laboriously over hundreds of estates, I cannot call to mind a single instance in which one of these capitalist landlords did anything to improve his estate or better his tenantry. What the money-lender understands by improving his estate is increasing the rental. That he is very willing and ready to do by every means in his power.

There are, I think, few of the larger landlords, who ever give five rupees to a dispensary or a memorial, who do not amply recoup themselves for the unwonted generosity by taxing their tenants. Anything openly imposed by Government whether



income or cess—whether imperial or local taxation—is invariably collected, perhaps, two-fold from the tenants, if they are not strong enough to resist." *Ibid.*, vol. LVI, p. 70.

"The truth is that any very general improvement of land by the landlords, is hardly compatible...Were they ever so much inclined (to make improvements), those alone can prudently do it, who have seriously studied the principles of scientific agriculture; and great landlords have seldom seriously studied anything. They might at least hold out inducements to the farmers to do what they will not or cannot do themselves; and even in granting leases, it is in England a general complaint, that they tie up their tenants by covenants grounded on the practices of an obsolete and exploded agriculture; while most of them, by withholding leases altogether, and giving the farmer no guarantee of possession beyond a single harvest, keep the land on a footing little more favourable to improvement than in the time of our barbarous ancestors. Landed property in England is thus very far from completely fulfilling the conditions, which render its existence economically justifiable. But if insufficiently realized even in England, in Ireland those conditions are not complied with at all. With individual exceptions (some of them very honourable ones) the owners of Irish estates do nothing for the land but drain it of its produce. What has been epigrammatically said in the discussions on 'peculiar burdens' is literally true when applied to them; but the greatest 'burthen' on land is the landlords. Returning nothing to the soil, they consume its whole produce, minus the potatoes strictly necessary to keep the inhabitants from dying of famine; and when they have any notion of improvement, it usually consists in not leaving even this pittance, but turning out the people to beggary if not to starvation. When landed property has placed itself upon this footing, it ceases to be defensible, and the time has come for making some new arrangement of the matter." *Mill's Political Economy*, vol. I., p. 284.

With what greater force we may apply these remarks to the Bengal zemindars.



"The increased rents are due not to any outlay of capital by the proprietors in the improvement of their lands, but to the construction of roads and railways, the increased pressure of population, and the fact that the peasants now fall back on inferior qualities of land, and, thus by economical laws, raise the rent of the superior ones. The increase in the value of the land is the unearned increment incident to a country in a progressive state." *Dr. Hunter's Statistical Account of Bengal*, vol. II., p. 81.

"Colonel Haig explains his feeling in respect to the zemindars in an observation, which he makes to the effect, that they will not return a rupee of their rental to the State, to the ryots, or to the laud, in any shape whatever. This observation is founded apparently on an expression, that in India, or at least in Bengal, the proprietors of land do not generally spend any portion of their rental on the improvement of their estates. It is a most important matter of enquiry, first, how far, as a matter of fact, this impression is really well-founded; and secondly, if it be so, how far we can trace the causes of a condition of things so different from that which prevails in Europe." *Duke of Argyll*, quoted in *the Hindoo Patriot*, January 19, 1874.

"The fact is and shall be patent to every mortal on earth, that nothing has been done by the zemindars for the elevation of the condition, and for the advancement of the circumstances of the ryots, nor have they contributed any capital or might for the increase of the productive powers of the land. All improvements, if any at all, which have taken place with reference to agriculture, commerce, &c., are due entirely to the single-handed exertions of the people themselves, who alone are entitled to receive credit. They alone by their manual labour and by the limited income at their command, have been the instruments of developing the resources of the country. That Bengal owes nothing to her landlords for her agricultural and commercial prosperity, is a fact, which the intimate friends of the permanent system cannot deny, and I challenge them to contradict or disprove my assertion. All that they might argue in favour of the system under comment, and to which they may expect our support, is, that it has fathered a class



of landed aristocracy, which had no existence before or under the preceding rule." *Babu Harro Prosad Chatterjee's Observations on Rent Law*, p. 6.

"It is a matter of deep regret, that the Government, in order to secure the happiness and welfare of the people, gave up for ever all hope of increased revenue, and made Permanent Settlement with the zemindars, but it never enquired how far they have fulfilled their obligations. Whenever a ryot makes any improvement, and thereby increases the produce of his lands by his own exertions, the zemindar at once falls upon him, and enhances the rent by every turn of the screw; but he being richer than Kuvera, the God of Wealth, only snorts reclining on his easy pillow, and then awakes only to give him a sound beating. Has Government taken any notice of all this? We say it has every right to take notice annually of the improvements (if any) effected by the zemindar in his estates. The self-seeking zemindars will never do their duty unless they are forced by Government to do so." *The Shulava Shamachara, Kartik 14, 1280 Hegira*.

"The zemindari interest seeks to set great store on the fact, that at the time of the settlement, a large portion of Bengal was jungle land, which has since been reclaimed; but if the facts were enquired into, it would probably be found, that the reclamation of waste land has been due more to the labour of the ryot than to any expenditure of capital by the zemindar...The Bengal zemindars do not contribute a fair share to the imperial revenue; they are in fact reaping all the benefits derivable from living under a strong and enlightened Government, without paying anything like a due proportion of the cost of administering justice and of preserving the country in a state of security and peace. They have moreover paid no part of the outlay on public works, by which their lands have been improved. To the enhanced value of those lands, they have in no way assisted; they are indebted for it to the Government, which has given them security in the possession of their property, which has opened up markets at home and abroad for the sale of their produce, and which has provided new means of communication by which those markets may



be reached. The other provinces of India have to make up for the deficiencies of Bengal; and it must be admitted that they accept the position more resignedly than might be expected, considering that it is through no inability to pay more that Bengal now contributes so little as compared with them. This indifference, or silent resignation, or whatever it may be termed, is much to be regretted; for if the other provinces were to take up the matter with any degree of unanimity and represent the injustice to them, the effect would be to force a solution of the difficulty, and to strengthen the hands of the Government of India in carrying out any measure, which might be adopted for that end" *J. Hector's Land and Railways in India*, p. 5 and 11.

"The whole history of Bengal proves that the third cause (of the improvement of estates by the zemindars) is but seldom a component factor in the progress of native prosperity. If we wish to find a just comparison to the landed aristocracy of this country and the management or mismanagement of their properties, even Bourbonist France, or Ireland in the time of Sydney Smith, will scarcely supply it; and we must go seek it in the latifundia of decadent Rome, when the wealth of the country was drained away to feed the extravagance of the Metropolis, without a single recompensing advantage to the great estates from which it was drawn. During the first sixty years of this century, we should have to add to that unpleasant picture crimes against peace and truth, that even ancient Italy in her less happy days was not called on to tolerate. As to the two remaining causes (the system of settled Government and commercial activity introduced by the European race, and the weary daily labour of the toiling millions of the peasantry, to which the increased value of land in Bengal is, or may be, due, it is not at present necessary for us to discuss them." *The Englishman*, February 10, 1877.

The best authority on this subject is Babu Nilcomul Mukerjee, who is a zemindar, and, no doubt, a most honourable exception to the rule. His views may be gathered from the following passage in the *Indian Mirror*:—"It is high time, says he, that the zemindars should shake off their indolence, and introduce into



their estates such improvements in agriculture as the progress of society makes eminently necessary. As at present seems, most of the zemindars are indolent, they do not take the trouble to enquire into their concerns, but entrust their whole affairs into the hands of agents, as ignorant as, if not more tyrannical than, themselves. The great curse of the present system, as we gather from the pamphlet, is ignorance; and from it proceed those evils of absentee landlordism, which have brought disgrace on the system itself. Babu Nil Comul is impressively eloquent when he exhorts his brethren to remove this disgrace. It is evident that their intelligence is not sufficient to induce them to study the laws of Government; hence it is that they rely for everything on their agents, whose tyrannical disposition they altogether overlook, money being their sole object. Those zemindars that do personally inspect their estates, look only to the return of their income, and never turn their eyes to the improvement of the ryots or their country. There are landholders, who have not yet seen their estates."

The Indian Mirror, August 9, 1873.

"It is to be remembered, that this enormous increase of income (of the zemindars) has come, in almost every case, altogether without exertion. The landlord often lived away from his estate, he made no attempt to aid the ryot in clearing jungle, still less in any more elaborate improvement. He himself bid a few rupees for a village at an auction, paid its revenue out of the rent, and sat by, until by the general advance of the country, its value multiplied twenty-eight fold. We may look round the world without finding another instance of a class thus enriched by a chance." *The Statesman, quoted in the Bengalee, July 20, 1878.*

Sir Ashley Eden in his reply to the memorial of the British Indian Association on the Public Works Cess, made the following remarks:—"As regards the works of public utility executed by the zemindars and referred to in the memorial, the Lieutenant-Governor was not aware of any works of irrigation constructed by zemindars in Bengal on such a scale as would justify the inference drawn." Quoted in the *Supplement to the Hindoo Patriot, May 27, 1878.*



An Example. "On the west of Howrah, there are 20 or 25 marshes in the Pergunnahs Boro, Mohirari, and Pygandashi, commencing from the eastern part of the Dancuni marsh, and extending four miles to the north and south of the Sulkea Road. There is no limit of the wretchedness of the people, who live on both sides of the road, and in the marshes. Formerly on the north side these marshes had junctions with the Ballir Khal. Since the establishment of the sugar manufactory at Balli, the broken parts of vessels of *nagrigur* (a fine kind of molasses) and earth have twenty or twenty-five years since closed up the passages of water on that side, and again the railroads being there, that side has been completely shut up. On the south side, a small rivulet called Mohirarir Khal, rising from the Tetulkuli marsh, and turning this side and that side for ten miles, has at last fallen into the Ganges on the west of the Botanical Gardens at Seebpur. This rivulet also is shut up here and there, consequently except in the very hot seasons, the waters stand in the marshes almost throughout the year. Up to this time the waters are flowing out through it, but the quantity is so small, that one can scarcely see it. These marshes lie in the estates of several zemindars. The Mohirarir Khal flows through the estates of———. Its course lies in the greater part of the estates of the———Babus. Seven or eight years since, the ryots, overwhelmed with distress, complained to the Magistrate of Hughli against the zemindars. The Magistrate Sahib sympathized with the people, and forced the zemindars to cut the Mohirarir Khal; they, having shut up their eyes and ears, and turned their faces, somehow kept the word of the "Khodabund." But some of the zemindars, through whose estates the khal passes, did not clear the passage, which lies in their respective estates. When the marshes did not lie in their estates, they clearly saw with their eyes wide open, that clearing twenty or forty yards of the khal would benefit the other zemindars, and that it was certainly not good to pay attention to that, while those whose wealth had been increased by clearing their own lands, saw that there was no possibility of convenience unless they paid a little more attention and made



especial attempts; that they would have to spend more money in addition to that already spent; that their heads, which were already hot by talks and pleasures, would be severely taxed with thoughts of cutting khals, and great impediment placed to their sleep; that the ryots certainly suffered great distress, but that they did so always—with these thoughts they ceased to cut the khal properly. The endeavours of the Magistrate Sahab and the cries of the ryots turned fruitless. They, being disappointed on all sides, have now become a little wise. A few days ago, some ryots, with a petition signed by 110 persons in their hands, came to us. They think, that we can do all if we mind it. The Government paid no attention; big zemindars panted to do what was expected of us. Oh fate! However if we can show a single drop of the tears of the poor to the Government, having thought this, we went to see, with our own eyes their condition on Monday before last Monday. What we saw, and the manner in which they eagerly came and stood in distress around us, could not but move even the most stone-hearted. The zemindars have bound their hearts with stones so firmly, that even the sounds of the cries of such poor people cannot penetrate them. On both sides of the Sulkea Road, there are 15 or 16 villages, as, Cona, &c. The fields in their midst and on their north and south side, are blazing up like fire. Here and there are *Hoagla* plants, which seem like grass from a distance, but all those are merged under water. Cows mistaking these for grass, sometimes drown themselves by falling into them. The waters of some places are very dirty; poor people make use of them for various purposes without any hesitation. They are breathing the poisonous air rising from the marshes by day and night, yet how they have up to this time survived, they only know. In the rainy season, when the marshes are sub-merged, the waters attack the very doors of these poor people, several houses fall down, and the snakes of the marshes, coming to the villages, begin 'to strike the corpse with the sword.' During that time canoes are their means of communication. It is matter of deep regret, that the zemindars should exact the rents of their sub-merged lands. Homestead and the marshy lands have long



since been leased together; when the ryots wish to relinquish the marshy lands, they are required by the zemindars to relinquish their homesteads too. How many persons there are, who can leave their dear homes? Thus complete ruin of the people comes from all sides.

Now if the Government pay a little attention, then only the prosperous days of the people may come. The Mohirarir Khal is ten miles in length only because of its crooked course, else if it be cut straight, four miles at the maximum would well serve the purpose. All these works including the bridges may cost from five to seven thousand rupees. If the khal is cut, intercourse with Calcutta by boats, and good marts in the villages surrounded by the marshes, may be held; four or five hundred rupees per annum may be realized from the rent of fisheries. The ryots several times applied to the Magistrate of Howrah for this matter; and they are ready to pay the above sum as rent of fisheries. This great work may be accomplished at such a small cost; the income of the zemindars may be increased by clearing the marshes; each of them is not less wealthy, yet the ryots are crying about from road to road. We especially request the zemindars of——, that they should be a little kind to the poor people. However we confidently hope that the cries of the poor will move with pity the heart of Government, and that they will find out such means as will relieve their distress in this year. If the Government gain the blessings of the people, their wealth will be increased, there is no doubt of that." *The Shulava Shamachara, Falgun 24, 1277 Hegira.*

The Rates of Rent.

General Rules. "The settlement is to be made, as far as possible in one net sum, free from any charges of moshaira, zemindari Amlah, pool-bundee, Cutcherry charges, or others of a similar nature; or being intended, that all charges incidental to the receipt of the rents of the lands, and independent of the allowances of the Officers of Government, and expenses attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands." *Reg. VIII., 1793, sec. 72.*



about "In every possible case, all separate allowances to the families and collections of the proprietors of land, are to be abolished, and the provision for their maintenance is to devolve upon the proprietors." *Reg. VIII., 1793, sec. 73.*

"With respect to any of the existing established zemindari charges, such as, pensions, charitable or other allowances, which it may be thought proper to continue, they shall be paid by the Collectors, and the proprietors and farmers of land are to have no concern in them, unless for special reasons of convenience, it should be deemed more expedient in any instance to entrust the proprietors or farmers of land with the disbursement of them." *Reg. VIII., 1793, sec. 74.*

"The standard for fixing the future assessment mentioned in Section 68, viz., the jumma of the preceeding year compared with the accounts and information supplied by the Collectors, and the recommendation of the Board of Revenue thereon, cannot be applied, however, to the separated talooks, which have not hitherto paid any jumma immediately to Government; nor is it to be understood to be applicable to any instances where the actual produce of the lands may have been ascertained. In all such instances, and in all separated talooks, the jumma of which shall clearly appear to have been fixed below the general rate of assessment of the Pergunnah wherein they are situated, the assessment is to be regulated so as to leave to the proprietors a provision for themselves and families, equal to about ten per cent. on the amount of their contributions to Government, including the produce of *nankar*, or other private lands, to be annexed to the malguzarry lands as directed in Section 39: and the talookdars whose jumma may be raised by virtue of this rule, are to be informed, that they may sue in the Dewanny Adawlat the proprietor, who fixed their jumma, if they shall think themselves aggrieved by their payment being enhanced, contrary to the terms of a grant, which the zemindars had no authority to bestow on them." *Reg. VIII., 1793, sec. 75.*

Reg. VIII., 1793, sec. 39 runs thus:— "The *nankar*, *khamar*, *najjote*, and other private lands, appropriated by the zemindars



dars, independent talookdars, and other actual proprietors of lands in Bengal and Orissa, to the subsistence of themselves and families, shall be also annexed to the malguzarry lands and the ten years' jumma fixed upon the whole under the following modifications:—that such proprietors, as may decline to engage for their lands, be allowed the option of retaining possession of their private lands above specified upon the terms on which they have hitherto possessed them, provided they shall prove to the satisfaction of the Board of Revenue, that they held them under a similar tenure, previous to the 12th August 1765, the date of the grant of the Dewanny to the Company, and have hitherto been permitted to keep possession of them, whether their zemindaries or estates have been held *khas* or let in farm, but not otherwise. In the event of such proof, and of their availing themselves of the option above given to retain possession of their private lands, a deduction adequate to the net produce of such lands, is to be made from the amount of the allowance fixed for excluded proprietors by Section 44."

"The estimated provision for the landholders and their families, where the assessment may be fixed on the ascertained produce of their lands, is stated generally at ten per cent. on the jumma payable by them. But if owing to any peculiar circumstances, a large provision should be deemed necessary, particularly in zemindaries, or independent talooks, yielding a small revenue, the Governor-General in Council will take the same into consideration." *Reg. VIII., 1793, sec. 77.*

"In carrying into execution the principles contained in Section 72, it will be necessary to consider, whether the several charges noticed have been hitherto defrayed by the actual proprietors of lands, independent of their assessment, or by Government, with a view to determine whether a deduction is to be allowed from their future jumma to provide for them, or otherwise." *Reg. VIII., 1793, sec. 78.*

"In cases where the charges alluded to in the preceeding Section have been defrayed by the actual proprietors of land, independently of their jumma to Government, they will not of course be